

Precarious Realities for Temporary Residents (Refugee Claimants and Migrant Workers) in B.C.



Employment and
Social Development Canada

Emploi et
Développement social Canada



Pathway to Prosperity 2018 Conference

Precarious Realities for Temporary Residents (Refugee Claimants and Migrant Workers) in B.C.

The population of Canada increased by 10% between 2001 and 2016 while the proportion of temporary residents increased by **155%**.

Professor Daniele Belanger from Universite Laval and Canada Research Chair in global immigration processes stood before the Standing Committee on Citizenship and Immigration on October 30 2018 to share 4 reasons why we should care about this increase:

Precarious Realities for Temporary Residents (Refugee Claimants and Migrant Workers) in B.C.

- Temporary residents who work have fewer social rights than permanent residents; not all of them have access to health care services and yet they pay income taxes
- Temporary residents who do not have the right to work (some of them do not) are likely to engage in unreported work to support themselves
- Temporary residents who do not renew their visa are likely to stay in Canada and increase Canada's undocumented migrant population

Precarious Realities for Temporary Residents (Refugee Claimants and Migrant Workers) in B.C.

- Temporary residents in the labour market may have an impact on working conditions of ALL workers because they are often dependent on their employers for their right to stay, their right to return to Canada or the ability to become permanent residents. For these reasons, they are willing to work under conditions such as low wages or longer hours. This creates inequalities among workers and tension in the workplace.

Precarious Realities for Temporary Residents (Refugee Claimants and Migrant Workers) in B.C.

In 2017, there was the unprecedented arrival of over 50,400 refugee claimants to Canada.

B.C. saw the number of refugee claimant arrivals almost double from 1,360 to 2,300.

In 2017, the Government of Canada approved 97,053 positions for temporary foreign workers on positive Labour Market Impact Assessments under the Temporary Foreign Worker Program.

B.C. ranked second provincially with 22,196 of these approved positions.

Precarious Realities for Temporary Residents (Refugee Claimants and Migrant Workers) in B.C.

The following presentations will shine a spotlight on what has been happening for refugee claimants and migrant workers in B.C.

These presentations will share **successes** created through relevant services and timely support AND through strong partnerships and collaborations from service providers, funding bodies and community stakeholders.

As well, we will share how despite successes, many temporary residents continue to be **vulnerable** and continue to face **challenges**.

Precarious Realities for Temporary Residents (Refugee Claimants and Migrant Workers) in B.C.

PRESENTATIONS

1. Urgent Shelter and Housing Needs of Refugee Claimants
2. Services to Temporary Residents: How Partnerships and Collaborations are essential to ensure service delivery works
3. Integrating Employment and Language skills training with other support for Refugee Claimants
4. Role of BC Migrant Workers Support Network (MWSN) Pilot
5. Supporting Migrant Workers to obtain Open Work Permits

Precarious Realities for Temporary Residents (Refugee Claimants and Migrant Workers) in B.C.

Urgent Shelter and Housing Needs of Refugee Claimants in B.C.

Presented by:

Saleem Spindari
Acting Senior Manager
Refugees and Migrant Workers Program
MOSAIC



A Forum Focused on Solutions: Addressing the Urgent Shelter and Housing Needs of Refugee Claimants in BC

Empowering newcomers to fully
participate in Canadian Society



Our vision

Empowering newcomers to fully participate in Canadian society

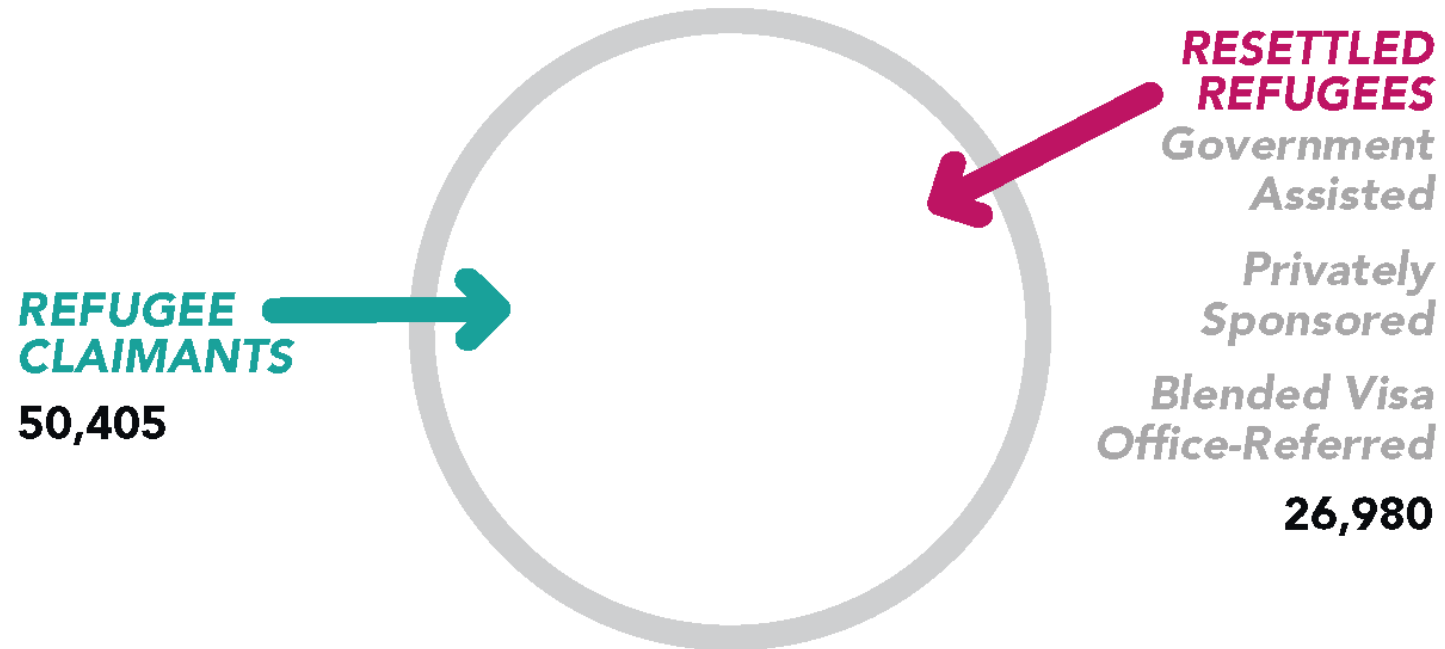
www.mosaicbc.org

MOSAIC's Mission

- MOSAIC delivers services and engages in community building and advocacy to facilitate meaningful participation of immigrants and refugees in Canadian society



