



# Canada's Immigration, Refugee and Citizenship Policy Review

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## Executive Summary

This policy recommends that Canada should take two main policy implementations: (1) Post COVID-19 readiness asylum and protection of most vulnerable plan, and (2) Enhancing the Provincial Nominee Program (PNP) add the caregiver immigration program as part of the economic recovery plan. This policy review is directed to the Minister of Immigration, Refugees and Citizenship (IRCC), the Honorable Marco E.L. Mendicino. The suggested recommendation supports the IRCC's mandate on its commitment to implementing policies to maintain Canada's humanitarian traditions of protecting those in need, enhance Canadian citizenship rights, and developing global migration policies that support Canada's immigration humanitarian objectives.<sup>1</sup>

Canada is currently faced with three primary issues regarding immigration: (1) declining population rate, which increases the need to welcome new skilled comers into Canada's workforce; (2) Impact of COVID-19 result in a significant drop in immigration applications, (3) GBV claims rejected over the STCA. Over the past years, Canada's policy is focused on economic growth and needs, enhancing efficiencies in the asylum system, humanitarianism, newcomers settlement, client experience, and transforming to respond to Canada's increased immigration demand.<sup>i</sup> It has also entered into the U.N. Global Compact agreement on Safe, Orderly and Regular Migration and the Global Compact on Refugees, which recognized the enrichment immigration provides to our society and focuses on the protection of migrants human rights and development of the necessary conditions for their flourishing at the local, regional, and global level.

Internationally, Canada has been known as one of the most accepting countries for migrants to host talent and refugee protection.<sup>ii</sup> Immigration remains a crucial driver for Canada's prosperity and international reputation as a leading humanitarian state. Canada's current immigration policy commits to enhance and facilitate immigration, refugees and citizenship policies. Part of Canada's long-term economic recovery plan is to leverage immigration and asylum claims to maintain competitiveness globally.<sup>iii</sup> International immigration trends to increase in the foreseeable future due to currently active conflict and the global pandemic we are facing. It is in Canada's interest to act upon this issue sooner rather than later to maintain its international prestige and achieve its goals and objectives of national interest through the suggested recommendation.

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# Abbreviations

<b>IRCC</b>	Immigration, Refugees and Citizenship
<b>IRB</b>	Immigration and Refugee Board of Canada
<b>RPD</b>	Refugee Protection Division
<b>RAD</b>	Refugee Appeal Division
<b>CCR</b>	Canadian Council for Refugees
<b>CARL</b>	The Canadian Association of Refugee Lawyers
<b>STCA</b>	The Safe Third Country Agreement
<b>RCMP</b>	Royal Canadian Mounted Police
<b>CBSA</b>	Canada Border Services Agency
<b>GBV</b>	Gender-Based Violence
<b>PMO</b>	Prime Minister's Office
<b>CCC</b>	Canadian Chamber of Commerce
<b>LMIA</b>	Labor Market Impact Assessment
<b>CPS</b>	Comprehensive Points System
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>WRC</b>	Women's Refugee Commission
<b>IOM</b>	International Organization for Migrants
<b>COVID-19</b>	The Coronavirus Disease 2019
<b>USA</b>	United States of America

# Background, History and Policy Process

## Problems Facing the Nation

### Canada's low birth rate requires more immigration to compensate

While Canada faces slower population growth rates accompanied by longer life expectancy averages, it is essential to realize the necessity of immigration. According to Canada's Minister of Finance, the number of working-age Canadians, between 15 and 64, will decline from 5 to 2.5 in the next 20 years.<sup>iv</sup> Hence, 23% of Canada's population will be 65 years old or older by 2040.<sup>v</sup> The Canadian Institute of Health Research indicates that immigrants are a significant element to achieving economic growth and maintaining balanced and stable systems funded by taxpayers' money.<sup>vi</sup>

Since 1971, Canada's fertility rates have not reached the 2.1 rate needed for a stable population growth.<sup>vii</sup> This is the average number of children born per woman, the rate at which a population exactly replaces itself from one generation to the next without migration.<sup>viii</sup> On top of that, Canadians' life expectancy has increased by more than nine years, meaning Canadians live longer and have fewer children and less frequently. Without a young population to replace retiring workers, fewer working-age Canadians will be contributing to the workforce and economy, which will lead to an imbalance that could place pressure on the standards of living, slow economic growth, and create numerous fiscal challenges. More specifically, Health care and public pensions are a particular area of concern. While Canadians age and retire, they rely more on health care and public pension funds. Meanwhile, fewer workers contribute to pensions or the tax base, not enough health care workers will be able to take care of an ageing population, leading to a labour shortage.<sup>ix</sup>

