

February 17, 2021 - No. 7

The Fight for Status for All

Permanent Resident Program for Refugee Claimants Dismally Fails Migrant Workers



- **Who Can Apply for Permanent Residence Status Under the Immigration Department's "Special Measures?"**

Honduras

- **Mass Migration, a Post-COVID-19 Legacy - Javier Suazo**

The Fight for Status for All

Permanent Resident Program for Refugee Claimants Dismally Fails Migrant Workers

Immigration, Refugees and Citizenship Canada (IRCC) is now accepting applications for its "special measures for refugee claimants working in health care during the pandemic." People can apply until August 31, 2021.

This program was put in place after Quebec Premier François Legault's declaration on May 25, 2020 that he would consider allowing refugee claimants working in Quebec long-term care facilities during the pandemic to permanently settle in Quebec. The program was officially announced in August and the IRCC started accepting applications on December 14, 2020.

The temporary program allows certain refugee claimants, only those who "provide direct care to

patients" during the COVID-19 pandemic, to apply for permanent resident (PR) status. It also permits applications from spouses and common-law partners of eligible asylum seekers who contracted COVID-19 and died, if the applicants are in Canada and arrived before August 14, 2020.



According to Federal Immigration Minister Marco Mendicino this temporary program is to recognize "the dedication of the many asylum seekers who have raised their hands to serve as we live through a unique and unprecedented situation."

Under the Canada-Quebec Accord the Quebec government has sole responsibility for deciding who will become permanent residents so the federal government has developed two temporary policies, one for people living in Quebec and another for those residing outside of Quebec. It is estimated that most of the eligible workers are in Quebec.

Applicants residing in Quebec must first submit an application for permanent resident status to Immigration, Refugees and Citizenship Canada (IRCC). If they qualify under the federal requirements, the Quebec Ministry of Immigration, Francization and Integration (MIDI) must then validate whether they also meet the requirements under its special program. If they do the MIDI issues a Quebec Selection Certificate (CSQ) and the IRCC grants permanent resident status.

Quebec's Immigration Minister, Nadine Girault, said that the purpose of the special program "is to recognize the exceptional contribution of asylum seekers who worked on the front line, with people who were sick and with our seniors, during the first wave of the health crisis," and allow them to "continue their essential contribution to health care and integrate fully into Quebec society."



Those eligible for the "special measures" represent a small fraction of the thousands of asylum

seekers who worked, and continue to work, providing essential services in health care as cooks, cleaners, and in other positions that do not provide "direct care to patients," as well as those working in other economic sectors. These workers are not recognized for their sacrifice and contribution to keeping society functioning and safe, and are not eligible for the program.

(Photos: WF, CAC, D. Hammond)



Who Can Apply for Permanent Residence Status Under the Immigration Department's "Special Measures?"

In a news release and backgrounder issued on December 9 by Immigration, Refugees and Citizenship Canada, the criteria for granting permanent resident status to certain asylum seekers is laid out.[1]

The news release states:

"Among other criteria, individuals eligible for consideration under these public policies must:

- be a refugee claimant, with either a failed or pending refugee claim, who claimed asylum before March 13, 2020, and continued to reside in Canada when their application for permanent residence under this public policy was made;
- have been issued a work permit after they made their refugee claim;
- have worked in a designated occupation providing direct patient care: in a hospital, public or private long-term care home or assisted living facility, or for an organization/agency providing home or residential health care to seniors and persons with disabilities in private homes;
- have a Quebec Selection Certificate, if wishing to reside in Quebec; and
- meet existing admissibility requirements, including those related to criminality, security and health.

"Some refugee claimants would be excluded from applying, including those who have been found ineligible to have their refugee claim referred to the Immigration and Refugee Board of Canada, or who have withdrawn or abandoned their claims."

Applicants must advise the Immigration and Refugee Board (IRB) that they have applied, so that any pending refugee claim can be placed on hold. Once IRCC confirms their eligibility and that they have the required work experience, any removal order they are under will be stayed until a final decision on their application is made.

The pending or failed refugee claimant must also have been authorized to work in Canada by virtue of a work permit "unless the individual lost their authorization to work as a result of a removal order against them becoming enforceable due to a final negative decision of their refugee claim, in which case work performed subsequent to the loss of that authorization need not be authorized." In other words, if someone lost their work permit after a removal order was issued against them and nonetheless continued to work to ensure their survival, they may apply for the program. However, if they are rejected, it leaves them without any recourse and at risk of

immediate removal from Canada.

If applying for permanent resident status under these "special measures" anyone who has received a final negative decision from the IRB and has "commenced an application for leave and judicial review of the negative IRB decision in Federal Court, or an appeal in relation to the underlying IRB decision at the Federal Court of Appeal" must withdraw their claim at the IRB or their appeal of the negative decision "in order to be granted permanent residence through the public policy." Should they not withdraw, "those processes will continue to proceed but their application for permanent residence under this public policy will be refused."

