

DOMESTICS' CROSS-CULTURAL NEWS

monthly newsletter of the Toronto Organization for Domestic Workers' Rights

April 1993



(INTERCEDE)

DOMESTIC WORKER MISREPRESENTED AGE, BUT COURT RULES AGAINST DEPORTATION

In November 1989, Grace Daca came to Ottawa to work as a domestic worker under the Foreign Domestic Movement (FDM) program. When she left the Philippines she had lied about her age to avoid paying an exit fee and she used an incorrect date of birth when she applied for her visa to Canada.

When Grace learned from friends in Toronto that they were being encouraged to correct misrepresentations of marital status, dependent children and education by reporting these misrepresentations to Immigration, she decided to correct the date of birth on her visa. She was also assured at an information session conducted by the Ottawa Immigration office that this age misrepresentation would not lead to deportation.

Unfortunately, after admitting her correct age in June 1991, Immigration stopped processing her file, her application for landing was not assessed and she was not given an open work permit. Finally, in April 1992, Immigration sent Grace a notice to submit to an inquiry and began the process to deport her.

At the South Ottawa Community Legal Clinic, lawyer Chantal Tie took up Grace's case. The lawyer was told by Immigration that Grace was being deported because she had lied to the Canadian Embassy in Manila when she applied for a visa and that this lie about her age was evidence of her "untruthful character".

An application was filed in the Federal Court to review Immigration's decision to deport Grace and to prevent proceeding with the inquiry.

On July 16, 1992 the day before the deportation hearing, Justice Dube of the Federal Court ordered a

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Question and Answer

TO BE PERMANENT RESIDENT LIVE-IN CAREGIVER MUST COMPLETE 2 YEARS' WORK WITHIN 3 YEARS!

Q. Do I have to complete two years of work before I submit my open permit?

A. You don't "submit an open permit", you send an application for Permanent Residence together with an application for an Open Employment Authorization.

Under the Live-in Caregiver Program (LCP) you are required to complete two years of live-in caregiving work to qualify for permanent resident status but you have to complete this two-year-requirement within three years from the time you arrived in Canada under the LCP.

For example, if you arrived in Canada under the LCP in May 1992, but you only completed the two-year-work-requirement in July 1995 (three years and two months from May 1992), you may not qualify for permanent resident status.

In discussions with Immigration policy officers, we are seeking clarification whether this rule would apply to those who came under the FDM, that is, before February 1, 1993. We are also seeking exemptions to the two-year-work-in-three-years for circumstances beyond the control of LCP participants such as accumulated months of unemployment, periods of illness, delays in receiving employment authorizations etc.

Q. I arrived under the Foreign Domestic Movement (FDM) program in October 1991 but was terminated from my employment as a cook and family driver in

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The **monthly meeting** will be on Sunday, April 4, 1993 at Cecil Community Centre, 58 Cecil Street from 3-5 p.m.

From 1 pm - Volunteers will be giving individual assistance to members in filing their Income Tax returns. Bring documents needed.

3:00-4:00 pm **Managing Our Limited Income and Tax Returns**
By Michael Raghubir, Senior Tax Manager, IG Tax Services

4:00-5:00 pm **Easter Songfest**
Members are encouraged to present individual/group songs and bring their own accompaniment

CLASP Legal Clinic open during the meeting.

2-3 pm New Member Applications and Renewals. Members with ID numbers 92-848 to 92-1040 must renew or be dropped from membership list.

From Pg 1 - Q/A

July 1992. It has now been seven months that I have not been able to find employment because my prospective employers are refused validation by Canada employment because the position is not that of a "caregiver".

Since my experience in Canada under the FDM does not include caring for a child, an elderly or disabled person, I might not be able to find an employer who can get a Canada employment validation. Then I might not be able to meet the two-year-live-in-work requirement to qualify for permanent residence.

A. Immigration is now exempting those of you who arrived under the FDM from having to find exclusively caregiving work specified in the Live-in Caregiver Program (LCP). More is written about this exemption in another article of this newsletter entitled "FDM Workers Can Get New Employment Authorization Under Exemption Code E92". Contact INTERCEDE immediately for assistance.

Q. I have been on Open Employment Authorization since February 1990 and I expect to receive permanent resident status before the end of 1993. Can my husband visit me? Can I sponsor my husband while he is visiting me?

A. Once you have received your permanent residence and you meet the sponsorship requirements, you can sponsor your husband from within Canada, but make sure that his visitor's visa is valid all the time while the sponsorship is being processed. Your husband can visit you in Canada as long as he can acquire a visitor's visa.

