HOUSE OF COMMONS
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CANADA

# FAMILY REUNIFICATION

## Report of the Standing Committee on Citizenship and Immigration

**Borys Wrzesnewskyj**
**Chair**

**MARCH 2017**

**42nd PARLIAMENT, 1st SESSION**

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# STANDING COMMITTEE ON CITIZENSHIP AND IMMIGRATION

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# THE STANDING COMMITTEE ON CITIZENSHIP AND IMMIGRATION

has the honour to present its

**EIGHTH REPORT**

Pursuant to its mandate under Standing Order 108(2) and the motion adopted by the Committee on Thursday, February 25, 2016, the Committee has studied family reunification and has agreed to report the following:

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# FAMILY REUNIFICATION

## PREAMBLE

On 23 February 2016, the House of Commons Standing Committee on Citizenship and Immigration (the Committee) agreed to conduct a study on the subject of family reunification.[1] A second motion, adopted on 25 February 2016, specified that the study include:

1. an examination of the quota system and its impact on family reunification;
2. consideration of the recent use of the Super Visa Program as an alternative to the parent and grandparent sponsorship program;
3. examination of the value of parent and grandparent immigration for families and for our country;
4. an examination of obstacles to entry to Canada of spouses and partners for both temporary and permanent residence;
5. an examination of the criteria for sponsorship of dependent children, adopted children, siblings, and other relatives;
6. an examination of age and financial thresholds for sponsorship;
7. an examination of the processing times for sponsorship, citizenship and other visas.[2]

The Committee heard from 51 witnesses between 4 October 2016 and 24 November 2016 and also received written submissions.

1 Standing Committee on Citizenship and Immigration [CIMM], *Minutes of Proceedings*, 23 February 2016.

2 CIMM, *Minutes of Proceedings*, 25 February 2016.

## PART 1: INTRODUCTION

Family reunification is an important objective of Canada's immigration policies and legislation. However, the stated objectives are called into question when couples are separated and children face long delays in being reunited with their parents and grandparents.

As the Committee heard in the course of this study, family separation is not only an individual hardship, but it also affects Canadian society as a whole, in particular through delayed integration, return migration, or immigrants' resources going back to their country of origin.

This report begins with an overview of the legislative framework for family class sponsorship. It then looks at the place of family reunification in Canada's immigration program, taking into account the total level of immigration, and costs and benefits of facilitating family reunification for Canadian citizens and permanent residents.

The next section explores cross-cutting issues affecting family class sponsorship that were raised by witnesses, including how family and dependents are defined, the exclusion of family members, the financial requirements of the program, processing times for sponsorship applications, as well as client service. Changes to specific program requirements for sponsoring spouses and partners and parents and grandparents are addressed in the following section. Finally, witness testimony related to barriers to family reunification outside of the family class sponsorship program is addressed in Part Six.

The Committee's recommendations, presented in the report's conclusion, take into account the December 2016 announcements made by Immigration, Refugees and Citizenship Canada (IRCC), which aim to improve certain aspects of family class immigration, notably processing times and customer service. As noted in the conclusion, however, more remains to be done to remove barriers impeding family reunification, so that all families, including the most vulnerable, can benefit from the opportunity to be together in Canada.

## PART 2: CURRENT FRAMEWORK FOR FAMILY REUNIFICATION

One of the objectives cited in the *Immigration and Refugee Protection Act* (IRPA) is "to see that families are reunited in Canada."[3] The Family Class Sponsorship Program, described in this section, is the main program for achieving this objective. Family reunification is also facilitated through other programs, described in Part Six.

### A. Family Class Sponsorship Program

Immigration to Canada as a member of the family class depends on the relationship between the foreign national – spouse, common-law partner, child, parent – and his or her sponsor, who must be either a Canadian citizen or a permanent resident.[4] Each year, the Immigration Levels Plan sets a target for the admission of spouses, partners and children, as well as a target for the admission of parents and grandparents through the family class.[5]

#### 1. Main Requirements to be a Sponsor

The right to sponsor a family member and corresponding obligations are found in IRPA,[6] where it is stated that a "Canadian citizen or permanent resident may… sponsor a foreign national who is a member of the family class". Corresponding to this right, the Canadian or permanent resident has the obligation to ensure that the sponsored family members are provided with the basic necessities of life, such as food, clothing and shelter. This obligation takes the form an undertaking, which is an agreement between the sponsor and the Canadian government. The undertaking duration varies depending on the family member sponsored.[7] The undertaking is an unconditional promise of support, which remains in effect even if the sponsor's financial situation deteriorates, as well as in the event of divorce, separation, relationship breakdown or any other situation.

The sponsor must reside in Canada and be at least 18 years of age at the time of application.[8] Canadian citizens living abroad may qualify to sponsor if they can prove that they will live in Canada when the sponsored family member becomes a permanent resident.[9] In addition, the sponsor's criminal background check must show that he or she has never been convicted of an offence of a sexual nature nor an offence resulting in bodily harm against a member of his or her family.[10]

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3 *Immigration and Refugee Protection Act,* [IRPA] S.C.2001, c.27, section 3(1) (d); for refugees, the objectives of IRPA are "to support the self-sufficiency and the social and economic well-being of refugees by facilitating reunification with their family members in Canada", section 3(2)(f).

4 IRPA, s.12.

5 These numbers are reviewed annually and released in the fall with the *Annual Report to Parliament*.

6 IRPA, s.13.

7 *Immigration and Refugee Protection Regulations,* SOR/2002-227, [IRPR], s. 132.

8 IRPR, s. 130.

9 IRPR, s.130(2).

10 IRPR, s. 133.

Finally, the sponsor must demonstrate that he or she has the financial capacity to support their sponsored relative(s).[11] The income required depends on the family member sponsored. For sponsoring spouses, common-law partners, conjugal partners and children, the amount is "the minimum necessary income" (MNI), or low income cut-off as defined by Statistics Canada.[12] The low income cut-offs are "income thresholds below which a family will likely devote a larger share of its income on the necessities of food, shelter and clothing than the average family".[13] For example, in February 2016, a sponsor living alone required an MNI of $30,286 to sponsor a spouse. Those sponsoring parents and grandparents must demonstrate an income of MNI plus 30%, for the three taxation years prior to submitting a sponsorship application.[14] The sponsor is rendered ineligible if he or she is: in default of a previous undertaking, in default of court-ordered spousal or child support payments, or in receipt of social assistance other than disability.

