



Pathways to Precarity: Barriers to Information and the Creation of Migrant Precarity

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Freedom of Information and Privacy Association

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For the BC Freedom of Information and Privacy Association

Territorial Acknowledgement

FIPA acknowledges with respect the Indigenous Peoples on whose traditional territory we conduct activities. We acknowledge the insight and knowledge of Elders past, present, and emergent and their relationship to this land and these issues. While striving to increase privacy protection and access to information for everyone, we recognize that colonization and associated attitudes, policies, and institutions have significantly changed Indigenous Peoples' relationship with this land. For many years, those same things served to exclude Indigenous Peoples from the privacy protection and access to information afforded to others. FIPA is committed to redressing those historic and continued barriers.

About FIPA

The BC Freedom of Information and Privacy Association (FIPA) is a non-partisan, non-profit society that was established in 1991 to promote and defend freedom of information and privacy rights in Canada. While we are based in BC, our membership extends across Canada, and we regularly partner with organizations throughout the country.

Our goal is to empower citizens by increasing their access to information and their control over their own personal information. We serve a wide variety of individuals and organizations through programs of public education, public assistance, research, and law reform. We are one of very few public interest groups in Canada devoted solely to the advancement of freedom of information and privacy rights.

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Abstract

Immigration, Refugees, and Citizenship Canada (IRCC) has the most solicited Access to Information and Privacy (ATIP) program within the Canadian government, receiving hundreds of thousands of ATIP requests from migrants each year. Through a freedom of information lens, this boom in ATIP requests to IRCC is concerning because of the burden it has placed on the federal access regime and the implications it carries on the lack of government transparency leading to such high request rates. Beyond this, however, is a larger context of the globalization of labour, Canada's discriminatory nation-building project, and the creation of precarity throughout Canada's immigration and citizenship system. Together these factors create conditions that render migrants further exploitable, with no security of presence in the country. Amidst critiques from migrant advocacy organizations, the Office of the Information Commissioner, and even the Canadian Bar Association of Canada, IRCC has committed to a multi-year plan to revamp its systems in better service of migrants' needs. Rooted in principles of freedom of information and migrant justice, this paper seeks to not only interrogate the issue of migrants' barriers to information but also assess various proposed solutions for moving forward.

Keywords: Migrants, access to information, privacy, immigration law, precarity, temporariness, nation-building, labour, migrant justice

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Introduction

Deriving its mandate from the *Department of Citizenship and Immigration Act* and working alongside the Ministry of Public Safety and Emergency Preparedness, Immigration, Refugees and Citizenship Canada (IRCC) functions as one of Canada’s primary gatekeepers. IRCC not only builds and maintains the various pathways into Canada—temporary resident entry, permanent residency, and Canadian citizenship—but it also helps to construct the different versions of Canada that exist for the pedestrians of each pathway. The Canada that is known by temporary residents, for example, is a much smaller one than that known by Canadian citizens, who are afforded the full scope of rights and opportunities possible by the state. Even more minutely, the Canada known by temporary residents present in the country through a closed work permit, too, is narrower than that known by temporary residents holding an open work permit. The multitudes of Canada that exist based on immigration status do not exist in vacuums: temporary residents, for example, are aware of the new doors opened by permanent resident status, and more and more each year seek to cross those thresholds.

Those who seek entry, residency, and ultimately belonging in Canada go by many names in the legal context: foreign nationals, migrants, aliens, temporary residents, applicants, “illegal” immigrants, undocumented peoples, and so many more, specific facts depending. At the core of it all, the distinctive and identifying feature of this group and what renders them vulnerable is that they originate from outside Canadian borders. They are essentially outsiders attempting to become insiders, and in this way they are at the mercy of the receiving state and its gatekeepers as to whether they succeed in that attempt. In fact, they are at the mercy of the receiving state in a bigger way, too: as a country that has and continues to benefit from colonization, Canada boasts the possibility of a new, better life, particularly for those from countries that suffer from poverty, low rates of employment, and political corruption as consequences of colonial violence. Individuals from these exploited countries are, in essence, forced to flee their own homes in search of security and opportunity for themselves and their families, security and opportunity taken from their home countries often at the hands of the countries to which they end up fleeing. This is the reality of global migration and the ongoing colonial hegemony underpinning it. The term “migrants” will thus be used for the duration of this paper in specific reference to this reality.

Building upon the earlier metaphor of various pathways, if transition from one pathway to another—from one version of Canada to another—requires the unlocking of a door, as Canada’s immigration and citizenship system currently stands, access to information and privacy laws have emerged as

the keys for that unlocking. The door itself, of course, is the IRCC—the gatekeeper. As migrants seek to enter and build their lives in Canada, they interface intimately with the IRCC. They must learn and navigate the standards and processes of the IRCC in order to fully and properly pursue their immigration goals, yet all too often those standards and processes are unclear. It is in this obscurity that migrants have turned to access to information and privacy laws. As they struggle to know the status of their visa applications or the reasons behind their application’s refusal, instead of waiting for further unclear or delayed responses from the IRCC, migrants or their representatives (henceforth implied by the term “migrants” alone) have filed access to information and privacy (ATIP) requests demanding such information. If such demand is not met, migrants can then rely on the complaint process to the Office of the Information Commissioner (OIC) for support.

The severity of this situation is undeniable. In 2019, IRCC received almost 3x more ATIP requests than all other government institutions combined and, further, ranked first for complaints to the OIC, with a total of 4, 298 complaints registered.¹ The Royal Canadian Mounted Police (RCMP) was ranked second, yet in stark contrast, they only had 355 complaints to the OIC.² 98.9% of the initial ATIP requests sent to the IRCC related to migrants’ application files, highlighting the profound information gap experienced by migrants and, relatedly, the specific information-based barriers they encounter in the Canadian immigration process.³

It’s important to note, however, that these barriers do not exist to curb immigration entirely. Canada’s economy relies on migrants, specifically migrant workers: for instance, during the COVID-19 pandemic in March 2020, exceptions to border closures were quickly introduced for migrant agricultural workers because of the crucial role they play in Canada’s food supply chain.⁴ Instead, as will be illustrated in this paper, these information-based barriers operate within a larger system that has been redesigned in the last few decades to curtail the number of permanent residents within Canada. In curtailing permanent residency, Canada’s immigration and

¹ Canada, Office of the Information Commissioner of Canada, *Access at issue: Challenging the status quo*, Special Report to Parliament (2021) online: < <https://www.oic-ci.gc.ca/en/resources/reports-publications/access-issue-challenging-status-quo> >

² Ibid.