Lower fertility rates and ageing populations have become worldwide concerns. The G7 nations – Canada, France, Germany, Italy, Japan, the United Kingdom, and the United States – have stood out for their lower fertility rates and higher ageing populations since the mid-twentieth century (see Figure 1). As the United Nations projects that the global median age will be 41.9 in 2100, the G7 nations are projected to have a higher median age (48.5) than the global median. By 2100, Canada will have the second youngest median ages of all the G7 nations after the United States – 46.8. This is majorly due to immigration to Canada from the rest of the world. However, despite this migration, Canada will still have older populations than the global median.<sup>x</sup>

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## Median Age of G7 Nations by 2100

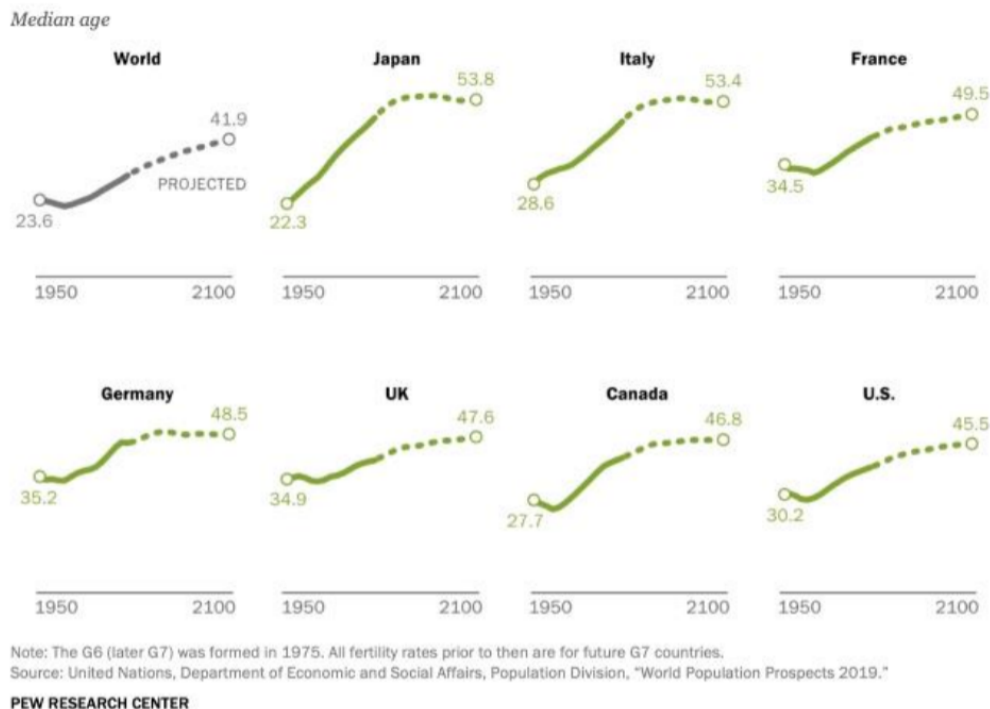


Figure 1

Source: [Pew Research Center](#)<sup>xi</sup>

## COVID-19 halt on immigration applications

It is expected that the COVID-19 pandemic has taken a significant toll on applications for immigration, which has put Canada's labour market at stake and troublesome position economically.<sup>4</sup> In an attempt to control and alleviate the coronavirus's spread, the Government, had to shut its borders along with strict confinement measures, which led to a 64 percent drop in immigration levels.<sup>xii</sup> Applicants who had their permanent visa expire date amid the border closure could not enter the country.<sup>xiii</sup> On top of that, evidence suggests that around 20 percent of Canadians may have developed a more negative attitude toward immigration, implying that when borders eventually reopen and the economic regeneration restarts, immigrants may no longer be as welcome as they have been in the past.<sup>xiv</sup>

## Gender-based violence claims rejections over the STCA

The STCA was signed in 2005 when the U.S. immigration policy took a drastic shift after 9/11. The agreement was signed because both are safe places, and so refugees

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seeking sanctuary should apply in the first country they first arrive. The agreement prohibits people from entering Canada from the U.S. at official border crossings and asking for asylum.<sup>xv</sup> However, since the agreement only determines official border crossings, asylum seekers have been crossing the border through non-official points of entry. Consequently, the STCA has become the primary reason for the massive influx of asylum seekers, including a significant number of women, at these non-official border crossings.

