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January 4, 2019

Dear Mr. Cashaback

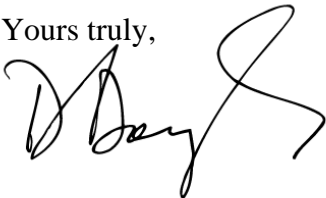
**Re: Canada Gazette, Part I, Volume 152, Number 50: Regulations Amending the Immigration and Refugee Protection Regulations**

Please see below for a joint submission on the above proposed regulatory amendment by:

Colour of Poverty – Colour of Change  
Chinese and Southeast Asian Legal Clinic  
Ontario Council of Agencies Serving Immigrants  
South Asian Legal Clinic of Ontario

We appreciate the opportunity to provide comments.

Yours truly,



Debbie Douglas  
Executive Director

**Joint Submission on: Canada Gazette, Part I, Volume 152, Number 50: Regulations Amending the Immigration and Refugee Protection Regulations**

**January 4, 2019**

We welcome the proposed amendment to issue open work permits for migrant workers facing abuse or are at risk of abuse, and for their family members in Canada; and their exemption from the \$155 work permit processing fee.

As noted in the Regulatory Impact Analysis Statement, the present system of employer-specific work permits for migrant workers create the conditions that allow abuse related to employment. Thus we see the Open Work permit as a much-needed and important first step in mitigating risk of abuse for migrant workers. We also offer the following recommendations:

1. Statistics show that Canada is relying more on temporary migrant worker programs rather than immigration to fill economic needs, despite the fact that many of the so-called temporary jobs are in fact ongoing. Expanding Canada's economic immigration program to workers at all skill levels would allow future workers to arrive with permanent immigration status and expand the labour recruitment pool for employers. Permanent resident status would do much more to reduce worker vulnerability than open work permits. Ideally all workers should receive permanent resident status upon arrival in Canada. At the very least, all temporary migrant workers should receive an open work permit upon arrival.
2. We agree that it should not be necessary for a worker to have first made a complaint in order to apply for an open work permit.
3. We agree that immigration officers should have the discretion to make a decision on the basis of "reasonable grounds to believe". However, given the difficulties workers have experienced in meeting the threshold in the B.C. open work permit pilot, we urge that IRCC should develop policy guidelines that mandate immigration officers to accept workers' self-described experiences and narratives when determining 'risk', and accept as evidence of risk information and documentation provided by legal and community organizations supporting these workers.
4. Workers who are not found to meet the standard should be allowed an appeal, including to have the application reviewed by a different decision-maker, and to have support to address their concerns regarding vulnerability to abuse.
5. The open work permit should be issued for a duration of at least one year; Caregivers should be issued a permit of sufficient duration to allow them to meet the requirements to apply for permanent residence; and all permits should be renewable.
6. Workers in the Seasonal Agricultural Worker Program (SAWP) are among the most vulnerable to exploitation and abuse and yet are not included in this proposed regulatory amendment. SAWP workers should be allowed to apply for an open work permit in situations of abuse or when they are at risk of abuse like all other migrant workers.
7. This amendment should be subject to an annual review, including review of negative decisions, worker feedback, and feedback from worker support groups and organizations and community groups.
8. The application process should be clear and simple, and workers should receive needed resources and support throughout the process; and decision-making should be expedited.
9. All workers current in Canada and all future workers should be completely informed of their rights and options available to them including the open work permit;

Joint Submission by:

**Colour of Poverty - Colour of Change (COP-COC)** is a community initiative based in the province of Ontario, Canada, which is made up of individuals and organizations working to build community-based capacity to address the growing racialization of poverty and the resulting increased levels of social exclusion and marginalization of racialized communities (both Indigenous Peoples and peoples of colour) across Ontario.

**The Chinese and South East Asian Legal Clinic (CSALC)** is a community legal clinic mandated to provide free legal services to low income members of Chinese and Southeast Asian communities in Ontario. Apart from providing legal services, CSALC also engages in systemic advocacy to advance the rights of immigrants, racialized communities and other disadvantaged members of society.

**OCASI - Ontario Council of Agencies Serving Immigrants** is a council of autonomous immigrant and refugee-serving organizations in Ontario and the collective voice of the immigrant and refugee-serving sector in the province. Formed in 1978, OCASI has 220 member organizations across the province of Ontario. OCASI's mission is to achieve equality, access and full participation for immigrants and refugees in every aspect of Canadian life.

**The South Asian Legal Clinic of Ontario (SALCO)** is a not-for-profit legal clinic established to enhance access to justice for low-income South Asians in the Greater Toronto area. Since 1999, SALCO has been working to serve the growing needs of South Asians in a culturally and linguistically sensitive manner. SALCO provides direct legal services within South Asian communities in various areas of poverty law, and also addresses systemic issues for racialized and other disadvantage communities through community development projects, public legal education, law reform initiatives, and test case work.