

Immigration and Refugee Protection Regulations Sex Work Prohibition

BACKGROUND

On June 6, 2012, the Conservative Government of Canada put forward amendments to the Immigration and Refugee Protection Regulations (IRPR), with the intention to improve protections for foreign workers in Canada and address concerns relating to abuse, exploitation, and trafficking in the sex trade.

The amendments were proposed as a deliverable of the National Action Plan to Combat Human Trafficking, to “better protect vulnerable persons who are at risk of being trafficked into Canada to work in situations where they could be subject to exploitation.”¹

On December 31, 2013, the IRPR provisions (ss. 183(1)(b.1), 196.1(a), 200(3)(g.1), and 203(2)(a)) came into force, prohibiting all temporary residents from working with an employer who, on a regular basis, offer strip tease, erotic dance, escort services or erotic massages.

*Temporary resident*²

A foreign national has temporary resident status when they have been found to meet the requirements of the Immigration and Refugee Protection Act and Regulations to enter or remain in Canada. Visitors, students, workers and temporary resident permit holders may also have temporary resident status. Only foreign nationals physically in Canada hold temporary resident status.

Foreign nationals who are found in violation of these regulations are subject to consequences for non-compliance, including arrest, detention, and deportation.

SWAN’s Recommendations

- Decriminalize sex work in Canada to ensure sex workers have access to their basic human rights including, health and social services, access to legal and labour protections.
- Repeal the IRPR ss. 183(1)(b.1), 196.1(a), 200(3)(g.1), and 203(2)(a), provisions that currently put migrant sex workers at increased risk of violence, as well as risk of subsequent arrest, detention and deportation.

For a more in-depth look at the IRPR sex work prohibition, see SWAN's [analysis & recommendations](#) and discussion of the [IRPR’s Charter violations](#).

¹ Government of Canada, ‘[National Action Plan to Combat Human Trafficking](#)’, p. 33.

² Immigration, Refugees, and Citizenship Canada, ‘[Terms and definitions related to temporary residents](#)’.