Women seeking asylum in Canada who came through the United States are turned back to the first place they landed. The U.S. does not recognize domestic or gang violence, which encompasses gender-based violence claims, as a valid asylum claim.<sup>xvi</sup> Therefore, once asylum seekers return to the U.S., they are detained and face deportation to the countries in which they are attempting to escape gender-based persecution.

In 2019, the IRCC and the Canada Border Services Agency (CBSA) processed a total of 25,930 asylum claims in official points of entry, in which over eight thousand have led to removal.<sup>xvii</sup> Women claimers account for about forty-four percent of Canada's asylum claims, many of which are based on some form of gender-based persecution.<sup>xviii</sup> However, gender-based violence asylum claims that had layovers in the U.S., which are likely to be approved meeting Canada's conditions, are overturned and sent back where they face deportation.

## **Past Policies and Critical Decisive Moments**

Since 1976, Canada's Immigration and Refugee Protection Act (IRPA) was adopted to classify eligibility for individuals who wish to immigrate or seek refuge in Canada. In 1991, the Canada-Québec agreement on the admission of foreigners gave more autonomy to Quebec over immigration. The province gains the power to select and define its annual immigration quota.<sup>xix</sup>

However, the federal is still responsible for the admission. In 2002, IRPA's terms went through some implementations and had been the primary document guiding Canada's immigration policy. Between 2008-2012 Canada implemented a series of stricter policies such as the Omnibus Bill C-31, Balanced Refugee Reform Act (BRRRA), and Protecting Canada's Immigration System Act (PCISA). This approach's goal was to limit individuals to abuse the refugee system, fraud while dealing with the claims backlogged. Hence, since 2008, immigration and refugee policy have been increasingly stricter with more specific conditions for immigration programs. Over the past five

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years, the priorities have been focusing on economic growth and needs, enhancing efficiencies in the asylum system, humanitarianism, strengthening newcomers' strengthening the integration of newcomers, client experience, and transforming to respond to the increased immigration demand to Canada.<sup>xx</sup>

## **Current Policies**

Canada's immigration policy is broken down into six areas:<sup>xxi</sup>

- Immigration policy recognizes the unique needs of each region and community have when it comes to immigration. It focuses on the continued development of pilot programs designed to fit regional labour market needs.
- Immigration policy continues its commitment to enhancing efficiency in the asylum system, including capacity building and increased efficiency in claim processing time in partnership with the Asylum System Management Board. The policy also emphasizes the Department's work with federal, provincial and international partners to address irregular migration challenges.
- High-quality and targeted settlement and resettlement services to support newcomers integrating into their new community, Canadian labour market and society. This effort comes in funding different projects that offer a comprehensive suite of services to newcomers, besides the continuation of existing projects such as pre-arrival services, both official language training, employment-related services and community engagement activities. It also adds on projects tailored to IRCC's diverse clientele, including Women, youth, seniors, LGBTQ2 individuals and newcomers with disabilities.
- Modernize citizenship, including a plan to eliminate citizenship fees for applicants who have fulfilled the requirements for obtaining it.
- Enhancement of client experience by improving the Client Support Centre and self-serve electronic tools to understand better and serve the specific clients' needs for a positive interaction with IRCC. This includes new measures such as GBV training to immigration officers, client support staff for vulnerable clients, and formal certification of immigration consultants to protect IRCC clients from fraudulent immigration consultants.
- Explore new and innovative ways of transforming how IRCC conducts business in response to the increasing international demand on visit, study, work or permanent immigration to Canada. It focuses on adopting leaner and more agile processes, new

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technologies, and investment in the workforce.

## International Agreement

On December 19, 2018, Canada voted in favour of the U.N. Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Refugees.<sup>xxii</sup>

Although the agreement is not legally binding, it is a signed agreement and subject to interpretation as a customary principle. Signatory states should act in good faith to Compact's objectives. The agreement aims to reduce the risks and vulnerabilities immigrants face during migration by respecting, protecting and fulfilling their human rights. It also strives to develop the required conditions to enable all immigrants to enrich our society and facilitate their contribution to sustainable development at the local, regional, and global levels.<sup>xxiii</sup>

## Current Immigration Programs and Their Clientele

Clientele	Program
Skilled worker candidates with post secondary education in a 0, A or B qualification level outside of Canada	Federal Skilled Worker program
Skilled worker candidates with post secondary education in a 0, A or B qualification level with Canadian experience gained through temporary residence	Canadian Experience Class
Skilled workers in specific sectors of need in the entire country	Pilot programs (i.e., Atlantic Canada immigration Pilot Program, Agri-Food Pilot Program, Home Support Worker Pilot)
Skilled workers in specific sectors of need in a given province	Provincial Nominees Program
Workers with a minimum of secondary education and work experience in	Federal Skilled Trades Program