REFUGEE PATHWAYS TO CANADA 2017



Background and Context for Discussion

- **In 2017 a record 50,405 Refugee Claimants arrived in Canada**
- **5% of the national number of Refugee Claimants arrive in BC (2300 RCs)**
- **Acceptance rates ranging from 44% (2013) to 70% (2017) in the past 5 years**
- **Refugee Claimants in BC are eligible for provincially funded settlement programs**
- **Shelter rates in BC: \$375 Single person; \$785 for a family of 6**



Background and Context for Discussion

- **BC Average Rent: Bachelor suite \$972, 3 Bedroom Apartment \$1478 (CMHC 2017 BC)**
- **Vancouver CMA Average: Bachelor \$1060/month; 3 Bedroom \$1800/month (CMHC 2017 VanCMA)**
- **Vacancy rate: <1%**
- **About 30 to 35 RC Family Units (to approximately 75 RCs) are available through dedicated transitional housing communities**



A Forum Focused on Solutions

- **Over 60 community leaders, decision makers and refugee claimants**
- **More than 45 agencies were represented**
- **One day forum**
- **Forum Report and Action Plan**



Organizing Committee

- **Archdiocese of Vancouver, Catholic Charities**
- **Homelessness Services Association of BC**
- **Inasmuch Community Society**
- **Inland Refugee Society**
- **Journey Home Community Association**
- **Kinbrace**
- **MOSAIC**
- **UNHCR**



Short Term Action Items

- **Increase awareness and understanding**
- **Identify and leverage vacant or underutilized units**
- **Identify opportunities to increase supply of new units**
- **Support RCs in securing housing**
- **Strengthen and build capacity within existing collaborative initiatives of the RC support sector**



Long Term Action Items

- **Increase awareness and understanding**
- **Establish a coordinated plan for RC reception, housing and integration**
- **Increase supply for new safe, secure and affordable, permanent housing for RCs**
- **Promote legislative change to support RC integration**
- **Strengthen and build capacity within existing collaborative initiatives of the RC Support sector**



Report can be found at:

<http://mapbc.org/wp-content/uploads/2018/07/Refugee-Claimant-Housing-Forum-Report-and-Action-Plan-2018.pdf>



Precarious Realities for Temporary Residents (Refugee Claimants and Migrant Workers) in B.C.

Services to Temporary Residents: How Partnerships and Collaborations are essential to ensure service delivery works

Presented by:

Saleem Spindari
Acting Senior Manager
Refugees and Migrant Workers Program
MOSAIC

MOSAIC Services for Temporary Residents

- **Funded by BC's Ministry of Jobs, Trade and Technology under the BC Settlement and Integration Services (BCSIS)**
- **3 Year Funding (may be renewed for up to two additional years)**
- **Divided into 2 streams of funding: Streams A & B**



Stream A

- **BCSIS Program targets newcomers who are not eligible for federal settlement services, specifically:**
- **Temporary Foreign Workers**
- **Provincial Nominees who are awaiting their PR approval**
- **Post-secondary international students**
- **Refugee Claimants**
- **Naturalized Citizens**



Stream A

Assisting clients to

- **Navigate immigration processes**
- **Meet settlement needs**
- **Connect to the community**
- **Access labour market information and supports**
- **Upgrade their English language proficiency where appropriate**



Stream B

Stream B is intended to

- **Meet the specific needs of refugee claimants who intend to file a refugee claim**
- **Provide mental health supports to all refugee groups, including both refugee claimants and refugees with permanent residency status**



Stream B

Services delivered:

- **Wraparound settlement supports for refugee claimants**
- **Trauma counselling and psychological supports for all refugee groups**
- **Customized employment supports for refugee claimants**
- **Community capacity building: creating an interagency network**
- **Ready Tours**



Stream B Services

Partners:



Thank You!

Saleem Spindari

Acting Senior Manager

Refugees and Migrant Workers Program

Saleem.spindari



Precarious Realities for Temporary Residents (Refugee Claimants and Migrant Workers) in B.C.

Integrating Employment and Language skills
training with other support for claimants

Presented by: Dennis Juarez
Refugee Claimant Specialist
BCSIS Program, Immigrant Services
Options Community Services

Options Community Services Society

Vision: Inspire hope and belonging for all



Mission: United in the purpose of helping people to help themselves and promoting safe, healthy and vibrant communities

