

April 12, 2021

Standing Committee on Citizenship and Immigration  
Sixth Floor, 131 Queen Street  
House of Commons  
Ottawa ON K1A 0A6 Canada

Good afternoon!

My name is Maria Esel Panlaqui, Manager of Community Development and Special Projects at TNO-The Neighbourhood Organization and today I will be speaking with my colleague Jennifer Rajasekar, Manager of Support Services also at TNO. On behalf of TNO-The Neighbourhood Organization and all our staff working closely with temporary foreign workers, including migrant caregivers, we would like to thank the Standing Committee on Citizenship and Immigration for giving us the opportunity to speak today.

TNO-The Neighbourhood Organization is a well-established community-based social & settlement service agency providing a wide range of programs and services supporting low-income, marginalized newcomers, refugees and immigrant communities. TNO is a non-profit, registered charity funded through generous donations, government grants, foundation support and corporate partnerships.

TNO offers unique and customized programs designed to provide services and support for temporary foreign workers, including migrant caregivers under the previous Caregiver Program, as well as those under the Home Child Care Provider and Home Support Worker Pilot Caregiver Programs.

TNO has demonstrated its commitment in breaking down barriers to improve service provision and to address the service gaps by adapting innovative approaches in response to the unique and complex needs of this vulnerable workforce, as well as advocating for them.

For decades, Canadian families have relied on foreign caregivers to look after our children and elderly. In supporting Canadian families, migrant caregivers by extension support the Canadian economy. Considering the vital service these caregivers provide, and the personal sacrifices they make, they deserve respect, dignity and compassion. Please don't make it any more difficult for them to come here and take care of Canadian families.

We welcome some of the changes to Canada's Live-In Caregiver Program that were announced in 2019, such as occupation-specific work permits, open work permits, and study permits for family members. However, available evidence from migrant caregivers themselves indicates that overall the Program continues to be problematic

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insofar as it retains the temporary nature of the system and therefore doesn't address the precariousness of these workers. Further, the current pathway to permanent residency is characterized by restrictive requirements that continue to present significant barriers for caregivers.

Although we have previously stated our position on the residency status of caregivers, it bears repeating that we believe that addressing the issues inherent to the program requires that all migrant caregivers be provided landed status upon arrival. The permanent solution is permanent residency. By doing so, caregivers and their families will be able to more fully participate and contribute to Canadian society. Although we have previously stated our position on the residency status of caregivers, it bears repeating that we believe that addressing the issues inherent to the program requires that all migrant caregivers be provided landed status upon arrival. The permanent solution is permanent residency. By doing so, caregivers and their families will be able to more fully participate and contribute to Canadian society.

For many of our migrant caregiver clients, the COVID-19 pandemic has worsened their employment conditions. There continue to be many abusive and inconsiderate employers who force these workers to work long hours without compensation. Some employers do not allow migrant caregivers to leave the residence, not even for a walking exercise that will reduce their stress level, and many caregivers simply have no time for themselves. Because of their precarious status, caregivers cannot advocate for better working conditions. Lack of permanent resident status makes it difficult for these workers to assert their rights. Canada must acknowledge the important contributions of migrant caregivers make to our country by making it easier for them to come and get citizenship, so they can live fully dignified lives in Canada.

In consideration of the COVID-19 pandemic, we highly recommend the implementation of immediate measures to regularize migrant caregivers who were left out and excluded as a result of the higher standards for education and English or French proficiency (of the Interim Pathways for Caregivers which expired on October 8, 2019) and those migrant workers who have become or been made undocumented for various reasons. These workers should be granted open work permits so that they will be able to protect themselves during the pandemic.

Due to COVID-19, employers are working from home and the kids are off from school, and thus the volume of work has increased, and in some cases doubled, for many migrant caregivers. Caregivers are confined at the employer's home and have less time to study for the test. As a result, they are having difficulty preparing for and passing the language test. In some cases, caregivers have been known to take the English Language test as many as 5 to 10 times, which is not only inconvenient but also costly.