### 2. Members of the Family Class

A Canadian citizen or permanent resident can only sponsor a member of the family class as defined in section 117(1) of the *Immigration and Refugee Protection Regulations* (Regulations).[15] Sponsored relative(s) must satisfy the admissibility requirements established in IRPA,[16] with the exception of sponsored spouses, common-law partners and children who cannot be refused entry into Canada on health grounds. The following paragraphs describe the different provisions related to each category of the family class that are the subject of this study.

#### a. Spouse, Common-law Partner and Conjugal Partner

In the immigration context, the term "spouse" refers exclusively to married individuals and the marriage must be a legally valid civil marriage, both in the country where it took place and in Canada.[17] Under the *Civil Marriage Act*[18], a marriage is defined as a lawful union of two persons to the exclusion of all others. In IRPA this means that if one spouse is already married, the subsequent marriage cannot be the basis of sponsorship (i.e., for sponsors coming from countries where polygamy is legal, only the first spouse could be sponsored).[19] In order to be eligible for spousal sponsorship,

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11 The government of Québec is responsible for determining the financial capability of sponsors living in Québec and the undertaking is between the sponsor and the government of Québec.

12 Section 2 of IRPR defines the MNI as " the amount identified, in the most recent edition of the publication concerning low income cut-offs that is published annually by Statistics Canada under the *Statistics Act*, for urban areas of residence of 500,000 persons…".

13 Statistics Canada, *Low-Income Cut-offs*.

14 This change came into force on 1 January 2014. See, SOR/2013-246.

15 IRPR, s.117(1).

16 Inadmissibility provisions in IRPA list grounds for refusal of entry or stay in Canada, including security, (espionage, terrorism) criminality and misrepresentation, among others (ss. 34 to 43 of IRPA).

17 IRPR, s. 2.

18 *Civil Marriage Act*, S.C. 2005, c.33.

19 IRPR, ss. 5(b)i) and 117(9)(c) i).

spouses must be at least 18 years of age when they marry[20] and the marriage ceremony must be performed with the two parties physically present (proxy marriages are not recognized).[21]

The undertaking period to provide for the necessities of life for sponsored spouses is three years.[22] If a sponsor is still responsible for an undertaking for a previously sponsored spouse, he or she will not be able to sponsor a new spouse.[23]

There are several provisions in IRPA meant to ensure the integrity of the sponsorship program. For example, if a person immigrates to Canada without declaring that he or she has a spouse, the spouse left behind will not be recognized as a member of the family class and cannot be sponsored.[24] Further, a couple has to prove that they entered into their relationship for reasons other than to obtain immigration status and that their relationship is genuine.[25] As well, a couple has to prove that a previous relationship was not dissolved for the purpose of acquiring immigration status by entering into this new relationship.[26] In the same vein, a sponsor who became a permanent resident as a sponsored spouse must wait five years before sponsoring a spouse.[27] At the time of writing this report, a sponsored spouse who does not have children with his or her sponsor and has been married less than two years receives conditional permanent resident status upon arrival in Canada, requiring two years of cohabitation before the status becomes permanent.[28] An exception to this condition is provided if the sponsored spouse is subject to physical or emotional abuse.

A "common-law partner" is defined as an individual who is cohabiting with another person in a conjugal relationship, having so cohabited for a period of at least one year.[29]

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20 IRPR, ss. 5(a) and 117(9)(a).

21 IRPR, ss. 5(c) and 117(9)(c.1). There is one exception and that is the person was not physically present at the ceremony as a result of their service as a member of the Canadian Forces and the marriage is valid both under the laws of the jurisdiction where it took place and under Canadian law.

22 IRPR, s. 132(1)(b)i).

23 IRPR, s. 117(9)(b).

24 IRPR, s. 117(9)(d).

25 IRPR, s. 4. The visa officer using these criteria to determine the relationship has not been entered in "Bad Faith". The full text is:

> **4 (1)** For the purposes of these Regulations, a foreign national shall not be considered a spouse, a common-law partner or a conjugal partner of a person if the marriage, common-law partnership or conjugal partnership
>
> **(a)** was entered into primarily for the purpose of acquiring any status or privilege under the Act; or
>
> **(b)** is not genuine.

26 IRPR, s. 4.1.

27 IRPR, s. 130(3).

28 IRPR, s. 72.1. At the time of writing this report, the government had pre-published regulations that would repeal conditional permanent residence. *Regulations Amending the Immigration and Refugee Protection Regulations* in *Canada Gazette* Part 1, Vol. 150, No. 44 – October 29, 2016.

29 IRPR, s. 1(1).

Individuals who have been in a conjugal relationship with a person for at least one year, but are unable to cohabit with the person due to persecution or any form of penal control, shall be considered to be in a common-law relationship.[30] For immigration purposes, in relation to a sponsor, a "conjugal partner" means a foreign national residing outside Canada who is in a conjugal relationship with the sponsor and has been in that relationship for a period of at least one year.[31] Common-law partners and conjugal partners are subjected to the same type of assessment as spouses, and the undertaking is of the same duration.

Generally, the sponsored spouse is in their country of origin, and will be reunited with his or her sponsor in Canada after a successful application. However, the Spouse or Common-law Partner in Canada Class "allows Canadian citizens and permanent residents to sponsor their spouses or common-law partners who live with them in Canada, have legal temporary resident status and meet admissibility requirements."[32] The objective of this policy is to facilitate processing and family reunification in cases where spouses and common-law partners are already living together in Canada.

