



KAIROS: Canadian Ecumenical Justice Initiatives

Shaping Canada's New Caregiver Program Post November 2019

KAIROS submission to Immigration, Refugee and Citizenship Canada

April 2018



Consultation in Ottawa, March 2018

Introduction

KAIROS: Canadian Ecumenical Justice Initiatives appreciates this opportunity to make a submission to the Immigration, Refugees and Citizenship Canada Consultation on the Caregiver Pilot Program. KAIROS unites ten churches and church-related organizations in a faithful ecumenical response to the call to “do justice, and to love kindness, and to walk humbly with your God” (Micah 6:8). We deliberate on issues of common concern, advocate for social change, and join with people of faith and goodwill in action for social transformation.

The KAIROS Migrant Justice Program is deeply rooted in our Christian belief that all men and women are created in the image of God and are equal in dignity and rights. The KAIROS Program is enriched by the extensive experience of our member churches working in partnership with migrant workers, migrant workers' organizations, and human rights

advocates in the labour movement, academia, settlement services agencies, and in other sectors.

Our concerns are grounded in our active engagement with foreign migrant workers, including caregivers and their organizations, and human rights advocates. In response to Minister Ahmed Hussen's February 2018 announcement regarding the end of the current Caregiver Program in November 2019, KAIROS in collaboration with migrant caregivers' organizations and allied groups, convened information sessions with over 500 migrant caregivers and advocates in Ontario, Quebec and Alberta to raise awareness of this change and its implications.

KAIROS welcomes and supports Immigration, Refugee and Citizenship Canada's (IRCC) decision to consult and gather input from a broad spectrum of community stakeholders. We applaud IRCC for engaging and listening to caregivers who share their experiences and the challenges and hurdles they face in complying with the requirements of the current Caregiver Program.

On March 23, 2018 KAIROS organized a delegation to Ottawa that met with the IRCC staff tasked with drafting the new Caregiver Program. The delegation was led by KAIROS Executive Director Jennifer Henry, and included migrant caregivers in the Greater Toronto Area, Ottawa and Montreal.

This submission is informed by the delegate's presentations on March 23, the recent information sessions in Ontario, Quebec and Alberta, and by years of working and advocating with caregivers and other foreign temporary workers.

Background - Caregiving is an ongoing and permanent need in Canada

Canada has relied on migrant women to provide caregiving since the 1900s. Most of the first migrant caregivers were from Western Europe and Britain, and they were given permanent residency upon landing. In the post World War II era, migrant caregivers were primarily racialized women from the Global South, with a majority coming from Caribbean countries. These women were brought to Canada under temporary status, and were sent home when their services were no longer needed by the families that employed them.

In the 1970s, under the Foreign Domestic Movement (FDM) program, migrant caregivers with temporary status were offered the opportunity to *apply* for permanent residency after completing two years of employment, and fulfilling other requirements such as getting a driver's license and taking CPR training. The FDM transitioned into the Live-in Caregiver Program (LCP), which then transitioned to the current migrant Caregiver Pilot Program in November 2014.

Under the Caregiver Pilot Program, the Government introduced numerous significant changes that further intensified the intersection of gender, race, and class dynamics in the Temporary Foreign Workers Program (TFWP). These changes include two streams: Caring

for Children, and Caring for People with High Medical Needs. In order for caregivers to qualify for permanent residency, they were required to work two years full-time in a four year period, complete the Canadian equivalent of a post secondary education credential of at least one year, and pass a language test, specifically Canadian Language Benchmark (CLB) 5 for those in the Caring for Children stream, and CLB 7 for those in the Persons with High Medical Needs stream. Because these requirements make it almost impossible for migrant caregivers to transition from temporary status to permanent residents, it creates a pool of disposable, cheap and vulnerable workers, the majority of whom are women.

In 2016, less than 2,000 permanent resident applications from migrant caregivers were approved due to the high and onerous requirements, yet the demand for migrant caregivers continues.

Recommendations

As Canada's population ages and labour market demand for migrant caregivers continues to rise, KAIROS, together with partner organizations and allied groups, adds its voice to the call of migrant caregivers and makes the following recommendations. These recommendations are based on responses to the four questions IRCC asked during its consultations.

