

DOMESTICS' CROSS-CULTURAL NEWS

monthly newsletter of the Toronto Organization for Domestic Workers' Rights

April 1989

IMPORTANT INFORMATION ABOUT IMMIGRATION ASSESSMENT CRITERIA

(This is a summary of the discussion at the last two INTERCEDE meetings led by Toni Schweitzer and John Petrykany, CLASP law students)

A person who enters Canada through the Foreign Domestic Movement program (FDM) from overseas is assessed as a temporary foreign worker and must have at least one year's experience as a domestic worker or comparable professional training, and a working knowledge of English or French.

The temporary foreign domestic worker is allowed to enter Canada if she has a working visa and a confirmation of employment. Once here, the domestic worker is issued a work permit by Immigration which authorizes her to work with the same employer in the contract. If she wishes to change employers, at any time, she must get a new work permit which would authorize her to work specifically for the new employer, before starting her job.

It is the responsibility of the foreign domestic worker to make sure that she has a valid work permit, visa, and passport while in Canada, meaning that she is always working with authorization, and her visa and passport are not expired.

Workers under the FDM are assessed by Immigration before they obtain landed or immigrant status after three years.

At the end of each year, the foreign domestic worker is called for an interview by an Immigration officer; this is called an "assessment".

In this assessment, the foreign domestic worker is assessed on the basis of seven criteria: language, skills upgrading, experience, financial

security, social adaptation, personal suitability and dependents.

At the first assessment, the domestic is told how she is doing and in what areas, if any, she needs improving. At the second assessment, the worker is assessed for landed status. If her assessment is positive, she is given an open work permit. After a security check has been made on her, she receives permanent residence status. At this point, she can begin to sponsor family members to join her in Canada.

If her assessment is negative, her work permit will be renewed for one more year, at the end of which she must leave Canada.

PREPARING FOR YOUR ASSESSMENT:

Skills upgrading

At both first and second assessments, it is very important that you show the Immigration officer that you have given some serious thought to your future plans in Canada. Immigration likes to see that you have a realistic over-all plan for when you are finished being a domestic worker in the FDM program. This plan should include what occupation you intend to pursue and what training you will need to gain the skills necessary for that occupation. This plan should also be realistic. You should choose an occupation that you believe you will be trained enough to do once you are finished in the FDM. This plan may, of course, include continuing your occupation as a domestic worker.

Come to INTERCEDE's monthly meeting on Sunday, May 7, 1989 from 3 p.m. to 5 p.m. at the Cecil Community Centre, 58 Cecil Street.

Ms. Susan Shaw of the Parkdale Community Health Centre will talk about OHIP and health issues that affect domestic workers.

There will be no CLASP legal clinic but INTERCEDE counselling will be available.

Immigration Assessment (cont'd.)

At your assessment, tell the Immigration officer what your plans are after you are through with the FDM program (for example, that you want to be a nurse, a secretary, an accountant etc.). Then you must tell the officer what courses you are taking or plan to take that will prepare you for that occupation (health care courses, word processing, business courses etc.). Remember that these courses must relate to the occupation you will pursue after the FDM.

You must bring to your interview, certificates, diplomas or school receipts pertaining to the courses you have taken or are taking. If you plan to take courses in the following year, bring some information about these, for example, copy of the course description or course catalogue.

Experience

You need two years of satisfactory employment as a domestic worker in Canada in order to be considered for permanent residence.

You should bring to your assessment a letter of reference from each of the employers you have worked for in the last year. This letter of reference will show if your employer(s) have been satisfied with your work.

If you were forced to leave an employer because of any problem and the employer would not give you a letter of reference, you must be prepared to discuss the circumstances with the Immigration officer. It is more advantageous for you to volunteer to explain what happened than to make the officer have to ask you many questions to extract the information.

Financial Security

At both your first and second assessments, you must show the Immigration officer that you are capable of managing your financial affairs. Immigration wants evidence that if you are granted permanent residence, you will be able to support yourself and any dependent that you sponsor.

You should bring to your assessment information about your ability to save money. You should bring bank statements showing how much money you have saved and **when you have**

made deposits into your account. This statement should be a computer print-out from the bank, not handwritten.

Immigration does not have in mind any particular amount that you must have in your savings, but rather is more interested to see a **regular pattern of deposits into your savings account.**

You should also bring to your assessment, receipts of any money you have sent home to relatives, for whatever reason. This is evidence of your ability to manage your finances and is not seen as a negative factor. It shows that you are able to support or assist others as well as yourself. Keep a record of all money sent home.

Bring to your assessment receipts of any large purchase you have made while in Canada such as furniture, television, insurance, etc. This will help you account for your money and illustrate that you have not spent it on anything wasteful.

If there has been some special reason why you have not been able to save money, be prepared to explain this to the Immigration officer. It is always better to tell the officer the true reason instead of leaving the officer to think you have wasted your money.

(To be continued)

We wish to thank the Immigrant Settlement and Adaptation Program (ISAP), Ministry of Immigration (Canada) and the Secretary of State (Multiculturalism) and Secretary of State (Women's Program) for providing our core funding.

We also wish to thank The Ministry of Citizenship and Culture (Ontario), the City of Toronto, and the Municipality of Metropolitan Toronto for their continuing support.

INTERCEDE

489 College St., Suite 402
Toronto, Ontario M6G 1A5

I have changed my address. Please send DOMESTICS' CROSS-CULTURAL NEWS to my new address:

NAME:
ADDRESS:
CITY/PROVINCE: POSTAL CODE:
TELEPHONE:

?I HAVE A QUESTION?

My employer does not withhold the correct income tax deduction from my salary, what can I do?