Q. Is it true that my family will be assessed at the same time as me when I apply for permanent residence?

A. From April 1, 1993, a domestic worker who applies for permanent residence will be assessed together with her spouse and dependents. This means that

Cont'd Pg 4 - Q/A

From Pg 1 - Misrepresentation

temporary halt to the deportation proceeding against Grace. Then in December 1992, Justice McGillis ordered a permanent halt to the deportation proceeding; asked Immigration to process Grace for landing; and prohibited Immigration from ever trying to deport Grace because of the lie about her age.

Through this decision, the Court made it clear that a lie, by itself, is not enough to lead to deportation, when the lie has nothing to do with qualifications for a visa. The Court considered that when Grace lied about her age, this was a minor thing and had no major impact on her qualifying to enter the FDM.

Of course Grace Daca was very happy with the outcome in her case, but the anxiety and insecurity were very hard on her. Her landing was delayed for more than a year and a half, and she was not allowed to work for more than six months while her case was in the Federal Court.

It is important for domestic workers in the FDM, now LCP, to correct errors or misrepresentations about marital status, children, age etc. But there is always a risk, as Grace has experienced. Lawyer Chantal Tie cautions that before reporting any misrepresentation, domestic workers should ask help from an experienced Immigration lawyer through a legal aid office or a domestic workers' organization like INTERCEDE in Toronto.

Thanks to Chantal Tie for the above article. Chantal is a barrister and solicitor connected with the South Ottawa Community Legal Services.

We wish to thank the Employment and Immigration Canada (Immigration Settlement and Adaptation Program), Secretary of State, Multiculturalism and Citizenship, Ontario Ministry of Citizenship, Ontario Women's Directorate, the Municipality of Metropolitan Toronto (Community and Social Services), and the City of Toronto Grants Review Board for their continuing support.

TO ALL SUBSCRIBERS (Does not apply to current members)
INTERESTED TO CONTINUE RECEIVING THIS NEWSLETTER? SEND THE FORM BELOW WITH PAYMENT.
IF NO RENEWAL SUBSCRIPTION BY END OF APRIL, WE'LL REMOVE YOUR NAME FROM OUR MAILING LIST.

RENEWAL SUBSCRIPTION :

NEW SUBSCRIPTION :

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MAIL TO : INTERCEDE, 489 College St., Suite 402, Toronto, Ontario M6G 1A5

Please send DOMESTICS' CROSS-CULTURAL NEWS to :

NAME : _____

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YEARLY SUBSCRIPTION RATES :

INTERCEDE Members :	FREE	Non-member Domestic :	\$20.00
Non-Profit Organizations:	FREE	Others	\$25.00

FDM WORKERS CAN GET A NEW EMPLOYMENT AUTHORIZATION UNDER EXEMPTION CODE E92

As of January 1993, all participants who were admitted to Canada under the Foreign Domestic Movement (FDM) Program, and are unable or unwilling to obtain a validated job offer from the Canada Employment Centre(CEC) can now apply to Immigration under the new E92 validation exemption code for a new Employment Authorization.

In order for E92 to be approved the FDM participant must demonstrate the following:

- they are in Canada under the FDM program
- they have been working in an occupation(s) under the FDM
- they have been residing in the home of their employer
- they will be residing in the home of their new employer and will be working in an FDM occupation.

FDM participants must also provide:

- a letter from their prospective employer stating their job title, duties, expected length of employment, wages and working conditions. The letter must also confirm that the applicant will be residing in the home of the employer.
- a copy of their current and previous employment authorization(s).

These requirements will apply to those workers who were issued employment authorizations as a Housekeeper, Companion, Servant-Domestic, Babysitter, Children's nurse or Parent's Helper while under the FDM. Workers whose applications were received by a foreign visa office prior to the closing of the FDM Program on January 30, 1992 will also be eligible under E92.

Since the implementation of the new Live-In Caregiver Program(LCP) INTERCEDE has received several complaints from both domestic workers and employers because the CEC's were only validating job offers for live-in Caregivers. They were not approving job offers for the six occupations listed under the former FDM Program.

In recognition of this problem, Employment and Immigration Canada has created the new E92 validation exemption code for those FDM participants who were admitted to Canada with the understanding that they could work in any of the occupations under the FDM Program.

Note, E92 has been created as a transitional measure only. Once all the workers who entered under the FDM have been landed or have left Canada, the E92 will be cancelled.

