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July 8, 2020

Via email: [Lara.Dyer@cic.gc.ca](mailto:Lara.Dyer@cic.gc.ca); [Korey.McKinnon@cic.gc.ca](mailto:Korey.McKinnon@cic.gc.ca)

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Dear Ms. Dyer and Mr. McKinnon:

**Re: Design of Municipal Nominee Program**

I write on behalf of the Immigration Law Section of the Canadian Bar Association (CBA Section) in response to your request for feedback about the design of the new Municipal Nominee Program (MNP).

The CBA is a national association of 36,000 members, including lawyers, notaries, academics and law students, with a mandate to seek improvements in the law and the administration of justice. The CBA Section has approximately 1,200 members practising in all areas of immigration and refugee law.

The objectives of the MNP should be to offer a unique path to immigration, retain immigrants in local communities, and minimize the risk of fraud. For ease of reference, our comments respond to the questions in your letter requesting feedback dated May 29, 2020.

**How has COVID-19 impacted your organization/your sector/your clients?**

Border closures and travel restrictions have decreased the number of immigrants entering the country. Application processing delays and pauses have also resulted in longer wait times.

**What impacts, changes or shifts do you foresee in the short and long-term to how you/your sector/your clients operate in the future as a result of COVID-19?**

In the short-term, prospective permanent residence applicants may no longer be eligible under existing programs due to job loss or a change of situation in their country of origin. Many employers are re-evaluating their short-term hiring plans, and others are relying more on international recruitment options because of local labour shortages.

The COVID-19 pandemic has also accentuated the importance of frontline work in primary care, health care, agriculture and agri-food, supply chain and critical infrastructure. Many occupations in these sectors are low-skilled or low-wage.

**How might immigration play a role looking forward?**

The COVID-19 crisis has amplified workforce needs in sectors such as essential services, food supply, healthcare, and scientific innovation. Most of Canada's current immigration programs are not centred on these labour needs.

Before the pandemic, many communities were facing an aging labour force, high unemployment rates, and out-migration. Immigration will play a vital role in stimulating population growth and contributing to labour market growth and local economic development. Newcomers also enrich the local social and cultural fabric.

**What would success look like for the Municipal Nominee Program? Locally? Nationally?**

Local success would be immigrant integration allowing for long-term contributions to the economic, social and cultural richness of communities and regions. Attainable selection criteria would give newcomers an increased ability to settle locally. Indicators of success would include the number of immigrants who are chosen to settle and remain in the local area and their settlement patterns such as home ownership, business creation, and job status. It can also be measured by the rate of MNP participants acquiring Canadian citizenship.

National indicators of success would include a greater number of immigrants settling in communities outside large urban areas, disbursement of immigration benefits across Canada, attainable selection criteria, and responsive processing times to ensure settlement goals are met.

**What are the key factors for attracting and retaining newcomers locally?**

The factors that initially attract a newcomer should be considered separately from factors that influence a newcomer's decision to stay in an area.

Social and economic ties are often key factors that attract newcomers locally. Social ties include the presence of close family or other relatives, a local network, recreational pursuits or community participation. Economic factors include job opportunities, business environment, housing, infrastructure, and education.

Newcomers access municipal services soon after arriving including recreation, transit, public health, employment programs and other social services. Proactive local support from the community is an important factor in successful integration, which is directly relevant to retention.

**Aside from attracting and retaining newcomers in communities, what other objectives might be targeted (e.g. attracting francophone immigrants specifically)?**

The program should target potential immigrants who would make positive contributions to the community and give consideration to community labour market demands that cannot be met through other pathways. For instance, MNP can become a route to permanent residence for workers in occupations at skill levels “C” and “D”, and the local economy would also benefit from fulfilling the demand for those jobs.

