

The FCJ Refugee Centre submission are regarding the exploitation and human trafficking of non-Citizens, non-permanent residents, migrant workers, visitors, refugee claimants and others with precarious immigration status in Canada, in relation to access to justice and protection.

1.- The Canadian definition of human trafficking must be reviewed to include all trafficking cases, not only the once that are trafficked into Canada.

2.- The only available federal tool for protection of internationally trafficked persons in Canada. There are very few TRPs issued annually, and they pose limitation even when issued. In relation to labour trafficking, the numbers of TRPs are **particularly low considering that Canada has been identified as a destination country for trafficking, and some 80,000 Temporary Foreign Workers enter Canada every year.**

3. Regarding some gaps in the TRPs:

- **Issued on discretionary basis:** limited in practice: Immigration officers use the guidelines in the TRP Manual on a discretionary basis. This creates inconsistencies across regions in terms of granting interviews with the IRCC, who is identified as trafficked and issued a TRP. A particular concern is the involvement of law enforcement. The TRP operation manual indicates that cooperation with police or a criminal investigation is not required for a TRP to be issued. However, this seems to be the case in practice.
- **Restrictive understanding of what human trafficking constitutes.** The identification of trafficked non-Canadians is limited. This is because the understanding of the IRCC of what constitutes human trafficking is limited to those who suffered severe exploitation coupled with extreme physical abuse/restrain. However, this view of human trafficking doesn't reflect the nuanced and evolving understanding and realities of trafficked persons and those at risk of being trafficked. Human trafficking needs to be understood within a spectrum of exploitation which will account all experiences of non-Canadians trapped in exploitive situations

4.- Closed work permits: An open discussion of exploitation of migrant workers and other non-Canadians should also reflect the role of the state in creating the conditions for trafficking. The close work permits issued to migrant workers

within the TFWP create the perfect conditions within which migrant workers are routinely exploited.

Majority of the workers are trapped in exploitive situations without being able to change the employer given the complicated system for issuing new work permits. Leaving the abusive employer is not a desired option because it places immediately the worker in uncertain immigration predicament which most often results in deportation of the worker. Open work permits of migrant workers coming to Canada is a key factor to eliminate the exploitation and human trafficking of those workers and avoid complicity of the state to the labour exploitation.

5.- Youth are frequently brought to Canada, or sent to Canada, by their guardians, with little understanding or control over their immigration process. These youths become inferior participants in immigration applications, if any are made for them. Many are unaware of these processes or the implications of immigration status until they reach early adulthood. Thanks to the Ontario Education Act that allows precarious and non-status youth to finish high school, many young people are not even aware of their lack of immigration status until they graduate high school and discover that they cannot pursue post-secondary and/or are pushed into precarious and exploitive employment. Other youth who have precarious status are exploited or taken advantage of from a very young age and may not even be able to complete high school. Precarious immigration status, including being undocumented, makes youth very vulnerable and allows them few options to protect themselves. For precarious status youth, the lack of a permanent SIN number marks them as exploitable and increases the chances they will be forced into work that is dirty, dangerous and demeaning (3Ds). These young people often do not have access to recourses for fear that they will be reported to immigration authorities. This makes precarious status youth even more vulnerable to human trafficking since their lack of immigration status can be used by the traffickers to control them. Many youth are told that they must comply with horrific conditions or they will be reported to immigration and potentially deported back to a country they have little connection with. As such, youth coming forward as victims of exploitation/trafficking should automatically receive the possibility of immigration status and regularization.