SISTREN EDUCATES INTERCEDE MEMBERS ON STRUCTURAL ADJUSTMENT

On February 28, 1993 INTERCEDE welcomed the SISTREN Theatre Collective from Kingston, Jamaica. SISTREN meaning 'sisters' is an independent women's cultural organization which has gained international acclaim for its theatre work that confronts the public with the problems facing women and brings pressure for society to change.

The theme of our workshop was Structural Adjustment as it relates to women and development. To many of us the topic itself was foreign and we were eager to learn how structural adjustment has affected the third world and us as women and as domestic workers who have had to leave our homes to work in Canada.

In the simplest of terms, we discussed how Structural Adjustment Policies involved the conditional rules placed on third world countries to pay back the financial aid from the International Monetary Fund(IMF).

Through video and various drama techniques we saw how these policies have contributed to the unemployment, intolerable wage/labour conditions, violence and competition for scarce resources in these countries.

And how countries are put in an impossible position of having to borrow money from the IMF just to pay off the money already borrowed, in addition to reducing the spending on social programs, and keeping the wages low, etc. so that excess money can be put towards the debt.

One result of this is that the economic and social status of women decreases as they are expected to work harder and longer for less money. It leaves them more vulnerable to sexual harassment in the workplace. And, when social programs are cut, it is the women who are expected to take care of the children and the elderly for free because of the lack of affordable services.

Although we were not able to deal with all the issues, the SISTREN workshop provided us with a fresh look at the forces which oppress us as women. Their techniques created an atmosphere where we could talk about our own experiences and begin bridging the gap between us as individuals and the policies that affect our communities.

We left the workshop energized and feeling better able to speak about the issue of structural adjustment!

From Pg 2 - Q/A

they will go through medical and security clearance before you obtain permanent residence and that a one-time assessment will be done for you and your family.

The worrisome aspect of this change is that if one member of the family fails to qualify in the assessment, the whole family, including the domestic worker who has met the LCP requirement might not be approved for immigrant status.

INTERCEDE considers this a big problem and thoroughly unfair for a domestic worker who has already spent several years meeting the two-year-work requirement within three years of entering Canada under the LCP. INTERCEDE is seeking clarification from Immigration policy officers and will keep members and readers posted.

Q. What fees must I pay when I apply for permanent residence?

A. A domestic worker will pay \$450 for her own application plus \$100 to extend her employment authorization to an open permit.

There will be no more additional waiver fee of \$250 which used to be charged previously for an Order-in-Council.

Once the worker receives her permanent residence and sponsors her family the fees payable will be: \$450 for her spouse, \$450 for any dependent child over 19 years of age, and \$50 for each dependent child under 19.

Currently, the fee to extend an employment authorization remains at \$100; to get a student authorization is \$100; to extend a Minister's Permit is now \$150.

Q. I filed my application for permanent residence in May 3, 1990, to this day I have heard nothing. I am on open permit now but does it matter what kind of work I'm doing or who I work for?

A. An open employment authorization allows you to work in Canada, wherever and for whomever you want. The almost three year delay is happening to some other people. Write Immigration to inquire about your status, making sure to refer to your file number, or come to INTERCEDE office for assistance.

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c/o INTERCEDE

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

FIRST CLASS

MARK YOUR INTERCEDE CALENDAR

MONTHLY MEETING: Planned topics and activities:

Sunday, May 2, 1993

Domestic Workers' Rights in
New Immigration Law
Learn to Dance

INTERCEDE BOWLING SUNDAYS

Sunday, March 28, 1993
from 1:30 pm to 5 pm
Thornccliffe Park Bowlerama
Thornccliffe Park Drive
(Pape Subway, Thornccliffe Bus)
For more info call Eva 324-8751

Sunday, April 18, 1993

**ALL-DAY ORIENTATION
FOR NEWCOMERS**

10:00 a.m. - 4:00 p.m.
George Brown College, Room 517
200 King St. East (King Subway)
Call to register 324-8751

Sunday, April 18, 1993

Caribbean Domestic Workers' Meeting
3-5 pm at INTERCEDE
489 College Street, Room 402
Must register, Call Carol 324-8751

Sunday, April 25 1993

PILIPINAS GROUP

2:00 p.m. - 5:00 p.m.
58 Cecil St., Cecil Community Centre,
Call and Register 324-8751

INTERCEDE SERVICE UNIT

Place : 489 College St., Suite 402, Toronto, Ont
Time : Monday - Friday, 9 am - 4 pm
Telephone : (416) 324-8751 Fax No. 324-8790

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FIRST CLASS