Individuals being sponsored through the Spouse or Common-law Partner in Canada Class[33] may obtain an open work permit while waiting for their application to be finalized, by virtue of a pilot program implemented 22 December 2014[34]. The pilot has been extended until 21 December 2017.[35]

Under the "spousal public policy" established under section 25(1) of IRPA, Canadian citizens and permanent residents' spouses and common-law partners without legal immigration status may apply for permanent residence without leaving Canada.[36]

### b. Dependent Child

A dependent child is a member of the family class if he or she is single, under the age of 19[37] and is the biological or adopted child of the parent.[38]Those over the age of 19 are members of the family class only if they require the financial support of their parents

30 IRPR, s. 1(2).

31 IRPR, s. 2.

32 Immigration, Refugees and Citizenship Canada (IRCC), *Operational Manual: IP 8 Spouse or Common-law partner in Canada Class*, p. 9.

33 IRCC, *Applying for permanent residence from within Canada: Spouse or common-law partner in Canada class (IMM 5289),* July 2016.

34 IRCC, *Program Delivery Update – December 22, 2014,* July 2015.

35 Government of Canada, *Reuniting more spouses and partners*., 7 December 2016.

36 See "Appendix A – Public Policy Under 25(1) of IRPA to Facilitate Processing in accordance with the Regulations of the Spouse or Common-law Partner in Canada Class," in *IP 8 Spouse or Common-law partner in Canada Class*.

37 At the time of writing this report, the government had pre-published regulations that would change the age of the dependent child from 19 years to 22 years of age. This would come into force in the fall of 2017 if the proposed regulations are adopted. *Regulations Amending the Immigration and Refugee Protection Regulations (Age of Dependent Children)* in *Canada Gazette* Part 1, Vol. 150, No. 44 – October 29, 2016.

38 IRPR, s. 2.

because of a physical or mental condition. When birth certificates and other official documents do not provide "satisfactory *bona fides* evidence"[39] of parent-child relationships, DNA testing may be requested by IRCC.

In 2014, the age of dependence for immigration purposes was modified; it was reduced from 22 years of age (25 years of age for those engaged in full-time studies) to 19 years old. At the same time, the Department set out detailed rules regarding the lock-in date for children's ages over the immigration application process. For example, in the situation when a parent immigrated to Canada and sponsors his or her child later, the child's age is "locked-in" from the moment the child's permanent resident application is received.

The length of undertaking for a dependent child who is 19 years of age or over on the day he or she becomes a permanent resident is three years after that child becomes a permanent resident. However, for a dependent child who is under 19 years of age on the day he or she becomes a permanent resident, the length of undertaking is 10 years after that child becomes a permanent resident or on the day that child reaches age 22, whichever comes first.[40]

### c. Parents and Grandparents

Parents are the sponsor's mother and/or father and grandparents are the mother and/or father of the sponsor's mother and/or father.[41] As of January 2014, the undertaking period for sponsoring parents and grandparents is 20 years. At the same time, IRCC put in place a cap on new applications accepted to sponsor parents and grandparents, set initially at 5,000 annually, and now increased to 10, 000 new applications.

In 2011, the government introduced the Parent and Grandparent Super Visa as a pilot project.[42] The Super Visa is a temporary resident multiple entry visa with a duration of up to 10 years that allows applicants to remain in Canada for up to 24 months without needing to renew their status. In order to be eligible, applicants must have undergone a medical examination and be admissible on health grounds; must provide evidence of private medical insurance; and the host child or grandchild must meet the minimum necessary income requirements for the duration of their requested stay. The Super Visa has become a permanent program that continues to provide flexibility for families and an alternative to the parents and grandparents' immigration to Canada.

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39 IRCC, Operational Manual 1: Procedure, Chapter 5: Departmental Policy, "Paragraph 5.10 When is a DNA test appropriate?", p.14.

40 IRPR, s. 132(1)(b)(ii)(iii).

41 IRPR s. 2

42 IRCC, *Ministerial Instruction regarding the Parent and Grandparent Super Visa*, November 2011.

## PART 3: PLACE OF FAMILY REUNIFICATION IN CANADA'S IMMIGRATION PROGRAM

Each fall the federal government indicates how many immigrants it plans to admit in the coming year by category of immigration in the Immigration Levels Plan. Visa officers abroad and in Canada review and approve enough applications to meet the targets established in the plan. The Immigration Levels Plan is an important policy statement containing the government's vision for the total number of immigrants, as well as the proportion of family class verses other categories. As indicated in Table 1, the Plan for 2017 includes a target of 84,000 family class immigrants: 20,000 parents and grandparents and 64,000 spouses, partners, and children.

**Table 1 – 2017 Immigration Levels Plan and Immigrants Admitted in 2015, by Category**

| | Low | High | Target | Admitted in 2015 |
|---|---|---|---|---|
| Federal Economic | 69,600 | 77,300 | 73,700 | 69,839 |
| Federal Caregivers | 17,000 | 20,000 | 18,000 | 27,225 |
| Provincial Nominee Program | 49,000 | 54,000 | 51,000 | 44,533 |
| Quebec Skilled Workers and Business | 28,000 | 31,200 | 29,300 | 28,787 |
| **Economic Total** | **164,100** | **183,500** | **172,500** | **170,384** |
| Spouses, Partners and Children | 62,000 | 66,000 | 64,000 | 49,672 |
| Parents and Grandparents | 18,000 | 20,000 | 20,000 | 15,489 |
| **Family Total** | **80,000** | **86,000** | **84,000** | **65,490** |
| Protected Persons in Canada and Dependants Abroad | 13,000 | 16,000 | 15,000 | 11,930 |
| Government-Assisted Refugees | 5,000 | 8,000 | 7,500 | 9,411 |
| Blended Visa Office-Referred | 1,000 | 3,000 | 1,500 | 810 |
| Privately Sponsored | 14,000 | 19,000 | 16,000 | 9,350 |
| **Protected Persons and Refugees Total** | **33,000** | **46,000** | **40,000** | **31,501** |
| **Humanitarian and Other** | **2,900** | **4,500** | **3,500** | **4,470** |
| **OVERALL** | **280,000** | **320,000** | **300,000** | **271,845** |

Source: Immigration, Refugees and Citizenship Canada, Notice - Supplementary Information 2017 Immigration Levels Plan and Immigration, Refugees and Citizenship Canada, 2016 Annual Report to Parliament on Immigration.