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specific trades in a profession of level C or D of the CNP	
International talent recognized for excellence in their field and is hired by a local organization that proves the need for such employment (i.e., University professors)	Global Talent Stream
Asylum claimants	Sponsored (by the state or a civil society group) Independent claimant (at a port of entry)
Family members of permanent residents	Family Sponsorship
Entrepreneurs ready to invest and create jobs in Canada	Start-up Visa Program
Individuals recognized for excellence in the cultural or athletic domain at the world level and ready to contribute to such domains in Canada (i.e., Hockey players)	Self-Employed program

**Trends in Policy**

Immigration demand tends to increase in the foreseeable future. As previously noted, immigration is a critical factor in Canada’s society. As per the last 2016 census, Canada had over 1.2 million new immigrants settled in Canada from 2011 to 2016. The majority (60.3%) have been admitted through the economic category, while 11.6% have been accepted as refugees.<sup>xxv</sup> With the upcoming census in 2021, these numbers tend to be similar, especially concerning refugees due to the continuous intake in 2016 and 2017 due to the Syrian crisis, the exploitation of the loophole on the STCA, and the rise in conflicts around the world.

Due to COVID-19 and closing its border, the entry of new immigrants has virtually halted. With concerns over the pandemic, Canadians have become less open to immigration. As a result, there is a tendency that after the pandemic, Canada’s attitude towards an increase in immigration trending towards the opposing side.<sup>xxvi</sup> Nonetheless, Statistics

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Canada has shown that more than a third (87,925 out of 245,500) essential workers, including nurse aides, orderlies and patient service associates, are immigrants.<sup>xxvii</sup> Thus, immigration is a crucial factor, especially in the challenging times we find ourselves in, yet Canadians have expressed skepticism towards more immigration due to the pandemic lately.

## Policy Analysis

### Interests and Values

Canada's ageing population creates a potential labour shortage, an increase in healthcare costs, and hinders its economic growth.<sup>xxviii</sup> Therefore, Canada is interested in pursuing and maximizing social, cultural, and economic benefits from new immigrants. By 2021, Canada aims to attract 350,000 immigrants per year because it believes immigrants contribute to building a strong country and helping grow the economy. The IRCC policies emphasize that Canada is a safe and secure country with a shared bond of values, cultures, events, history and respect to newcomers. Accordingly, the IRCC is interested in welcoming newcomers to ensure building a diverse and robust nation through attracting international students, improving regional immigration and recruiting skilled workers.<sup>xxix</sup>

### Goals and Objectives

<b>Remain Canada as a top refugee-settling country.</b> The goal should allow Canada to be a leading country in encouraging more countries to participate in global resettlement efforts and discussing international migration issues. <sup>xxx</sup>
<b>Advance efficient procedures that will sustain the Canadian refugee protection system's integrity</b> by ensuring fair and timely trials to asylum seekers. <sup>xxxi</sup>
<b>Remain the management of reasonable immigration increases.</b> However, this may pose an increased demand for resources. <sup>xxxii</sup>
<b>Fulfill Canada's commitment to international legal obligations</b> by providing assistance to those in need and offering safe haven to persons at risk of torture or unusual treatment.
<b>Strengthen Canada's competitiveness in the global economy</b> by increasing Canada's

economic growth through welcoming innovative and skilled immigrants.

## Stakeholders/Allies and Detractors

Domestic Stakeholders		
Domestic Actors	Ally/Detractor	Interests and Relationship
<b>Immigration, Refugees, and Citizenship Canada (IRCC)</b>	Ally	It is responsible for refugees and immigration matters, and for selecting immigrants and granting citizenship, and determining the eligibility of all refugee claims made in Canada.
<b>Immigration and Refugee Board of Canada (IRB)</b>	Ally	It is responsible for decision-making on immigration and refugee matters by ensuring efficient and fair resolutions following the law. <sup>xxxiii</sup> IRB also includes the refugee protection division, which is the tribunal branch. <sup>xxxiv</sup> In addition to the appeal division branch, which considers appeals the RPD's decision to allow, or reject, claims for refugee protection. <sup>xxxv</sup>
<b>Canadian Provinces</b>	Mixed	Ontario, Quebec and B.C. are the most dominating provinces in accepting immigrants. The Prairie and Atlantic provinces are the least provinces to welcome immigrants. <sup>xxxvi</sup>
<b>Canadian Public</b>	Mixed	A significant portion of Canadians are supportive and accepting immigrants and refugees, as they believe they are beneficial for the Canadian economy and do not pose a threat to people's jobs. However, a segment of the population has developed negative attitudes towards immigrants and refugees, as they believe that the number of accepting immigrants should be reduced due to the pandemic's adverse effects on the Canadian economy. <sup>xxxvii</sup>

