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Changes to the New Caregiver Program – True Reforms or More of the Same?

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On 3 June 2024, the IRCC Minister Marc Miller announced changes to the previous Caregiver Pilot Programs which include the following:

1. Caregivers will be granted permanent residence at the outset
2. IRCC is working towards making the caregiver pilot program permanent
3. The language requirement will be lowered to CLB 4 (from the previous CLB 5)
4. The education requirement will be the equivalent of a Canadian high school diploma (from the previous 1 year completed post-secondary credential)
5. In addition to caregiving work in a home setting, caregivers will also be allowed to work for “organizations that provide temporary or parttime care for people who are semi-independent or recovering from an injury or illness.”

Other than a summary of the changes, no further details have been provided. The IRCC only stated that it plans to release the full details of the new caregiver program sometime between the fall of 2024 to early 2025. Therefore, many questions remain. So while we await the implementing details of this new program, we hope that IRCC will try to ensure that the following issues will be properly addressed to avoid recreating problems experienced in past caregiver programs:

Quota Allocation

The most recent caregiver pilot programs had an annual quota of 5,500 (equally divided in to 2,750 each for the Home Childcare Provider and Home Support Worker Programs). In the past few years, the quota for the Home Childcare Provider program was filled just a few hours after they were launched on January 1st, leaving out many potential applicants who had to wait another year before they can submit their applications. Thus, if quotas will remain, it may be more reasonable to at least spread them throughout the year (e.g. allocate numbers monthly or quarterly), based on IRCC's capacity to process them in a timely manner.

Reasonable Processing Time

Compounding the above issue is that, after forcing potential applicants to scramble for limited spots, the processing time for caregiver applications have typically taken at least a few years on average. However, the longer the processing took, the greater the chance that the job offer would have become invalid for various reasons, e.g. kids have grown up or the persons to be cared for died or had been moved to a nursing facility.

It may make more sense therefore, to open up fewer slots at a time, based on the IRCC's capacity to process them in a fairly quick manner, instead of allowing the rest of the application inventory to languish in processing limbo. Moreover, providing real time updates will contribute towards a more transparent, fair, and efficient system.

Making Employers Equally Accountable for Job Offers

It is crucial that any new caregiver program will not again become a magnet for unscrupulous employers or their agents, who may sell "job offers" to potential applicants for the sole purpose of meeting PR eligibility requirements.

In past caregiver programs, caregivers have been penalized (e.g. refused entry or charged with misrepresentation) for allegedly fake job offers, even if it was due to a change in the employer's circumstances beyond the caregiver's control.

To avoid these types of scenarios from proliferating once again, prospective employers (and not just the caregivers) must be carefully screened and be made equally accountable in verifying the genuineness of job offers and prosecuted for taking part in fraudulent activities.

Pending Applications under Previous Caregiver Programs

While IRCC claims that it has significantly reduced the caregiver backlog, the fact remains that there is still a substantial number of caregivers who are waiting for their applications to be finalized (including some who had been waiting for more than 10 years!). Now that the new program promises permanent resident status at the outset, it will seem highly unjust not to have a plan to clear all the pending applications under the previous caregiver programs before a new one is rolled out.

Proper Information on Legal Rights and Support Systems

Although caregivers who are already granted permanent residency at the outset will become less vulnerable to abuse, it cannot be denied that there will continue to be power imbalance between caregivers and their employers. Since their PR status will be conditional to the performance of caregiving work, caregivers must be provided with relevant information on their rights and support systems available to avoid being trapped in a cycle of abuse and exploitation inherent in this type of occupation.

In principle, these recent changes are a welcome move, particularly the grant of PR status at the outset. This had long been the goal of caregiver advocates who have fought for decades to end the abuse and exploitation that were perpetrated under the previous caregiver programs. However, considering its idiosyncratic record, one cannot help but remain skeptical, albeit hopeful, that these changes will truly lead to an improved caregiver program instead of rehashing more of the same.