³ Ibid.

⁴ Amanda Aziz, “A Promise of Protection?: An assessment of IRCC decision-making under the Vulnerable Worker Open Work Permit program,” (2022) Migrant Workers Centre 6.

citizenship system essentially restricts migrant permanence in favour of creating migrant precarity; access to information, or lack thereof, has become a significant tool in this process.

This paper focuses on how access to information and privacy laws, through the specific mechanism of ATIP requests, have been employed as a workaround by migrants for the shortcomings of the immigration and citizenship system. Migrants' lack of access to their information violates the principles of trauma-informed practice as well as government transparency. Moreover, migrants' lack of access to their information negatively impacts the operation of the federal government, most significantly the IRCC and OIC; Canadians, in their ability to hold the government accountable; as well as taxpayers, whose money is being increasingly monopolized by the demands of such a deluge of access to information and privacy requests.

Much of the research on temporariness in Canada tends to focus on a single policy field, a specific immigration policy, or distinct pathways to permanent residency for particular groups.⁵ This paper intends to contribute to this body of work and advocacy by lending a perspective that is more centrally rooted in access to information and privacy laws and their intersection with immigration law and policy. Accordingly, this paper is divided into 5 sections. The first and second provide a background and explanation for migrants' inability to access the information that they seek as well as a discussion of how ATIP requests have offered a solution to that issue. The third section offers an analytical framework from which to assess the barriers to information faced by migrants, especially in the context of Canada's nation-building project and pressuring labour demands. The fourth and fifth sections explore a number of solutions: those proposed and already in the process of being implemented by the IRCC, others advocated for by migrants and migrant rights organizations, and a few emerging as recommendations based on the findings of this research. I will thus conclude this paper with some reflections on the path forward toward migrant justice, in light of the access to information issues experienced by migrants and the larger implications they carry for how precarity is embedded in Canada's immigration and citizenship system.

Research Questions and Methodology

⁵ Deepa Rajkumar et al, "At the temporary-permanent divide: how Canada produces temporariness and makes citizens through its security, work and settlement policies," (2012) Vol. 16: Nos. 3-4 Citizenship Studies 485.

The research questions of this paper are as follows: How has access to information and privacy law been relied upon by migrants as a workaround to inadequacies in Canada's immigration and citizenship system? What are the administrative barriers as well as sociopolitical and economic factors that contribute to migrants' lack of access to information? Finally, considering those influences and IRCC's commitment to respond to this issue, how can Canada's current approach to immigration and citizenship better service migrant justice? In answering these questions, this paper turns to primary government sources, including publicly available reports and policies. I also consider academic work on migrant issues and client-driven research done by legal advocates. This constellation of sources has been designed to provide a balanced perspective on the issue of migrants' lack of access to information, including IRCC's own explanations and commitments as well as both state, academic, and community-based critiques. Special attention has also been paid to incorporating the work of advocates who directly engage with migrants. This is to ensure that migrants' experiences are meaningfully considered without risking re-traumatization in a lengthier and more interview-based research process. Also noteworthy is that while a range of topics are covered in this paper, it is not exhaustive in its interrogation of the issue: its findings would benefit from further research on the influence of the global labour market on migrant precarity, the role of IRCC's ATIP Coordinator, and a consideration of the barriers to the access regime in general.

The Issue of Missing Information

I. Systemic Context

The circumstances leading to migrants' current demand for information can be traced to the early turn of the century when temporary or 2-step immigration programs began to overtake 1-step immigration programs which granted permanent residency upon arrival.⁶ Around this same time, the *Access to Information Act* Extension Order No. 1 expanded the right to access records under the control of a government institution to any individual present in Canada. These developments in federal law and policy mark the first noteworthy convergence of immigration law and information law for the purposes of this paper: the rise of temporary migration gave rise to migrants' need for further information from and consistent interaction with IRCC, and the expansion of the *Access to Information Act's* scope under subsection 4(1) enabled migrants to translate this need into a

⁶ A 1-step immigration program admits migrants as permanent residents upon arrival, whereas a 2-step immigration program grants permanent resident status only after a probationary period, usually of temporary employment.

tangible demand felt by both IRCC and the Office of the Information Commissioner (OIC).

Prior to this shift toward temporary migration, the vast majority of immigrants were admitted as permanent residents through the Federal Skilled Worker (FSW) program.⁷ However, beginning in 2006 and continuing since, more migrants have been admitted into Canada on a temporary basis than as permanent residents.⁸ This is attributable to the rise of 2-step immigration programs such as the Provincial Nominee Program (PNP), which was established in 1995, and the Canadian Experience Class (CEC), established in 2008, which together offer migrants a pathway to permanent residency only after they have worked in Canada on a temporary visa.⁹ These programs are considered “2-step” in that, contrary to 1-step programs which offer permanent residency upon arrival, they impose a probationary period wherein the migrant must satisfy an employment-related condition in Canada before being eligible for the rights, and consequently security, afforded to permanent residents.¹⁰ The FSW program thus stands in contrast to such programs that target Temporary Foreign Workers (TFWs) for recruitment.

The performance of all these immigration programs is indicative of the shift toward temporary migration. Five years after the introduction of the PNP, the admission of migrants as permanent residents through the FSW was at 118, 600 and dropped to a shocking 70, 100 by 2015, following the further development of the PNP and the establishment of the CEC.¹¹ Also around the introduction of the PNP, TFW admissions increased by 137%, as compared to the low increase of 23% for permanent economic admissions.¹² These numbers demonstrate the adverse relationship between temporary, 2-step immigration programs and permanent, 1-step immigration programs; the rise of the former has directly translated to the

⁷ Antje Ellerman and Yana Gorokhovskaia, “The Impermanence of Permanence: The Rise of Probationary Immigration in Canada,” (2019) International Organization for Migration 48. The FSW program is a pathway to permanent residency specifically for skilled workers who have met the eligibility requirements for skilled work experience, language ability and education. Selection beyond these requirements occurs on a points-based system weighing factors such as age and adaptability.

⁸ Rajkumar et al, *supra* note 5 at 484.

⁹ Ellerman, *supra* note 5 at 48.

¹⁰ *Ibid.*

¹¹ *Ibid* at 48.