B.C. Service Regions: Surrey, White Rock, Delta, Langley



Refugee Claimants

1

Barriers and Challenges

2

Customized Employment Services

3

Steps to Success

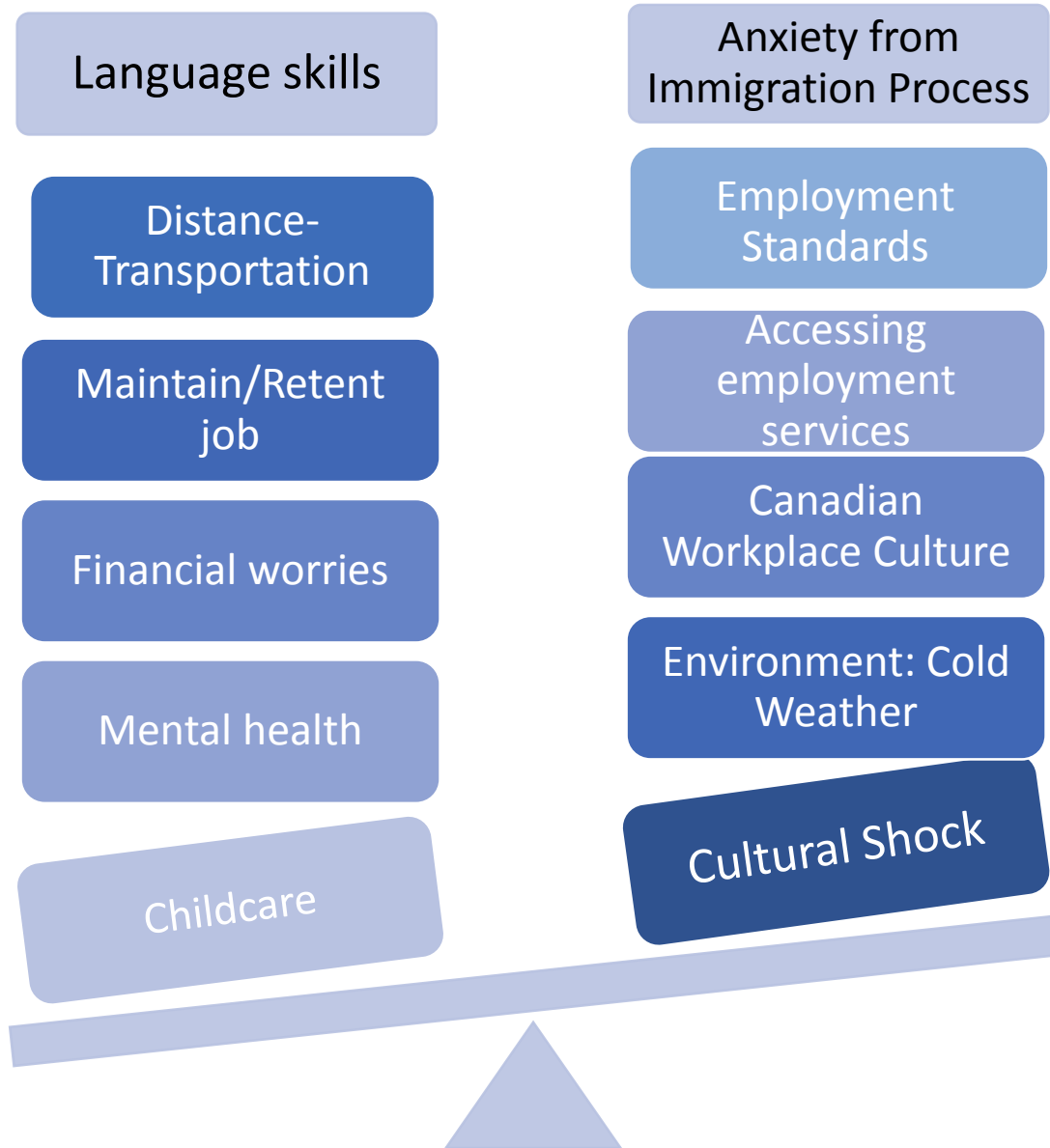
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Statistics

