

**BRIEF ON FAMILY REUNIFICATION**  
**Submitted to the Standing Committee on Citizenship and Immigration Canada**  
**National Alliance of Philippine Women in Canada (NAPWC)**

**Profile of the National Alliance of Philippine Women in Canada**

In March 1999, a national consultative forum of over 100 Filipino women from British Columbia, Alberta, Manitoba, Ontario and Quebec was held in Vancouver, British Columbia with the support of the Status of Women Canada (SWC). This momentous gathering marked the first time in the Filipino-Canadian community's history that Filipino women came together at a national level to discuss a broad range of issues affecting them. These included labor and migration, human rights, systemic racism and immigration, violence against women, the challenges for women especially those who came under the Live-in Caregiver Program (LCP), and young women and their issues.

At this consultation, participants decided to form a national network of Filipino women and their organizations. In March 2002, the National Alliance of Philippine Women in Canada (NAPWC) was finally formed. This is a milestone in the 3 decade long struggle for equality, peace and genuine development for Filipino women in Canada.

NAPWC acts as a mechanism to coordinate national education, research, advocacy and campaigns for the rights and welfare and empowerment of Filipino women in Canada. It also helps to build capabilities of individual members and their organizations towards enhancing their engagement in the public policy process. Since its founding, NAPWC focused on the following four priority issues:

1. The Live-in Caregiver Program and its impact on women, their families and the community
2. Campaign for nurses doing domestic work to return to and practice their nursing profession
3. The trafficking of Filipino women
4. Violence against women including domestic and economic forms

Based on consultation with its member groups, NAPWC accomplished the following education and advocacy activities:

- Lobbied:
  - former Minister Caplan (CIC) for a review of the Live-in Caregiver Program (LCP)
  - Dr. Hedy Fry (Multiculturalism / Status of Women / Parliamentary Secretary on Accreditation) for accreditation of nurses doing domestic work
  - former Minister Coderre (CIC) for accreditation and reforms of the LCP
  - former Minister Jean Augustine (Multiculturalism / Status of Women) for reforms of the LCP

- Prime Minister Paul Martin for a review of LCP and other immigration policies affecting women under the LCP
- Participated in 1999 national consultation *Violence and abuse against domestic workers* (sponsored by SWC)
- Participated in Quebec government review of LCP
- Participated in the January 2005 CIC national Roundtable on the LCP
- Presented to:
  - Immigration Legislative Review (ILR)
  - Parliamentary Standing Committee on Citizenship and Immigration
  - UN Special Rapporteur on the Human Rights of Migrants
  - Various conferences, including Metropolis International

### **The Filipino community in Canada**

Filipinos are relative newcomers to Canada, first entering in the 1960s. Since that time, the Philippines has consistently ranked as one of the top sources of immigrants to Canada. In the years 2000 to 2002, the Philippines was the fourth source country for all immigration to Canada; third for family-class immigration; and fifth for skilled worker immigration.

Just like other new immigrants, Filipinos congregate in major metropolitan centers such as Toronto, Vancouver, Montreal and Winnipeg. Spurred on by the political and economic crisis in their country of origin and pulled by Canada's need for immigrants to sustain its economic growth, Filipinos continue to grow at a steady rate. Towards the end of 2004, they have become the third largest visible minority group in British Columbia and fourth in Canada numbering more than quarter of a million.

As one of the fastest growing migrant and immigrant communities in Canada, Filipinos are also one of the most highly educated immigrant communities. Yet Filipinos in Canada remain economically segregated in the margins of Canadian political, economic and social life.

The migration of Filipinos to Canada is unlike general migration patterns where the "pioneering male" immigrant comes first, and later on, sponsors his family and relatives. Successive waves of Filipino migration to Canada show that Filipino women came first due to the mainly female professions and skills that Canada needs and for which the Philippines had plenty of supplies. Among these women, there are a disproportionate number of nurses and medical technicians for the health care system, garment workers for the clothing industry and live-in caregivers for middle and upper-class families.