Persons not eligible include: "Persons whose refugee claims were: determined to be ineligible to be referred to the IRB; determined to be withdrawn (unless withdrawn immediately prior to being granted permanent resident status through this public policy) or determined to be abandoned; determined to be manifestly unfounded (MUC) or with no credible basis (NCB); determined to be excluded under Article 1F of the Refugee Convention; or a determination that refugee protection has been ceased or vacated are not eligible for this public policy."

1. "IRCC announces opening date of special measures for refugee claimants working in health care during the pandemic," Immigration, Refugees and Citizenship Canada, December 9, 2020



Honduras

Mass Migration, a Post-COVID-19 Legacy

- Javier Suazo -



January, 2021. Caravan of Honduran migrants travels through Guatemala.

"Trump's response has been to enact draconian immigration policies that seek to repeal our asylum and refugee laws, along with severe reductions in our foreign assistance to the region." -- Joe Biden

In the agrarian reform programs of the '70s and part of the '80s, internal migration was part of State policy for the organization and training of peasant farmers, in order for them to access good quality productive, uncultivated land in the possession of large landowners. As well, there was a strategy of transferring peasant families from less developed areas to those with greater potential, although part of the promised land was State-owned.

These policies and actions had, on the one hand, the support of international cooperation, which provided food and clothing to "migrant" peasants, as well as of the State itself, with programs to provide technical assistance, credit and tools. But these programs were also supported by multilateral banks for the execution of agricultural development projects, sustained through the export of crops such as bananas, cashews, cotton and citrus fruits, with transnational companies and local intermediaries controlling the commercialization of the products as a way of transferring the risks of production to the farmers and government themselves.

It has not been the same with migrations outside the country, where although the risk is borne by individual migrants and families (today they seek the American dream -- the father, mother, children and other relatives), this has expanded after the political crisis generated by the coup d'état in June 2009. Before that, in general, external migration was voluntary and spontaneous. People who managed to cross the border between Mexico and the U.S. sent money to their relatives to set out, or hired a "coyote" to help them on their route to the north. Some of them stayed working in Guatemala or Mexico, to accumulate the money to guarantee a safe journey, others simply returned, or were deported by the Mexican or *gringo* immigration authorities.

Today migration to the U.S. has become complicated. On the one hand, the paralysis and abandonment of the agrarian reform programs led to the expulsion of the peasant population from the countryside to the city, and eliminated the induced migration programs supported by the State and international cooperation. Along with this came increased concentration of ownership and rural precariousness, which translated into greater poverty and food insecurity. Since the '90s, the fashionable programs have been Conditional Cash Transfers and food aid, putting the country deeper into debt and using the surplus of basic grains that U.S. producers "subsidized" by the State cannot sell in their regional market, negatively impacting local production.

This was further complicated by the deepening of orthodox economic stabilization and structural adjustment policies and programs supported by the International Monetary Fund (IMF) and World Bank, resulting in the contraction of State spending, hurting peasants involved in domestic agriculture. All of this has added to greater concentration of property ownership and dispossession of natural resources and biodiversity from the communities. Contrary to what was intended by their design, these policies have generated greater migration, but also less economic and social protection for vulnerable and poor families.

COVID-19 and natural phenomena such as hurricanes Eta and Iota have made this situation of inequality and the lack of opportunities more visible for rural families, and is now also affecting mostly young people in populated centres, where jobs are a rare commodity, and violence, drug trafficking and corruption directly involve the government.

The government and politicians' discourse is that migrants are the problem, so it is necessary to try by all possible means to get them to refrain from migrating, although in reality it is a human right. A father of a family who lost his land for not paying his debts to the bank because the harvest was lost, who, in the city was fired from his precarious job due to the lockdown and avoiding contagion with COVID-19, then had his house destroyed by Eta, has few options to feed his family and survive, so the closest thing at hand is migration or death.

The government of the Republic hopes that things will return to "normality," as it existed before COVID-19, but with policies that promote the concentration of rural property ownership, the

destruction of natural resources, economic and social exclusion due to the lack of large-scale popular housing programs, access to education, health and sustainable jobs organized by the State, this normality is not like that; rather it was and will be an exclusionary normality.

Donald Trump's policy, accepted without any fuss by the governments of Honduras, Guatemala and Mexico, also made it possible, in practice, for migration to be criminalized as an offence, despite the discourse of public officials and police that it is and continues to be a human right. These countries became an extension of the *migra gringa*, [the U.S. Immigration and Customs Enforcement agency] since their police forces are responsible for persecuting the migrants. They are organized and held in public centres (which some call cages) or in social centres, waiting for their asylum application to be processed, which does not arrive; but others are simply deported and separated from their children, without having processed their request through the authorities of a safe country, be that Guatemala or Mexico.