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<b>Canadian Businesses</b>	Ally	Businesses “form a vital connection between business and the Federal Government and demonstrate impact on public policy and decision-making to the benefit of all Canadians.” <sup>xxxviii</sup>  Engaging Canadian employers in the policy-making of immigration and refugee programs is essential to understand their needs for skilled immigrant workers.
<b>Caregiver diaspora</b>	-	The majority of caregiver permit holders are from the Philippines (88%). Also, caregiver permit holders are from other countries such as India, China, Indonesia, Nepal, Thailand, and Jamaica. <sup>xxxix</sup>
<b>Nigerian Women Asylum Seekers</b>	-	They seek refugee claims due to the challenge of GBV that they face in Nigeria, a top country for female GBV prosecution claims.  Most of their asylum claims either get backlogged in the Canadian immigration process or get rejected by the IRB because their status fails to qualify for asylum due to their possibility to live in safe places in Nigeria. <sup>xi</sup>  Out of 10,000 asylum crossings from the U.S., only 33% of Nigerian women asylum claims were accepted. <sup>xii</sup>
<b>Canadian Council for Refugees (CCR)</b>	Ally	A non-governmental organization that is “committed to the rights and protection of refugees and other vulnerable migrants in Canada and around the world and the settlement of refugees and immigrants in Canada.” <sup>xlii</sup>
<b>The Canadian Association of Refugee Lawyers (CARL)</b>	Ally	“Advocates on various issues concerning refugee policy and law.” <sup>xliii</sup>

<b>Royal Canadian Mounted Police (RCMP)</b>	Ally	Conducts national security assessment of refugee claimants. <sup>xliv</sup>
<b>Canada Border Services Agency (CBSA)</b>	Ally	Identify asylum seekers identity. Determine claims eligibility under the Immigration and Refugee Protection Act (IRPA).

<b>International Stakeholders</b>		
<b>International Actors</b>	<b>Ally/Detractor</b>	<b>Interests and Relationship</b>
<b>United Nations High Commissioner for Refugees (UNHCR)</b>	Ally	It is a referral organization that is responsible to continue referring eligible refugees and asylums to Canada. <sup>xlv</sup>
<b>Women's Refugee Commission (WRC)</b>	Ally	It is an organization that protects the rights of refugee women, and advocates for long-term solutions for refugee women to ensure that they will achieve sustainable economic and personal success. <sup>xlvi</sup>
<b>She Matters</b>	Ally	It is a social enterprise recruitment agency that aims to empower refugee and migrant women to build their social and economic capital in their communities. <sup>xlvii</sup>
<b>International Organization for Migrants (IOM)</b>	Ally	An international and intergovernmental organization that assist governments with services and policy advice regarding migrants, including refugees, to develop resilience and build capacity within governments. <sup>xlviii</sup>

<b>Justice for Migrant Women</b>	Ally	An international organization committed to advocating for the civil rights of migrant women through providing advice for lawmakers, global official, and policymakers on how to protect migrant women from GBV that they face in their home. <sup>xlix</sup>
<b>United States</b>	Mixed	<p>The U.S. policies, under Donald Trump administration, decreased the U.S. role in accepting executed refugees, which aims to reduce refugee admissions and curb the number of asylum seekers.<sup>i</sup></p> <p>The newly elected U.S. president Joe Biden pledged to conduct reforms to the U.S. asylum and resettlement systems. This indicates that under Joe Biden's presidency, the U.S. might be a potential ally to Canada and decrease the number of irregular crossings into Canada.<sup>ii</sup></p> <p>Biden has made compromises on Mexico's immigration and the case of children being separated from their parents but has not yet shown intention to renegotiate STCA.</p>

**Programmatic Needs**

The increasing number of irregular crossings, asylum claimants into Canada in the past years has posed challenges to the Canadian asylum system and drained the Canadian government budget. It is crucial to reduce the refugee system's wait times to avoid exhausting the Canadian government budget and resources. To achieve this, Canada needs to do the following:

- **Federal-provincial consultation:** This requires consultation among federal and provincial departments on the allocation of resources.
- **Department Coordination:** Coordination between IRCC, Canada Border Services Agency (CBSA) and Royal Canadian Mounted Police (RCMP) is essential to effectively screen asylum seekers upon their arrival to Canada to ensure accepting refugee

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claimants who will prosper in Canada and will not pose any future threats. This also requires coordination between the IRCC, as it develops and implements policies and services on refugees, and the IRB, as the responsible entity for refugee decisions.