5

Refugee Claimant Story

01 Barriers and Challenges



02 Customized Employment Services



Work permit applications

SIN applications

Pre-employment Skills Training & Referrals

Tour work sites, Translations & Interpretations

Job & Resource Fairs

Volunteering, English Classes, Career Mentorship

Resume writing, Job Search, Interview Skills

Meet the Employer Events + Networking Events

1

Barriers and Challenges

2

Customized Employment Services

3

Steps to Success

4

Statistics

5

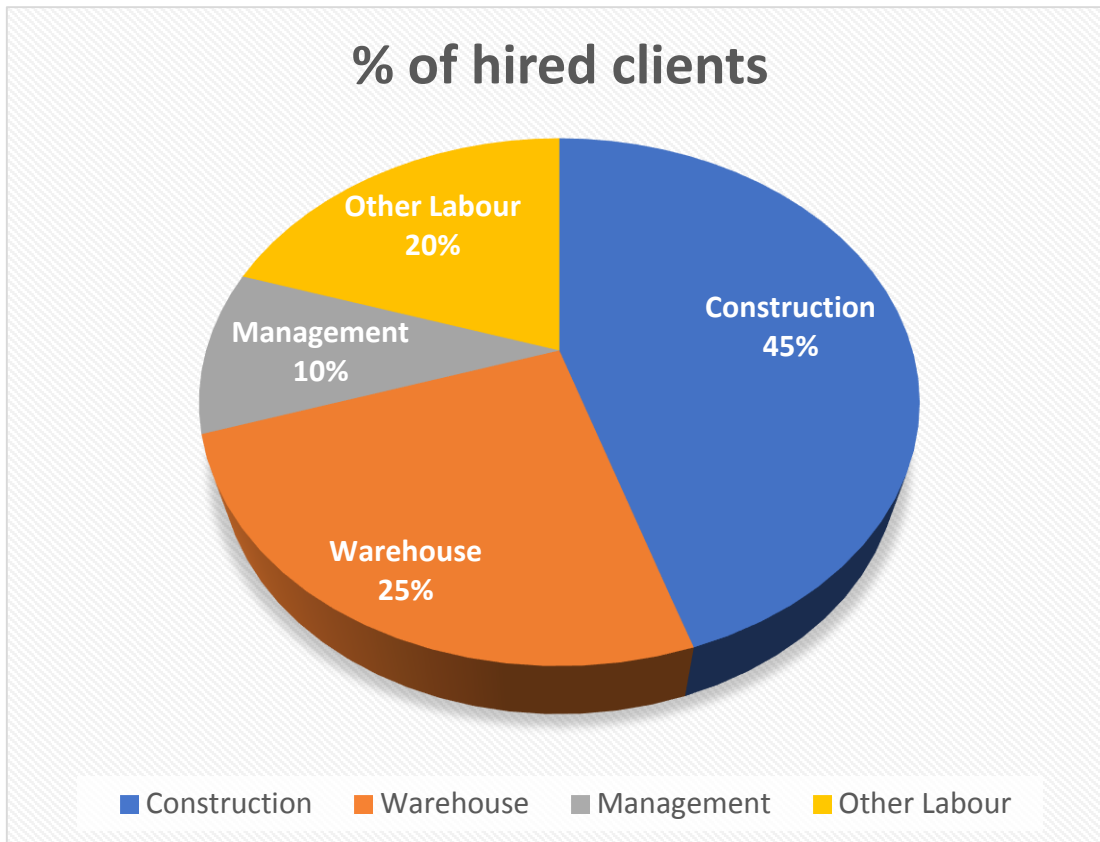
Refugee Claimant Story

03 Steps to Success



04 Statistics

July – September 2018



1

Barriers and Challenges

2

Customized Employment Services

3

Steps to Success

4

Statistics

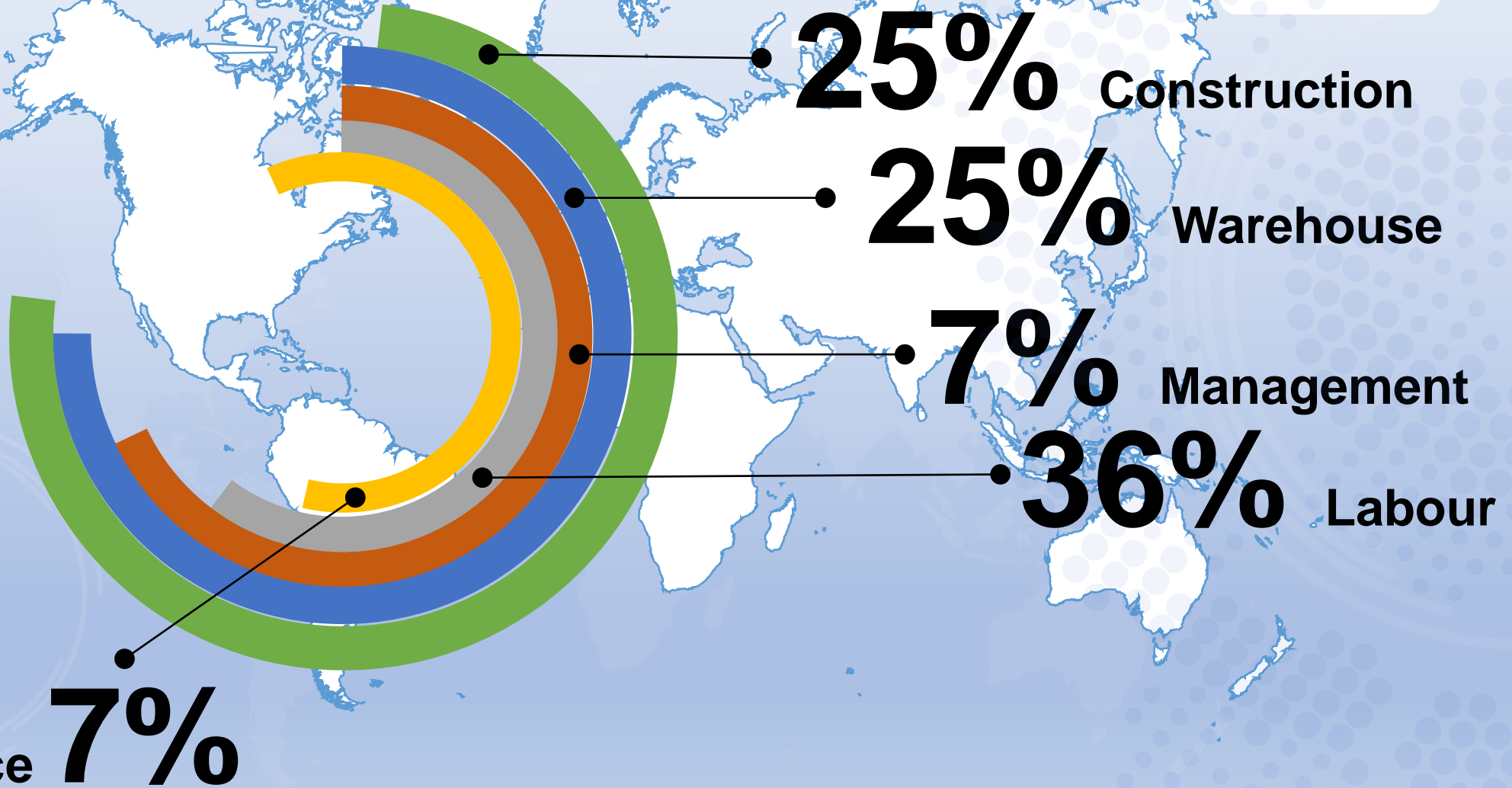
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Refugee Claimant Story

04 Statistics



19 Refugee Claimants
hired in October 2018



05 Refugee Claimant Story

Refugee Claimant who came to Options feeling depressed and overwhelmed because her hearing was postponed and because she was not able to find a job.

She participated in employment workshops, volunteered at Options and learned data entry skills, interview and communication skills, and boosted her self-esteem.

In spite of having an accounting background and a Master Degree from Spain, she decided to work in housekeeping at Sheraton Four Point Hotel.

1

Barriers and Challenges

2

Customized Employment Services

3

Steps to Success

4

Statistics

5

Refugee Claimant Story



Options Community Services Society



Dennis Juarez
Refugee Claimant Specialist

P: 604.954.0484
E: dennis.Juarez@options.bc.ca

Precarious Realities for Temporary Residents (Refugee Claimants and Migrant Workers) in B.C.

Role of BC Migrant Workers Support Network (MWSN) Pilot

Presented by: Shanisse Kleuskens, Policy Analyst
Integrity Policy & Program Intelligence Division
TFW Directorate, ESDC



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DISTRIBUTION OF TEMPORARY FOREIGN WORKER POSITIONS ON POSITIVE LABOUR MARKET IMPACT ASSESSMENTS IN BRITISH COLUMBIA (2017)

This map shows the geographical distribution of the number of Temporary Foreign Worker (TFW) positions on positive Labour Market Impact Assessments (LMIA) in British Columbia by census subdivision from January 01, 2017 to December 31, 2017, based on the date the LMIA's were issued. Each LMIA application submitted is restricted to a single occupation, as defined by the NOC; however, it may be for any number of positions (for example, five welders). The source for all information in this report is Employment and Social Development Canada's (ESDC) LMIA System. The LMIA System tracks TFW positions only, not TFWs who are issued a work permit or who enter Canada. Not all positions approved result in a work permit or a TFW entering Canada. For information on the number of work permits issued, please consult Immigration Refugees and Citizenship Canada's (IRCC) Facts and Figures: www.cic.gc.ca/english/resources/statistics/menu-fact.asp. The numbers appearing in this release may differ slightly from those reported in previous releases of LMIA statistics due to data updates that occur over time.

