

Dear Prime Minister Trudeau and Minister Miller,

I write to you on behalf of Action Canada for Sexual Health and Rights **to urge you to uphold your promise for a regularization program for undocumented people in Canada.** As a national organization committed to advancing sexual and reproductive health and rights, we see the deep connections between our work and migrant rights.

People who are undocumented face significant and sometimes insurmountable barriers to essential healthcare services, including prenatal care, abortion care and STBBI care, including for syphilis amidst a rise in cases of congenital syphilis in Canada. We are seeing more and more people in situations where their access to health care is compromised because of their immigration status. This puts entire families and communities at heightened risk. We raised this issue at the UN Human Rights Council through a joint submission^[1] and subsequent statement^[2] during the adoption of Canada's Universal Periodic Review (UPR) in March 2024.

Through the UPR process, we welcomed Canada's acceptance of recommendations on sexual and reproductive rights and affirm that these rights cannot be fulfilled in isolation. As a champion of sexual and reproductive health and rights in Canada and globally, we are deeply disappointed to see that Canada did not fully accept recommendation 180 to "*[e]nsure improved access to health services for all, especially persons in vulnerable situations and those with no immigration status.*"^[3] and **we hope to see this change as a part of your government's deep commitment to champion sexual and reproductive health and rights.** Action Canada operates an emergency abortion access fund for people facing barriers to care in Canada and a significant number of those needing our urgent support are uninsured and in precarious immigration situations.

In its General Comment 22 on the Right to Sexual and Reproductive Health, the UN Committee for Economic, Social and Cultural Rights explicitly states that "*Laws, policies and programmes, including temporary special measures, are required to prevent and eliminate discrimination, stigmatization and negative stereotyping that hinder access to sexual and reproductive health. Prisoners, refugees, stateless persons, asylum seekers and **undocumented migrants** (emphasis added), given their additional vulnerability by condition of their detention or legal status, are also groups with specific needs that require the State to take particular steps to ensure their access to sexual and reproductive information, goods and healthcare.*"^[4]

Canada's explanation^[5] for noting this recommendation does not respond to its obligations towards the right to health, which must be enjoyed by all people within its jurisdiction.

We reiterate the call for the creation of a one-step, no-exclusions regularization program that allows all undocumented people to apply for permanent resident status immediately. We further urge you to create an interim program for migrant caregivers in Canada to apply for permanent resident status without educational accreditation and language test score requirements. The migrant care worker program is expiring on June 17 2024, and unless it is replaced, thousands

of migrant women will become undocumented. These policies must be supported by broader actions to end the exploitation migrants face, including ending tied work permits and hours of work limits for international students.

Ensuring status for all is an opportunity for greater health equity, advancing sexual and reproductive health and rights and for improved alignment with Canada's obligations to respect, protect, and fulfill the rights of all people within its jurisdiction. We are keen to work with you on addressing the barriers to health care faced by the most vulnerable in Canada and welcome your leadership on this.

Sincerely,

Frederique Chabot

[1] <https://www.actioncanadashr.org/abortionUPR>

[2] <https://www.actioncanadashr.org/news/2024-03-25-hrc-55-joint-statement-canadas-upr-adoption>

[3] <https://undocs.org/A/HRC/55/12>

[4] E/C.12/GC/22

[5]

<https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/sessions/session44/ca/a-hrc-55-12-add-1-av-canada-e.docx>

Frédérique Chabot

Acting Executive Director

Pronouns: she/her

T: 613-241-4474 x 106

E: frederique@actioncanadashr.org

Action Canada for Sexual Health & Rights

501 – 240 Bank Street

Ottawa, ON K2P 1X4

<https://www.actioncanadashr.org>