Furthermore, we would like to endorse the Migrant Right Networks recommendations (Behind Closed Doors: Exposing Migrant Care Worker Exploitation During COVID-19)

- Reduce the work experience requirement to 12 months
- Allow for care work in either Child Care or High Medical Needs Stream to count towards the one year work requirement:
- Remove the requirement of 1 year Canadian post-secondary education
- Remove the English language test prior to Permanent Residency: Starting in 2014, the new pathways mandated that care workers meet a higher official language proficiency benchmark to qualify for permanent immigration to Canada.

We also recommend the implementation of effective measures to reduce processing times for applications (caregivers, family reunifications, refugee eligibility assessments, citizenship). Data shows applications were moving slowly even before the COVID-19 lockdowns reduced the immigration department's processing capacity last year. Due to the COVID-19 pandemic, the IRCC processing time has slowed to a concerning level. Most migrant caregivers are concern with their status, especially for those with Implied Status. According to a recent article in the Toronto Star, "there's a backlog of at least 9,100 applications for permanent residence. That matches the kind of numbers that government saw back in 2017, when the processing time was known to be as long as five years" (Source: <https://www.thestar.com/news/canada/2021/03/27/nanny-state-canada-has-left-its-foreign-caregivers-in-a-stalled-system-thats-derailing-lives-critics-say.html>)

Many workers who applied in 2020 are still waiting for notifications that their application are complete. Applications could still be returned for minor non-compliance, and clear instructions to officer to exercise flexible accommodation and process applications should be issued, otherwise applications would be returned after many months and caregivers who otherwise would benefit from implied status would become out of status

Specifically, we would like to recommend that open work permits be granted to workers with pending PR applications to ensure that workers who have expired work permit will be able work while waiting for the decisions of their applications. This would also allow them to leave an abusive employer and start a new job.

Indeed, many advocates are worried about the future of Canada's Caregiver Program. Many feel that the restrictive work, education and language requirements may end up slowly phasing out the program. Referring to the same Toronto Star article, "for over an 18-month period, not a single work permit was issued under two new pilot programs. According to the government data, the immigration department received 1,055 new work permit applications under the recent pilot programs in 2019 and 2020 (up to November). Only five were processed: four were withdrawn and one was refused".

Family separation continue to be a huge issue among migrant caregivers. During the announcement made in 2019 about the changes to caregiver program on the provision of open work permits and study permits for family members, many initially thought that this will be the right direction in addressing the issue on family separation.

We were worried then that the requirements and criteria would be high that it would be difficult for many to be qualified. We recently learned that the latest numbers don't show the success story for which many might have hoped

Family separation continues to be a huge issue among migrant caregivers. The issue of family separation is not addressed by the 2019 announcement regarding the changes to the caregiver program and the provision of open work permits and study permits for family members because the requirements and criteria are so high that it will be difficult for many to qualify. We recently learned that the latest numbers don't show the success story for which many might have hoped.

We should continue valuing the work of migrant caregivers especially during this pandemic. We urge the Canadian government to protect and improve their lives by making it easier for them to come and get citizenship as we strongly believe that precarious immigration status is among the major cause of these workers allowing some recruiters, immigration consultants and employer to abuse them. All migrant caregivers want is to be treated like other immigrants to Canada and be able to come and live with their families."

Canada should acknowledge the migrant caregivers' hard work and tremendous personal sacrifices, especially during this pandemic. We urge the Canadian government to take measures to protect and improve the lives of caregivers in Canada by making it easier for them to access citizenship, as we strongly believe that precarious immigration status is the primary reason many workers fall victim to recruiters, immigration consultants, and employers who abuse them.

We would also like to endorse the following recommendations

- Extend and enhance the 117-9-d pilot to ensure that families are able to reunite in Canada, and that no absolute barrier is in place. Cases of gross misrepresentation should be dealt with through existing sections of the IRPA without the draconian reg 117-9-d
- Free access to health care regardless of valid health card including COVID-19 testing and treatment and access to vaccines. No ID information should be shared with federal immigration enforcement. Vaccine providers must be trained so that they don't turn away people who don't have health coverage or are fearful of sharing their ID (Migrant Rights Network)
- Access to mental health supports (Migrant Rights Network)