

PRIMER

Migrant Caregivers' Campaign for Permanent Residence



The Situation

Canada's Caregiver Pilot Programs ends in November 2019. To develop its replacement, Immigration, Refugees and Citizenship Canada (IRCC) is conducting by-invitation only consultations with stakeholders, including employers, migrant workers and civil society organizations.

In 2014, the IRCC replaced the Live-In Caregiver Program with the Caregiver Pilot Programs. Under the Live-In program, caregivers were required to live in their employer's house for two years in order to apply for permanent residency. Under the current program, they must apply through one of two new streams: the High-Medical Needs Stream or the Childcare Stream. While workers and their civil society supporters applauded the removal of the mandatory live-in requirement, the new program makes applying for permanent residency

more difficult due to the high benchmarks for qualification, including language and Canadian post-secondary education requirements, and a quota system.

The Caregiver Pilot Programs is a subsection of the Temporary Foreign Worker Program (TFWP), a hodgepodge of programs to manage the permissible types of work that Canadian employers hire overseas workers to do, including agriculture, fisheries and caregiving. Most of this work is full-time and/or year-long.

The IRCC's review process to replace the Caregiver Program presents a golden opportunity to advocate for improved working conditions and a guaranteed pathway to permanent residency. Such a pathway must be created for all migrant workers.

Our Ask

THAT THE GOVERNMENT OF CANADA:

- **Grant Permanent Residency** on arrival to caregivers and their families, as well as other foreign migrant workers.
- **Leave no one behind:** Clear the application backlog, end medical inadmissibility, regularize the status of caregivers and other migrant workers who have become undocumented, and end education and language requirements.

Significant Concerns

APPLICATION BACKLOG

Approximately 20,000 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 some cases, these extended periods of separation and uncertainty have led to family breakdowns and mental health challenges. In compliance with the requirements, many of these workers have had two or three medical examinations. The cost of these examinations is a financial burden for the workers and their families.

MANDATORY CAP

The current Caregiver Pilot Programs 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 migrant caregivers working in Canada far exceeds the annual cap, caregivers do not know in advance if they will be able to apply for permanent residence.

NEW LANGUAGE REQUIREMENTS

Under the High-Medical Needs Stream, caregivers are required to pass Canadian language benchmarks, depending on the job, to fulfill the employment criteria. Caregivers in this stream may also be required to prove that they have the appropriate license to practice in Canada.

EDUCATION REQUIREMENT

Under the Caregiver Pilot Programs, caregivers must complete the equivalent of at least one year of Canadian postsecondary education. For Philippine educated caregivers for example, this requirement is equivalent to one year of post graduate education.

This requirement places many caregivers in a very difficult position because of the limited options at their disposal. For example, to comply with this requirement, migrant caregivers may opt to enrol in post secondary education but in order for them to do so they have to apply for an international student visa and pay foreign student fees. Once they change status, the work they do while enrolled in school is not counted towards their eligibility to apply for permanent residency.

HOURS MADE NULL AND VOID

Currently, migrant caregivers must complete 24 months (or 3900 hours) to be eligible to apply for permanent residence. Caregivers who entered Canada since December 2017 are concerned that the hours they accumulate or number of months worked will not transfer to the new program when it comes in effect in November 2019. IRCC officials have yet to address this concern.



Who we are

KAIROS Canada working in partnership with the Caregivers Action Centre, Caregiver Connections, Education and Support Organization, Care 4 Caregivers, GABRIELA Ontario, Migrante Canada and its provincial affiliates, Eto Tayong Caregivers (ETC), The Neighbourhood Organization (TNO), PINAY (Montreal), Philippine Migrant Society in Canada (PMSC, Ottawa) and Migrant Resource Centre Canada.



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