While some witnesses directly addressed the question of how many family class immigrants should be included in the Immigration Levels Plan, others spoke more generally about the costs and benefits associated with sponsoring spouses, partners, parents and grandparents. Often a person's perceptions about the costs and benefits were linked to their vision for how many immigrants should be admitted in the family class category. The following section summarizes the testimony heard by the Committee about the costs and benefits of family reunification and the appropriate size of the family class sponsorship program.

### A. Costs

On the surface, it may appear that sponsored parents and grandparents contribute little to Canada's economy because of their age and rate of use of social benefits. It should be noted that if income assistance was received by the sponsored parent or grandparent during the undertaking period of 20 years, their sponsor will have to reimburse any sums of money disbursed. The age distribution of sponsored parents and grandparents over the 2010 to 2015 period is below.

**Table 2 – Admissions of Permanent Residents Under the Sponsored Parent or Grandparent Category (including dependents) by Age Groupings, 2010 to 2015**

| Age Grouping | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 |
|---|---|---|---|---|---|---|
| 0 to 14 years old | 114 | 82 | 82 | 108 | 86 | 73 |
| 15 to 29 years old | 2,521 | 2,231 | 2,955 | 2,865 | 2,680 | 2,627 |
| 30 to 44 years old | 94 | 59 | 68 | 93 | 77 | 127 |
| 45 to 59 years old | 3,898 | 3,229 | 4,548 | 6,802 | 3,977 | 3,509 |
| 60 to 74 years old | 7,515 | 7,225 | 12,142 | 18,860 | 9,520 | 7,652 |
| 75 years old or more | 1,171 | 1,263 | 2,007 | 3,590 | 1,861 | 1,501 |
| Not stated | 1 | 1 | 8 | 2 | 1 | 0 |
| **Total** | **15,334** | **14,090** | **21,810** | **32,320** | **18,202** | **15,489** |

Source: IRCC's response to a request for information made by the Standing Committee on Citizenship and Immigration on November 2, 2016 (Dzerowicz 3)

As noted by Professor Arthur Sweetman, who appeared as an individual, the labour market outcomes of sponsored parents and grandparents are not particularly strong.[43] In his appearance before the Committee, James Bisset, former Executive Director of the Canadian Immigration Service who appeared as an individual, cited a study that found immigrant family members over the age of 60 or 65 earn less than $15,000 a year in Canada.[44] According to IRCC's Evaluation of the Family Reunification Program, parents and grandparents report the lowest rate of employment earnings of all immigrants, starting at $14,036 on average after one year in Canada, rising to $19,982 after eight years in Canada.[45]

Low earnings aside, witnesses identified other costs to Canada associated with the sponsorship program for parents and grandparents. For instance, citing the IRCC family reunification evaluation, Gishelle Albert, who appeared as an individual, spoke of the comparatively high rate of family class immigrants who receive social assistance, a rate attributable primarily to parents and grandparents.[46] IRCC provided the Committee with the incidence of employment earnings and of social assistance of parents and

43 CIMM, *Evidence*, 27 October 2016, 1645 (Arthur Sweetman, Professor, as an individual).

44 CIMM, *Evidence*, 3 November 2016, 1715 (James Bissett, Former Ambassador, Former Executive Director, Canadian Immigration Service, as an individual).

45 IRCC, *Evaluation of the Family Reunification Program*, March 2014.

46 CIMM, *Evidence*, 25 October 2016, 1640 (Gishelle Albert, as an individual).

grandparents sponsored under the family class by landing cohort and year since landing (Appendices A and B). Appendix B gave information contrary to Ms. Albert's testimony and showed that the incidence of social assistance to parent and grandparents and dependent children is almost half the national average.

In this vein, Mr. Bisset cited the costs of delivering old age benefits to sponsored seniors. He referenced a study "by a private sector economist using data from the C.D. Howe Institute" that estimated "senior parents and grandparents receive on average $152,880 in old age security and guaranteed income supplement and other transfers" if they live in Canada from age 65 to 85.[47] Mr. Sweetman also suggested that "OAS and GIS liabilities associated with immigration are potentially quite important", but "we simply don't know how large or small these issues are".[48]

Health costs were another area of concern. Ms. Albert expressed concern for a program that would increase health care costs for the provincial governments, referencing research studies showing that people use the health care system the most in the first couple of years of life and at the end of life.[49] According to Mr. Bisset, health care costs for sponsored parents and grandparents (estimated total population of 275,000 in 2011) would total $27 billion, assuming they lived to age 85.[50]

Witnesses also addressed the extent to which costs associated with sponsoring parents and grandparents are borne by the sponsors versus Canadian society. Noting that social benefits and health care are funded by taxes, Ms. Albert stated, "The benefits to an individual's family do not offset the costs to taxpayers if these individuals require medical attention or social assistance."[51]

A number of witnesses raised the issue of fairness. Specifically, Ms. Albert spoke of immigrant seniors benefitting from government programs, such as health care and social assistance, possibly without ever paying income tax in Canada.[52] She and Mr. Sweetman both raised the issue of fairness to provinces, who have jurisdiction for delivering many social programs. Mr. Sweetman proposed that the "federal government may want to choose to reimburse provinces for health care and social assistance costs directly associated with the family reunification or the family class program".[53] In his opinion, it is fairer for all Canadians to share the costs of family reunification than for the residents of particular provinces to carry those costs.

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47 CIMM, *Evidence*, 3 November 2016, 1625 (James Bissett).

48 CIMM, *Evidence*, 27 October 2016, 1645 (Arthur Sweetman).

49 CIMM, *Evidence*, 25 October 2016, 1640 (Gishelle Albert).

50 CIMM, *Evidence*, 3 November 2016, 1625 (James Bissett).

51 CIMM, *Evidence*, 25 October 2016, 1640 (Gishelle Albert).

52 Ibid.

53 CIMM, *Evidence*, 27 October 2016, 1645 (Arthur Sweetman).

## B. Benefits

Proponents of family class sponsorship highlighted the benefits of sponsoring family members, in particular parents and grandparents. Some of the benefits emphasized included quicker integration, emotional well-being, cultural identity, and the economic well-being of the family unit.

