

Need for change in Canada's immigration and refugee policy

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by **Edward C. Corrigan**

On September 25, 2015 Liberal Leader Justin Trudeau released a statement in Brampton, Ontario which outlined proposed Liberal policy on Citizenship and Immigration. The statement was bold and fairly comprehensive and contained many good ideas to help fix the mess the Conservatives have made in the Citizenship, Immigration and refugee area and also the rather draconian measures the Conservatives took on “Homeland Security.” The text of Justin Trudeau’s statement is found [here](#).

Justin Trudeau the leader of the Liberal Party of Canada said that, “A Liberal government will bring real change to Canada’s immigration system so it is focused on compassion, economic opportunity, and family reunification.” To quote now Prime Minister Justin Trudeau, “Immigration is critical to job creation and long-term economic growth for the middle class.

In so many ways, Canada is what it is today thanks to the entrepreneurial spirit of those who chose to build their lives here,” ... During the Harper decade, our immigration system has been mismanaged, politicized, and re-oriented away from welcoming those who choose to make Canada their new and permanent home. Liberals will reform our immigration system, and make family reunification a core priority of our government.”

Trudeau made a number of express promises. He said, “We will immediately double the number of

applications allowed for parents and grandparents to 10,000 each year. To help make that happen, and to restore processing times to levels that existed before the Harper decade, we will nearly double the budget for processing family class applications.”

In addition, Trudeau promised to provide greater access to applicants who have Canadian siblings; to restore the maximum age for dependents to 22 from 19, to allow more Immigrants to bring their children to Canada. Trudeau also said, “A Liberal government will also change the rules so that spouses immigrating to Canada receive immediate permanent residency, getting rid of the current two-year waiting period.”

All of these proposals are very good and will help undo the Conservative policies that were very hostile to new Immigrants to Canada.

There is much to complain about the Conservative government’s policies towards new comers and especially to refugees. Trudeau has promised to bring in 25,000 Syrian refugees to Canada before the end of 2015. This goal will be difficult to achieve but the attitude of the new government toward refugees is a signal that Canada is returning to its noble humanitarian ways where Canada accepted refugees from Vietnam, Uganda, and other war torn countries and countries of persecution. These actions will go a long way towards restoring Canada’s reputation as a fair and compassionate country.

The Conservative changes to Canada’s refugee policy also need to be reviewed. The distinction between the Designated Countries and Non-Designated countries should be changed. The Federal Court of Canada has declared that some of these distinctions are a violation of the equality provisions in the Charter of Rights and Freedom and immediately declared them invalid.[ii]

Arbitrary decisions of declaring some countries safe when there is evidence of racial discrimination and persecutory treatment should not be declared safe. Refugees should not be penalized if they come to Canada and ask for protection as Convention refugees if they have a reasonable basis for a fear of persecution.

Hungary is one such country. The Immigration and Refugee Board has granted protection to many Roma fleeing Hungary and the Federal Court of Canada has overturned many negative decisions on Roma from Hungary. Under the Conservatives Hungary was declared a safe country for Roma. When in doubt the benefit should go to the refugee claimant if the country is on or the near the border of being considered an unsafe country.

Another absurd distinction is removing access to the Refugee Appeal Division if the refugee entered from the United States but are from a country that Canada recognized was refugee producing. Only individuals who had a close family relative in Canada would meet the exceptions in the Safe Third Country Agreement with the United States. Refugees should not be penalized for having a relative in Canada and exercising their legal rights.

The Minister responsible for refugees also should not be making pronouncements which may affect the treatment of refugees in his department, as former Citizenship and Immigration Minister Jason Kenney was prone to do.

The new Minister of Immigration, Refugees and Citizenship, the Hon. John McCallum, has already started making changes to his portfolio. He has announced that he is cancelling the previous government's ban on refugees having medical coverage as a measure that did not make economic sense. The new Minister said, "It might have saved a few dollars for the federal government, but people who are really sick don't just die in the streets. They go to the emergency (rooms) and hospitals, and the cost of that is greater than the cost of what they would have received alternatively...It was economically foolish." McCallum also said it has had the legal and medical community "up in arms." The new Minister also said he "agreed with a Federal Court judge's ruling last year that called the government's cuts "cruel and unusual."