Answer: If your employer withholds insufficient income tax, you will have to pay the difference when you file your Income Tax Return. For example, if only \$50 instead of \$97.90 is deducted for income tax from your monthly salary, then you are receiving an extra \$47.90 every month. By April of the following year, when you file your Income Tax Return, you will be required to pay Revenue Canada the sum of \$574.80 ($\$47.90 \times 12 \text{ months} = \574.80) in taxes. You can insist that your employer withhold the correct amount of income tax deduction so that you will not have to pay a lump sum tax come April.

REMINDER

Remember that May 1, 1989 is the deadline for filing your Income Tax Return.

Your employer is required by law to give you your T-4 by February 28, 1989. If you don't have your T-4 until now, go ahead and complete your Income Tax Return with whatever documentation and information you have, but make sure you write your employer a letter requesting your T-4. Attach a copy of this letter to your Income Tax Return when you mail your Return to Revenue Canada. It is important that Revenue Canada knows that you have requested but did not get your T-4.

Revenue Canada Tel. 869-1500

My employers are going on vacation for several weeks and they want me to take my days off without pay during the same period. Is this legal?

Answer: When your employers go on vacation and ask you to remain in their house while they are away, you are working because you are "house-sitting". If you are asked to leave their house and they are "laying you off" for the time they are away, this should be clear to you so you can make your decision what to do next.

If it is agreeable to both of you, you may arrange to take your paid vacation at the same time that your employers take their holidays.

I have my day off on Fridays from 7 p.m. but my employer wants me back by Sunday at the same time. Is this okay?

?I HAVE A QUESTION?

Answer: You are entitled to 2 free periods every week, one of 36 consecutive hours and one of 12 hours. You can take them all at once (continuously, $36 + 12 = 48$ hours) or separately (example, 36 hours, from 8 a.m. Saturday and ending at 8 p.m. on Sunday; then 12 hours from 8 a.m. of Wednesday to 8 p.m. of the same day).

I accompany the daughter of my employer to school and I wait there for 3 hours. These 3 hours are being deducted from my salary because I am considered not to be working but having my time off. Is this correct?

Answer: If your instruction is to remain and wait for your employer's daughter for three hours then you are working and you should be paid. If your employer's concern is that you are not doing any work at the school, ask to return to the house where you can do some work before you fetch the daughter after three hours

If my employer is not deducting any amount for room and food (board), do I have to pay it back by working extra hours?

Answer: Your employer can deduct \$255.85 for your room and board and if s/he does not, then you have this much more money at the end of the month.

However, if in exchange they are asking you to work extra hours, and you don't want to, you don't have to. Insist s/he deduct the room and board if you can't come to an agreement.

I am separated from my husband in the Philippines, can I file for divorce in Canada? When?

Answer: You can file for divorce in Canada from your husband in the Philippines, provided you meet the residence and other legal requirements. You should seek legal advice before proceeding.

Should night babysitting be paid? If the baby is already in bed, but I am the only adult in the house, should I be paid for babysitting?

Answer: If your employer leaves you at home to take care of the baby, whether the baby is awake or asleep, you are working.

We are six children in my family but I declared only three when I applied to come to Canada. We are all single. One of my sisters wants to be sponsored, what should I do?

Answer: You should go to Immigration and explain that you did not declare all your immediate relatives. You should also seek legal advice about this problem.

COCO'S CALENDAR

Sample mail...

from Celia Tababan: "Participants and members of INTERCEDE have been increasing. Our board members are very active...and staff very energetic". Meetings are "splendidly successful" although some "systematic procedures" can be implemented such as "queuing up" and not overcrowding the tables; appointing volunteers who will make sure everyone "observe silence" during the meeting; speakers should speak clearer and louder; volunteers must be "polite and friendly".

Celia adds that partitioning off the counselling area is an "excellent idea" and she was delighted to receive the February newsletter.

We hope Celia and all other members continue to attend regularly and receive future newsletters on time.

From Brenda Perada: The newsletters are "so helpful and so informative for domestics like me. I appreciate the help you keep extending through the newsletter."

Thank you notes...

to everyone who has given donations to cover newsletter postage or just to show their appreciation for INTERCEDE's work.

We are happy for...

Concordia Flores, Ruby Pulido, Veronica Scott, members, and for Patricia and Eugenia Yuen, past and present Board members, who have obtained their landed status.

All recent birthday celebrators: Terry Amostera, Nonong Ballera, Ruby Pulido, members, and Magda Aguada, Board member. May you have many more birthdays to come.

Avoid problems...

Make sure you have a work permit and a student permit before starting on a new job or a new school course.

And make very sure you know the date of expiration of your:

- work permit
- visa
- student permit

so that you can renew them on time.

This is your newsletter!!! Write your contribution and send in by May 15, 1989.

IMPORTANT PHONE NUMBERS

Canada Immigration Centre	973-4444
Employment Standards Enforcement	965-5251
Revenue Canada (Taxation)	869-1500
Immigrant Women's Job Placement Centre	656-8933
Educ & Skills Training Ctr, Labour Council	971-5893
Legal Services	
Parkdale Community Legal Services	531-2411
CLASP (Osgoode Law School) Legal Clinic	736-5029
Kensington-Bellwoods Community Legal Serv.	363-0304
Metro Tor. Chinese & SE Asian Legal Clinic	971-9674
Emergency Housing	
Nellie's Hostel	461-1084
Evangeline's	762-9636

Unemployment Insurance	973-4727
Ontario Human Rights Commission	965-6841
OHIP	965-1000
Immigrant Women's Health Centre	367-1388

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FIRST CLASS