



August 5, 2016

The CBA Immigration Law Section (the CBA Section) commented on an Immigration, Refugees and Citizenship Canada (IRCC) online consultation on the Future of Immigration in Canada. The consultation looked at four topics: Strengthening our Canadian fabric; Unlocking Canada's diverse needs; Modernizing our immigration system; and Leadership in global migration and immigration. The CBA Section commented on policies and procedures to welcome and integrate newcomers and help reunify families. They also discussed how immigrants bring fresh perspectives and business practice that can help revitalize Canadian businesses and address labour shortages. Finally, the CBA Section offered examples on how to modernize for fairness as well as efficiency.

The CBA Section filed these comments on August 5, 2016 through the online consultation page on the IRCC website. The consultation form limited the response to each topic to 1000 words.

Topic 1 Strengthening our Canadian fabric

1. How many newcomers should we welcome to Canada in 2017 and beyond?
2. How can we best support newcomers to ensure they become successful members of our communities?
3. Do we have the balance right among the immigration programs or streams? If not, what priorities should form the foundation of Canada's immigration planning?

The CBA Immigration Law Section shares IRCC's view that the immigration and retention of newcomers must be associated with national economic development policies that drive growth and, at the same time, preserves the importance of reunification of families and communities.

IRCC remains engaged in the reunification of families, furthering the objective stated in the *Immigration and Refugee Protection Act (IRPA)* section 3(1)(d). Sponsorship of children should be processed promptly. The CBA Section recommends that no quota and no financial evaluation capacity be required for sponsorship of a child. These sponsorships should never be restricted to a quota and should be exempted from the evaluation of the parent's financial capacity to support one's child. Removing a quota restriction and exemption from parental financial capacity to support would demonstrate Canada's compliance with the *UN Convention on the Rights of the Child*, Articles 10 and 22.

The CBA Immigration Law Section also supports an exemption from financial evaluation for spousal sponsorship. The immigration of a spouse benefits Canada by allowing the growth of a family and

faster integration of the spouse into the work force and the local community. Too many times, the Government hinders spouses from being reunited based only on a poor financial capacity of the sponsoring spouse.

General quotas on economic immigration applicants such as skilled workers and business immigrants do not serve Canada's real and concrete objectives of development of an advanced economy and progressive democratic society. Quotas should be specific to identified sectors and determined in accordance with Service Canada statistical reports on employments shortage and subdivided by province and regional needs.

The CBA Immigration Law Section proposes the creation of programs offering incentives to facilitate home ownership by immigrants following a period of residency in a region. The CBA Immigration Law Section also proposes creation of programs within Canada workforce agencies to take a more active lead in assisting newcomers to obtain more rapidly the equivalencies and recognition of foreign diplomas and certificates. These programs would allow these immigrants to enter the workforce more quickly at a level matching their education and expertise, settle down and raise families in the region they work and become successful members of our communities.

Topic 2 Unlocking Canada's diverse needs

1. How can immigration play a role in supporting economic growth and innovation in Canada?
2. Should there be more programs for businesses to permanently hire foreign workers if they can't find Canadians to fill the job?
3. What is the right balance between attracting global talent for high-growth sectors, on the one hand, and ensuring affordable labour for businesses that have historically seen lower growth, on the other?
4. How can immigration fill in the gaps in our demographics and economy?
5. What Canadian values and traditions are important to share with newcomers to help them integrate into Canadian society?

Throughout Canada's history, immigration has been a cornerstone of our nation building, driving economic growth, innovation and social development. Wave after wave of immigrants have literally and figuratively helped to build our country, from our network of railroads, to establishing rural communities across the prairies, to fueling construction booms in our cities. Today, more than ever, immigration must continue to play this key role. A well-designed immigration program, that is flexible and able to quickly respond to market changes, is an invaluable tool in addressing Canada's economic and demographic challenges.

We live in an era of globalization, rapid technological innovation, cyclical economic fluctuations, and increasing international labour mobility. To compete internationally, Canada must not only be able to recruit and retain top talent to drive research, development and growth, it must be able to

do so quickly and efficiently. Attracting highly skilled immigrants – both temporarily and permanently – will support economic growth, innovation and job creation.

