



THE CANADIAN
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April 18, 2018

Via email: Minister@cic.gc.ca

The Honourable Ahmed Hussen, P.C., M.P.
Minister of Immigration, Refugees and Citizenship
Immigration, Refugees and Citizenship Canada
365 Laurier Avenue West
Ottawa, ON K1A 1L1

Dear Minister Hussen:

Re: Budget 2018 Funding Commitments

On behalf of the Canadian Bar Association Immigration Law Section (CBA Section), I would like to applaud you and your government on the commitments in the 2018 federal budget (Budget 2018) to support asylum seekers and temporary foreign workers.

The CBA is a national association of 36,000 members, including lawyers, notaries, academics and students across Canada, with a mandate to seek improvements in the law and the administration of justice. The CBA Section is comprised of over 1,000 lawyers, practicing all aspects of immigration law and delivering professional advice and representation in the Canadian immigration system to thousands of clients in Canada and abroad.

Support for Asylum Seekers

The CBA Section wrote to Immigration, Refugees and Citizenship Canada (IRCC) in October 2017¹ outlining policy and legislative options in response to the influx of asylum claimants arriving in Canada from the United States. The \$173.2 million commitment in Budget 2018 to assist in the processing of asylum claimants will foster quicker and more compassionate processing of vulnerable asylum claimants, while balancing the need to protect the integrity of Canada's borders.

In our October 2017 letter, we recommended increasing funding for the Immigration and Refugee Board (IRB) Refugee Protection Division (RPD). Budget 2018 allocates funding to bolster the decision-making capacity of the IRB. The IRB continues to struggle with a backlog of claims, and we support this additional funding to address this issue. We encourage you to direct funds to the RPD.

¹ Canadian Bar Association letter, October 25, 2017, *Re: Policy and Legislative Options for Asylum Seekers*, available [online](https://bit.ly/2vnC1DP) (<https://bit.ly/2vnC1DP>).

Legal Aid Services

In October 2017, we wrote to the Minister of Justice² expressing concerns with the alarming trend of budget cuts, lack of funding and service suspension for immigration and refugee legal aid services. We commend the additional funding to support legal aid societies in providing effective representation to asylum claimants in Budget 2018: \$12.8 million in funding for legal aid services to asylum seekers and the additional \$1.5 million to enhance the Settlement Program. Studies have shown that refugee claimants represented by a lawyer have a 230% greater chance of approval of their case as compared to unrepresented claimants.³ Notwithstanding, we urge you to review the recommendations in our letter to the Minister of Justice and to continue to allocate much-needed funds to immigration and refugee legal aid services.

Protection of Temporary Foreign Workers

Budget 2018 included funding of \$194.1 million over five years and an additional \$3.4 million over two years to ensure the rights of temporary foreign workers. The CBA Section has offered recommendations in prior submissions⁴ on ways to improve the temporary foreign worker program (TFWP). We support the government's efforts to protect vulnerable temporary foreign workers, who make valuable contributions to the Canadian economy and society. Canada needs a TFWP that is flexible and responsive to change and we encourage a program that protects foreign workers in the Canadian labour market from abuse and unfair practices by employers, while also ensuring that Canadian employers can operate in a predictable and reasonable regulatory environment. We welcome ongoing discussions about ways to improve the compliance regime to meet the evolving needs of the Canadian economy and to prevent exploitation of vulnerable workers.

The CBA Section is pleased to see your government's efforts to remove barriers to immigration in Budget 2018. We would be pleased to discuss any of the above in more detail.

Yours truly,

(original letter signed by Gillian Carter for Barbara Jo Caruso)

Barbara Jo Caruso
Chair, CBA Immigration Law Section

² Canadian Bar Association letter, October 2, 2017, *Re: Insufficient Funding for Immigration and Refugee Legal Aid Services across Canada: Impact on Right to Representation by a Lawyer*, available [online](https://bit.ly/2qGLE5z) (<https://bit.ly/2qGLE5z>).

³ *Ibid.*

⁴ Canadian Bar Association letter, December 13, 2016, *Re: Temporary Foreign Workers Program*, available [online](https://bit.ly/2vnFUJ9) (<https://bit.ly/2vnFUJ9>); Canadian Bar Association letter, May 26, 2016, *Re: Temporary Foreign Worker Program*, available [online](https://bit.ly/2EWCigN) (<https://bit.ly/2EWCigN>); Canadian Bar Association, *Express Entry and Temporary Foreign Worker Program*, April 2016, available [online](https://bit.ly/2EYbn42) (<https://bit.ly/2EYbn42>).