

March 15, 2024

Rt. Hon. Justin Trudeau, P.C., M.P.

Prime Minister of Canada
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Hon. Marc Miller, P.C., M.P.

Minister of Immigration, Refugees and Citizenship
House of Commons, Ottawa, Ontario, K1A 0A6
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Dear Prime Minister and Minister Miller:

Re: Regularize All Undocumented People and Ensure Permanent Resident Status for All Migrants

About us

I write on behalf of the West Coast Legal Education and Action Fund Association (West Coast LEAF). We are a BC-based legal non-profit organization with a mandate to achieve an intersectional vision of gender equality using litigation, law reform, and public legal education strategies. West Coast LEAF's work cuts across six interconnected areas: advancing access to healthcare, access to justice, economic security, promoting freedom from gender-based violence, supporting child and family well-being, and ensuring protection for the rights of those who are criminalized. West Coast LEAF's work is collaborative and engaged with communities that have experienced gendered harm.

Overview

We understand that this spring, The Honourable Marc Miller, Minister of Immigration, Refugees and Citizenship (Minister) will be presenting a proposal to Cabinet regarding the regularization of undocumented migrants. This follows The Right Honourable Prime Minister's 2021 Mandate Letter to the Minister asking him to explore ways of "regularizing status" for undocumented migrants. While undocumented migrants are an essential part of Canada's economic fabric, they face many barriers related to employment, housing, healthcare, etc., due to their lack of status.¹

We were pleased to see that the Mandate Letter to the Minister highlighted the importance of using an intersectional lens in the creation of programs and policies.² As such, an inclusive regularization program must account for the distinct experiences of undocumented migrants who are marginalized on the basis of their gender identity and

expression, including cis women, trans people of all genders, and gender non-binary people.³

West Coast LEAF calls on you to create a comprehensive regularization program that allows all undocumented people to apply for permanent resident status immediately. This urgency is warranted as two pilot permanent residency programs will expire this June.⁴ Further, im/migrants are being held unfairly responsible for the deepening (and manufactured) housing unaffordability crisis across the country⁵, with the federal government capping study permits⁶ and freezing the number of new permanent residents.⁷ This scapegoating must be firmly rejected in the design and implementation of the regularization program.

Regularization is a matter of equity

Undocumented migrants are especially vulnerable to workplace exploitation as a direct consequence of their lack of status. Regularization is an important step toward helping address unsafe work conditions, lack of recourse to regulatory or complaint mechanisms, and barriers to accessing healthcare and other social services.⁸ Employers of migrant workers largely operate with impunity as workers fear (for good reason) that advocating for themselves or reporting unsafe working conditions will result in deportation.⁹ For instance, migrant caregivers generally pay high/predatory recruitment fees and are subject to sexual violence and harassment.¹⁰

An inclusive regularization program is part of ensuring gender justice. The lack of status is gendered and, as such, requires an intersectional feminist response. A federal regularization program without a feminist lens will reinforce existing oppressive power dynamics and perpetuate the vulnerabilities of women and people marginalized by their gender.¹¹ Canada's international commitments, including as a signatory to the Convention on the Elimination of All Forms of Discrimination against Women impose certain obligations on the government.¹² This includes an obligation to ensure that appropriate action is taken to eliminate discrimination against women. For instance, im/migrant and racialized women are likely to remain in abusive situations or in unsafe housing conditions and are also more likely to experience gender-based violence.¹³

Regularization will provide undocumented migrants with a path out of legal limbo and provide a fair, just, and sustainable foundation for the future. Migrant workers are a vital part of our nation's prosperity. They are members of our communities. Canada relies on migrants for its economic sustainability. Regularizing status for migrants will improve work conditions and health outcomes. Research shows that people with precarious immigration status delay seeking help, including seeking medical help.¹⁴ This is concerning for many reasons, but especially because undocumented migrants' precarious status is a cause of poor physical and mental health outcomes. For instance, fearing deportation or detention, and anxiety about how to pay for medical care if they are ill, contributes to their poor mental health.¹⁵ Exploiting the labour of migrants, but refusing them a pathway to status is unfair.

