

Caregiver should leave abusive employer

Written by special to the filipino reporter
Sunday, 14 September 2014 12:09

**IMMIGRATION
NEWSWEEK**



By: Atty. Henry Moyal

Q. I'm a live-in caregiver who is new to this country.

The employer who first hired me lost his job and was not able to pay my salary.

I then sought the help of an agency who charged me \$1,500 to look for an employer.

The agency told me that it is better to have any new employer than no employer.

I paid the fee and upon obtaining my work permit I soon discovered that the new employer didn't need my help and was only an employer on paper.

I was forced to pay my own taxes to make it seem I am working.

Caregiver should leave abusive employer

Written by special to the filipino reporter
Sunday, 14 September 2014 12:09

To make matters worse the employer has made sexual passes at me which makes me feel uncomfortable.

I told my agency but it seems they do not care.

They told me that I need to pay another fee to find another employer.

What do I do to get out of this revolving door?

A. The best suggestion is to stay far away from your current employer and from that agency.

Change your mailing address and your cell phone.

Each day you spend with these people is one day less on your four-year eligibility work permit.

Not surprisingly, I disagree with the agency.

It is not better to have any employer than no employer.

Your employer does “zero” towards eligibility and you gain no work experience whatsoever.

Paying your tax in order to get a fake T4 at the end of the year is fraudulent.

Caregiver should leave abusive employer

Written by special to the filipino reporter
Sunday, 14 September 2014 12:09

As well, charging you \$1,500 is also illegal.

Agencies cannot charge workers for finding employment.

As well, in my experience, if you keep connected to this agency you will never be out of their clutches and quite often they will ask for additional funds for you.

For example, what if at the end of the year your “employer” does not wish to issue you a T4?

You cannot complain to immigration (since you never worked there) and therefore you leave yourself vulnerable to further extortion by this tag team.

Regarding the sexual advances, that is outright criminal.

If you have the strength call the police.

At a minimum, pack your things and get out of this situation that provides no benefit to you in any way.

It only wastes your time.

It is also important to note that the Immigration Department is very sensitive to caregiver abuse.

If you feel that you've been a victim of abuse in your workplace, you may be eligible for emergency processing of a new live-in caregiver work permit to help you transition to a new employer as quickly as possible.

Caregiver should leave abusive employer

Written by special to the filipino reporter
Sunday, 14 September 2014 12:09

Q. I am already in Canada as Permanent Resident.

I did not declare my child upon entering.

Am I eligible to bring him to Canada to visit or can I sponsor him?

I was told that I cannot?

A. It is not so black and white.

While it is true that entering the country and misrepresenting your family status is a serious issue, it does not automatically mean that your son cannot enter the country.

The specific law is actually R117(9)(d) which states that if you failed to disclose the child before coming to Canada, then the Immigration Department is not going to consider that person as a family class member after you enter.

However, other regulations focus on compassionate factors that may or may not overcome the former rule.

In other words, it really depends on the circumstance and each case must be dealt with on its own merits.

Q. I applied to immigrate to Canada as a nurse and my visa was fast tracked.

Caregiver should leave abusive employer

Written by special to the filipino reporter
Sunday, 14 September 2014 12:09

It only took six months to process the application.

My questions are: Can I enter Canada and then leave right away?

Do I have to work as a nurse?

Am I permitted to sponsor my boyfriend after I arrive?

A. Yes, you can enter Canada, become an immigrant and leave the next day if you want.

However, there is a caveat.

If you leave so soon you will not have the actual PR card in your hand.

Therefore, you will not be able to get on a plane until you have the PR card.

Second, you are not restricted in the occupation regardless of how you entered.

Once you enter Canada as an immigrant you are free to work in any occupation in any city — regardless of the occupation in which you applied to become an immigrant.

Finally, if you marry your boyfriend after landing, you would then be able to sponsor him as a spouse.

Caregiver should leave abusive employer

Written by special to the filipino reporter
Sunday, 14 September 2014 12:09

Atty. Henry Moyal is a certified and licensed immigration lawyer in Toronto, Ontario.

The above article is general advice only and is not intended to act as a legal document.

Send questions to him by e-mail: canada@moyal.com or call toll-free: 1-888-847-2078.