Highly skilled immigrants bring knowledge that drives innovation. Through their experience working in other jurisdictions, immigrants have expertise and knowledge of cutting-edge methodologies and processes they can bring to Canadian projects and share with Canadian employers and workers. This knowledge also drives efficiency, allowing Canadian business to increase competitiveness and generate growth.

They also possess global knowledge and are a source of international insight and perspective, which enhances the ability of Canadian businesses to successfully expand into foreign markets and compete internationally.

Immigrants can play a key role in building the international networks required for Canadian businesses to access and successfully penetrate foreign markets. Their networks of contacts are an invaluable tool in driving international economic growth and it is vital that Canada have access to these resources.

Attracting highly educated candidates to Canada, such as professionals and academics, is also crucial to increasing Canada's competitive advantage. For example, Canadian universities and other institutions that access immigrants of international renown raise their profile in the international community, while enhancing Canada's profile in research and development. This in turn can attract both foreign students and private investments to these universities and other institutions.

Canada's low birth rate, aging population and large wave of retiring baby boomers will continue to drive labour shortages, of both skilled and unskilled labour, that can hinder economic growth. Immigration provides access to a highly skilled international labour force, allowing Canadian employers to retain workers with skills in short supply and to pursue business opportunities and projects they could not otherwise undertake. Shortages of unskilled labour also have negative economic impact, driving the cost of labour to unsustainable levels that result in Canadian businesses becoming uncompetitive. In light of Canada's demographic issues, immigration must continue to play a key role in achieving and maintaining a balanced labour market.

For immigration to play an effective role in addressing gaps in Canada's demographics and economy we must implement both temporary and permanent residence programs that are efficient and flexible. Policy directives must move away from the current view that every position in the labour market must first be offered to a Canadian who meets the most basic skills requirements, to a view that instead takes into account the net economic benefit to Canada – and ultimate job creation – that additional skills such as international experience and global knowledge can bring. For example, the structure of the Express Entry system for permanent residence makes it almost impossible for candidates to be pulled from the pool if they do not have a job offer from a prospective employer who was able to obtain a Labour Market Impact Assessment (LMIA) by proving that there were no Canadians available for the position. This unnecessary limitation denies Canada access to a pool of potential immigrants with the international skills and global network of contacts crucial to driving innovation and economic growth.

While focusing on programs that provide permanent residence, it is also important to recognize that maintaining a robust temporary residence program is also crucial. In today's rapidly evolving markets, business opportunities must often be responded to in hours and days, not months and years. Even if Canada's immigration programs can move to consistently process permanent residence applications in six months, that is still too long to meet the urgent needs of employers. The government should restructure programs that allow Canadian employers to access temporary foreign workers so that these programs are flexible, efficient and more responsive to the needs of the Canadian economy.

Barriers to the economic success and integration of immigrants must also be addressed. More work must be done with professional regulating bodies to ensure that the professional qualifications of immigrants are assessed and recognized quickly and efficiently so that the skills and knowledge of new immigrants are not wasted. Programs that provide incentives to Canadian businesses to hire new immigrants and help them establish Canadian experience should also be introduced. The net return to the Canadian economy from not only tapping the expertise and skills of immigrants, but also ensuring their economic establishment more quickly, would offset the costs of any incentive programs.

Immigration must continue to play a key role in nation building, in addressing Canada's demographic gaps, and in driving innovation and economic growth. For Canada to benefit from the full potential of its immigration programs, however, it is crucial that:

- Both temporary and permanent residence programs be refocused on assessing the net benefit to the Canadian economy as a whole, rather than focusing on protecting individuals jobs for Canadians;
- Immigration programs be flexible and take into consideration business norms and realities;
- Immigration programs be efficient, timely, and less bureaucratic;
- Barriers to the economic success and integration of immigrants be addressed through implementation of policies and incentive programs.

Topic 3 Modernizing our immigration system

1. Currently, immigration levels are planned yearly. Do you agree with the thinking that planning should be multi-year?
2. What modernization techniques should Canada invest in for processing of applications?
3. What should Canada do to ensure its immigration system is modern and efficient?
4. Is there any rationale for providing options to those willing to pay higher fees for an expedited process?