**What should be the roles of governments and partners involved in the program?**

Municipal governments have no constitutional responsibility for immigrant selection, settlement or integration, yet newcomers live in local communities and interact with municipal services every day. Municipal governments have direct knowledge of support services and employment opportunities that could inform immigration strategies. Municipal governments should be considered a partner, not a stakeholder, and should be given a larger role in the selection and retention of newcomers to their area. This includes expanded funding for municipalities to work with provinces, territories and federal government as well as increased decision-making power. Municipalities should receive and allocate sufficient funding to offer initial welcome services and continuing settlement support to newcomers who immigrate through MNPs.

The federal government should continue to develop the national policy framework on immigration and to delegate authority to provinces, territories and municipalities to operate regional nomination programs.

Existing local immigration partnership entities and employment councils that allow coordination of services should be strengthened. Collaboration with local organizations such as economic development agencies, chambers of commerce and boards of trade will allow information sharing and marketing of local opportunities.

A coordinated plan is necessary to connect prospective immigrants with the appropriate skill sets to regions where there are employment or economic opportunities. Municipalities with knowledge of their community profiles and labour market research indicators of future skills and job shortages can market and communicate opportunities to attract newcomers with the necessary skills. A good match between municipal needs and a prospective immigrant’s skill set can ensure labour market attachment and retention.

**What kinds of communities should be prioritized?**

Target communities should include:

- Francophone communities in need of teachers, business people and labourers.
- Municipalities looking to support entrepreneurial applicants. These applicants may be willing to invest in a local business and have a viable business plan, but not have the net worth or work experience needed to qualify under other immigration programs.
- Communities in need of charitable workers and religious workers.
- Communities with particular labour shortages that could be alleviated by MNP applicants.
- Communities interested in increasing their level of multiculturalism and diversity.

We take no position on the size of the communities that should be selected, but recommend prioritizing municipalities with effective settlement programs that go beyond arrival needs.

**How could the program ensure communities are ready to participate?**

Communities need adequate support systems and resources including increased funding, training and cooperation with partners and stakeholders.

Given the expertise the provinces and territories have developed in administering their respective Provincial Nominee Programs (PNP) using their existing infrastructure and budgets to administer the MNP would be efficient from a resource perspective. This could also ensure a level of uniformity. We recommend designating local liaisons in the communities involved and giving them open channels of communication with the PNPs.

To attract and retain newcomers, the MNP should leverage the expertise of local organizations such as chambers of commerce, boards of trade, employment councils, economic development agencies, trade unions and academic institutions. There are already several organizations like this operating with federal support under other Canadian immigration programs.

**Do you have other considerations, including data and evidence to support, or comments to share?**

This is an opportunity to create an innovative program with flexibility to respond to local economic, social and demographic needs. A balance is needed between allowing flexibility in the MNP selection criteria and ensuring the rules are clear to minimize the potential for abuse or fraud.

Prospective immigrants to Canada may be vulnerable, and at risk of being exploited financially by recruiters, representatives or consultants who are not acting in their best interests. There is also potential for discrimination or bias in the way municipalities select candidates particularly if the selection criteria are not transparent, objective, and easy to understand.

There can be tension between retention and mobility rights. We do not recommend conditional permanent residence that forces immigrants to stay in a community. We believe municipalities should fund robust settlement services that would support immigrants and their families beyond the initial arrival and motivate them to remain in the community.

**Closing Remarks**

We are pleased to comment at this early stage of MNP design. In our experience, one-size-fits-all immigration programs tend to favour large cities. One objective of MNPs should be to fill gaps in Canada's immigration options for smaller centres and rural regions.

We encourage IRCC to continue to consult with the CBA Section as the MNP evolves and takes clearer shape. Our role as legal advisors across Canada gives us a unique perspective and expertise to assess possible adverse impacts, procedural risks and safeguards to administer the MNP effectively.

We would be pleased to clarify our recommendations or discuss them in more detail.

Yours truly,

*(original letter signed by Nadia Sayed for Ravi Jain)*

Ravi Jain  
Chair, Immigration Law Section