¹² *Ibid.*

fall of the latter. The turn of the century was thereby marked by the dominance of temporary, specifically economic, migration, which surpassed all 3 permanent immigration streams (economic, family, and humanitarian) combined.¹³

The rise of 2-step immigration has engendered migrants' need for legal and administrative support in transitioning from one step to another—from their initial temporary and conditional state to permanent residence. To successfully undertake this transition, migrants in Canada must apply for permanent residency under the urgency of their temporary visa's looming expiry date. Their obtention of permanent residency must therefore overlap with the expiry of their temporary visa so to ensure that they always maintain status permitting their presence in the country. An unsuccessful or delayed application poses the risk of a migrant's visa expiring while they are still in the country, subjecting them to the vulnerabilities of being undocumented or the instability of being issued a removal order. Migrants therefore strive to protect themselves from such vulnerabilities: they most commonly combat delayed applications by seeking information on the status of their permanent residence applications, and they combat unsuccessful applications by seeking the reasons behind refusals of their temporary visa applications. The former ensures that they are kept up to date on the processing of their applications so they can monitor adherence to regulatory timelines and anticipate changes to their status. The latter provides them with a basis from which they can seek an appeal or review of a refusal in hopes of overturning it in their favour. The prevalence of these two kinds of missing information is demonstrated in the substance of the abundant complaints filed by migrants or their representatives against IRCC regarding their requests to access such information.¹⁴

II. Barriers to Information

According to IRCC, migrants' demand for information has not been met because of the logistical barriers of an outdated electronic data management system. This system is known as the Global Case Management System (GCMS), and it is the site of all official records maintained by IRCC. Most significantly, in being used to collect and process all applications within the department, the GCMS contains all the information migrants seek from application processing details, details of

¹³ Ibid.

¹⁴ *Supra*, note 1.

the officer processing their application, notes from immigration officers, visa officers' assessments, and all other information that IRCC has available regarding an applicant.¹⁵

In an increasingly digitized age, the GCMS is falling behind in its low level of integration with IRCC's MyAccount portal, which is IRCC's public-facing electronic platform. While the GCMS contains a breadth of information on each application, only a minimal amount of such information is translated onto the MyAccount portal; for example, the "status bar" on the portal generally only shows the number of days that have elapsed since IRCC received the application, but not the information on the GCMS on further processing details.¹⁶ This lack of integration is attributable to the structure of the GCMS itself, which appears inimical to automated transparency in applicant information. The GCMS was implemented over 20 years ago when IRCC's operations still functioned on a 9-to-5 schedule and a mainly paper-based practice.¹⁷ Today IRCC functions in a vastly different global context, with 24/7 operations and offices all over the world; its data management system must maintain more than 60 million personal records and this volume is rising at a rapid rate.¹⁸ The GCMS was designed to accommodate neither such a high volume of specifically electronic applications nor the larger societal shift towards digital accessibility.

The Boon of Access to Information and Privacy Requests

Facing an inadequate amount of information on their MyAccount portals, migrants have instead sought access to the data stored on the GCMS by requesting a GCMS note. In order to access this information, migrants who have submitted their applications to IRCC must first pass the R-10

¹⁵ Asheesh Moosapeta, "How can I contact IRCC directly about delays or new information in my application?" (15 January 2024), online: *CIC News* <<https://www.cicnews.com/2024/01/how-can-i-contact-ircc-directly-about-delays-or-new-information-in-my-application-0142306.html>>

¹⁶ *Supra*, note 4.

¹⁷ Immigration, Refugees and Citizenship Canada. "CIMM – Digital Platform Modernization" (29 November 2022), online: <<https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/committees/cimm-nov-29-2022/digital-platform-modernization.html>>

¹⁸ *Ibid.*

completeness stage, which requires an immigration officer to find that all necessary documents have been included in the application.¹⁹ If successful upon this check, migrants can request a GCMS note at any time.²⁰ The R-10 completeness check is therefore the only requirement on IRCC's side to access a GCMS note.

A request for a GCMS note, however, would be made to IRCC under the *Access to Information Act* or *Privacy Act*, placing it within the realm of access to information law and the oversight of the OIC and the Office of the Privacy Commissioner (OPC). Despite this, however, it is the OIC that has primarily tackled the issue of the rise of ATIP requests to IRCC and IRCC's related compliance with the Acts, as is evident through its 2021 Special Report to Parliament on the subject.²¹ Both Acts provide individuals with the right to access information held within government records, with the *Access to Information Act* being in regard to general information and the *Privacy Act* being in regard to a requester's personal information specifically.²² The *Access to Information Act* imposes an additional requirement upon migrants who wish to access their information from the GCMS: under Subsection 4(1), any individual or corporation present in Canada has a right to, upon request, be given access to any record under the control of a government institution; this eligibility criterion was expanded from the originally narrower requirement of being a Canadian citizen or permanent resident through Extension Order, No. 1, registered in 1989.²³ This amendment to the *Act* therefore opened a pathway for temporary residents in Canada seeking permanent residency to request information from IRCC about their determination process. Requests under this Act can be made online or by mail to IRCC, with the typical Access to Information and Privacy (ATIP) request fee of \$5 CAD.²⁴ Comparatively, the *Privacy Act* is even more liberal in scope: under Extension Order, No. 3, registered recently in 2021, any individual regardless of location or status has a right to request access to their personal information, free of charge,

¹⁹ Moosapeta, *supra* note 13.

²⁰ *Ibid.*

²¹ *Supra* note 1.

²² *Access to Information Act*, RSC 1985, c. A-1; *Privacy Act*, RSC 1985, c. P-21.

²³ *Access to Information Act* Extension Order, No. 1: SOR/89-207

²⁴ Asheesh Moosapeta, "How to request your Canadian immigration GCMS notes," (25 June 2023), online: *CIC News* <<https://www.cicnews.com/2023/06/how-to-request-your-canadian-immigration-gcms-notes-0635647.html#gs.7kwif8>>

under control of a federal government institution.²⁵ Unlike those filed under the *Access to Information Act*, ATIP requests under the *Privacy Act* therefore do not require the requester or their representative to be physically present in Canada.

