



## **Briefing Note**

**Re:** Alliance for Gender Justice in Migration (12/18/23)

### **Issue:**

Pending federal regularization policy for undocumented people.

### **Background:**

The Vancouver-based Migrant Workers Centre (MWC) and the coalition it leads, Alliance for Gender Justice in Migration (<https://mwcbc.ca/alliance-for-gender-justice-in-migration/>), is playing an active role in the current debate about migrant worker policy reform at the federal level.

We understand that crucial decisions by the Federal Government will be made in the coming months regarding the regularization of new Canadians. This is occurring in the context of urgent labour shortages in Canada and the increasing ubiquity, scale, and complexity of the worldwide migration and refugee crisis.

The Alliance for Gender Justice in Migration is concerned with the often-neglected concerns and facing women and gender-diverse individuals. We are a network of people with lived experience, academics, advocates, and service providers from across Canada formed to identify trends and promote policy solutions aimed at ending discrimination against women and gender-diverse migrants in Canada.

Migrants are at the centre of our policy development because we believe policy regarding rights and protections for undocumented migrants cannot be properly developed without their knowledge, understanding and expertise based on lived experience.

### **Key Considerations**

- A national regularization program must address the unique challenges and specific vulnerabilities faced by women and gender-diverse migrants who are undocumented. Women and gender-diverse migrants experience multiple intersecting oppressions and a national regularization program must reflect the government's commitment to gender-based analysis plus (GBA+).

- Women and gender-diverse migrants with precarious status or who are undocumented play vital roles in their communities, form friendships and families, and engage in social, cultural, political, and economic life in Canada in enormous ways. Many undocumented women and gender-diverse individuals have worked and continue to work in essential jobs that are integral to the Canadian economy.

- In spite of their vital contributions, women and gender-diverse migrants often face increased vulnerability to abuse and exploitation due to the nature of their work and the structure of immigration programs. For example, live-in care workers, who are mostly women, are vulnerable to abuse because they often must live in their employers' homes due to economic constraints, and women and gender-diverse individuals are often dependent on their partners to maintain their immigration status, resulting in increased vulnerability to domestic abuse.



## **Recommendations:**

1. The development and implementation of a highly accessible short-term regularization program. This is essential for women and gender-diverse individuals who are at increased vulnerability of abuse.

The short-term regularization program must be clear and simple, and must not be discretionary, to ensure applicants can determine quickly and easily if they qualify and can avoid putting themselves at risk by applying and not meeting the criteria.

2. The development and implementation of long-term access to permanent resident status that is broad and inclusive and must address the root causes that lead to precarious immigration status in the first place, such as federal migrant work programs that prevent access to permanent residence for workers.

3. New programs should not require language testing or onerous educational requirements. Language testing and educational requirement create unnecessary barriers for workers who are already living in Canada; they are demonstrably able to communicate in one of Canada's two official languages and to contribute to the Canadian economy.

4. Regularization programs must include those who have been through the refugee determination system, regardless of whether their claims are pending or were refused. Refugee claimants contribute to Canada like any other migrant and how they entered the country should not serve as a barrier to accessing any short- or long-term regularization program. In many cases, refugee claimants wait years to have their cases determined, all while working and contributing to the Canadian economy.

5. Immediate access to permanent residence for those experiencing gender-based violence or labour exploitation must be prioritized.

6. Repeal immigration regulations (e.g., ss. 183 (1) (b.1) and 196.1(a) of the Immigration and Refugee Protection Regulations) and Ministerial Orders pertaining to migrants without permanent status working in the sex industry and ease work permit restrictions for all temporary foreign workers as these restrictions lead to more precarity and a loss of immigration status without any justification.

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