Recommendation #1

That the Government of Canada clear the application backlog, end medical inadmissibility, and regularise the status of undocumented caregivers.

Approximately 30,000 migrant caregivers in Canada are stuck in an application backlog. Some caregivers have been waiting since 2008, despite meeting Canada's two year live-in requirement under the former program. In many cases, these extended periods of separation and uncertainty have led to family breakdowns and mental health challenges. In compliance with the requirements and ensuring that they are up-to-date, many of the workers' families (spouses and dependents) have had two or three medical examinations. The cost of these examinations is a financial burden for the workers and their families.

KAIROS strongly recommends that Canada eliminate the current backlog by October 2018 as promised by Minister Hussen, and ensure no new backlog is created under the current Caregiver Pilot Program before a new program is implemented in November 2019.

Recommendation #2

That the Government of Canada grant caregivers permanent residency upon arrival in Canada.

The need for caregiving in Canada is ongoing and it is the only stream under the Temporary Foreign Workers' Program that has a clear pathway for permanent residency. Granting caregivers permanent residency upon arrival will address the root causes of their exploitation and abuse.

The current Caregiver Program imposes an annual mandatory cap of 2,750 caregivers who can apply for permanent residency under either the High Medical Needs Stream or the Childcare Stream. Since the number of caregivers working in Canada far exceeds the annual cap, caregivers are uncertain and anxious about what will happen to them if their application is not considered.

We recognise that **the above recommendation may not** be implemented immediately. In the interim, therefore, we make the following recommendations:

Recommendation #3

That the Government of Canada commit to ensuring faster processing of migrant caregivers permanent residency applications.

The government should allocate and ensure that there are resources available to allow faster processing of migrant caregiver application for permanent residency. The current six month processing period is too long. Faster processing will allow workers to reunite with their families as soon as possible and avoid the various economic and emotional 'crises' caregivers and their families face due to prolonged processing times.

Recommendation #4

That the Government of Canada remove or lower the Canadian Language Benchmark (CLB) and remove the post-secondary education requirements in the current program.

Under the Persons with High Medical Needs Stream, caregivers are required to pass Canadian Language Benchmark (CLB) 5 or 7, depending on the job the applicant has worked in to fulfill the employment criteria. Caregivers in this stream may also be required to prove they have the appropriate license to practice in Canada. Under the Caring for Children Stream, caregivers must pass CLB 5.

Caregivers feel these requirements are too restrictive and make it impossible to apply for permanent residency. They argue that since they are not in the customer service sector, they should not be required to meet such high educational and language benchmarks.

Recommendation #5

That the Government of Canada issue migrant caregivers with an open work permit.

KAIROS, along with migrant caregivers and allied groups, welcomed the removal of the live-in requirement under the current Caregiver Pilot Program, and recommends that this be retained in the new program.

Under the current Caregiver Pilot Program, employer-tied work permits are issued to migrant caregivers allowing them to work for a specific employer. Employer-tied work permits create a situation where the employer holds all the power in the labour relationship with the migrant caregiver. This power imbalance can lead to abuse and exploitation.

Further exacerbating this power imbalance is the fact that many migrant caregivers work in isolation, and are often subjected to working conditions that contravene labour and employment standards.

Recommendation #6

That Canadian families and companies hiring migrant caregivers under the Temporary Foreign Workers Program are made aware of their responsibilities and that these are clearly communicated to the prospective worker. Also, that Canadian families and companies understand that if these responsibilities are not met, they will be penalised.

Employers must demonstrate that they have exhausted all avenues to recruit local workers before their Labour Market Impact Assessment application is approved.

It is the responsibility of the Canadian Embassy in the home countries of migrant caregivers to ensure that labour, immigration and human rights laws are respected and enforced. It is also their responsibility to inform the workers of their rights, and of the different agencies and community services available to them.

In addition to these specific recommendations, KAIROS also endorses the joint policy submissions by the Caregivers Action Center, Caregivers Connections Education and Support Organization (CCESO), Eto Tayong Caregivers (ETC.), Gabriela Ontario, Migrant Workers Alliance for Change (MWAC), Migrante Ontario, and the Vancouver Committee for Domestic Workers and Caregivers Rights, as appended.

Thank you for your consideration. We look forward to answering your questions.
For more information please contact:

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