### **Filipino women and the Live-in Caregiver Program (LCP)**

Much of the growth of the Filipino community in Canada can be directly attributed to the LCP, which is codified in the Immigration and Refugee Protection Regulations. In the period between 1998 and 2003, 92.6 percent of the domestic workers arriving in Canada were from the Philippines.

The LCP is Canada's policy that brings in foreign domestic workers and caregivers to provide child care, senior home support care or care of the disabled in the home. While the legal status of domestic workers is fully defined in law under the Immigration and Refugee Protection Act (IRPA) and its associated Regulations, the LCP's three mandatory pillars of living-in an employer's home, the worker's temporary status and the employer-specific work permit have been criticized by many groups and scholars as a breeding ground for unregulated work conditions and cases of abuse and exploitation of foreign domestic workers and caregivers. One academic researcher (Macklin, 1994) asserts that a domestic worker is an anomaly in the Canadian immigration scheme as it "occupies the technically non-existent category of 'visiting immigrant'. You are either a "visitor" or "immigrant" and not both at the same time. Moreover, with foreign caregivers being mostly women of color, the LCP was also criticized from a gender-based analysis as an anti-immigrant, racialized and anti-woman program.

Unfortunately, for Filipino domestic workers and their families, they remain severely subordinated within Canadian society with their equality rights and human rights often ignored or blatantly violated.

Community organizations based in the Filipino community have been aware of these violations for decades. They have been struggling to expose these violations and make visible within Canadian society the presence of and struggle of Filipino domestic workers and their families. They have also continuously engaged in numerous strategies to improve the collective situation of Filipino domestic workers and their families. A main target of these strategies has been the LCP itself – viewed by many in the Filipino community as the primary tool used by Canada to perpetuate the marginalization of the community.

The range of strategies employed by Filipino community organizations is founded upon the continuous education, empowerment, organizing and mobilizing of the community itself. With an empowered community, lobbying and advocacy strategies have been strengthened. Individual legal cases have also been taken up to assert a domestic worker's rights.

Based on this work within the community, NAPWC and its member organizations embarked on further intensive study and research of the LCP, including documentation of Filipino women's experiences under the program.

### **The issue of family reunification**

The issue of family reunification is a major and serious concern in the community. Most of the concerns related to this issue can be directly attributed to the LCP. Its three pillars of the live-in requirement, temporary status and employer-specific work-permit have caused long delays and sometimes, even failure in successful reunification of Filipino domestic workers and their families.

For women who come under the LCP, it now takes a minimum of five to eight years for sponsorship of their families during which time family rifts and other problems surface because of long separation. With many of these women barely earning minimum wage, the financial burden imposed on these families upon their arrival is tremendous and further intensifies family estrangement.

There is also the related problem of youth settlement and integration. A major implication of the “feminization” of Filipino labor migration to Canada is that the traditional role of husbands as heads of the household are challenged as women earned the bigger part of the family income. The children are also caught in conflicting values; partly because of this breakdown in traditional roles of their parents. As first-generation Filipino-Canadians living in a diverse society, they are also confronted by so-called Western value systems that subject them to confusion, instability, insecurity and outright racism. With deepening interaction among various ethnic groups beyond family and community, this intersection of race, culture, gender and class oftentimes results in panoply of intermingling emotions and complex processes of continuous adjustments, negotiations for space and participation in an evolving multicultural and multiethnic society that Canada is becoming today. If one includes in this mix the long family separation brought about by the Live-in Caregiver Program (LCP), the difficulties that Filipino families encounter becomes magnified.