Number of Positions on Positive LMIA's	Number of Census Subdivisions with positions
Between 1 and 100	106
Between 101 and 400	17
Between 401 and 1000	7
Between 1001 and 3256	5

Legend:

- Populated Place
- Census Subdivision with positive LMIA (feature count)
- Census Subdivision with no positive LMIA (feature count)

The road to the MWSN

2016

“That [ESDC], in collaboration with stakeholders, establish measures to ensure that incoming migrant workers and their employers are informed of their rights and responsibilities under the [TFW] Program....”

- 2016 Report of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities

2017

“[ESDC] has also increased the number of on-site inspections that it conducts at employers’ premises to enhance the protection of vulnerable temporary foreign workers.”

- 2017 Spring Reports of the Auditor General of Canada to the Parliament of Canada



The road to the MWSN, continued

**2017/
2018**

Stakeholder consultations on temporary foreign worker protections since August 2017

2018

Grant of more than \$93,000 to the Migrant Workers' Dignity Association (MWDA) to develop 17 different workshops, information tools and materials aimed at educating temporary foreign workers

**Feb
2018**

Budget 2018 announced the establishment of a pilot Migrant Worker Support Network for temporary foreign workers dealing with potential mistreatment or abuse.



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The road to the MWSN, continued

**March
2018**



**Sept
2018**

Consultations with temporary foreign workers, migrant worker support organizations, settlement agencies, foreign governments, Government of BC representatives, academics and legal professionals, unions, industry representatives, employers, and federal government representatives

**Oct
2018**

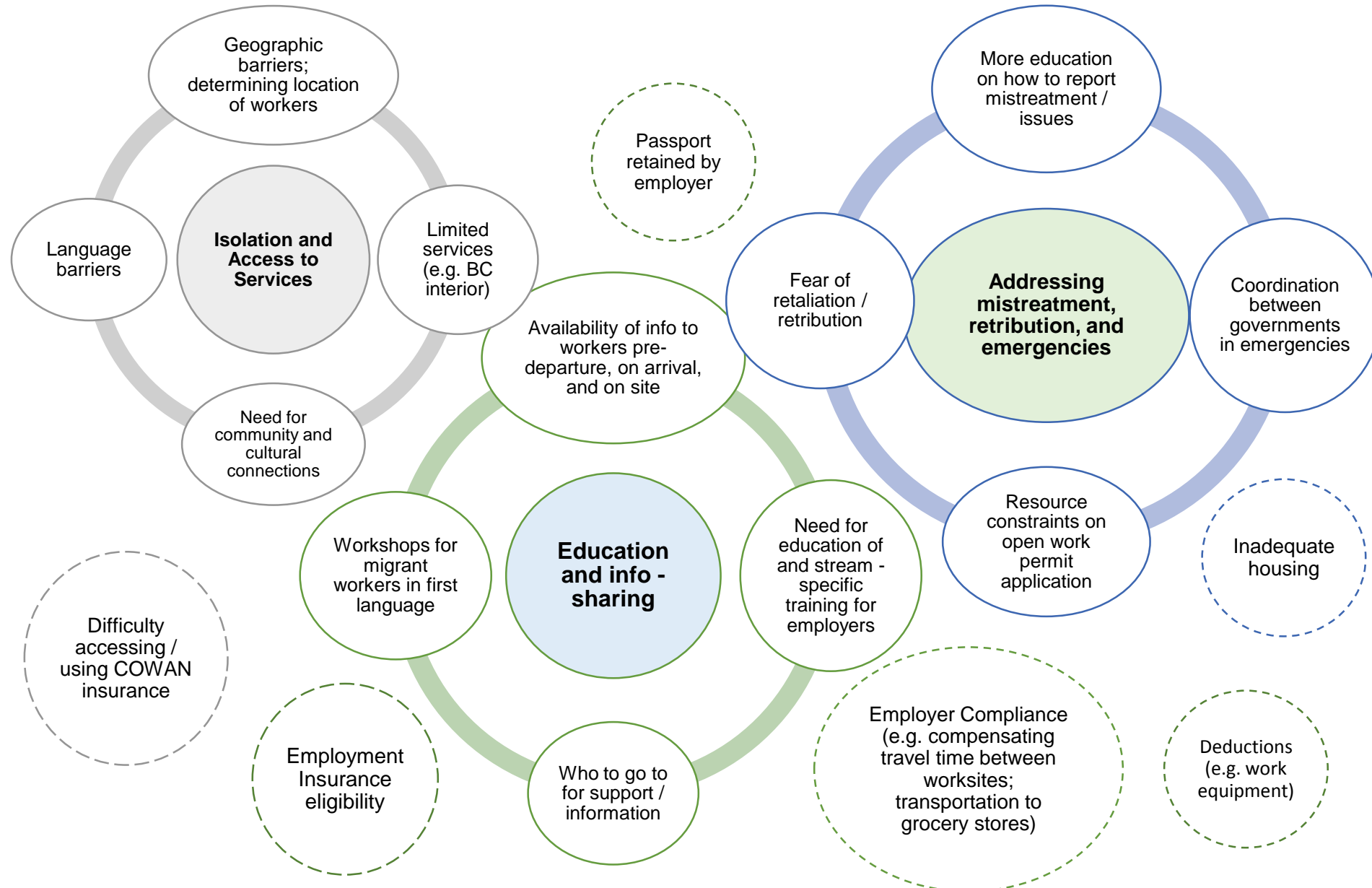
Network plenary and first set of working groups meetings