### 1. Emotional well-being

Settlement counsellor Erika Garcia suggested that sponsored spouses and partners provide emotional support for their sponsors.[54] Separation from spouses also causes strain on the couple. Speaking to his personal experience, Puneet Uppal informed the Committee, as an individual, that the current processing time for spousal applications of 18 months was not tolerable for him and his wife. Rather than live with the separation, he was prepared to quit his job as an engineer in British Columbia and return to India temporarily.[55]

Witnesses drew the Committee's attention to other instances where family separation erodes immigrants' mental health. They spoke of people whose cultural norm is to provide care for parents and grandparents within the family. These adult children apart from their parents worry about their elders and may suffer from guilt for leaving them behind and for their limited ability to fulfil caring duties.[56] The Canadian Spousal Sponsorship Petitioners spoke to their members' experience with family separation during the sponsorship process, experiences that included depression, suicide of a spouse, spousal abuse, inability to get credit and buy a home, postponing having children, and unattended health issues in spouses and children.[57]

Outside of the family class sponsorship program, the Committee heard that family separation also takes a toll. Many refugees suffer from leaving families behind in situations of war or insecurity; concerns that impede them from healing from their own trauma and establishing themselves in Canada.[58] Professor Usha George, who appeared as an individual, highlighted the situation of children of live-in caregivers who experience prolonged separation as their mothers first complete the work requirements in Canada and then apply for permanent residence. She said that even after caregiver families are

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54 CIMM, *Evidence*, 25 October 2016, 1635 (Erika Garcia, Settlement Worker, Davenport-Perth Neighbourhood and Community Health Centre).

55 CIMM, *Evidence*, 3 November 2016, 1635 (Puneet Uppal, Electrical and Control Systems Engineer, as an individual).

56 CIMM, *Evidence*, 27 October 2016, 1545 (Chantal Desloges, Lawyer, Desloges Law Group, as an individual).

57 Canadian Spousal Sponsorship Petitioners, *Written Submission*, p. 8.

58 CIMM, *Evidence*, 6 October 2016, 1550 (Huda Bukhari, Executive Director, Arab Community Centre of Toronto).

reunited "there are a great many issues around [the children's] emotional well-being and social adjustment, school adjustment and performance, and so on".[59]

Other witnesses also reported on research into the emotional costs of family separation and the benefits of being together. For instance, Bronwyn Bragg spoke of research conducted by her organization, the Ethno-Cultural Council of Calgary, indicating that "for families living in Canada, barriers to family reunification are also barriers to feeling fully settled and integrated into Canadian life and society".[60] Similarly, Alex LeBlanc of the New Brunswick Multicultural Council, confirmed that the retention rate for family class immigrants in New Brunswick is 25% higher than the rate for economic immigrants.[61] He underlined the importance of immigrant retention for the region, which has a population growth strategy tied to immigration.

Appearing as an individual, Chantal Desloges explained that separation from family can also create practical difficulties for families with permanent residence status. She gave the example of clients who cannot maintain the residency requirements because they are away from Canada for extended periods in order to provide care to ailing parents.[62]

### 2. Cultural Identity

Witnesses also stressed the importance of parents and grandparents in helping transmit cultural identity and language to their grandchildren. As noted in the written submission of the Metro Toronto Chinese and Southeast Asian Legal Clinic (MTCSALC), "Grandparents help children learn about themselves through the transmission of cultural and family values, customs, beliefs, practices, and through the sharing of stories and family history."[63] Professor Michael Ungar stated that grandparents "convey to a child a sense of belonging. They are the ones who carry the story and the identity".[64]

Research conducted by the Ethno-Cultural Council of Calgary found that grandparents play an important role in supporting the healthy psychological and emotional development of young people, especially "ethno-cultural" youth adapt to life in Canada.[65] MTCSALC stressed the importance of this type of cultural affirmation for racialized youth in particular, as "parents, grandparents, and extended family members can help prepare

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59 Ibid., 1655 (Usha George, Interim Vice-President, Research and Innovation, Ryerson University, as an individual).

60 CIMM, *Evidence*, 3 November 2016, 1535 (Bronywn Bragg, Former Research and Policy Manager, Ethno-Cultural Council of Calgary).

61 CIMM, *Evidence*, 25 October 2016, 1535 (Alex LeBlanc, Executive Director, New Brunswick Multicultural Council).

62 CIMM, *Evidence*, 27 October 2016, 1545 (Chantal Desloges).

63 Metro Toronto Chinese and Southeast Asian Legal Clinic (MTCSALC) *Written Submission*, p. 6.

64 CIMM, *Evidence*, 3 November 2016, 1620 (Michael Ungar, Canada Research Chair in Child, Family and Community Resilience, Child and Youth Refugee Research Coalition, Dalhousie University).

65 Ibid., 1535 (Bronywn Bragg).

children to face discrimination and racism by providing coping strategies and/or problem solving skills".[66]

Dianqi Wang of the Canadian Alliance of Chinese Associations expanded upon the implications that greater cultural awareness among youth can have outside of the home, suggesting that "cultivating talent that understands different cultures also helps Canada in international trade and global exchange in different sectors".[67]

### 3. Economic Benefit for the Family Unit

Despite the low levels of employment earnings reported above, witnesses suggested that the presence of sponsored parents and grandparents has a positive effect on the family's income through other means. For example, parents and grandparents may bring with them personal wealth or pensions.[68] Further, sponsors may be saved the expense of paying for flights (for their parents or themselves) as well as the expense of sending remittances to assist their parents in the country of origin.[69]

However, witnesses pressed for a more holistic assessment of economic contribution, one that examines "the earnings of the family unit, as a minimum" rather than individual earnings.[70] Witnesses provided many examples of how sponsored parents and grandparents can facilitate the family's overall economic well-being, child care being the foremost example. They also suggested that sponsored parents and grandparents may contribute to household chores, including cooking, cleaning, and gardening.