An ATIP request for a GCMS note has become a boon for migrants for two key reasons: it is an alternative to the inadequate or more arduous pathways provided by IRCC to inquire about delays or new information, and it comes with the protections enshrined in the *Access to Information* and *Privacy Acts*. On the former, understanding that the MyAccount portal for applicants does not provide migrants with the information they seek, the other pathways to contact IRCC with respect to application delays or information are IRCC Webform, email, and phone. The Webform is an online form where applicants can inquire about their specific applications, but IRCC is unlikely to respond unless an application has exceeded the official processing time of 30 days.²⁶ Beyond this, the form is mostly used by applicants to update important details of their application such as information on their use of a representative or eligibility for urgent processing.²⁷ IRCC email tends to offer a quicker response rate of 2-5 business days, yet it is generally only helpful for general or technical inquiries; migrants are unlikely, for example, to receive details on officers' reasoning behind application decisions via this pathway.²⁸ Similarly, the automated IRCC phone line, while available 24 hours a day and 7 days a week, is designed for general inquiries: it can provide updates on application status, similar to the limited MyAccount portal, and contains pre-recorded messaging on IRCC's programs.²⁹ The most promising of these other pathways is IRCC's human-operated phone line, which allows case-specific inquiries to be handled by a client support centre agent.³⁰ However, what this pathway offers in more specific and flexible client support it lacks in accessibility. The human-operated phone line is only available from 8 a.m. to 4 p.m., Monday to Friday, and only in English and French.³¹ With most migrant workers working long hours and coming from countries where English is not spoken as a primary language, this pathway has a low likelihood of proving beneficial to those who likely need it most.

²⁵ *Privacy Act* Extension Order No. 3: SOR/2021-174.

²⁶ *Supra*, note 13.

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ *Ibid.*

There is no provision in the *Immigration and Refugees Protection Act* that requires a level of transparency and timeliness in communication from IRCC to migrants. Consequently, the *Immigration and Refugees Protection Act* fails to offer migrants a legislative basis from which they may challenge the lack of information made readily available to them. Between 2011 and 2015, IRCC did introduce various service standards which, though not legally binding, act as guidelines by which they hold themselves publicly accountable each fiscal year. For permanent residency applications in 2022-2023 under the CEC and FSW Express Entry programs, IRCC met their standard of processing 80% of electronic applications within the approved annual immigration levels plan within 180 days, with the Ministry even surpassing this standard by 5% in the case of the FSW program.³² However, IRCC fell behind on their service standards in the same year with a 70% processing rate for electronic applications submitted under the PNP and, even lower, a 23% processing rate for paper applications submitted under the PNP.³³ Furthermore, IRCC reported that they only processed 30% of applications for work permit extensions submitted by workers already in Canada within the 120-day timeline of their service standard.³⁴ In fact, out of 40 service standards that were applicable and reviewable in 2022-2023, IRCC only met half of them, resulting in such standards providing limited assurance to migrants about the service they can expect to receive in practice.

Immigration officers are expected to maintain a level of transparency and comprehensiveness in their reasoning behind application decisions under IRCC's various Program Delivery Instructions (PDIs). However, similar to IRCC's service standards, even these guidelines are often not met. For example, the PDIs require officers to assess each case on the totality of the evidence before them, yet in many cases officers a) failed to do so and instead assigned too high an evidentiary burden on an applicant or b) failed in their reasons to consider and address important evidence that was contrary to their conclusion.³⁵ Various biases also unjustly factored into officers' decision-making: patterns showed that officers are less likely to deem allegations of abuse credible in the case of workers with more education or work experience, implying that only a certain kind of

³² Immigration, Refugees and Citizenship Canada, "Immigration, Refugees and Citizenship Canada service standards," (2023) online: <<https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/service-declaration/service-standards.html>

³³ Ibid.

³⁴ Ibid.

³⁵ Aziz, *supra* note 4 at 20.

character of a worker was subject to abuse.³⁶ Experiences of psychological abuse were also less likely to be acknowledged in the application process as opposed to physical or sexual abuse at the hands of employers.³⁷ Because the reasons behind officers' decisions provided to applicants are generally limited, without an ATIP request for a GCMS note, such contradictions in IRCC's practice to their PDIs would not even be publicly known. Patterns of confusing or unfair judgements by immigration officers, which constitute violations of procedural fairness, are only identifiable now through an assessment of the Vulnerable Worker Open Permit (VWOWP) conducted by the Migrant Workers Centre through the ATIP request process.³⁸ This revelation, facilitated by ATIP requests, aligns with literature on freedom of /access to information research being a form of liberatory research that can reveal policy tensions related to case management by front-line staff, opening otherwise closed spaces to unveil the power relations at play within them.³⁹

The issue of precarity in Canadian immigration and citizenship is especially exemplified in the case of the VWOWP program. The program was introduced via regulation in 2019 in response to the patterns of abuse found in the TFW program.⁴⁰ It sought to counteract such patterns by granting authority to immigration officers to issue a migrant worker with an open work permit in situations of potential or ongoing workplace abuse.⁴¹ As opposed to a closed work permit, an open work permit grants residency to its holder so long as they work in Canada, regardless of the specifics of the employer, occupation, or location.⁴² The VWOWP thereby allows migrant workers subjected to workplace abuse the opportunity to escape that abuse without jeopardizing their residency in Canada.

For the VWOWP program, the issue of missing information goes beyond immigration officers not being held accountable for their inconsistent reasoning and contravention of PDIs. Across the board, an unjust result of such lack of information is that it disempowers refused applicants from

³⁶ *Ibid* at 27.

³⁷ *Ibid* at 5.

³⁸ *Ibid* at 14.

³⁹ Sule Tomkinson, "Power and Public Administration: Applying a Transformative Approach to Freedom of/Access to Information Research," (2023) Université Laval.

⁴⁰ Aziz, *supra* note 4 at 5.

⁴¹ *Ibid*.

⁴² *Ibid*.

appealing an officer's decision; without understanding the basis of a decision, they are restricted in their ability to put forth a strong appeal. Applicants must thus either accept reasons they do not understand or recount the details of their application or circumstances upon appeal. These options carry more than the expense of time and energy for VWOWP applicants especially. In applying for the VWOWP program, migrant workers must detail their circumstances of abuse as understood under s. 196.2 of the *Immigration and Refugee Protection Regulations*. This includes conduct by any agent in an employment context that amounts to abuse of any form, be it physical, sexual, psychological, or financial.⁴³ In 30 sample applications reviewed by the Migrant Workers Centre, 29 reported financial abuse, 21 reported psychological abuse, 9 reported physical abuse, and 3 reported sexual abuse.⁴⁴ The standard migrants must meet in claiming abuse is that of "reasonable grounds to believe," which is lower than the civil standard of proof on a balance of probabilities but higher than a mere suspicion.⁴⁵ When an application is refused, the applicant receives a letter sans follow-up stating that this standard was not met. For applicants to the VWOWP program, this is not only an invalidating process but also retraumatizing for some who choose to investigate their case and have it reconsidered on appeal or review. From June 2019 to July 2021, IRCC processed 2,345 applications to the VWOWP program, and only 57.1% were approved.⁴⁶ With the rates of applications increasing each year, it is imperative that we consider the number of migrants who are continually forced to undergo abuse in order to work and who are barred from the protection of the VWOWP program and the appeal or review process due to unjust decision-making processes and a lack of transparency regarding them.

