



March 14, 2024

Time to deliver a broad and comprehensive regularization program

The Right Honourable Justin Trudeau, P.C., M.P.
Prime Minister of Canada
Office of the Prime Minister and Privy Council
80 Wellington Street
Ottawa, Ontario K1A 0A2

Dear Prime Minister,

The Canadian Council for Refugees is calling on you to act on your government's longstanding commitment to introduce a broad and comprehensive regularization program that would provide permanent residence to those among us who live precariously without status and access to basic rights.

The Canadian Council for Refugees (CCR) is a leading voice for the rights, protection, sponsorship, settlement, and well-being of refugees and migrants, in Canada and globally. The CCR is driven by 200 member organizations working with, from and for these communities from coast to coast to coast.

We have been advocating with and for those with precarious and no status for decades. We see first-hand how a lack of status denies people their basic rights and humanity, and leaves them vulnerable to abuse and exploitation.

Importantly, Canada's immigration system itself directly contributes to many people falling out of status—through processing delays, communications failures, overly narrow eligibility criteria and visa conditions (such as work permits tied to a single employer) that expose people to exploitation, as well as anti-Black racism, racism and systemic discrimination. In this sense, the government has an obligation to offer pathways to permanency for those who have been pushed to precarity. We therefore welcomed Minister Miller's commitment at our national Consultation in Calgary last November to seek a broad and inclusive regularization program, and to bring a proposal to Cabinet this Spring.

Regularization brings broad benefits to all

People without status, most of whom are racialized, already live here as valued members of our communities. They are our friends and neighbours and parents of our children's schoolmates,



who want and deserve the same things as everyone else in Canada: an opportunity to live full lives, raise their families, and fulfill their potential.

At its heart, regularization is about giving everyone an opportunity to lead a life with dignity, while strengthening our society and our economy.

It offers human rights protection.

Regularization helps Canada meet its obligations under international law to ensure that all, irrespective of immigration status, have access to basic human rights, such as health care, fair conditions of work, education and protection from gender-based violence. The vulnerability of undocumented women is particularly stark, as they are forced to navigate a labyrinth of legal barriers, economic insecurities, and fear of deportation, all while enduring the experience and/or threat of gender-based violence.

Canada is stronger when all members of society have their fundamental rights protected.

It provides economic benefits

Regularization will improve not only the economic situation of those directly affected, but the Canadian economy as a whole. It provides people the opportunity to maximize their economic potential, for example, by seeking further education, applying for positions that match their formal qualifications or starting a business. Research from around the world shows that regularization programs lead to profound improvements in the economic well-being of those affected, and can also bring positive impacts to the labour market and the broader economy of the country.¹

It strengthens our communities

Regularization allows people to participate fully in their communities without fear. Children and youth have the opportunity to develop their potential in any field that interests them, instead of facing a future that looks like a series of closed doors. People can maintain their connections with their families. Everyone benefits when all members of society enjoy security and are free to attain their full potential.

¹ For example, a World Bank policy paper, [Life out of the Shadows: The Impacts of Regularization Programs on the Lives of Forced Migrants](#), found large improvements in the socio-economic well-being of Venezuelans after regularization in Colombia. See also CERC Policy Brief 11, [Regularizations of migrants without status in Europe: Scope, impact and lessons learned](#), National Bureau of Economic Research [Working Paper 31457](#) and IZA World of Labor: [What are the consequences of regularizing undocumented immigrants?](#)



What an effective and just regularization program should look like

CCR submitted [proposals on core principles](#) for developing Canada's approach after the government first made the commitment in 2021 and those proposals are still relevant today. Done well, regularization can offer a pragmatic approach to addressing the stark realities and costs of immigration enforcement, isolation and the vulnerabilities of undocumented people that enable violence and exploitation. Regularization will not only acknowledge the presence of precarious status individuals in Canadian society, it will provide a constructive solution to their legal limbo, where everyone gains.

As the government looks to deliver on this commitment, we want to highlight key elements that are crucial to ensuring the program is fair and effective.