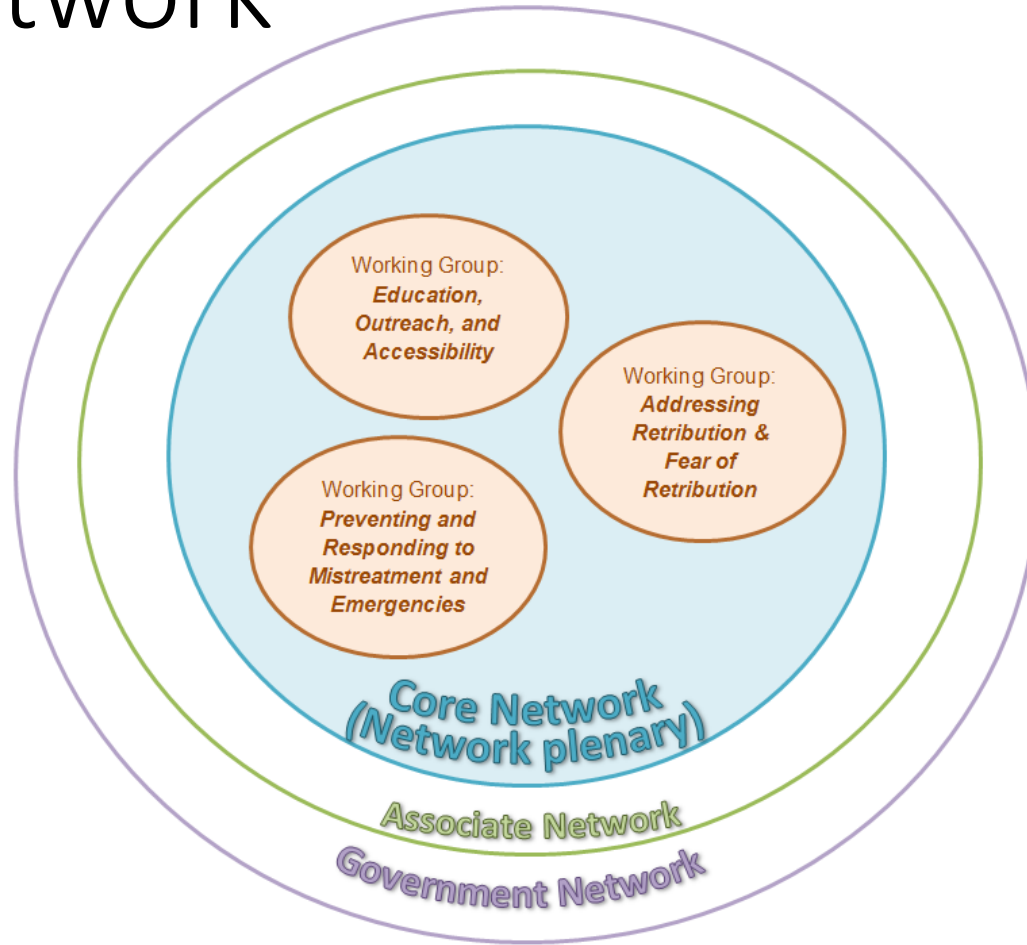
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Identified Challenges in the Protection and Support of Temporary Foreign Workers in British Columbia



Structure of the Migrant Worker Support Network



Core Network: meet four times per year at the Network Plenary; collaborate to address issues relating to migrant workers' rights, with a focus on supporting TFWs in BC; may join Working Groups.

Associate Network: receive information updates about the Network; non-voting; can participate in Network working group and plenary meetings.

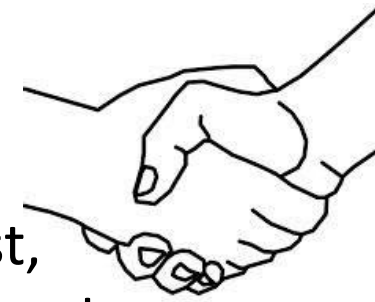
Government Network: representatives from the BC Government, foreign governments (consulates and liaison officers) with large numbers of migrant workers in BC and the Government of Canada; coordination of federal, provincial, and foreign government TFW protection-related activities in BC.



Your
rights!

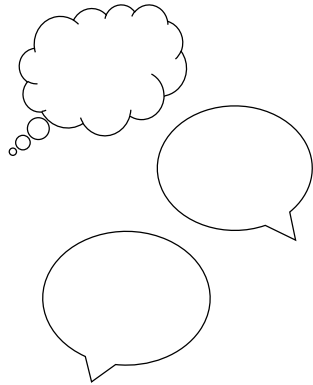
Addressing education,
support, and outreach
needs

Building trust,
collaboration, and
harmonization of services

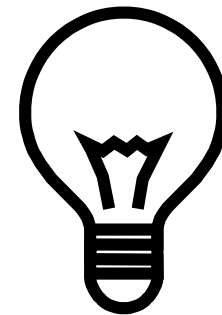


MWSN Goals

Networking and
information sharing



Policy and funding
recommendations



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Challenges to overcome

- Consensus-building // Diversity of perspectives
- Horizontal decision-making and consultation is time-consuming
- Increasing participation of migrant workers and members in remote areas

Gradual successes

- Collaboration and coordination between members (e.g. in emergency situations)
- Awareness-raising and discussion of issues (e.g. applying for employment insurance, open work permit process)
- Clarification of roles, responsibilities, resources, and key activities of members



Moving forward with the MWSN

To learn more or join the Associate Network, email us at
Auto-TFWP-PTET@hrsdc-rhdcc.gc.ca

Next Network Plenary meeting: January 2018

Next working group meetings: TBD

Workshop question:

What best practices can the MWSN in BC learn from other organizations and Networks?

(e.g. consensus-building, including the voices of vulnerable, marginalized, or hard-to-reach populations)



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Thank you!

Migrant Worker Support Network Coordination Team:

Auto-TFWP-PTET@hrsdcc.gc.ca

Online Reporting Tool:

<https://www.canada.ca/en/employment-social-development/services/foreign-workers/fraud.html>

Service Canada Confidential Tips Line:

1-866-602-9448



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Precarious Realities for Temporary Residents (Refugee Claimants and Migrant Workers) in B.C.

