

IRCC Vows to Clear LCP Backlog

On 3 December 2017, the Minister of Immigration, Refugees and Citizenship Canada (IRCC) Ahmed Hussen, announced at a press conference in Toronto that the IRCC will be:

- Finalizing at least 80% of the cases that were in the Live-in Caregiver Program (LCP) inventory as of October 1, 2017 by the end of 2018;
- Processing 80% of new, complete LCP applications submitted on or after October 1, 2017 within 12 months; and
- Admitting high numbers of LCP caregivers and their family members as permanent residents until the remaining cases are processed.

These measures are being taken to address the notoriously long processing times for permanent residence applications under the LCP which have resulted in many years of physical separation between LCP participants and their families.

Aside from addressing the backlog, Minister Hussen also said that the long promised removal of the \$1,000 LMIA application processing fee paid by those wishing to hire caregivers for people with high medical needs will be implemented very soon. The same fee exemption will also be granted to those wishing to hire caregivers for children whose annual household income is less than \$150,000.

While these efforts are commendable, they still failed to address the issues relating to the ongoing vulnerability of caregivers due to the employer-specific nature of their work permits and their conditional status (i.e. the requirement to complete at least two years of full time caregiving work before qualifying to apply for permanent residency, among others).

Moreover, after the LCP's cancellation in 2014 and with the expiration of the Ministerial Instructions that created the two Caregiver Pathways (Caring for Children Class and Caring for People with High Medical Needs Class) in 2019, it remains unclear whether caregiver work permit holders would still be qualified for permanent residence in the future or will end up as 'disposable' temporary workers who will never qualify for full membership in Canadian society. To paraphrase the slogan of caregiver activists: if they are good enough to work, shouldn't they be good enough to stay?

We also hope that expediency will not trump fairness in that the efforts to get rid of the backlog will hopefully not result in quick refusals for those whose applications are not so straightforward and will need further consideration on humanitarian and compassionate grounds.

We trust that the recent announcement will just be one of the many significant changes that will be introduced towards alleviating the sufferings of caregivers who are initially admitted to Canada as temporary workers yet whose contributions to Canadian families have been invaluable.

Below are some excerpts from Minister Hussen's delivered speech at the press conference, as published in the IRCC website:

"As of October 2017, we reduced the backlog in the former Live-in Caregiver Program to about 23,000. This is a significant progress, because in May 2014, the backlog reached a high of 62,000, so we've reduced it to 23,000 people. We accomplished this by implementing efficiencies such as dedicating additional resources specifically to reduce this backlog. And I'm happy to report that we are now on track to reach 5,000 more applications and making final decisions than originally planned for 2017.

We have also added a new communications protocol where we contact caregivers and their family members to help ensure that their applications are complete. This allows us to process applications even faster. Also, as you know, in our new multi-year immigration levels plan, we will also continue to admit high numbers of permanent residents under the old Live-In Caregiver Program until all the remaining cases are closed. Under the levels planned, we plan to admit as many as 20,000 caregivers as permanent residents, which would double the average admissions of about 10,000 between 2005 and 2014. So we're doubling the numbers of intake so that we can reduce and eliminate the backlog in the old Caregivers program.

...

While we have made good progress at reducing the backlog, we recognize that we must do more to reunite caregivers and their families even more quickly. So under our government's plan, we will largely eliminate this backlog within a year. This means that caregivers will be able to reunite with their families even faster. Therefore, I'm happy to tell you all today that we will finalize 80 percent of all the cases in the caregiver inventory by the end of 2018.

Under our government's plan, we will also commit to finalizing 80 percent of all new and complete applications submitted on or after October 1, 2017, within a year. The government has heard caregivers' concerns and, while many live-in caregiver applicants have faced long delays in family separation, they can rest assured that they will soon receive a decision on their application.

...While the government is committed to supporting caregivers, we also wish to provide better support to the parents and families who need them.

That is why, as part of Budget 2017, we will maintain our commitment to eliminate the \$1,000 labour market impact assessment fee for most Canadian families who need a caregiver. As proposed in Budget 2017, this fee would be eliminated for all families in need of a caregiver or a person with high medical needs. This fee will also be eliminated for families who need a caregiver for children with a household income of less than \$150,000. Further developments are expected on these two measures very soon."

For now, the above sounds like wonderful news for caregivers under the LCP who have recently been or will soon be granted their long-awaited PR status and finally reunited in Canada with their families. A well-deserved reward for these unsung modern heroes.

Here's wishing you all a blessed Christmas, happy holiday season and wonderful new year!

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