



October 3, 2022

The Honourable Sean Fraser, M.P.
Minister of Immigration, Refugees, and Citizenship
Confederation Building, Suite 733
House of Commons
Ottawa, Ontario, K1A 0A6

Dear Mr. Fraser,

Re: Regularization Program

I am writing to you today in relation to regularizing status for undocumented migrants who are contributing to many Canadian communities. World Education Services (WES) was pleased to see this issue included in the December 2021 [mandate letter](#) following your appointment to serve as the Minister of Immigration, Refugees, and Citizenship. It was also encouraging to read the [Toronto Star](#) report that the government is committed to delivering on this mandate item.

WES is a non-profit social enterprise dedicated to helping international students, immigrants, and refugees achieve their educational and career goals in Canada and the United States. For more than 45 years, WES has set the standard of excellence in the field of international academic credential evaluation. Through WES Global Talent Bridge, the organization joins with institutional partners, community-based organizations, and policymakers to help immigrants and refugees who hold international credentials fully utilize their talents and education to achieve their academic and professional goals. Its philanthropic arm, the WES Mariam Assefa Fund, supports catalytic leaders and organizations working to build inclusive economies and to ensure that immigrants and refugees can achieve their aspirations and thrive.

Having precarious immigration status is a reality for many in Canada; it is also a reality requiring thoughtful redress.

Although the exact number of undocumented migrants in Canada is unknown, current estimates indicate that there are [over 500,000 people](#), including families, without secure immigration status. Many of these people lack the information and rights to defend themselves against exploitative employer practices and human rights abuses. Some are prevented from accessing public health services due to a risk of deportation or detention.

Precarious immigration status is the product of a set of different processes.

Many undocumented individuals initially entered Canada with recognized documentation, such as temporary work permits, or student visas, but were not able to renew their visas for various reasons (e.g., changes introduced to visa requirements). Others are asylum seekers with rejected refugee claims, who stay in Canada rather than face persecution in their country of origin. Some are the victims of unethical immigration lawyers, consultants, and recruiters who misinform their clients about immigration policies and options, while others cross the border into Canada at unauthorized border crossing. There are also stateless persons who have nowhere safe to go, and need protection, yet our legal system offers limited or no options. The [Canadian Centre on Statelessness](#) estimates that there have been more than 300,000 stateless residents in Canada since 1981.

Previous regularization programs, including the most recent program for out-of-status construction workers in the Greater Toronto Area, have been one-time-only initiatives with strict eligibility criteria. For example, length of residency, having a family member in Canada, and were occupation and country of origin specific.

Further, while some groups of undocumented persons were granted status, there are still many more with temporary status living in precarity, which can lead to becoming undocumented.

A broad-based regularization program with transparent and accessible criterion can help to address the current labour shortages and increase workplace protections. It will also increase Canada's tax base and contribute to programs such as Employment Insurance, Canadian Pension Plan, and worker compensation.

Undocumented persons typically perform the low-paid and undesirable jobs that Canadian citizens are not willing to take. A fitting example is the work performed by agricultural farm workers and domestic workers, who have very limited or no labour rights. The COVID-19 pandemic has shown us that such low-income workers, are both essential and vulnerable. A just regularization program would make sense both from economic and humanitarian points of view.

Forcing detentions and deportations on undocumented migrants ignores the fact many of these individuals come to Canada in good faith to work and different circumstances and/or policies led to precarious immigration status because they have little or no resources.

Behind the numbers are real people, most of whom are racialized and/or women. These are people who work hard and have established life in Canada and contribute to Canadian society. Yet, they live in constant fear of detention and deportation and are unable to assert their basic rights to access health, education, and employment opportunities. They are vulnerable and deserve protection in principle and practice.

Our Recommendations

We call upon you as Minister of Immigration to work with groups such as the Canadian Council for Refugees to develop a regularization program that is responsive to the needs of thousands of individuals with precarious immigration status.

1) *Develop an inclusive and comprehensive regularization program*

- Ensure the regularization program includes all individuals, including family members, in Canada without a valid immigration permit.
- Consult with wide range of stakeholders, including impacted communities and migrant rights organizations, before the program is finalized.
- Develop a permanent and ongoing program to address immigration precarity in future.
- Allow undocumented migrants to apply for permanent residency directly, rather than providing them temporary status through work permits. Work permits will enable undocumented workers to normalize their life while awaiting a decision on their application for residency.

2) *Streamline application process*

- Create an application process that is simple and straightforward, such that applicants can navigate it themselves without requiring professional supports.
- Establish the principle of flexibility for documentation that can establish identity, family ties, and length of residence in Canada.
- Ensure collaboration from the Canadian Border Services Agency.
- Allow third-party applications (e.g., applications from legal clinics, support groups, employers, etc.)

3) *Encourage application to the regularization program*

- Suspend the detentions and deportations to remove the element of fear
- Ensure clear and timely communication about the program
- Allow appeals if an application is rejected.

Thank you for your consideration.

Sincerely,



Shamira Madhany
Managing Director, Canada, and Deputy Executive Director
World Education Services

cc: Janet Dench, Executive Director, Canadian Council for Refugees