Finding IRCC's governing legislation, service standards, and PDIs inadequate in securing them the information that they need or providing them with reliable timelines for their applications, migrants have turned to the *Access to Information and Privacy Acts*. Under s. 9 of the *Access to Information Act*, government institutions must respond to ATIP requests within 30 calendar days; inability to do so constitutes a refusal of access which could lead to a complaint to and action taken by the OIC.⁴⁷ Exceptions to this provision are outlined under paragraph 9(1) which grants

⁴³ Immigration and Refugees Protection Regulations, SOR/2002-227.

⁴⁴ Aziz, *supra* note 4 at 14.

⁴⁵ *Ibid* at 16.

⁴⁶ Aziz, *supra* note 4 at 12.

⁴⁷ Access to Information Act, RSC 1985, c. A-1.

time extensions in three cases: a) where the request necessitates a search through or for a large number of records, b) where meeting the 30-day deadline would unreasonably interfere with the institution's operations, and c) the time extension is for a reasonable period given the circumstances.⁴⁸ The specificity of these provisions with respect to response times, in addition to the specificity that migrants can ask from IRCC in scoping their request, renders ATIP requests and the *Access to Information* framework a boon for migrants seeking their information from IRCC.

Unfortunately, as rates of ATIP requests from migrants have changed to rapidly high levels, so has IRCC's use of the *Access to Information Act* changed. In 2019-2020, IRCC saw an increase of over 300% compared to two years prior in their claiming of time extensions.⁴⁹ With a total of 11,366 time extensions claimed under s. 9(1)(a), by which IRCC grouped distinct ATIP requests to claim such an extension, only 51% of ATIP requests to IRCC were processed within the statutory timeline of 30 days or less.⁵⁰ This had become an automatic practice of IRCC, particularly in relation to 5 individuals—unknown to be migrants, their representatives, or otherwise—that the Ministry identified as submitting the most requests per year.⁵¹ In automatically claiming 60 or 90-day time extensions to all requests made by these individuals, IRCC contravened subsection 4(2.1) of the Act which mandates government institutions to make every reasonable effort to assist a requester without regard to their identity; consequently, IRCC reportedly ceased this practice in March 2021.⁵²

Under s. 2(1), the purpose of the *Access to Information Act* is to enhance federal institutions' accountability and transparency in furtherance of an open and democratic society.⁵³ Accordingly, refusals to disclose especially the personal information that such institutions hold about individuals must be clearly justified under the Act. Such justifications are generally not found by IRCC with respect to the information that migrants seek; relatedly, as there are no applicable legislative exemptions, a significant amount of the information requested by migrants is available for disclosure.⁵⁴ This means that migrants not only have a right to access this information but that this right is not overshadowed by any other provision or public policy objective that demands such information be concealed.

⁴⁸ Ibid.

⁴⁹ *Supra*, note 1.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

⁵³ *Supra*, note 40.

⁵⁴ *Supra*, note 9.

ATIP requests are therefore a fairly reliable way for migrants to access information otherwise not readily provided to them.

Precarity in Canada's Immigration and Citizenship System

The friction that migrants face in navigating the IRCC's online user platforms cannot be taken as incidental: migrants' lack of access to information about their immigration files is but one element of a larger and insidious trend of precarity in immigration and citizenship. Precarity in this context can be understood as an insecurity of presence. This is opposed to the concept of security of presence which, for migrants, is characterized by their presence in Canada a) without fear of removal and b) with the rights typically associated with citizenship.⁵⁵ Canada's immigration system invokes and perpetuates precarity through the former criterium by creating various forms of temporariness in status, from temporarily temporary to temporarily permanent, which overshadow the forms of permanence in status available.⁵⁶ On the higher end of the spectrum of precarity are seasonal agricultural workers, who must leave the country for 4 months for every 8 months of residence; they are permanently temporary.⁵⁷ On the opposite end of this spectrum are permanent residents, who can be deported if found in violation of certain immigration or national security laws; they are temporarily permanent.⁵⁸ The second criterion regarding citizenship-associated rights creates precarity through broader connections between various national sectors: barriers to social services and legal supports for non-citizens, for example, increase susceptibility to socio-economic issues that put into threat dignity and security of life. Addressing this aspect of building security of presence involves an interrogation of Canada's conceptualization of citizenship, particularly as it acts as a boundary for the scope of state responsibility. The systemic upheaval that this interrogation would require will be addressed in the later section on A Path Towards Migrant Justice.

This section will thereby focus on the first criterium—specifically, how developments in Canada's immigration system, especially towards trial migration as discussed earlier, have jeopardized migrants' security of presence in Canada by subjecting them to an ongoing fear of removal. These developments are part of a host of policies that have been designed

⁵⁵ Rajkumar et al, *supra* note 5 at 488.

⁵⁶ *Ibid* at 484.

⁵⁷ *Ibid* at 486.

⁵⁸ *Ibid*.

to curb the number of migrants who reside in Canada permanently.⁵⁹ Through the rise of a two-step immigration process, novel pathways to permanent residency have emerged that are far from equal. The two-step immigration process has developed to vet highly skilled and human-capital rich workers and fast-track them into permanent residency, as opposed to low-skilled workers who are forced to remain permanently temporary.⁶⁰ This phenomenon is evidenced by data from 2014, where almost 56, 300 high-skilled workers out of 157, 400 (36%) successfully made the leap from temporary status to permanent residency, while the amount of low-skilled workers who made the same leap in the same year peaked at 1, 400 out of 99, 330 (2%), the latter thereby constituting only over 2% of economic immigrants total who were able to upgrade their status.⁶¹ Coincidentally, 2014 was also the year that the federal government announced an “overhaul” of the TFW program, part of which involved the reduction of migrant workers’ permitted time in Canada from 4 years to 2 years.⁶² This, too, perpetuated precarity as migrant workers are often (illegally) charged high recruitment fees by recruiters luring them into the program. The shorter time limit meant less time for them to work off their debts and a higher likelihood of them becoming undocumented upon their work permits’ expiry.⁶³

The highly restricted capacity of migrants, especially those low-skilled or less formally educated, to move from more temporary to less temporary categories of legal status illustrate the existence of what are, in effect, “paper borders.” This term refers to the brittle hierarchy of status categories which are in practice all temporary.⁶⁴ Even the acquisition of permanent residency does not guarantee security of presence. Policy changes such as lowered thresholds for criminal activity and the retroactive linkage of refugee status with permanent residency, where the

⁵⁹ Ellerman and Gorokhovskaia, *supra* note 2 at 46.