- **Department Resources:** financial and human resources are needed to enable proper and timely coordination between the IRCC and IRB. Furthermore, this requires additional financial, human and intelligence resources to enable effective coordination between these agencies.

- **Public Opinion Outreach:** As noted previously, Canadians' opinions towards immigration have taken a mix of positive and negative toll. Hence, the federal government should conduct research and surveys with the public to shape an adequate communication and branding strategy.

## **Recommendation and Implementation**

### **Costed Options**

**Option 1: Post COVID-19 readiness asylum and protection of most vulnerable plans. The plan should remote program exempting of asylum-seekers with claims of gender-based violence (GBV) from the Safe Third Country Agreement (STCA)**

As the global pandemic resulted in significant events worldwide, many boards have shut down. Many asylum seekers have found themselves with no place to seek refuge or were bogged down by bureaucratic barriers. As the border opens, Canada should be ready for an influx of refugee claims by building the necessary capacities as part of its effort to enhance the asylum system, especially the processing time and settlement process.

Moreover, this strategy should also include protecting women with GBV asylum claims from the U.S. as the most vulnerable applicants. The COVID-19 pandemic has increased and worsened the risk that displaced women and girls have encountered different forms of GBV.<sup>iii</sup> As noted previously, many women refugee applicants compose roughly forty-four percent of the asylum claimants from the U.S. border. Since there is no clear signal from U.S. representatives to fix the STCA loopholes, Canada can work within the agreement's terms to solve the issue by placing GBV claims as part of public interest.

**Cons:** The exemption of gender-based claimers will add costs to the process of new

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applications. CBSA and Immigration and Refugee Board (IRB) will require additional steps to analyze, enforce, and determine gender-based violence cases when processing applications, which will add an extra cost per applicant.

**Pros:** Canada will gain positive P.R. over the critiques on the matter and show its interest in enhancing the asylum system and possibly negotiating to amend the STCA with the new Biden administration in the U.S.

**Outcome:** Canada will enhance its capacities overall for asylum seekers' processing, improving the time of the process, support for new applicants and client experience. It will also assure the protection of victims who would have returned to harm's way when deported.

**Option 2: Immigration plan to support economic recovery post-COVID-19 by investing in overseas employment services and tutorials to find and secure jobs in Canada as part of the economic recovery.**

The Express Entry program is designed for skilled immigrants who wish to settle in Canada permanently and take part in its economy. This program is usually processed within a one-year turn-around time for all applications. It also assesses and ranks candidates based on a Comprehensive Points System (CPS). Following that, the highest scorers are selected for a pool, given instructions and drawn to apply for permanent residency within 60 days.<sup>liii</sup> The main challenge is that half of the points are awarded for a job offer, whether for a provincial nomination or a Labor Market Impact Assessment (LMIA) approved job proposal.<sup>liv</sup> This could place applicants without a job offer at a disadvantage and affect their process's speed, which becomes counter-effective to the economic recovery projects. A solution is investing in employment services overseas. This solution comes particularly handy in the virtual work environment we currently find ourselves in.

**Cons:** Developing such strategies or exemption criteria could incur more costs and require additional resources—a shift of resources to guarantee the pilot's effective operational process. There also should be an expected increase in the number of new permanent residents. The COVID-19 situation may affect the ability to deliver effective operational processes of the pilot.

**Pros:** Improve the Canadian economy, labour force, and enhancement of IRCC's client support and service. Long term benefit to fill labour force gaps post-pandemic in the



caregiver sector, especially for the elderly.

**Outcome:** Increase the number of employees processing applications and sponsored immigration applications. Significant decrease in time of application process. Enhancement of employment-related service domestically, potential easy settlement services as newcomers will come in with a possibly secured job offer.