January 14, 2021. Migrants leave San Pedro Sula, Honduras heading north.

On January 14, 2021, a new migrant caravan left San Pedro Sula, the industrial capital of Honduras, some 3,000 people according to official figures, concentrating more than 6,000 people on the border with Guatemala on Sunday, January 17 (new caravans were added on the weekend), according to data reported in the non-monopoly press, that included children, but also older adults, pregnant women and disabled people. The Honduran Police, instead of encouraging them to continue and wishing them good luck, tell them to watch out for the *migra* of Guatemala and Mexico, and to forget about getting to the U.S. border. In addition to personal papers (identity and children's birth certificates), a COVID-19 test is required to enter Guatemala, as those who do not comply will be deported.

The mobilization of Guatemalan police and military to the border with Honduras has been dramatic, as with the Mexican police to the border with Guatemala, where the slogan is *No Pasarán*, like the commitment made to Donald Trump when they accepted to operate as "safe countries" for migrants. The press talks about Hondurans being deported before they enter Guatemala, that is, by Customs and associated officials, but the migrants do not plan to return and are facing the police and the military, hoping to get past some 20 security cordons between the border with Guatemala and Mexico.



January 17, 2021. Migrants brutally attacked by Guatemalan police and military.

The deportees will be registered by the Honduran authorities, since there is an Executive Decree No. PCM-033-2014 that declares a humanitarian emergency due to mass migrations and obliges the government to activate the social protection system whose main policy is the Conditional Cash Transfers and food aid, added to temporary and poor-quality employment when there are resources and projects that require, for the most part, unskilled labour. Likewise, centres for the care of children and migrant families are supposed to be activated, but there is no guarantee of an effective reintegration into the labour market, or to schools and homes.



Migrants face Guatemalan police.

Figures from the National Migration Institute (INM) of Honduras show that in 2020, there were 43,757 Hondurans deported from the United States, Mexico and Guatemala, of which 10,484 were minors. A curious fact, the largest number of deportees are from Mexico, not the U.S., which shows that Trump's policy has been effective, although the costs are borne by the safe country, in this case Mexico.

The migration of Hondurans is taking place within days of Joe Biden's inauguration as President of the United States. In the imagination of the migrants, there is hope that the new occupant of the White House will relax or eliminate the policies, actions and laws approved by the Trump administration, which at the end of its mandate has dedicated itself to obstructing the incoming government's actions and delaying the coming into effect of new laws. Likewise, they are betting on Biden keeping his campaign promise to grant residency to the largest possible number of Latin Americans living in the U.S. There are also demands that children not be separated, and that those who are unaccompanied be given due protection and be reunited, eliminating Trump's so-called "zero" tolerance.

It is hoped that Biden will resume the initiative of the Plan for the Alliance of the Northern Triangle of Central America (Guatemala, El Salvador, Honduras) that he led when he was vice president in the Obama administration, but which was discontinued or remained on paper, as it was a government that specialized in deportations. This plan had a budget of \$750 million to accelerate the necessary reforms in the region, focused on fighting organized crime, reducing poverty and strengthening public institutions contaminated with the virus of corruption and inefficiency. One problem, in addition to Trump's freezing of funds, was trusting leaders and governments contaminated with corruption and in collusion with organized crime.



This initiative was taken up by Mexico with the support of the Economic Commission for Latin America (ECLAC), when formulating and approving the Comprehensive Development Plan for El Salvador, Honduras, Guatemala and Mexico, but the Central American governments and migrant support organizations are still waiting for financial resources in the amounts promised. In addition, although it had the support of the United Nations and the EU, this plan was born lame, since it runs counter to Donald Trump's policy for the region, who even developed an agenda parallel to the Plan's proposals. As well, it is based on governments and political leaders under investigation for acts of corruption and accused of having links with drug trafficking. It is expected that with Biden

the work agenda of the Plan will be resumed, but ECLAC should adjust its proposals and look to foster a more benign approach to the all-round development of the countries, consulting the people and their supporting organizations.

Within Honduras, the evidence shows that the policies and laws in support of migrants do not work, given that the economic, agricultural and social policy implemented since the coup d'état is exclusionary by definition, with a failed economic model accepted as valid. This extends to the actions of the National Commissioner for Human Rights, with the Human Security Strategy for Local Development, which is seen as a palliative for the policy of centralized power and the systematic violation of human rights, that has little impact on the quality of life of families in the municipalities and the demand for citizens' rights.

Choluteca, Honduras, January 17, 2021

(ALAI, January 18, 2021. Translated from original Spanish by TML. Photos: ajplus, Informadornews, Belize Politics, B. Slabbers)



(To access articles individually click on the black headline.)

PDF

PREVIOUS ISSUES | HOME

Website: www.cpcml.ca Email: office@cpcml.ca