⁶⁰ *Ibid* at 47.

⁶¹ *Ibid* at 49, Yuqian Li and Feng Hou, “Temporary Foreign Workers in the Canadian Labour Force: Open Versus Employer-specific Work Permits,” (Social Analysis and Modelling Division 2019) online: <<https://www150.statcan.gc.ca/n1/pub/11-626-x/11-626-x2019016-eng.htm>>

⁶² Canadian Council for Refugees, “Government Overhaul of Temporary Foreign Worker Program: CCR response to 2014 changes,” (2014) online: <<https://ccrweb.ca/en/TFWP-ccr-response-2014-changes>>

⁶³ *Ibid*.

⁶⁴ Rajkumar et al, *supra* note 5 at 488.

cessation of the former results in the loss of the latter, have created precarity even for permanent residents.⁶⁵

The trend of precarity in immigration and citizenship signifies a movement away from a “settler” society. As a settler colonial state, Canada’s nation-building project has been dependent upon the continued displacement and dispossession of Indigenous peoples, which in turn required the influx of settlers to populate stolen land. This shift has been interpreted to indicate how Canada’s core immigration values have ceased to be settlement and nation-building.⁶⁶ However, I argue that nation-building specifically continues to be a core immigration value, particularly when put into consideration is the specific vision of “nation” pursued. Even as settlement was promoted to further the settler colonial project, Canada’s immigration laws made clear that only certain kinds of settlers were welcome: Chinese migrants, for example, were sought after to work on national railway construction, but when some showed a desire to settle more permanently in Canada, such desire was starkly discouraged through severe restrictions on family sponsorships.⁶⁷ The same was done for South Asian migrants, Caribbean women recruited through the domestic worker program in the 1970s, and today through the current seasonal agricultural worker program which involves a high concentration of migrants from the Caribbean and Mexico.⁶⁸ Such discriminatory immigration measures contribute to a specific (white-dominated) constitution of the Canadian nation, which is fundamentally settler colonial in nature not only through its displacement of Indigenous peoples but also in its selection of those who are deemed worthy of settling onto stolen land.

Time and again, immigration laws have clearly been used to encourage a certain kind of national makeup, so as to put forth a certain kind of conceptualization of being Canadian. The prevalence of temporariness in the immigration and citizenship system is yet another manifestation of this strategy; it serves to profit from migrant labour while keeping the sources of that labour separate from the Canadian citizenry. This is reinforced even by the language used, with the construction of work and workers as “temporary” and “unskilled” normatively devaluing both, framing such work and workers as “other” and thereby more threatening than worthy of

⁶⁵ Ellerman and Gorokhovskaia, *supra* note 2 at 47.

⁶⁶ *Ibid* at 46.

⁶⁷ *Ibid* at 487.

⁶⁸ *Ibid* at 487.

protection.⁶⁹ In this way, migrant workers are essentially treated as necessary evils: threats in being contrary to the ideal Canadian citizenship character but nonetheless necessary as Canadian employers increasingly demand a “flexible” workforce most accessible through transnational labour migration.⁷⁰ “Flexible” in this case is synonymous with “disposable,” as employers strive to cut costs by employing workers who will work for less wages and with less statutory entitlement to legal protections and services. It is in this way that globalization has clearly facilitated the economic exploitation of migrants. The profiting of the “in-group” citizenship from the “out-group” of migrant workers has evolved with private market actors as well: recruiters have emerged in response to employers’ labour demands, and they exploit migrant workers by charging high recruitment fees for jobs the nature of which they also often misrepresent to seem more appealing.⁷¹ While migrant precarity is therefore created by and embedded within Canada’s immigration and citizenship system, it is in service of a larger nation-building project and to the benefit of the Canadian labour market.

Immigration, Refugees, and Citizenship Canada (IRCC)’s Response

IRCC itself has recognized that this aged GCMS infrastructure is failing at the cost of Canadians, the Canadian economy, and—I add—temporary residents who, while without permanent status, are significant to communities across the country.⁷² Accordingly, IRCC has committed to replacing the GCMS through its Digital Platform Modernization initiative, a multi-year and multi-phase plan introduced in November 2023. IRCC has also committed to other changes intended to counteract applicants’ dissatisfaction, which they outline in their plan. However, a review of both IRCC plans suggests that the expected changes will still be insufficient in combatting precarity amongst migrants in Canada and upholding their

⁶⁹ Fay Faraday, “Profiting from the Precarious: How Recruitment Practices Exploit Migrant Workers,” (2014) Toronto: George Cedric Metcalf Foundation.

⁷⁰ Ibid.

⁷¹ Fay Faraday, “Made in Canada: How the Law Constructs Migrant Workers’ Insecurity,” (2012) Toronto: George Cedric Metcalf Charitable Foundation.

⁷² Immigration, Refugees and Citizenship Canada, *supra* note 12.

rights to information, especially in light of a turbulent immigration landscape.