Amit Harohalli, who appeared as an individual, explained that grandparents "give the best possible child care any parents would want for their children", at the same time allowing the children to learn their native language, culture and religion.[71] Witnesses suggested that with parents and grandparents providing child care, other family members could enter or re-enter the workforce. They also suggested that the availability of parents and grandparents to provide child care is an important consideration in the decision of young families whether or not to have children.[72]

This more nuanced picture of the contribution of parents and grandparents to the economic well-being of the family projected by witnesses was supported by evidence from IRCC's evaluation of the Family Reunification program, cited by MTCSALC. Specifically, their written submission referenced the following findings drawn from a survey of sponsors:

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66 MTCSALC, *Written Submission*, p. 7.

67 CIMM, *Evidence*, 6 October 2016, 1545 (Dianqi Wang, Executive Director, Canadian Alliance of Chinese Associations).

68 CIMM, *Evidence*, 25 October 2016, 1550 (Effat Ghassemi, Executive Director, Newcomer Centre of Peel).

69 CIMM, *Evidence*, 6 October 2016, 1725 (Anila Lee Yuen, Chief Executive Officer, Centre for Newcomers).

70 CIMM, *Evidence*, 25 October 2016, 1625 (Jeffrey Reitz, Professor, R.F. Harney Ethnic and Immigration and Pluralism Studies, University of Toronto, as an individual).

71 CIMM, *Evidence*, 1 November 2016, 1535 (Amit Harohalli, as an individual).

72 CIMM, *Evidence*, 27 October 2016, 1555 (Chantal Desloges).

- 85% of sponsors surveyed reported that their parent/grandparent provided childcare often or sometimes;

- 36% of sponsors surveyed indicated that their parent/grandparent contributed to household income often (15%) or sometimes (21%);

- 82% sponsors reported that having their parent/grandparent in Canada enabled either themselves or their spouse to work additional hours; and

- 70% of sponsors reported that having their parent/grandparent in Canada has enabled them or their spouse to go to school or take additional training.[73]

According to witnesses, some individuals and households would benefit from parent and grandparent sponsorship more than others. MTCSALC, for example, suggested that immigrant women would benefit in particular, as they "often delay their own settlement and labour market participation to take care of child[ren] while their spouses work towards getting their qualifications recognized and skills upgraded or to work in order to provide for the family."[74]

Some witnesses made the point that low-income families could especially benefit from parent and grandparent sponsorship as the extra support could allow the family to take the steps necessary to get out of poverty. However, others, such as Usha George, pointed out that it is these same families that might not be able to meet the financial requirements to sponsor parents and grandparents, creating a catch-22.[75]

Mr. Ungar suggested that the most vulnerable families would benefit the most from being able to sponsor parents and grandparents, stating that:

> [t]he families who are really the most vulnerable, say, the refugees that came in as government assisted, would absolutely be for me, priority number one. Frankly, if you could get them any other supports, then you're going to have an exponential bump that is disproportionate to, say, bringing in a grandparent to another family that is already better resourced or better integrated.[76]

### C. The need for more research

Some witnesses suggested that the federal government lacks the necessary data to fully evaluate the impact of family reunification on families and Canadian society. This led Professor Madine VanderPlaat, who appeared as an individual, to recommend that "future policy directions be supported by a very strong research base, one that starts with the recognition of immigration as a family project, and one that acknowledges the very

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73 MTCSALC, *Written Submission*, p. 8 – 9.

74 Ibid., p. 6.

75 CIMM, *Evidence*, 6 October 2016, 1700 (Usha George).

76 CIMM, *Evidence*, 3 November 2016, 1605 (Michael Ungar).

many and intersecting ways members of a family collectively can contribute to the well-being of both their family and their country."[77]

In his appearance before the Committee, David Cashaback of IRCC suggested that the 2014 Evaluation of the Family Reunification Program was an important development because it allowed the Department to gather qualitative information on the contribution of sponsored parents and grandparents, which had been scarce to date.[78]

While more research would help the Department in policy development, the MTCSALC also suggested the Canadian public should be kept better informed, recommending that "the Canadian public should also be informed about the significant positive contributions made by family class immigrants, sponsored parents and grandparents in particular.[79]

Finally, the Canadian Spousal Sponsorship Petitioners recommended that the government "provide funding for research and programs to support the unique needs of Canadian citizens who sponsor spouses and children for immigration, and assess the impacts of delays and separation on Canadian families".[80]

### D. Appropriate Size of the Family Class Program

A number of witnesses shared their thoughts concerning the place of family reunification within Canada's immigration program. "Recognizing the economic, social and cultural benefits of family reunification", the Canadian Bar Association (CBA) observed that, "it should be a priority for Immigration, Refugees and Citizenship Canada".[81] Other witnesses also echoed that family reunification should be a priority.[82] The Canadian Council for Refugees stated that "reuniting children with their parents should be at least as high a priority as processing economic immigrants".[83] On the other hand, Ms. Albert suggested that "Canada's focus should be more on economic immigrants and less on parents and grandparents".[84]

Regarding the Immigration Levels Plan, witnesses suggested that it be adjusted to include 30,000 parents and grandparents a year[85] or 50-60,000 families.[86] The Canadian

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77 CIMM, *Evidence*, 6 October 2016, 1705 (Madine VanderPlaat, Professor, Saint Mary's University, as an individual).

78 CIMM, *Evidence*, 24 November 2016, 1605 (David Cashaback, Director, Social Immigration Policy and Programs, Department of Citizenship and Immigration).

