

October 29, 1999

The Honourable Elinor Caplan, P.C., M.P.
Minister of Citizenship and Immigration
365 Laurier Avenue West
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Ottawa, ON K1A 1L1

Dear Minister,

We read with interest your Performance Report released on October 22. We commend the progress made by CIC over the past year in these challenging times. The members of the National Citizenship and Immigration Law Section of the Canadian Bar Association (the Section) look forward to discussing with you many of the initiatives identified in the Report, particularly in the area of legislative reform. Given your upcoming announcement regarding immigration levels, we would like to take this opportunity to offer comments on this specific issue.

We note from the Performance Report that, once again, the number of immigrants is lower than projected — total immigration fell short of the low end of the target range by 13%. It is worth noting that it also fell short of the high end of the range by almost 23% and of the Liberal Party's policy by approximately 42%. The reasons for not achieving the stated levels are many. Indeed, a number are identified in the Performance Report. We are pleased to see these reasons set out in the Performance Report, as an indication that CIC accepts some responsibility for the shortfall. A full understanding of the causes serves to build confidence for improvement in the future.

While it is not within the Section's mandate to promote specific levels of immigration, we have a history of advising Government on how best to achieve its objectives. There is a consensus within the Section that the present selection system excludes a number of people who could successfully establish themselves in Canada as immigrants. This results from staffing problems and many of the changes to the selection system in the past decade, most notably the reduced "bonus" for Assisted Relatives and the change to the NOC. If the Federal Government is indeed committed to a higher level of immigration, it can implement a number of changes to bring these people back into the pool of selected immigrants without lowering standards to the point of selecting those who should not be selected.

First, we recommend an immediate change to the calculation for the Education and Training Factor. At present, applicants who meet the higher ETI standards are given credit only for the lowest ETI for their intended occupation. Better qualified applicants are treated the same as less qualified ones. CIC has argued that a higher assessment for education offsets this disparity. We agree with this to some extent. However, since the target is not being met, we see no reason to treat more marketable applicants the same as less marketable applicants in the same occupation, with regard to the skill level for their occupation. Raising the ETI points for more qualified applicants will not reduce the overall quality of immigrants selected. At the same time, it will help the Government reach its targets.

Second, we recommend that the units for the Demographic Factor be increased immediately from 8 to 10. This will offset the recent two unit decline in the average number of units awarded for the Personal Suitability factor. The reasons for this reduction are operational, rather than reflective of applicants' qualifications. An immediate increase in the Demographic Factor will compensate for the unintended reduction in units awarded for Personal Suitability until the operational issues are addressed, without lowering our standards to accept unqualified applicants.

Third, we recommend increasing the number of points assigned to those occupations on the General Occupation List most in demand.

Fourth, we recommend that the selection system be made more transparent to those who might be interested in coming to Canada. Many potential applicants hesitate or decline to enter an uncertain process, particularly when so much money is involved. The Section has been consulting with CIC officials on its redesign efforts and is encouraged by these discussions. We would hope that suitable changes can be made within the coming year.

Fifth, we encourage the Government to rethink its recruitment strategies, which have met with only limited success to date. If immigration lawyers and consultants can recruit clients, there must be a way for the Government to do the same.

Sixth, the Government should move quickly to regulate those providing representation to applicants so as to exclude those who bring our immigration system into disrepute.

Seventh, we encourage you to seek agreement from your Cabinet colleagues to allocate all fees generated by the delivery network, including the Right of Landing Fee, to the CIC budget. These fees should be reinvested in CIC's delivery network, rather than flowing into the General Revenue Fund. Until CIC is properly resourced to face legitimate and difficult challenges, it will continue to fare poorly with risk management and processing time standards.

Eighth, we encourage you to demonstrate leadership by directing visa officers to manifest a more positive attitude regarding applicants. Because Canada falls short in achieving the targets, officers

should take particular care not to refuse applicants who could become successfully established in Canada. Officers should also be reminded that applicants should be rewarded for their interest in Canada by being served with courtesy and respect. The present attitude that immigration to Canada is a privilege, although understandable, has led to the abandonment in some offices of any concept of service. For example, individuals whose cases have taken much longer than anticipated by the visa office cannot obtain status updates even when their files are months or years overdue by the office's own standards. These stories circulate and discourage others from submitting applications.

Ninth, we recommend giving attention to making the regional processing centres function as they were initially proposed, namely as a central clearinghouse of application and confirmation of the legitimacy of documents. Post-interview confirmation of documents only increases processing times. We recommend, instead, that documents checked during the one year or more the files are awaiting an interview.

Finally, we encourage you to consider a redesign of the delivery network, to handle certain applications at a central processing centre in Canada. Such a centre could handle immigration, Employment Authorization and Student Authorization applications. Applications requiring interviews could then be transferred to the local visa office for conclusion. The Section is in the process of preparing a more detailed proposal for a central processing centre, which we will forward in the near future.

We trust that the above recommendations are of assistance. When you announce the target levels for the coming year, we encourage you to identify the causes for the chronic shortfall, and to identify possible solutions. Some of our suggestions can be implemented immediately. Others require more study. In our respectful submission, implementing all these suggestions would go a long way toward helping Canada reach its desired immigration levels.

We look forward to your upcoming announcement and thank you for considering our views.

Yours very truly,

Elizabeth D. Chow Bryson
Chair
National Citizenship and Immigration Law Section