



**Canadian Council for Refugees**  
**Comments on the Canadian Experience Class proposal**  
28 January 2008

The following are preliminary comments by the Canadian Council for Refugees (CCR) on Citizenship and Immigration Canada's current proposal for a new avenue to permanent residence in Canada. The new Canadian Experience Class (CEC) will offer the possibility of permanent residence to some people in Canada with temporary status, based on "skilled" work experience. CIC is presently consulting stakeholders on this new program which is planned to be launched by the late summer 2008.

**Temporary versus permanent migration**

The Canadian Council for Refugees welcomes the fact that CIC recognizes the need to offer workers on temporary permits an opportunity for permanent residence. In recent years, Canada has been increasingly admitting migrant workers on temporary work permits – a trend that is deeply worrying. The CCR believes that the emphasis on temporary rather than permanent migration is not good policy.

- Because migrant workers do not have full protection of their rights, they are vulnerable to exploitation.
- Because they do not have permanent status, they cannot integrate into Canadian society and contribute to their full potential.

In its 2007 budget, the federal government announced an additional \$50.5 million over two years for the Temporary Foreign Worker Program. This investment aims at reducing processing delays and responding to regional labour shortages. The CCR is concerned about the fact that the federal government is investing in temporary workers programs without at the same time addressing the backlog of people waiting to immigrate to Canada.

The CCR is also concerned about the Canadian government's failure to address the urgent issue of long delays in family reunification, which is painfully affecting refugee and immigrant families in Canada and has an impact on society in general. Given the additional resources dedicated to processing temporary work permits, it is striking that extra resources have not been allocated to family reunification processing, in order to reduce delays for children who in some cases wait for years separated from one or both parents. The Canadian government needs to give a higher priority reuniting families, in recognition of the right of children to be with their parents and the important role played by family members in building a strong and just society.

The CCR also believes that more should be done to improve the labour market integration of immigrants and refugees, as statistics show that they are experiencing higher levels of poverty than Canadian-born workers with the same credentials.

Canada should not resort to temporary permits because it creates a class of vulnerable and disposable workers. As a country relying on immigration for its development, Canada needs to have a long-term plan and re-orient its immigration program away from reliance on migrant workers, and towards a focus on immigrants and refugees granted permanent status.

### **Exclusions**

In our view, the Canadian Experience Class is not the solution to Canada's labour shortages and immigration needs. While the proposed CEC will offer some migrant workers the possibility of becoming permanent residents, it excludes those who came to Canada as refugee claimants and temporary workers in occupations at the NOC levels C and D (level C: occupations usually requiring secondary school and/or occupation-specific training; level D: short work demonstration or on-the-job training).

The CCR believes that those who are able and willing to fill labour shortages should qualify as immigrants, whatever their level of skills as assessed by formal educational levels. The CCR is concerned that the CEC discriminates against many people with valuable experience in Canada. We would like to present here some of the implications of these exclusions on people already contributing to Canadian society.

### **Nationals from moratorium countries**

Canada has imposed a moratorium on removals to eight countries: Afghanistan, Burundi, the Democratic Republic of Congo, Haiti, Iraq, Liberia, Rwanda and Zimbabwe, in recognition of the situation of generalized insecurity reigning in these countries. While nationals of these countries are not removed, they are not necessarily able to obtain permanent residence status, even after many years here. Several thousand people in Canada are currently living in this limbo – some for more than 10 years.

The CEC will exclude people from moratorium countries because they did not enter Canada as temporary skilled workers. Many of them came as refugee claimants but their claim was rejected, in some cases unfairly. People from moratorium countries face many serious hardships: they cannot reunite with family members, even with their spouse and children, who were left behind in the country of origin. Workers from moratoria countries face limited employment and educational opportunities because of their temporary status.

### **Temporary lower skilled workers**

According to CIC's statistics, 112,658 workers were admitted to Canada on temporary permits in 2006, a 13% increase from 2005. 36.3% of these workers were of occupational level 0, A or B, 33.3% were of occupational skill level C and D, while the skill level was not stated for 30.5% of these temporary workers. These numbers show that lower skilled workers make up a significant proportion of the migrant work force coming to Canada. They are filling permanent labour shortages. If Canada needs these workers, why are they not given access to permanent residence?

### **Gender and class considerations**

The CCR is also concerned about the fact that the new CEC will have a differential impact on men and women. Men generally have better access to higher education than women,

especially in countries in the Global South. CIC statistics for 2006 show that 51.1% of men coming to work on temporary work permits are of the skill levels that qualify for CEC, while only 22% of women with temporary work permits would qualify. The CEC thus discriminates against women.

The same can be said about people from underprivileged classes, who do not have equal access to formal education and therefore do not fit in the categories of the CEC. Their competencies are needed in Canada, as the numbers provided above show very clearly. People considered “lower skilled” are recruited by Canada but expected to work in lower conditions than workers with permanent status.

As an example, more than 20,000 agricultural workers come every year to work on temporary permits on Canadian farms. These “temporary” workers leave their families behind and in some cases come back year after year to work for the same employer, spending between 4 and 8 months a year in Canada. Even though they spend years working in Canada, and in some cases the greatest part of their working lives, under the proposed CEC they cannot acquire permanent status because of the “low skilled” nature of their work.

### **Selection criteria and vulnerability to abuse**

The selection criteria of the proposed Canadian Experience Class will be based on the successful labour market integration of temporary workers, although it is not yet known how this will be measured. The two years of work required before being able to apply under the CEC makes workers more vulnerable to employer abuse, as they may be reluctant to report abuse so as not to jeopardize their chances of obtaining permanent status. Experiences with the Live-in Caregiver program provide a concrete basis for these concerns. There are many documented cases of abuse of workers who came to Canada under this program, 95% of whom are women. Because they need to be employed for two years before applying for permanent residence, they are often reluctant to denounce abuses for fear of losing their job and therefore their chances of gaining permanent status.

### **People without status**

Finally, we would like to underline the fact that there is an urgent need for the Canadian government to respond to the situation of the many people living in Canada without status. We regret that the government has failed to deal with this issue. The CCR has developed a *Proposal for the regularization of individuals and families without status*, available at <http://www.ccrweb.ca/regularization.html>. Canada needs to consider the lives and contributions of people living in Canada, who are part of society and who are contributing in many ways.

### **Integration of people living in Canada**

The successful integration of all newcomers to Canada is important to ensure that both communities and newcomers can benefit from each other. The immigration status of individuals in Canada is an important aspect of the settlement process. People from moratorium countries living in limbo and workers with temporary status, among others, are prevented from fully integrating in Canadian society, even if in some cases they have lived here for many years.

## **Recommendations**

- The CCR recommends that all those with temporary work permits, in all the different classes, have the right to apply for permanent resident status at the same time as they apply for a work permit, and that they have the right to bring family members.
- The CCR recommends that the Canadian Experience Class include all workers admitted on temporary permits and people who came to Canada as refugee claimants.