#### **Major impacts of the LCP on family issues and reunification:**

- The temporary status of these women working as live-in domestic workers for many years puts them on the margins of society. Hence, they are deprived of political and other citizenship rights even as they contribute to the economic well-being of the host country and their country of origin through their remittances. While Canada wants these women to embrace Canadian diversity and multiculturalism, at the same time, it puts up barriers for their acceptance and social inclusion through the LCP. Coupled with their low wages under the LCP, the burden of the live-in requirement and being tied to only a single employer imposes heavy financial costs on these women who cannot raise the immediate funds for the sponsorship of their families.
- Permanent residency status of a domestic worker is tied to that of her family. This practice of CIC’s violates a woman’s freedom and equality rights. Domestic workers should be allowed to choose when to sponsor their families, without fear of jeopardizing their own landed immigrant status. This would give domestic workers the opportunity to plan for the economic and social future of their families. Some women are unable to obtain their residency status for four to six years, as they are unable to locate their spouses or their spouses become uncooperative in the process (i.e. unwilling to relinquish custody of the children or even allow them to undergo medical and security checks).
- Forced separation from their families. Domestic workers are not allowed to bring their families with them when they migrate to Canada. This is a major source of

the social impacts of migration being felt throughout the Filipino community. Despite Canada's stated commitment to family reunification, many domestic workers end up separated from their families for more than a decade (taking into account their migration to other countries prior to migrating to Canada). Even after completing the LCP, many women and their families feel trapped in the web of Canadian immigration policies as they struggle to meet the financial and legal requirements for sponsorship. For example, since there are oftentimes long delays in processing the sponsorship application, the circumstances of the families may change. Children may be older than 22 (the age of "dependency"), so they are forced to continue to take up full-time studies, rather than work and gain valuable work experience. Children may delay or even hide their own marriages and family life because they need to meet the legal requirements of "dependency."

- Onerous immigration fees. Domestic workers are subject to a host of immigration processing fees, particularly the \$975 Right of Landing Fee or "head tax." It costs an estimated \$2000 for a domestic worker to sponsor an adult member of her family. It should be noted that Canada states that this head tax is not a settlement fee; although this contradicts statements made in the media when the fee was introduced. Instead the money goes into the general coffers of the Canadian government, without any direct benefit given to the domestic workers and their families.
- Arbitrary deportation of domestic workers. There is an escalating practice of CIC to deport and even jail Filipino domestic workers for so-called violations of the LCP, including inability to meet the requirement for 24 months of live-in work or for "misrepresentation." Canadian-born children of these women have to leave with their mother or stay in Canada thus separating and breaking up families.

### **Issues faced by children of domestic workers:**

Children of Filipino domestic workers, including those born in Canada, are also unfairly discriminated against. In our consultations across Canada we listened and heard the stories and experiences of families whose mothers came under the LCP. The following issues are viewed as urgent, as they represent the severe long-term impacts of migration and the LCP upon the second generation – and the future – of the community:

- Permanent separation of Canadian-born children from their mothers: As stated above, many Filipino domestic workers are arbitrarily deported from Canada. If they have children who are born in Canada, these children – who are Canadian citizens – face permanent separation from their mothers. As determined by the Supreme Court of Canada in the Baker case, this fact must be taken into account when assessing a domestic worker's request to stay in Canada on humanitarian and compassionate grounds.

- Access to benefits: Children of domestic workers, many of whom are Canadian citizens, are denied access to benefits such as medical care, housing, welfare, subsidized child care, etc. because their mothers have lost their immigration status in Canada. This is a clear violation of the rights of these Canadian-born children.
- Systemic racism: Youth organizations and advocates within the Filipino community identify systemic racism within the school system and other institutions of Canadian society as impacting the development of youth and students. In Vancouver, Filipinos have the highest drop-out rate from high school of all groups at 60%.
- ESL / French high-school: Upon their arrival, children of domestic workers are forced to enter either English as a Second Language (ESL) programs or what is known as a “welcoming” school in Quebec. This effectively puts them outside the mainstream school system. Our member organizations in Quebec share that the “welcoming” school is particularly difficult for children of domestic workers, as instruction is completely in French. Quebec groups note a high drop-out rate for Filipino youth from these types of schools.
- Child apprehension: There are stories emerging from the community about children of domestic workers being apprehended by Canadian authorities.
- Children going back to the Philippines: Domestic workers, even once they have completed the LCP, face the problem of the lack of a national daycare program. It is ironic that the Filipino women, who came to Canada to care for Canadian children, sometimes end up sending their own children back to the Philippines because they cannot afford childcare in Canada.
- Single mothers: There are a growing number of single mothers amongst children of domestic workers. Often, they are forced to drop out of high-school.
- Cheap labor: The long-term outlook for children of domestic workers is that they end up working in low-paying, service or factory work jobs just like their parents. This is especially true of those who are forced to drop out of high-school.
- Sexual and emotional abuse of children by new partners: Participants noted some cases of abuse of children of domestic workers by their step-parent or new common-law partner.