Supporting Migrant Workers to obtain Open Work Permits: Temporary Foreign Worker At- Risk Program (BC-Federal)

Presented by: Iris Solorzano
BCSIS Program Manager
Immigrant Services
Options Community Services

Challenges Beyond Obtaining Employer-Specific Permit



"I came to Canada to work to help my family; I have 7 children and my husband is suffering from schizophrenia"

"When I started my new job in Canada, I did whatever my employers asked; I just did that because I just wanted to make them happy, relaxed, comfortable and help them succeed"

*"I was injured at work; I have a permanent disability
I cannot go back to my country like this. I will not be able to work anymore. Help me Please. I am afraid of my employer"*

*"I am living in a warehouse.
They took my passport;
I paid \$15,000 recruiting fees. I am working 15 hours per pay, 7 days a week;
I am feeling depressed"*

Temporary Foreign Worker At-Risk Program (BC-federal)

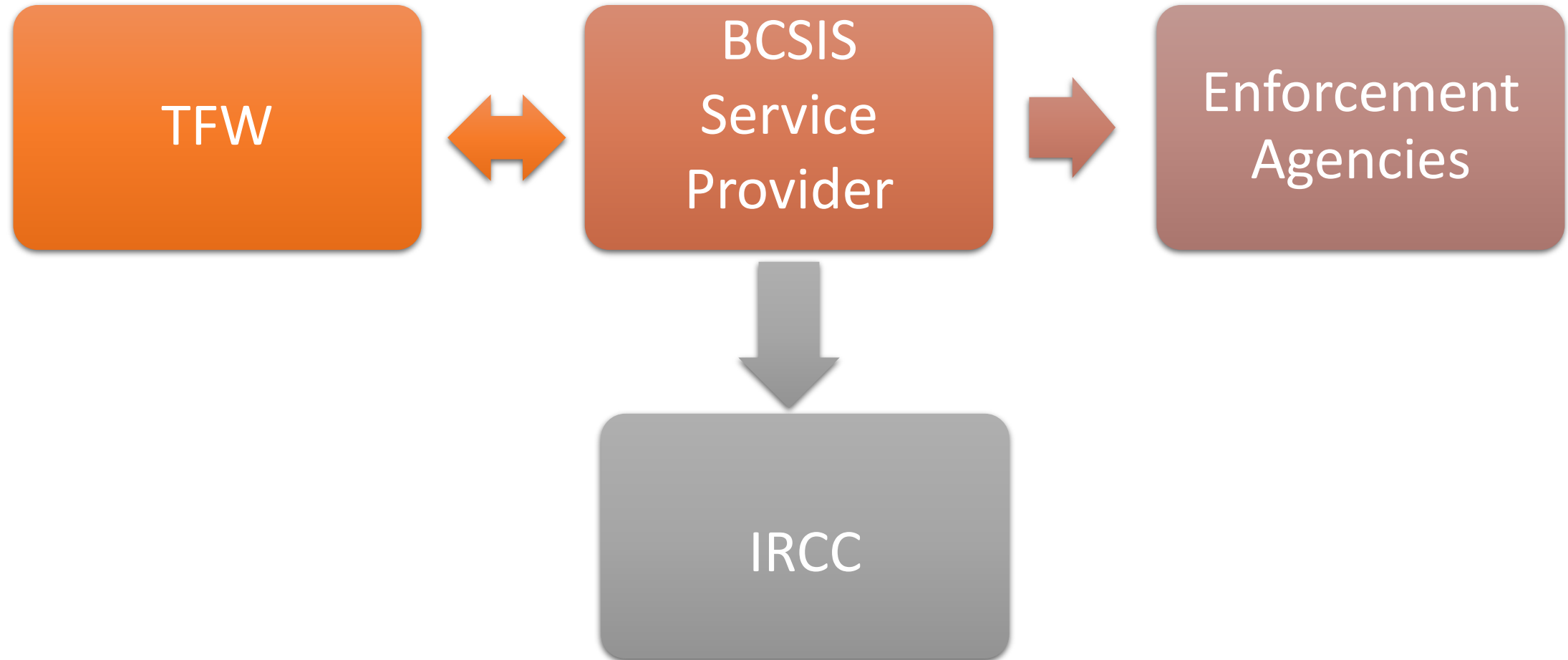


- **Canada British Columbia Immigration Agreement 2015 – Foreign worker protection (Annex B, section 9.4)**
- Foreign workers in British Columbia (B.C.) who face a real and substantial risk of abuse as a result of potential employer non-compliance with applicable federal laws (for example, the Immigration and Refugee Protection Act [IRPA] and Immigration and Refugee Protection Regulations [IRPR]) or provincial laws (for example, the Employment Standards Act of the B.C. Government) may be eligible to receive a work permit that is exempt from the Labour Market Impact Assessment (LMIA) process, per [section 9.4 of Annex B](#) of the Canada-British Columbia Immigration Agreement 2015 (the Agreement), provided the foreign worker meets all other requirements of the IRPR. Annex B of the Agreement is valid until April 7, 2020.
- The objective of these instructions is to provide protection to foreign workers who are at risk as a result of potential employer non-compliance by regularizing their status in Canada and providing them with the authorization to seek other employment, when appropriate.
- This measure is available to all foreign nationals in B.C. who hold an employer-specific work permit for an employer located in B.C. or who are authorized to work without a work permit, per the IRPA and IRPR.

Definition of Abuse

- For the purposes of this process, “abuse” is defined within the meaning of section R196.2.
- Abuse consists of any of the following:
 - (a) physical abuse, including assault and forcible confinement
 - (b) sexual abuse, including sexual contact without consent
 - (c) psychological abuse, including threats and intimidation
 - (d) financial abuse, including fraud and extortion

Open Work Permit Process – BC TFW At-Risk



BC Settlement and Integration Services

Service Provider Role



Prepare a Summary

Assist TFW to file official
complaint with
Enforcement Agency(s)

Gather all evidence and
any additional
documentation/evidence
to substantiates
complaint

Provide a description of
risk faced by TFW

Prepare and send
Recommendation to
IRCC

How We Help



Employment Standards Branch of B.C. Government

- Provide language support
- Provide information about process
- Role as representative (release of information consent)
- Assist with completing forms
- Obtain relevant information
- Gather all documentation to support claim
- File Self Help Kit (challenges)
- Complete Complaint Form
- Prepare package for mediation
- Facilitate full day Mediation Session
- Employers hire lawyers to represent them
- TFW has no access to legal aid ("I say let the record show")
- Follow up with complaints

How We Help



WorkSafeBC

- Provide language support
- Provide information about process
- Role as representative (release of information consent)
- Assist with completing forms
- Obtain relevant information from clients
- Gather all documentation to support claim
- Complete Complaint Form
- Follow up with complaints

