



OCT 05 2006

Mr. Norman Doyle, M.P.  
Chair  
Standing Committee on Citizenship and Immigration  
House of Commons  
Ottawa, Ontario  
K1A 0A6

Dear Colleague:

This letter is respectfully submitted to the Standing Committee on Citizenship and Immigration in response to the report passed by the Committee on June 21, 2006, which recommends that the government place a moratorium on the deportations of all undocumented workers and their families who pass security and criminality checks while a new immigration policy is put in place.

The viability of a moratorium, including the effects of rededicating departmental resources currently used to process applications of those who seek to come here through Canada's legitimate immigration programs, is something that should be part of any study of the issue. Any considered report ought to address Canada's previous history and experience, which have shown moratoria to be unsuccessful in stemming the problem of illegal migration and, in fact, encourage further waves of illegal migration and employment. We note that the Standing Committee on Citizenship and Immigration has already expressed its intention to study broader issues concerning undocumented workers. Should it in fact do so, then we encourage the Standing Committee to include a study of a moratorium in its work plan and hear witnesses on this important public policy matter from beyond Toronto, across Canada, to consider the fairness of a moratorium to the thousands of people waiting to immigrate and their families here in Canada.

The Government of Canada recognizes that, as in other immigrant-receiving nations, there are foreign nationals residing in Canada illegally, many of whom have found unauthorized work with Canadian employers. Most experts acknowledge that there is great diversity in the circumstances of undocumented workers based on a variety of factors, including the situation that has led them to be without legal status (e.g., failed refugee claims, expired student, work or visitor's visas), their family and job situation and intended length of stay in Canada. Indeed, the reasons that have been put forward for addressing the plight of undocumented workers have been as varied. There are, however, no easy solutions and a number of competing concerns, all of which warrant careful consideration and study.

Canada

The proposal to suspend the removal of undocumented workers and their families who pass security and criminality checks simply does not offer a quick fix to the plight of undocumented workers in Canada. Solutions must be considered in the context of Canada's broader immigration policies, which are widely regarded to be responsible, logical, humane and democratic.

Without a doubt, while many undocumented workers have proven to be hard working, the problem remains that they are working illegally in Canada. The Government of Canada does not support the call for a moratorium on the deportation of undocumented workers and their families on the grounds that Canada's immigration system must maintain the principles of **fairness and respect for the rule of law** as enshrined in the *Immigration and Refugee Protection Act (IRPA)*. Any initiative that promises to give legal status to foreign nationals who have not been authorized to immigrate to, or remain in Canada, is unfair to the hundreds of thousands of persons who have applied through legal channels and have patiently waited for processing to be completed.

The investigation and removal of persons who do not have the authority to remain in Canada is essential to **preserving the integrity of Canada's immigration program**. A moratorium on deportations will encourage foreign nationals to come to Canada illegally in the knowledge that, if caught working in Canada without authorization, their removal would be suspended and they would be entitled to remain in the country.

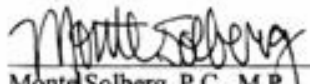
It should be noted that two previous attempts in Canada to offer legal status to undocumented foreign nationals in 1973 and 1983 failed to achieve desired objectives due to low take-up rates. The requirement to pass security and criminality checks that would be required in any scheme to provide temporary legal status to undocumented foreign nationals may drive others into further hiding, thereby continuing to feed the underground economy.

In Canada, immigration is regarded to be an important economic, social and cultural engine. Potential immigrants to Canada are offered many **legitimate avenues through which to work and live in Canada** without having to resort to illegal channels. For instance, economic immigrants can apply for permanent residence through the Skilled Worker class, the business classes, and via the various Provincial Nominee Programs. In addition to this, programs exist to help employers address labour market shortages including the Temporary Foreign Worker Program, and other industry-specific programs such as the Construction Recruitment External Workers Services (CREWS) created in 2001 and similar programs for the agricultural sector and for the oil sands industry. Finally, IRPA includes provisions to address the issue of foreign nationals without status. For instance, in exceptional circumstances, a foreign national living in Canada without legal status may apply for permanent residence on humanitarian and compassionate (H&C) grounds.

As we move forward to further develop immigration policies that are more responsive to the needs of the labour market and are consistent with Canada's national security interests, the Government of Canada remains committed to upholding the principles of fairness and respect for the rule of law. Fairness to those seeking to come to Canada legally is a key imperative.

We thank the Committee for their continued efforts in exploring issues related to Canada's immigration programs.

Sincerely,

  
\_\_\_\_\_  
Monte Solberg, P.C., M.P.  
Minister of Citizenship and Immigration

  
\_\_\_\_\_  
Stockwell Day, P.C., M.P.  
Minister of Public Safety