### **Recommendations:**

According to CIC, the stated objective of the LCP is to “...to meet a labor market shortage of live-in caregivers in Canada, giving qualified caregivers the opportunity to work and eventually apply for permanent residence in Canada.” (CIC IP Manual 4).

Meanwhile, the court interpretation of this program is "...to facilitate the attainment of Permanent Residency status. It is therefore incumbent on [CIC] to adopt a flexible and constructive approach in its dealings with the [LCP's] participants. The Department's role is not to deny PR status on merely technical grounds, but rather to work with, and assist the participants in reaching their goal of PR status." (Federal Court, 1993, Turingan).

Given this legal framework and the conclusions of our intensive study, research and consultations with member organizations in the community, we recommend the following to the Standing Committee on the issue of family reunification:

1. Remove the LCP from the temporary workers movement program of CIC and should be part of the skilled and workers program where they are given immediate the permanent residency. If, according to CIC, there is a demand for foreign live-in caregivers; that Canadians are not willing to take this job; and that they are eventually streamed for permanent residency status, why should these women be burdened with temporary status and deprived of their immigration rights and opportunities when they are already productive and contributing to the Canadian economy? Immediate permanent residency also allows domestic workers to choose to immediately bring their families with them from the Philippines.
2. Remove the unjust \$975 head tax. Since domestic workers have already contributed to this country for several years; we believe that this is just another burden that slows down their bringing in of their families for reunification. This further brings them into bigger debts as they can hardly afford this fee without taking loans or borrowing.
3. Stop the deportation of Filipino domestic workers and their Canadian-born children. Arbitrary deportation of the mothers while allowing their Canadian-born children to stay does not promote family reunification. Also, deporting the Canadian-born child, who is obviously a Canadian citizen, deprives the child of rights to Canadian citizenship thus, further alienating and excluding the child from the "imagined" Canadian community.
4. Promote full access to settlement and integration services such as housing and health. For instance, women under the LCP who have already applied for family reunification are not allowed to access affordable social housing prior to arrival of their families. We believe that this is discriminatory against these women who at this stage of their integration into Canada, should have the same rights and opportunities as any other immigrant. Canadian-born children of domestic worker should also be given the benefit of full services. Support should also be given to community-based groups delivering effective services to Filipino women and their families.

5. Extension for those who are unable to meet their 24 months within 36 months as long as they are gainfully employed under the LCP. In many cases, these women are prematurely terminated for no fault of their own and then experience difficulty getting another job immediately. They should not just be deported arbitrarily. Rather some consideration to their status must be given and a review of their working conditions and reasons for not meeting the 24 month within 36 months regulation should be properly addressed, especially given that the LCP is supposed to help in their eventual settlement. Also, a review of the humanitarian and compassionate grounds application should be done since only less than 1% of applicants are approved.
6. Sign and implement the UN Convention on the Protection of the Rights and Welfare of All Migrants Workers and Members of their Families. The ratification of this important international instrument will help provide a legal and political framework that respects and promotes the rights of temporary workers who are vulnerable because of their temporary status. Work towards implementation of a key part of this Convention that seeks to allow migrant workers to bring their families to their host country while under temporary work permits.

We ask the Standing Committee to look positively at our recommendations. We reiterate that these are based on our community research and findings of scholars and other advocates. We hope that they are positively acted upon to ease the burden on these women and their families and pave the way for faster and easier family reunification in Canada.