How We Help



RCMP
contacted

- to escort Caregiver out employer's house
- when Employer broke TFW's car window
- to issue restraining orders
- when Employer deposited salary on behalf of Caregiver but removed money from bank by forcing worker to provide bank card
- when Caregiver report being threatened

BC Settlement and Integration Services

The Realities



Not paid for statutory holidays

Not paid overtime

Not paid for vacation

Employer asked TFW to pay \$30,000.00 to support of PNP application. When TFW refused to pay, he was terminated

TFW filed complaint with Employment Standards; when employer found out, he broke TFW's car window

Denied access to medical services: TFW ended up in emergency with pneumonia

TFW suffered injury, due to poor equipment maintenance; TFW now has permanent disability

Daughter was forced to work; if she didn't, her parents were going to be deported. She called police; they came and escorted her out

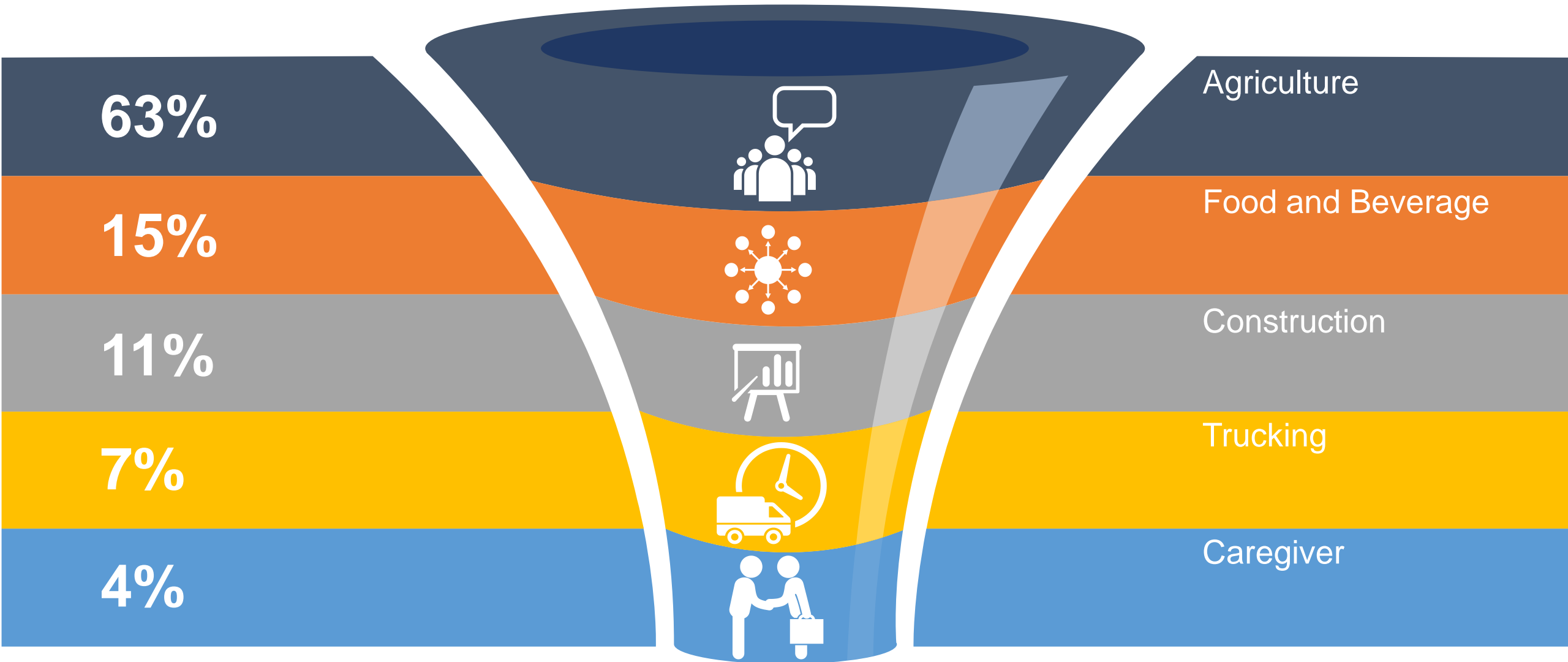
Employer was taking back salary from Caregiver

For 3 years, TFW worked 7 days a week, 13 hours per day and lived in a warehouse

No protective equipment for pesticide preparation and application

Threats of deportation or not called back following year

TFWs At-Risk Served to Date: Risk by Industry



Temporary Foreign Worker At-Risk Program (BC-federal) Positive Impact



REPORT BY PRIVATE INVESTIGATOR (HIRED BY EMPLOYER):

XXX Intelligence Group successfully conducted a mobile surveillance of Mr. ABC. It was determined that he is currently employed at a certain Restaurant on Robson St. in Vancouver. It has been determined that he works full days: shift begins before lunch and ends after dinner. He utilizes public transportation to get to and from work and is a active staff member. He buses tables, works behind the bar, pours drinks and assists customers in any way that is needed.

XXX Intelligence Group believes that sufficient evidence has been gathered to prove that Mr. ABC has current employment outside of his TFW Contract. If client requires additional evidence, future operations can be discussed at client's convenience. Thank you for selecting XXX Intelligence Group. Should you have any further questions or should you want to discuss future investigative/surveillance options, please contact Investigator XXX - or call 604-5555555.

Temporary Foreign Worker At-Risk Program (BC-federal) Positive Impact



Provide protection to TFWs at-risk as a result of potential employer non-compliance by regularizing their status in Canada

Gives confidence to TFWs to file complaints with appropriate Enforcement Agency(s)

Provide them with authorization to seek other employment and continue with their immigration process (PNP)

Assist TFW who must leave original place of employment to obtain an extension of temporary resident status and to facilitate search for new position

Facilitate participation of TFW in inspection or prosecution of alleged employer or employment agency for non-compliance in Canada or otherwise assist authorities

Facilitate protection

Options Community Services Society



Iris Solorzano
BCSIS Program Manager

P: 604.954.0482
E: iris.solorzano@options.bc.ca

Precarious Realities for Temporary Residents (Refugee Claimants and Migrant Workers) in B.C.

Q&A

Sharing of other Best Practices

What can B.C. learn from others?



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