**Option 3: Immigration program plan enhancement to support economic recovery post COVID-19. Enhancing the Provincial Nominee Program (PNP) by partially subsidizing the fees process and cutting processing time, and add the caregiver immigration program as part of the economic recovery.**

The Caregiver program is designed to address the specific Canadian labour market needs of caregivers. The program enables qualified caregivers to apply for permanent or temporary residency upon their arrival in Canada. Any family interested in hiring a foreign caregiver must use a Labor Market Impact Assessment (LMIA) by proving that there is no Canadian applicant available for the job. After receiving approval on the LMIA, the family can apply for a work permit to hire a foreign caregiver for the job. The government's introduction to the LMIA is to ensure that the program responds to real labour shortages.<sup>lv</sup> However, the program introduces new rules that create barriers for caregiver migrants to apply for permanent residency in Canada.<sup>lvi</sup> The Home Child Care Provider pilot is temporarily closed for new applicants due to the long process of opening the existing 2,750 applications that are received. It is expected that the pilot will reopen by January 1, 2021.<sup>lvii</sup> The caregiver program is challenged by excessive delays in processing and is an inflexible system. Under the caregiver program, migrant caregivers remain vulnerable to employer abuse. They can lose their legal status resulting from Canada's immigration system barriers, such as their inability to become permanent residents upon their arrival to Canada.<sup>lviii</sup> However, providing caregiver immigrants with permanent residency upon their arrival to Canada can pose the challenge of exploiting employers and the Canadian immigration system by leaving shortly or abandoning the jobs after receiving permanent residence upon arrival.

The PNP allows students, business individuals, skilled workers, and semi-skilled workers to apply for permanent residence. Each province and territory, except for Quebec, has its own requirements. The program targets foreign workers, international students, business owners or entrepreneurs from outside of Canada, and workers who are or will be recruited by province business.<sup>lix</sup> Like the caregiver program, it also faces a long process for the permanent residence visa to arrive – between 6-19 months. Furthermore, the PNP processing fees are high, in addition to the federal processing and

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biometric charges. The PNP processing fees differ according to each province.<sup>lx</sup> The process of the PNP-non-express entry could take between 15 to 19 months. It is within Canada's interest to reduce processing time and increase efficiency for PNP and the caregiver so that newcomers join and contribute to Canadian society and economy in a more effective and timely manner.

**Pros:** Qualified applicants can get into Canada faster. It will reduce bureaucratic barriers for applicants.

**Cons:** Increase cost on applicants as it will require more personnel to process applications. Requires a high level of coordination with Provinces.

**Outcomes:** Labour force demands will be easier to address, and newcomers will join and contribute to Canadian society and economy more effectively. Provinces will be a direct partner in consultation and decision making to make this possible, which helps the federal government overall coordination of the plan.

## Recommendation

Adopting option 1 and option 3 is the most beneficial to Canada. It implements immigration policy on its main mandate priorities to enhance asylum system flaws and address the economic shortcomings resulting from the COVID-19 pandemic.

Several studies have found evidence that immigrants could support advanced economies' demographics because their fertility rate is higher than that of natives. For example, in the United States, the total fertility rate of natives was 1.76 children per woman in 2017, whereas that of immigrants was 2.18. The presence of immigrants helps to keep the U.S. fertility at levels closer to the replacement rate. Moreover, studies indicate that the migration of young people leads to positive fiscal contributions over their lifetimes. For instance, the average lifetime fiscal contribution of an immigrant who arrived in the United States in the last ten years has been calculated at \$173,000. Not to mention that a larger share of working-age immigrants may reduce the age dependency ratio that is growing fast in advanced economies.<sup>lxi</sup>

Other countries face similar demographic issues, such as Germany and Japan, have concluded that immigration is the solution. Recent evidence indicates that higher immigration to Germany increases labour supply and raises the unemployment rate initially. However, this higher unemployment reduces the rise in wages, which increases

employment in the following year. The same argument could be valid for consumer prices, where lower wages induce lower unit costs, and therefore consumer prices are reduced. Either way, higher immigration leads to higher GDP levels.

Furthermore, in April 2019, a historic immigration reform was implemented in Japan, which expanded visa programs that allowed more than 345,000 new workers to immigrate to Japan over the following five years. This program would permit low-skilled workers to reside in Japan for five years, while foreign workers with specialized skills and their families to stay indefinitely.<sup>lxii</sup> This is envisioned to have a productive impact on real GDP, real GDP per capita and real GDP per worker in Japan, implying that immigration is beneficial.<sup>lxiii</sup>

The United Nations projects that over the next 50 years, the populations of potentially all countries of Europe and Japan will face population decline and population ageing. While focusing on these two striking and critical population trends, it considers replacement migration for eight low-fertility countries (France, Germany, Italy, Japan, Republic of Korea, Russian Federation, United Kingdom and the United States) and two regions (Europe and the European Union). More clearly, replacement migration refers to the international migration that a country would need to offset population decline and population ageing resulting from low fertility and mortality rates.<sup>lxiv</sup>

