



**Alliance for Gender  
Justice in Migration**  
**Alliance pour la justice de  
genre dans la migration**



Women and Gender  
Equality Canada

Femmes et Égalité  
des genres Canada

November 7, 2023

To: Office of the Minister of Immigration, Refugees and Citizenship Canada  
Attn: Isabelle Buchanan, Senior Policy Assistant and Youmy Han, Deputy Chief of Staff  
Topic: Regularization  
Submitted by: Alliance for Gender Justice in Migration

## **Introduction**

Systemic inequalities persist, and marginalized women and gender-diverse migrants with precarious immigration status across provinces in Canada face vulnerabilities to exploitation through gaps in immigration policies. These policy gaps limit access to employment rights, the justice system, language support, and a culturally sensitive and trauma-informed care approach. The complexities of women and gender-diverse migrants' experiences require an intersectional approach and collective efforts to change policies and laws that further exacerbate their exclusion from essential resources and opportunities.

This brief represents the Alliance for Gender Diverse Justice in Migration's (AGJM) ongoing advocacy commitment towards regularization and a pathway to permanent residence status for these demographics. These recommendations aim to transform and progress human dignity related to the temporary and migrant labour force in immigration. The full version of AGJM's policy position statement on *regularization* is available on the Migrant Workers Center (MWC) website at <https://mwcbc.ca/wp-content/uploads/2023/03/Regularization-Policy-Position-Statement.pdf>.

## **About MWC and the Alliance**

Founded in 1986, Migrant Workers Centre ("MWC") is a non-profit organization that facilitates access to justice for migrant workers in British Columbia through the provision of education and legal services. MWC also works to advance fair immigration policy and improved labour standards for migrant workers through law and policy reform and test case litigation. Women and gender-diverse people, who have come to Canada on a temporary work permit and who are employed in low-paid, precarious jobs, those who are refugee claimants, international students, or migrant sex workers, those who have been exploited by unscrupulous recruiters and immigration practitioners, and those who are in the process of family sponsorship but who have left their spouse due to domestic or gender-based violence often experience multiple oppressions and face unique challenges. Thus, the Alliance for Gender Justice in Migration was formed in 2022 with members across Canada who work together to identify trends and promote policy solutions aimed at ending discrimination against women and gender-diverse migrants in Canada.

## **Alliance for Gender Justice in Migration**

We are a network of people with lived experience, academics, advocates, and service providers who conduct research, develop policy solutions, raise public awareness, and advocate for change by centering the voices of those with lived experience. The Alliance calls for proactive, coordinated, and sustainable efforts to ensure women and gender-diverse workers with precarious immigration status are protected from violence and abuses, including recruitment and employment-related abuses and that victims have full access to rights and justice in the form of proactive grievance mechanisms that do not further amplify their vulnerability.

## Regularization Policy Position Statement

The evolving landscape of Canadian migration programs creates and maintains precarious immigration statuses that result in many people losing their immigration status while living in Canada. The lack of pathways to permanent residence creates barriers to and challenges for equitable inclusion in Canadian society for women and gender-diverse individuals. Women and gender-diverse demographics discussed in this brief include, but are not limited to, those who have been trafficked, who are refugee claimants, international students, or migrant sex workers. They may have been exploited by recruiters and immigration practitioners and often experience multiple oppressions and face unique challenges.

## Recommendations

The Federal Government has indicated plans for a national regularization program. In implementing any program, the Federal Government must consider the different aspects of immigration policies that affect migrant women and gender-diverse individuals, and in particular, those aspects that exclude or are too restrictive.

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

The Alliance proposes the following recommendations:

1. Implement a short-term regularization program for undocumented people with clear and simple program criteria that is not discretionary, and with procedural safeguards to ensure that migrants are not at risk of deportation if they apply for such a program while their application is being processed.
2. In addition to a short-term regularization program, create longer-term pathways to permanent residence that address the root causes that lead to precarious immigration status in Canada in the first place.
3. Ensure that language testing or onerous education requirements are not required.
4. Include those who have been through the refugee determination system – whether their claims are pending or were refused.
5. Prioritize immediate access to permanent residence for those experiencing gender-based violence or labour exploitation.
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.



**Alliance for Gender Justice in Migration Members:**

**British Columbia:**

- Battered Women's Support Services
- Migrant Workers Centre
- Pacific Immigrant Resource Society
- West Coast Legal Education and Action Fund
- Radical Action with Migrants in Agriculture
- Dr. Asha Kaushal, University of British Columbia
- Dr. Geraldine Pratt, University of British Columbia

**Manitoba:**

- Immigration Partnership Winnipeg
- Manitoba Federation of Labour Occupational Health Centre
- Migrante Manitoba
- Dr. Shauna Labman, University of Winnipeg
- Dr. Sarah Zell, University of Winnipeg
- Dr. Lindsay Larios, University of Manitoba

**Ontario:**

- Barbra Schlifer Commemorative Clinic – Butterfly
- FCJ Refugee Centre - Legal Assistance of Windsor
- OCASI - Rights of Non-Status Women's Network
- S4 Collective
- South Asian Women's Centre
- Fay Faraday, York University
- Dr. Judy Fudge, McMaster University
- Dr. Mary Jean Hande, Trent University

**Quebec:**

- Immigrant Workers Centre
- Dr. Jill Hanley, McGill University
- Dr. Delphine Nakache, University of Ottawa