The CBA Immigration Law Section recognizes IRCC's interest in switching from an annual to a multi-year plan to better align specific integration outcomes, meet labour market needs, and develop provincial-federal settlement strategies. The CBA Section cautions that any multi-year planning should continue to focus on providing transparent and accurate statistics to all relevant stakeholders, especially to immigration applicants. We recommend that the IRCC provide yearly milestones and updates to establish clear quotas and figures on the number of immigration application processed and proposed to be processed. Limited quotas should be communicated well in advance of opening and closing dates to limit the negative effects of speculation, as demonstrated by issues with the Parent and Grandparent Sponsorship Program in January 2015.

We support transparency in IRCC decision making. Presently, applicants whose applications are refused receive generic letters, which offer limited clarification regarding deficiencies and inconsistencies. Our members may advise clients to submit Access to Information and Privacy (ATIP) requests to uncover detailed reasons for refusal and submit another application addressing these reasons. These subsequent applications are often approved. We recommend that the IRCC provide detailed reasons for refusal in the initial letters to save time and resources for individuals and the IRCC.

IRCC's new online systems pose several technological barriers. We recommend that IRCC work to address these issues, particularly the need to give applicants and representatives access to a copy of their Express Entry e-APR applications. These issues negatively affect other temporary resident processes, such as an electronic travel authorization (eTA) application where applicants have limited space to share responses and face challenges linking to their applications, uploading and supplementing follow-up documentation.

Additionally, inadequate access to technology affects much of the world. Efforts to move immigration forms online should provide exceptions for individuals without adequate access. Also, we support providing resources to potential Canadian immigrants in languages other than English and French. This will have positive effects on reducing fraud, misrepresentation, and curb the illegal practice of immigration law in foreign countries.

Issues with IRCC online service disruptions and communications continue. More applications are refused due to technical issues. Individuals who face technical issues have few remedies. Reducing technological barriers, increasing server capacity, and providing more opportunity to save, view and supplement applications would promote modernization.

We recommend more frequent Program Delivery Updates, Operational Bulletins, and other updates to IRCC Guidelines. We recommend IRCC improve efforts to remove and archive outdated guidelines and processing manuals, and resolve contradictions posed by conflicting guides. Applicants often arrive on IRCC websites through search engines, the results of which can bring up multiple IRCC pages on the same topic. When possible, information should be consolidated onto one page or one set of clear instructions. We also support making processes for ATIP requests, Immigration representation inquiries, and case specific enquiries more responsive and client-friendly. We support global processing for temporary residence applications to reduce backlogs and

delays and equalize workload among visa offices. We also support consistency amongst decision-makers in different regions so that the decisions are reasonable and procedurally fair.

The CBA Section is wary of a two-tiered immigration system that offers expedited services for higher fees. This option would not address the underlying systemic issues that lead to processing delays and would shift the burden of the delays to those applicants who are unable to pay higher fees. Immigration fees can be an obstacle for many individuals seeking entry to Canada for legitimate reasons, and whose presence in our country would benefit us all economically, culturally and socially. Instead of offering expedited processing to wealthier applicants, the CBA Immigration Law Section supports attempts to improve efficiency and processing times across all applications. Investigation into reasons for existing inefficiencies and solutions to those specific problems would be a more equitable and would function better in the long term. For instance, if IRCC determines that processing delays are the result of inadequate or inefficiently used resources, permitting some applicants to pay to access a “faster line” would not alleviate the backlog of other applications, without a significant increase in processing resources or a radical restructuring of the decision-making system.

Topic 4 Leadership in global migration and immigration

1. Is it important for Canada to continue to show leadership in global migration? If so, how can we best do that?
2. How can Canada attract the best global talent and international students?
3. In what ways can Canada be a model to the world on refugees, migration and immigration?

The CBA Immigration Law Section welcomes IRCC’s request for information on Canada’s goal to lead in global migration and immigration. The CBA Section does not offer specific information on this topic at this time.