79 MTCSALC, *Written Submission*, p. 23.

80 Canadian Spousal Sponsorship Petitioners, *Written Submission*, p. 8.

81 Canadian Bar Association, *Written Submission*, p. 5.

82 CIMM, *Evidence*, 3 November 2016, 1645 (James Bissett); *Evidence*, 25 October 2016, 1635 (Erika Garcia).

83 Canadian Council for Refugees, *Written Submission*, p. 4.

84 CIMM, *Evidence*, 25 October 2016, 1640 (Gishelle Albert).

85 CIMM, *Evidence*, 6 October 2016, 1605 (Huda Bukhari).

86 CIMM, *Evidence*, 25 October 2016, 1610 (Effat Ghassemi).

Council for Refugees proposed that family-linked cases be increased up to 40% of total immigration.[87] Other witnesses felt that family class immigration should be raised, without putting a specific number on it. Another point of view was that total immigration should be increased, which would allow family class numbers to be increased without reducing other immigration categories.[88]

Finally, there were a number of witnesses who argued against caps or quotas on family reunification. For example, Mr. LeBlanc suggested that "any time we're turning families away and saying that they missed the cut-off or we already have our quota… it's inappropriate" and "doesn't reflect humane immigration principles".[89] Along the same lines, the Canada Spousal Sponsorship Petitioners recommended that spouses and dependents be excluded from annual immigration quotas.[90]

Appearing as an individual, Jeffrey Reitz cautioned against creating opposing categories of "economic" and "humanitarian" immigration. Having examined outcomes from the United States, Mr. Reitz found there to be considerable economic value contributed by family class immigrants.[91] He suggested that the federal government should not increase the size of one program relative to the other; rather it should design the economic and family class programs together, recognizing that the characteristics of the two streams are interdependent.[92]

Mr. Sweetman addressed the impact of expanding the family class on settlement services. He suggested that if the family class were to be expanded, the Department should review the appropriateness of settlement services for meeting the needs of people from different immigration categories, a consideration that has not adequately been taken into account in his opinion.[93]

87 Canadian Council for Refugees, *Written Submission*, p. 6.

88 Canadian Bar Association, *Written Submission*, p. 2.

89 CIMM, *Evidence*, 25 October 2016, 1600 (Alex LeBlanc).

90 Canada Spousal Sponsorship Petitioners, *Written Submission*, p. 5.

91 CIMM, *Evidence*, 25 October 2016, 1610 (Jeffrey Reitz).

92 Ibid., 1540.

93 CIMM, *Evidence*, 27 October 2016, 1645 (Arthur Sweetman).

## PART 4: CROSS-CUTTING ISSUES

Some of the concerns raised by witnesses apply to the family class sponsorship program as a whole, while others relate to program requirements specifically for sponsoring spouses and partners or parents and grandparents. The cross-cutting issues explored in this section include the definition of family, regulations regarding dependents, excluded family members under section 117(9)(d) of the Regulations, financial requirements for sponsors, processing times, and client service.

### A. Definition of Family

As indicated above, a narrow definition of "family" applies for the purposes of family class sponsorship, limited to nuclear family members (spouses, partners, children and parents and grandparents). Several witnesses suggested that in order to reflect the realities of diverse cultural communities Canada should use a broader, more inclusive definition.[94] As noted by Ms. Desloges:

> The concept of the nuclear family being just two parents with children is largely a western European construct. It is not the norm in most of the world and particularly not in areas of the world from which most of our newcomers in Canada originate. However, it's exactly on that construct that we've built our definition of family in the immigration and refugee protection regulations. Maybe it's time to rethink that.[95]

Witnesses provided examples of how family is understood in other cultures. For instance, Professor Jamie Liew spoke (as an individual) about Asian cultures, where parents and grandparents often live with, or are in very close proximity to, the family units where children live.[96] Mr. Wang informed the Committee that Chinese families often consist of four to five generations that live together and take care of each other.[97] According to data provided by IRCC, India and China have been the top two countries of citizenship for admitted permanent residents under the sponsored parent or grandparent category. In 2015, 5,572 individuals were admitted from India, 2,223 from China, 948 from Philippines and 750 from Pakistan.[98]

A number of witnesses felt that there should be greater opportunity to sponsor siblings. Deepak Kholi, of the Canadian Association of Professional Immigration Consultants (CAPIC), pointed out that many immigrants coming to Canada have young siblings, who would settle into Canada easily with the support of a permanent resident or Canadian citizen sibling.[99] The written submission from CAPIC recommended "a pilot

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94 For example, Canadian Council for Refugees, *Written Submission*, p. 1.

95 CIMM, *Evidence*, 27 October 2016, 1545 (Chantal Desloges).

96 CIMM, *Evidence*, 20 October 2016, 1620 (Jamie Liew, Immigration Lawyer and Law Professor, Faculty of Law, Common Law Section, University of Ottawa, as an individual).

97 CIMM, *Evidence*, 6 October 2016, 1545 (Dianqi Wang).

98 IRCC'S response to a request for information made by the Standing Committee on Citizenship and Immigration on November 24, 2016 (Dzerowicz 3)

99 CIMM, *Evidence*, 27 October 2016, 1715 (Deepak Kohli, Vice-President, Canadian Association of Professional Immigration Consultants).

project to allow siblings to be sponsored, without restricting their eligibility by requiring specific education or skills".[100] More broadly, witnesses recommended that the definition of "family" eligible for sponsorship be expanded to include siblings.[101]

The MTCSALC pointed out that the government could create greater opportunity to sponsor siblings through several means, including expanding the definition of family class. Alternately, the government could create "a new assisted relatives class with relaxed immigration rules", referring to the former immigration category for extended family members that combined family relationship with labour-market oriented requirements.[102] Finally, a third approach identified by a number of witnesses is to assign additional adaptability points to economic stream applicants with siblings in Canada.[103]

### B. Dependents

Witnesses also raised concerns with the legal framework defining dependents. Some of that concern related to the cut-off age for dependents, currently at 19 years. Witnesses argued that "responsibility toward your children does not end automatically at the age of 19"[104]. Further, Anabela Nunes, Settlement Counsellor, Working Women Community Centre noted that this cut-off results in many of their clients viewing the current policy as one that "separates families and forces parents to leave the children behind either on their own or with family members".[105]

As such, witnesses viewed the government's intention to increase the age of dependents from 19 to 22 years favourably.[106] The CBA and lawyer Patricia Wells, who appeared as an individual, recommended that the government go even further and put in place transitional provisions that would enable dependent children who would otherwise have been eligible since the change in August 2014 to apply for permanent residence in Canada.[107]

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100 Canadian Association of Professional Immigration Consultants (CAPIC), *Written Submission*, p. 1.

