

Q and A

**Shaping the future:
Canada's rapidly changing immigration policies**

by Naomi Alboim and Karen Cohl

1. What is *Shaping the future* about?

This paper describes the changes made to immigration, temporary entry to Canada, and citizenship by the federal government between 2008 and July 1, 2012. It documents the changes, and analyzes their potential individual and cumulative impact.

While some of the changes are positive, the authors conclude that the future of Canada may be negatively affected by the recent emphasis on short-term labour market needs, the lack of evidence-based policies, a retreat from traditional democratic processes, and a less welcoming environment for immigrants and refugees.

The authors propose that it is time for a national conversation on the kind of country Canada wants to be and how immigration and related policies can help us get there. They propose that the conversation be based on a number of principles which are described in the last chapter of the report.

2. What changes have been made to immigration policy? Has there ever been a period of so many changes?

Between 2008 and July 1, 2012, the federal government has made changes that affect Canada's approach to all three streams of immigration (economic, family reunification, and humanitarian), the rules for obtaining citizenship, and temporary entry as a foreign worker, international student, or visitor. The government has also changed the way in which reform is undertaken, including a dramatic increase in ministerial powers.

The pace and scope of the changes are unprecedented.

3. What are Ministerial Instructions? Why are they problematic?

It used to be that major changes in immigration policy would be achieved through legislation and regulations. Legislation would typically be preceded by public consultation, task forces, discussion papers, committee hearings, and parliamentary debate. Regulations were also the subject of consultation before being approved by the federal Cabinet.

A sea change occurred, when the 2008 Budget Bill and 2012 *Budget Implementation Act* amended the *Immigration and Refugee Protection Act (IRPA)*. The budget bills created and then expanded the powers of Ministerial Instructions.

Through this new decision-making vehicle, the Minister of Citizenship, Immigration and Multiculturalism has the discretion to create new immigrant programs and classes, retroactively determine processing quotas and priorities, eliminate applications in permanent and temporary categories, and impose conditions on employers. All this can be done without consultation with the public, provinces or Parliament.

This is problematic, first because input from the public can help promote high levels of support for immigration. Second, input from the provinces helps ensure that immigration policy meets regional needs. Finally, input from Parliament provides important checks and balances in a democratic country.

4. Since there have been so many changes, can we assume that the system was very broken?

Canada's immigration system has historically been a model for the world. We have effectively welcomed and integrated hundreds of thousands of immigrants each year, with unparalleled high levels of public support.

Of course, no system is perfect and there are some problems – such as the unemployment and underemployment of skilled immigrants – that continue to challenge policy makers. However, these challenges do not warrant either the pace or scope of changes. In fact, some of the best features of Canada immigration system may be threatened by recent changes.

5. What are the most positive changes?

Some of the recent implemented or proposed changes are potentially positive, although success will depend on the effectiveness of their implementation. These include the proposed creation of the skilled trade stream, national standards for immigrants recruited by the provinces through Provincial Nominee Programs, more protections for temporary foreign workers, and an appeal process for at least some refugee claimants.

These changes are based on evidence and evaluation, provide greater fairness to immigrants, and are in Canada's long-term interests.

6. What are the most negative changes?

Many of the proposed and implemented changes will have negative consequences for immigrants and Canada's reputation internationally. These include for example conditional permanent residence for spouses and entrepreneurs, differential treatment of refugees based on their country of origin, and more difficult citizenship procedures.

These changes have been made without sufficient evidence, are punitive to immigrants and will damage Canada's reputation over the long term.

7. The paper describes how Canada's immigration is increasingly being framed as part of a law and order agenda. Why is this a problem?

It is important to protect the integrity of the immigration system by preventing fraud and abuse. It helps ensure continued support for the immigration program.

However, fraud and abuse are not widespread problems which makes it difficult to justify the harsh new policies. Also the language used to describe immigrants during enhanced enforcement efforts – for example “fraudulent” and “queue-jumpers” – creates a negative impression of immigrants and immigration among the general public.

8. What is the cumulative impact of the changes?

While some of the individual changes are positive, overall they are moving immigration policy in the wrong direction.

Among the cumulative impact of recent changes:

- An immigration system that is increasingly focused on short-term labour market needs at the expense of long-term nation building – characterized by an emphasis on temporary foreign workers and a reduction in federal skilled workers;
- Inconsistent immigration policy – characterized by a lack of predictability in immigration rules and procedures and less evidence-based policy development;
- A weakening of the democratic process – characterized by limited public consultation, strained provincial-federal relations and a reduced commitment to citizenship; and
- A less welcoming environment for immigrants – this may potentially hurt Canada's reputation as a destination of choice for the highly skilled and mobile.

9. What does the paper recommend?

The authors propose that it is time for a national conversation on what kind of country we want to be, how immigration can help us get there, and implications for current and future immigration policies. This national conversation should be based on the following principles:

- Immigration policy should be based primarily on long-term social and economic objectives and a commitment to citizenship.
- Immigration policy should be evidence-based, comprehensive, fair and respectful of human rights.
- Immigration policy should be developed through public and stakeholder engagement, meaningful federal-provincial-territorial consultation, and democratic processes.
- Immigration policy should enhance Canada's reputation around the world.

The report also makes recommendations on specific immigration, refugee and citizenship programs, detailed in Appendix 2.

10. The paper's analysis of the changes ends on July 1, 2012. What has happened since then?

The federal government has formally proposed regulatory changes that would change the point system in the Federal Skilled Worker Program. While the pass mark remains 67, the changes will:

- give more points to younger applicants;
- create a new minimum standard for official language ability and give more points for language ability;
- reduce points allotted for international work experience; and
- require a third party assessment of educational credentials (the government is currently looking for organizations to do this work on the government's behalf).

Included in the proposal is more information about the government's intention to create a stream for skilled tradespersons.

The federal government is currently reviewing 11,000 permanent resident and citizenship applications to determine whether fraud has occurred. In September 2012 it announced it will revoke the citizenship of 3,100 people who obtained it fraudulently.

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About Maytree:

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