In addressing GBV claims' challenges, Canada can resort to the STCA's terms to place GBC claims as part of public interest. By doing so, Canada will maintain its view and position in the global arena as a leading human rights protector and humanitarian state. As per Article 8 (2) of the STCA, Canada must resolve differences with the interpretation of the agreement's terms. It can legally resort to Article 6, which states that a party at its discretion can examine any asylum claim if it determines that it is the public interest to do so.<sup>lxv</sup> Therefore, Canada has a strong case to place GBV claims as part of public interest, which provides the right to process these claims while maintaining the agreement's core principles.

The following implementations are suggested to be adopted:

- Speed up the process of opening the received applications and ensuring the reopening of the pilot by January 1, 2021.
- Speed up caregivers' hiring process, under the Live-in-caregiver program, takes up to 6-8 months maximum by enhancing communications between federal agencies and

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recruitment agencies.

- Protect caregiver migrants by removing barriers to permanent residency by the Federal government.
- Offer caregiver migrants permanent residency upon arrival in Canada instead of granting them work permits that make their immigration status tied to a specific employer.
- Reduce processing time and fees to increase efficiency for PNP.
- Classify GBV asylum claims as public interest for asylum seekers with a claim based on GBV evidence to be exempt from the STCA's terms.

**IRCC resources are suitable to adopt the following:**

- Enhance the integrity of Canada's borders and asylum system. Investments in Budget 2019, \$1.18 billion over five years and \$55 million per year ensure that the asylum system functions effectively to protect Canada's borders and asylum seekers.<sup>lxvi</sup> (See Table 1) Adding GBV claims will add only a minimal cost to the budget, which is worth considering the benefit it will have for Canada's international rhetoric.
- Ensure refugees and other eligible claimants have access to temporary health coverage under the Interim Federal Health Program (IFHP). Investments in Budget 2019, allocated \$283.1 million over 2019–2020 and 2020–2021, will improve IFHP healthcare provider beneficiaries' services.<sup>lxvii</sup>
- Adopt a regulated system to promptly ensure that the caregiver program's beneficiaries receive permanent residency without exploiting the Canadian immigration system.

The Multi-Year Levels Plan supports the mandate for responsible growth and will continue to bring more people to Canada through well managed and measured increases in immigration levels. The plan includes welcoming 341,000 permanent residents in 2020; 351,000 in 2021; and 361,000 in 2022.<sup>lxviii</sup> Therefore, achieving these numbers will be only possible by adopting the enhancement of the suggested programs. It is still within the IRCC budget, even in the extreme cases where there is a 12% increase in the overall applicant amount.<sup>lxix</sup>

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**Table 1: Estimate of Additional Budgetary Cost for Processing Women's GBV Claims**

Increase application amount by	1%	5%	10%	12%
Number of total women applicants	14,666	15,247	15,973	16,263
Cost per asylum seeker	14,666 x \$14,000	15,247 x \$14,000	15,973 x \$14,000	16,263 x \$14,000
Total additional cost	\$205,324,000	\$213,458,000	\$223,622,000	\$227,682,000
Average	\$217,521,500			

**Source:** The estimated total of women asylum-seekers in 2019: 14,521 (Total claims 25,930 minus 44 percent - Statistics Canada's overall percentage of female claimers)<sup>lxx</sup>

Cost of each asylum seeker: \$14,000 as per the Parliamentary Budget Office (PBO)<sup>lxxi</sup>

## Timeline and Key Performance Indicators

**Timeline:** Introduce immediately with plans to run from 2021 to 2023.

### Communication strategy:

- Issue a press release from the PMO and Minister's office to highlight the goals to change processing time within the next year.
- Issue annual report on immigration highlighting the change of PNP processing time and the caregiver immigration to Canada.
- Issue a press release from the PMO and Minister's office, highlighting the post-COVID-19 readiness plan and Article 6 of the STCA, enforcing that asylum claims due to Gender based violence is within Canada's public interest.
- Add to IRCC immigration annual reports of Gender-based violence claims that came through the U.S.

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### **Indicators From 2020 to 2023:**

- Number of GBV claimants processed with the reported year Rate of Asylum seekers that came through the U.S. Decision appeal rate.
- Deportation of migrant caregivers who fall out of status due to Canada Border Services officers' labour exploitation.
- Application rate and time through the programs.
- Rate of employment from employers through the programs.

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