For the reasons outlined above, we urge you to immediately create a comprehensive and inclusive regularization program available for all undocumented people to apply for permanent resident status.

Recommendation

West Coast LEAF endorses the path for regularization outlined by Migrant Rights Network, which is enclosed with this correspondence.

At a minimum the following should be included in the federal governments approach:

1. A broadly inclusive program without any caps on the number of applicants, geographical restrictions or restrictions based on industry of work.
2. A simple, easily accessible application process.
3. An interim program for migrant caregivers in Canada to apply for permanent resident status without educational accreditation or language test score requirements.
4. Clarity and advance notice of the requirements of the regularization program.
5. Consultation with impacted communities to ensure that the program reflects their lived reality and practical needs.
6. End tied work permits and hours of work limits for international students.

Yours truly,



Bety Tesfay
Staff Lawyer

Cc: Migrant Rights Network

References

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- ³ Alliance for Gender Justice in Migration. (n.d.). Regularization Policy Position Statement, page 1. <https://mwcbc.ca/wp-content/uploads/2023/03/Regularization-Policy-Position-Statement.pdf>
- ⁴ Natividad, E. (2024, March 11). Immigration program for care workers set to expire, leaving thousands without path to Canadian residency. CityNews Toronto. <https://toronto.citynews.ca/2024/03/11/immigration-program-for-care-workers-set-to-expire-leaving-thousands-without-path-to-canadian-residency/>
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- ⁷ Woolf, M. (2023 November 1). Federal government freezes immigration targets, plans for 500,000 permanent residents in 2026. The Globe and Mail. <https://www.theglobeandmail.com/politics/article-federal-government-freezes-immigration-target-at-500000-permanent/>
- ⁸ West Coast LEAF. (2023, January). BC Gender Equality Report Card 2021/2022, page 23. <https://westcoastleaf.org/wp-content/uploads/2023/05/WCL-Report-Card-Web-Low-Res-compressed-v3.pdf>; Khandor E, et al. The regularization of non-status immigrants in Canada 1960–2004: past policies, current perspectives, active campaigns. 2004, page 6, 12. <https://www.kairoscanada.org/wp-content/uploads/2020/08/The-Regularization-of-NonStatus-Immigrants-in-Canada-1960-2004.pdf>.
- ⁹ Knowles, T., FitzGerald, A., Bowman, N., Sekhon, S., & Sagert, E. (2019, March). Getting Home Project: Overcoming Barriers to Housing after Violence – Community Needs Assessment Report, p. 23. BC Society of Transition Houses. https://bcsth.ca/wp-content/uploads/2021/12/Getting-Home-Project-FINAL_web.pdf; West Coast LEAF.

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¹⁰ Barbra Schlifer Commemorative Clinic, Submission to the Federal Standing Committee on Citizenship and Immigration, “Migration Challenges for Canada in the 21st Century” (October 31, 2018) at 19, online (pdf): https://schliferclinic.com/wp-content/uploads/2018/12/Migration.Challenges_and_Opportunities.Canada_21st-Century.pdf

¹¹ Magalhaes et al., *ibid* at p. 147.

¹² UN General Assembly, (1979, December 18). Convention on the Elimination of All Forms of Discrimination Against Women. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

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¹⁴ Ana Ballesteros-Pena, “‘Same Content in New Bottles’ in the Immigration Detention System in Canada: Impacts on Young Adults and Adult Undocumented Migrants,” in Sílvia Gomes, Maria João Leote de Carvalho, and Vera Duarte (eds.) *Incarceration and Generation*, Vol. 1: Multiple Faces of Confinement (Cham: Palgrave Macmillan, 2021).

¹⁵ Magalhaes et al., p. 145.