1. Ensure broad and inclusive coverage

The program must offer a comprehensive solution that responds to the many people who are in Canada without status. This means there must be **no restrictive caps**.

Canada and those who live here will only feel the benefits of a regularization program if it opens the door to the many people without status, allowing them to escape abusive and exploitative workplaces, break free from cycles of violence, and recover their dignity.

2. Guarantee access to permanent status

It is crucial that the regularization program offer applicants a direct pathway to permanent residence. Introducing a regularization program that delays permanency by offering temporary work permits as a first phase would be a significant step backwards for Canada. Many people without status previously had temporary status, such as a Temporary Foreign Worker visa, but it put them in a vulnerable situation and led to their current situation of no status.

We recommend that while an individual's permanent residence application under this program is in process, applicants should be issued a work permit if they don't already have one—as happens with spousal sponsorship and humanitarian and compassionate applicants.

3. Avoid a narrow (and costly) sector-specific approach

We must learn from the mistakes of pilot programs with complex and restrictive rules. The program should not be tied to specific industries or sectors. In fact, such an approach would be ineffective and misguided, as people without status are often forced to work where they can rather than where they have specific skills or interests, and/or the sectors where they are working are not selected as priorities. Sector-specific programs also tend to fail because undocumented workers often cannot provide documentation to prove they are working in the sector (and they may be exposed to exploitation by unscrupulous employers if they request proof). A sector-specific approach will bypass some of the most vulnerable including those



unable to work, and also risks inequitable gender impacts, largely benefiting men for example if focused on sectors like construction or agriculture.

We need to provide pathways for all, not solely tied to employment-related factors.

4. Ensure a simple, accessible and safe process for applicants

Past experience, both from Canada and from other countries, teaches us that successful regularization programs use processes that are easily accessible to the applicants, that take into account their realities, and that ensure that applying does not put them at risk with the law. This includes:

- Recognizing that people with precarious or no status face barriers in getting documentation, and therefore avoiding lengthy requirements in this regard.
- Building into the process a role that allows third parties including community organizations and groups to help applicants understand the program and apply.
- Ensuring people can come forward to apply without fear of triggering enforcement action against them. This means both clearly communicating and ensuring that the Canada Border Services Agency (CBSA) will not deport those without status who apply or who may be seeking to apply once the program is launched.

Simple and clear criteria will also mean timely processing for applicants, which will also be more cost effective for the government and less likely to impact other application streams.

An immediate moratorium on deportations

It is also essential that your government is not working to undermine prospects for the initiative's success while the program is under development. We have been gravely concerned with the rising numbers of deportations by CBSA – which have effectively doubled over this past year to more than 14 thousand – even as the government has promised a regularization program. This is not only cruel, it betrays the commitment made in your mandate letter to the Minister of Immigration, Refugees and Citizenship and grows distrust in its objectives.

As a crucial first step, the CCR calls on you to put an immediate moratorium on deportations of those without status while the regularization program is under development.

A legacy building opportunity

Your government has now before it a historic opportunity to demonstrate leadership by introducing a program that will positively transform thousands of people's lives, and our country as a whole. We are counting on you to take decisive action this Spring to put an end to our two-tiered society and give everyone who lives in our country a chance to reach their full potential.



Since 2021, when your government first announced a regularization program was underway, there has been a worrisome rise of xenophobia and racism, including in the political sphere, with politicians blaming refugees and migrants for long-standing social and economic issues. Fears are being stoked by a small but loud minority which, if you allow it, could weaken or even prevent action on regularization.

We call on you, as Prime Minister, to ensure that this does not happen. Most of us, the majority of Canadians, want to see our friends, neighbours and colleagues safe and secure in their communities, living up to their full potential, and we will stand with you when you introduce a broad and comprehensive regularization program that will make future generations proud.

We would welcome an opportunity to discuss how we can support you in moving this program forward.

Sincerely,

Diana Gallego
President

Cc. Hon. Marc Miller, Minister of Immigration, Refugees and Citizenship
Hon. Dominic LeBlanc, Minister of Public Safety, Democratic Institutions and
Intergovernmental Affairs