IRCC states that the DPM initiative will leverage a “state-of-the-art operating platform” in order to expedite processing and strengthen the integrity of its programs.⁷³ This is expected to benefit migrants by making their immigration journey “clearer and more human-focused.”⁷⁴ A range of changes are included in this initiative: an advisory body of those with lived experience of immigration is to be established to guide policy development and service delivery improvements, and application intake is to be curbed according to available admissions spaces so to prevent lengthy wait times.⁷⁵ Internally for the IRCC, Advanced Analytics is to be used to automate and thereby expedite the decision-making process for routine cases.⁷⁶ Many of the changes also revolve around promoting transparency through improvements to the digital platform. Processing times are expected to improve through the use of bots for intake data entry, which would allow ATIP requests to be more quickly inputted into the IRCC’s processing software and thereby addressed.⁷⁷ This is paired with a new online ATIP request form which is simplified for the convenience of requesters and so to prevent requests rendered incomplete because of missing or incorrect information.⁷⁸

In 2020, IRCC established an ATIP Modernization Team mandated to oversee and coordinate various attempts at finding practical solutions to the dramatic increase in ATIP requests.⁷⁹ This culminated in the ATIP Management Action Plan which was released in 2021 and directly addressed the OIC’s recommendations from their Final Report. Recommendation #1 targeted compliance with the *Access to Information Act*, recommendations #2 and 5 targeted improving the performance of the ATIP office through a concrete workplan and added human and financial resources and recommendation #3 promoted transparency by

⁷³ Immigration, Refugees and Citizenship Canada. “An Immigration System for Canada’s Future: Strengthening our communities,” (11 April 2022), online: < <https://www.canada.ca/en/immigration-refugees-citizenship/campaigns/canada-future-immigration-system/plan.html> >

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Canada, *supra* note 9.

⁷⁸ Ibid.

⁷⁹ Ibid.

calling for the publication of said workplan.⁸⁰ These recommendations are inarguably significant for securing migrants the information that they need to proceed with their immigration plans. However, in taking an analytical approach to the insidious creation of migrant precarity throughout Canada's immigration and citizenship system, this paper is concerned less with improving the ATIP request process but rather interrogating the access regime is weaponized against migrants to preserve their temporariness. Of most relevance to this paper is therefore recommendation #4 which centers on alleviating burdens to the access regime by improving the availability of client immigration information.⁸¹

In response to recommendation #4, IRCC conducted further analysis of the root causes behind ATIP requests and is now in the process of reassessing its larger workplan accordingly.⁸² Furthermore, IRCC committed to a) improving communication of case status immigration information and b) providing more clarity on the reasons behind a refusal.⁸³

Externally, alongside adding more user-friendly navigational tools to the IRCC website, the DPM initiative involves the introduction of the Client Experience Platform as a new online portal for applicants, operating as an expansion of the original MyAccount portal.⁸⁴ This expanded portal is said to come with an improved applications status tracker where migrants can find information about their applications for family sponsorship, Express Entry, study permits, work permits, visitor visas, and citizenship and passports.⁸⁵ However, it is still unclear to what extent the information made available will be more extensive than that prior. Furthermore, the case status information pilot was launched in 2021 only for the Citizenship line of business, with no details yet on the implementation of changes to other immigration lines such as that for temporary workers; now almost 3 years later, IRCC is still assessing the feasibility of this pilot for other lines of business.⁸⁶

⁸⁰ Immigration, Refugees and Citizenship Canada, "Management Action Plan – OIC's Recommendations," (2023) online: <<https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/management-action-plan-oic-recommendations.html>>

⁸¹ Ibid.

⁸² Ibid.

⁸³ Ibid.

⁸⁴ Immigration, Refugees and Citizenship Canada, *supra* note 66.

⁸⁵ Ibid.

⁸⁶ Immigration, Refugees and Citizenship Canada, *supra* note 73.

IRCC's second commitment comes in tandem with their recognition of applicants' demand for better access to the reasons behind officers' decisions. Accordingly, in 2021 IRCC launched a new Temporary Resident Visitor Refusal letter. However, while supposedly being more detailed, this new letter still does not include the excerpts of officers' notes which comprise the bulk of migrants' ATIP requests on the matter.⁸⁷ IRCC has committed to analyzing the feasibility of applying similar iterations of this new letter to other lines of business.⁸⁸ However, they have not more thoroughly customized such iterations to client cases and are behind on their target date for the completion of such analysis. Perhaps more promising is IRCC's stated new pilot project involving the proactive release of officers' notes to certain temporary residents, but very little information about this project is available, barring evaluation of and input on its proposed timeline of release, formatting of information, and determination of which and how many temporary residents are to receive such information.⁸⁹ Besides this project, the bulk of IRCC's strategies for moving forward focus on improving the efficiency of the ATIP request process rather than proactively disclosing more information on migrants' case files.

The issues described in the sections prior are only expected to exacerbate as Canada continues to increase its intake of temporary residents while also introducing new caps on permanent residents. This is especially true considering the implementation of the *Privacy Act* Extension Order No. 3 in 2022, opening Canada's access regime and, relatedly, the OIC complaint process to all foreign nationals regardless of their location or status.⁹⁰ The Canadian Bar Association of BC (CBABC) has also expressed special concern over how IRCC Program Managers were instructed against responding to emails from counsel in 2022, which served to only increase the number of both ATIP requests and judicial review applications as migrants and their representatives lost their communication channel with

⁸⁷ *Supra*, note 1.

⁸⁸ Immigration, Refugees and Citizenship Canada, "Management Action Plan – OIC's Recommendations," (2023) online: <<https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/management-action-plan-oic-recommendations.html>>

⁸⁹ *Supra*, note 1.

⁹⁰ *Privacy Act* Extension Order No. 3: SOR/2021-174.

the IRCC.⁹¹ Added to the continuing global migration rates and the prior Extension Order to the *Access to Information Act*, the fallback burden to Canada's access regime as a result of the precarity it has embedded in its immigration system is inevitable and ever-growing. Unsurprisingly, IRCC's response to addressing the issues raised by migrants has been criticized by both the OIC in their 2021 report and the CBABC as recently as this past February 2024.⁹²

A Path Toward Migrant Justice

The issues discussed in this paper go beyond migrants' right to information. On the contrary, in truly serving migrant justice, these issues must be assessed and addressed with an eye to the rising precarity in immigration and citizenship. Key indicators of the success of IRCC's DPM initiative must thus be drawn accordingly. Based on the findings and discussions of this paper, I propose that such key indicators include: a) reduced rates in ATIP requests to IRCC and complaints to the OIC, b) increased IRCC compliance with the *Access to Information and Privacy Acts*, the PDIs, and service standards, c) the proactive release of objective, consistent, and fulsome written reasons by immigration officers in their refusal letters to applicants; and d) increased granting of permanent residency to temporary resident applicants. Proposed indicators a) and b) build off the OIC's recommendations in their 2021 Special Report. While indicator c) will require added labour, time, and therefore funding to accomplish, it is aligned with the principle of freedom of information and would offset the significant labour, time, and funding that is currently being monopolized by the ATIP requests overwhelming IRCC. As previously noted, the reasons in question are also already in written record and typically not subject to disclosure exemptions.