Not all of the Conservative's policies on Citizenship and Immigration were bad. Some of the work was laudable. The Post-Graduate Work Permits offered to graduates from our Canadian educational institutions was very good. Coupled with the In-Canada Experience Class category for Immigration to Canada attracted some of the best and brightest International students to Canada.

This program was a great benefit to our economy. Since these international students were educated in Canada and had Canadian work experience they made excellent candidates for Immigration to Canada. Unfortunately the Conservatives dumped the In-Canada Experience Class Immigration process into the complex and confusing so-called "Express Entry" Immigration program for Skilled Workers.

The politically named "Express Entry" program does not work, and in my opinion, should be scrapped. [vii] The In-Canada Experience Class should be restored as a separate standalone Immigration category. I also think that the new Minister should consider re-booting the Family Business Immigration Category which allowed businessmen and farmers to bring close family relatives to Canada to work in the family business.

The new Government and the new Minister for Citizenship, Immigration and Refugees should scrap the Express Entry program and return to the Skilled Worker Immigration program that existed before January 1, 2015. The Conservatives introduced a quota on each category and this limit should be retained.

The Conservatives also lowered the age for Skilled Worker Applications to 29 from 49. This attempt to attract younger skilled workers may have been well intentioned but impracticable. How many skilled workers are at the top of their field at the age of 29? Applicants were also penalized if they were married. These changes no doubt discouraged many high quality Applicants from choosing Canada as their new home.

Canada's previous Skilled Worker Immigration program became overwhelmed by its own success. There was a backlog of over 8 years and around 800,000 approved and qualified applicants in the cue. This number became unmanageable and created long delays. Canada's economy also changed and Applicants whose skills were in demand 8 years ago were no longer needed.

The Conservatives solved the Skilled Worker problem by cancelling all of the Applications and returning the millions of dollars in processing fees to the Applicants. It was harsh and unfair decision, but unfortunately necessary. Keeping quotas for each skilled worker category and re-accessing the

needs of Canada each year should keep the program manageable.

The same problem arose with the Investor program where around 33,000 applications from millionaires were abruptly cancelled. The Conservatives re-introduced the Investor program but raised the net worth to \$10 million from \$2 million and raised the amount required to be invested in Canada from \$800,000 to \$2 million. The money was to be returned after 5 years with no interest being paid and no guarantee that money would be returned.

My understanding that the Canadian Investor program has basically ground to a halt. We are not the only game in town. The United States, Australia and many other countries are looking to attract Investors. There is an island in the Caribbean that offers citizenship to individuals and their families who invest \$500,000 in the Island by buying a condo or house. Citizenship and a passport is given shortly after the investment is made. Canada, in my opinion, has priced itself way out of the market for attracting Immigrant Investors.

One of the stupidest things the Conservatives did was lower the age for a dependent to 18. Currently once the child turned 19 they no longer qualified to come to Canada as a dependent of their parents. This age limit should be raised back to 22 and also allow children who are full time students to qualify as dependents. This was the old policy which worked fine.

I am sure that this age policy drove away many well qualified applicants from Canada. How many parents are going to leave their 19 year old child behind? Most children at 19 are still getting their education and this policy cost Canada dearly.

The fact is that Canada needs Immigration to maintain our population levels and to grow our economy. We have an aging population and Canadians are living much longer. Our birth rate is far below the numbers needed to sustain our population at the current level.[viii]

Hopefully the new Liberal government of Justin Trudeau will honour its promises and make Canada a more attractive place for Immigrants. A proper Immigration policy is a huge economic benefit to Canada. It is in the interest of all Canadians to fix the problems in Immigration which is the legacy of 10 years of Conservative rule.

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