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2016.01 **Equal Access to Permanent Resident Status, an Amendment to the
*Immigration and Refugee Protection Act***

Whereas, Foreign workers listed as low-skilled workers in the National Occupational Code (C and D) are precluded under the *Immigration and Refugee Protection Act* from being eligible to apply for permanent resident status; and

Whereas, Long standing foreign workers are forced to exit Canada which causes disruption to their lives, families, Canadian businesses, and the economy; and

Whereas, The lack of opportunity for permanent residency may increase vulnerability to workplace exploitation; therefore, be it

Resolved, That national council of The Catholic Women’s League of Canada, in 96th annual national convention assembled, urge the federal government to amend the *Immigration and Refugee Protection Act* so that foreign workers may apply for permanent resident status regardless of occupational classification.

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2 **BRIEF: Equal Access to Permanent Resident Status, an Amendment to the**
3 *Immigration and Refugee Protection Act*
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5 National Occupation Classification (NOC) “is a system used by the Government of Canada to classify
6 jobs (occupations)” and many immigration programs use it to decide if a job, or type of work experience,
7 is valid for that program’s criteria.” (Citizenship and Immigration Canada) The *Immigration and Refugee*
8 *Protection Act* Regulations, Division 6, Permanent Resident Visa, sets out, that only members of a certain
9 class are eligible to apply for a Permanent Resident Visa. (Laws Justice) The list excludes any worker in a
10 low skill category (National Occupational Codes C and D) from eligibility to apply. This exclusion
11 precludes migrant workers under the Temporary Foreign Worker Program (TFWP), who despite
12 performing valuable work in Canada for periods up to four (4) years, from having any avenue to apply for
13 permanent residence based on that experience.

14 “Canada brings in thousands of lower skilled TFWs each year with no pathway to permanent residence,
15 while offering permanent residence to thousands more highly-skilled, highly-educated workers with no
16 guarantee of a job in Canada.” (Canadian Federation of Independent Business) Canada Immigration has
17 in place the “cumulative duration rule”, also known as the ‘4 in – 4 out’ rule”, which requires that “after
18 you have worked temporarily for four years in Canada, you will not be eligible to work in Canada again
19 until another period of four years has passed.” (Citizenship and Immigration Canada) The rule came into
20 force in April 2015. Industry analysts have suggested that an estimated 70,000 temporary foreign workers
21 were affected by the policy change and faced being forced to leave Canada. (Pardy).

22 Migrant workers are kept vulnerable by the nature of their status in Canada. “Migrant workers often lack
23 access to information and face language barriers. They may be isolated, particularly if they are
24 agricultural or food processing workers. Migrant workers in the low-skilled streams are particularly
25 vulnerable due to their temporary status, their dependence on a single employer for their work permit, and
26 gaps in the enforcement of contracts and of the rules and regulations of the Temporary Foreign Worker
27 Program (TFWP) and Seasonal Agricultural Worker Program (SAWP). Instances of exploitation and
28 abuse have been well-documented.” (Canadian Council for Refugees) “Temporary workers are
29 technically covered by the same provincial and federal labour laws as all workers. Realistically, however,
30 they are unable to exercise their rights and entitlements because of language barriers, lack of information,
31 isolation, and fear of employer reprisals, from immediate dismissal to denial of future employment.”
32 (Fleras) “Since migrant workers don’t enjoy the same legal status and protections as permanent residents,
33 they are at higher risk of abuse by employers who take advantage of their vulnerability.” (Faraday)

34 “There is no doubt that agricultural work persists season after season, that labour shortages in this sector
35 are chronic and that programs to import seasonal farm labour have increased steadily over the decades.”
36 (Metcalf Foundation). Migrant workers have been performing this essential work for decades,
37 demonstrating that the need is permanent. We urge the federal government to amend the *Immigration and*
38 *Refugee Protection Act* so that foreign workers may apply for permanent resident status regardless of
39 occupational classification.
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1 20. **Action Plan**

- 2 1. Write letters to the prime minister, the minister of Immigration, Refugees and Citizenship
3 and your member of parliament urging them to amend the *Immigration and Refugee*
4 *Protection Act* so that foreign workers may apply for permanent resident status regardless
5 of occupational classification.
- 6 2. Strengthen existing or consider starting a parish based outreach program to meet the
7 needs of foreign workers.
- 8 3. Invite a guest speaker involved in advocacy on behalf of foreign workers to speak at a
9 meeting of the CWL.
- 10 4. Monitor the federal government's response to the request contained in the resolution.