The proposed indicators are informed by and aligned with the CBABC's own recommendations to the IRCC which, too, confirm the reality of embedded precarity in Canada's immigration and citizenship system. Accordingly, the CBABC earlier this year urged the IRCC to increase transparency about the lack of genuine pathways to permanent residency and rationalize the number of admitted temporary residents to better

⁹¹ Brigitte Pellerin, "Be it resolved: An overview of the resolutions debated and voted on the 2024 CBA Annual General Meeting," (2024) CBABC National Magazine, online: < <https://nationalmagazine.ca/en-ca/articles/cba-influence/resolutions/2024/be-it-resolved> >

⁹² Ibid.

synchronize with permanent residency targets.⁹³ This latter recommendation aligns with my proposed key indicator d) which also focuses on the issue of sustained temporariness with the false, manipulative promise of permanency.

Paving a path to migrant justice, of course, extends beyond the DPM initiative. Addressing migrant precarity as embedded in Canada's immigration and citizenship system requires a multi-pronged approach that integrates both access to information and privacy law as well as immigration law. On the former, the duty to assist is particularly instructive. The duty to assist consists of 3 principal aspects: interpreting a request liberally while resolving any ambiguity in favour of a requester, making every reasonable effort to search for requested records, and responding openly, accurately and completely. However, fulfilling the duty to assist also means going beyond the OIC and the *Access to Information and Privacy Acts*. The spirit of the duty to assist and freedom of information legislation generally is to honour the public's interest in maintaining the transparency and accountability of federal government institutions; unlike how judicial treatment has interpreted many other rights, this is explicitly a positive obligation put upon the state.⁹⁴ In alignment with this being a positive obligation, federal government institutions are expected to consider the information needs of requestors and whether such needs can be met through improved processes of routine disclosure.⁹⁵

Pursuing migrant justice in the realm of immigration law urges us to radically reimagine of our understanding of citizenship—particularly who deserves it and the benefits that it accords. Scholars and policymakers alike have sided themselves amongst 3 key positions in the debate on how to address the temporary-permanent divide in immigration status, and these positions also offer 3 different conceptualizations of citizenship. The first is essentially the current status quo in many states, including Canada: rigid migration categories mean the few permanent residents are offered almost all the rights held by citizens while most other migrants are

⁹³ Ibid.

⁹⁴ Canada, Office of the Information Commissioner of Canada, *The Duty to Assist: A Comparative Study* (Legal Services, 2008) online: <https://publications.gc.ca/collections/collection_2010/justice/IP4-7-2008-eng.pdf>

⁹⁵ Ibid.

temporary residents with limited rights.⁹⁶ The second position attempts to bridge the temporary-permanent divide with the creation of inclusive forms of citizenship, and it is in turn criticized for being vulnerable to even those inclusive forms being made available to only a privileged few.⁹⁷ The third position eliminates distinctions on migration status by seeking to grant all state residents permanent status and all rights associated with citizenship.⁹⁸ Coincidentally, this position mirrors recent trends in access to information and privacy law as demonstrated by the aforementioned Extension Orders to the *Access to Information* and *Privacy Acts*. By removing barriers to filing ATIP requests such as status or, in the case of Extension Order No. 3 to the *Privacy Act*, location, Canada's access to information and privacy regime has essentially begun to break down the rigid boundaries in accorded benefits between citizens and the rest of the populace.

Most significantly, it is this position that thousands of migrants and migrant rights advocates have taken, expressed through a nationwide movement titled “#StatusForAll.” This was launched in 2022 by the Migrant Rights Network, a cross-Canada alliance of migrant organizations including farmworkers, care workers, international students, undocumented people and allies.⁹⁹ The #StatusForAll movement traces its roots to 1968 when migrant rights groups began to organize around the single demand of full immigration status for all migrant workers upon landing.¹⁰⁰ The associated Regularization Program Proposal by the Migrant Rights Network seeks to infuse permanence, as well as the security it offers, into the migrant experience in Canada by elevating the minimum floor of rights for all individuals present in Canada. This proposal has been supported by almost 500 major civil society, labour, health and environmental organizations, positing that a comprehensive and inclusive regularization program in Canada would be effective social policy in favour of anti-racism work, improved labour conditions and mobility, public health, and economic

⁹⁶ Rajkumar et al, *supra* note 5 at 484.

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ Migrant Rights Network, “Regularization in Canada,” (2022) online: <<https://migrantrights.ca/wp-content/uploads/2022/07/MRN-Brief-Regularization-July-2022.pdf>>

¹⁰⁰ Ibid.

growth.¹⁰¹ It therefore offers a foundation on which Canada can pave new, safer, and fairer pathways of entry and residency, redefining for the better not only what it means but also what it takes to belong in this community.

Conclusion

This paper has delved into how migrants, one of the most vulnerable populations in Canada, have been forced into precarity by the barriers that they face in accessing crucial information relating to their visa applications. Specifically, it has looked at the systemic and historic context of this issue, its causes, the consequent reliance on access to information and privacy laws in support, and the solutions committed to by IRCC. Beyond this, however, this paper has also investigated how the barriers to information faced by migrants fall into a larger trend of precarity that is embedded in Canada's immigration and citizenship system. In this way, access to information, or more specifically the lack thereof, has been employed as a tool in the larger construction of a specific Canada—one whose expansion is driven by the often-exploited labour of migrants but whose citizenry is kept separate from such migrants in a rigid hierarchy of immigration status. Despite this, there are paths forward to consider: at a more micro level, regarding the proactive release of migrants' information, but also on a larger level with the possibilities for redefining immigration status in favour of migrant justice.

¹⁰¹ Ibid.

Note for Moving Forward

While this paper is intended to provide a high-level perspective on the issue of migrants' lack of access to information, its findings will lend themselves to the creation of a community project by the Freedom of Information and Privacy Association of BC (FIPA). A community project succeeds this paper in an attempt to bridge the privileged space of research with the community space of lived experience and direct service work. Collaboration with identified partners and stakeholders such as migrant workers, Migrant Workers Centre, and the Migrant Rights Network will be especially critical at this following stage. The objective of the community project will be to positively contribute to migrant workers' access to information in a more short-term and tangible way, as compared to the research paper. The project will thus be a more community-based, action-focused iteration of the research paper's findings. The next steps for the summer of 2024 therefore include surveying the past and ongoing work done by migrants and migrant rights organizations in BC and addressing the information gap to understand where support from FIPA can be most sustainably and effectively beneficial.

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