101 CIMM, *Evidence*, 3 November 2016, 1640 (Lisa Bamford De Gante, Executive Director, Multicultural Association of Fredericton).

102 MTCSALC, *Written Submission*, p. 14.

103 CIMM, *Evidence*, 27 October 2016, 1645 (Arthur Sweetman).

104 CIMM, *Evidence*, 6 October 2016, 1540 (Zena Al Hamdan, Programs Manager, Arab Community Centre of Toronto)

105 CIMM, *Evidence*, 20 October 2016, 1545 (Anabela Nunes, Settlement Counsellor, Working Women Community Centre).

106 *Regulations Amending the Immigration and Refugee Protection Regulations (Age of Dependent Children)*. In a response to the Committee, IRCC indicated that the proposed regulatory amendments are expected to come into effect in fall 2017.

107 Canadian Bar Association, *Written Submission*, p. 4; CIMM, *Evidence*, 20 October 2016, 1540 (Patricia Wells, Barrister and Solicitor, as an individual).

Others suggested that the age limit for dependents should be 24 years[108] or that dependency be evaluated completely apart from age, by looking at the person's reliance on their parents. Effat Ghassemi of the Newcomer Centre of Peel, explained that in "different cultures we live with parents until we get married. Maybe we're 40 years old or 35 years old, and we still live with our parents. We are dependent according to our culture and definition on our family structure. Putting a number for aging people is very problematic."[109]

Some witnesses felt that the government should also return to the provision in place up until 2014 that allowed full-time students up to the age of 25 to qualify as dependents.[110] Ms. Wells suggested that the cut-off age for dependents should include children studying up to any age.[111] However, Ms. Desloges stated that the exception for full-time students "was a nightmare for visa officers trying to figure out who was a genuine student" and she was not in favour of reintroducing it.[112]

Witnesses also identified specific situations where the definition of dependent applied in Canada's immigration program leads to family separation. Avvy Go of the MTCSALC, for instance, told the Committee about clients from China who took in abandoned girls and raised them as their own family members, but did not have formal adoption papers necessary to include the girls in their immigration application.[113] A similar concern related to *de facto* adopted children raised by refugee families, who may not have the option of a formal legal adoption.[114] To address these concerns, witnesses suggested that Canada "[c]onsider recognizing broader definitions of parent-child relationships that do not require formal adoption".[115]

The definition of dependent also excludes children who are married. Huda Bukhari suggested that this has posed a barrier for Syrian refugees' family reunification. She said that it has been difficult for parents to sponsor married young adults (for instance, 16 or 18 years old) with children of their own.[116]

Finally, there were a number of issues concerning sponsorship of dependents brought to the Committee's attention that were not addressed in depth by other witnesses. Ms. Desloges raised the issue of permanent residents who give birth outside of Canada but cannot sponsor the child while away from Canada. She indicated that people in this

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108 CIMM, *Evidence*, 27 October 2016, 1720 (Vilma Filici, Representative, Canadian Association of Professional Immigration Consultants); *Evidence*, 20 October 2016, 1705 (Toni Schweitzer, Staff Lawyer, Parkdale Community Legal Services); *Evidence*, 6 October 2016,1635 (Huda Bukhari).

109 CIMM, *Evidence*, 25 October 2016, 1620 (Effat Ghassemi).

110 Canadian Bar Association, *Written Submission*, p. 4.

111 CIMM, *Evidence*, 20 October 2016, 1540 (Patricia Wells).

112 CIMM, *Evidence*, 27 October 2016, 1620 (Chantal Desloges).

113 Ibid., 1615 (Avvy Go, Clinic Director, Metro Toronto Chinese and Southeast Asian Legal Clinic).

114 CIMM, *Evidence*, 20 October 2016, 1710 (Toni Schweitzer).

115 Beth Martin, PhD Candidate, *Written Submission*, p. 7.

116 CIMM, *Evidence*, 6 October 2016, 1625 (Huda Bukhari).

situation have to leave the child behind in the other country and return to Canada to submit the sponsorship application and recommended that this situation be addressed.

Concerns related to adoption provisions were also identified. Alexandra Hiles, Immigration Program Manager in Nairobi and Area Director responsible for sub-Saharan Africa, told the Committee that adoption cases can be very complex. She indicated that, for these cases, visa officers must establish both the ties to the adoptive parent as well as the severance of ties between the child and the biological parents. They must also "ensure that they are meeting Canada's commitment to apply the standards and safeguards of the Hague Convention on inter-country adoption,"[117] which "seeks to protect children and their families against the risks of illegal, irregular, premature or ill-prepared adoptions abroad."[118]

Provincial and territorial governments may suspend adoptions from certain countries.[119] In her written submission, doctoral candidate at Ryerson University Beth Martin reported that her research found "a blanket moratorium on certain countries whose adoption systems are considered unreliable can cause considerable damage to families".[120] She recommended that the federal government work with the provinces to review exceptions to the adoption moratoria.

The CBA recommended that the federal government exercise "greater flexibility and accommodation in the sponsorship of adopted children, as well as improved coordination with Canadian provincial authorities".[121] Examples of flexible changes recommend by the CBA include giving an adopted child a temporary resident visa while waiting for an application for citizenship to be processed and reviewing the circumstances in which an application might succeed on humanitarian and compassionate grounds, so that it includes situations such as the inability to locate relatives of abandoned children.

### C. Section 117(9)(d) of the Regulations

Witnesses informed the Committee that section 117(9)(d) of the Regulations (R117(9)(d)) is a barrier to family reunification. This regulation was introduced as a program integrity measure in 2002 and prevents a sponsor from ever sponsoring family members who were not previously declared by their sponsor or examined by the Department. The intention of the regulation was to prevent people from deliberately omitting family members from their permanent residence application that would negatively affect the decision on the application, only to sponsor them later through the family class.

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117 CIMM, *Evidence*, 15 November 2016, 0925 (Alexandra Hiles, Area Director, Sub-Saharan Africa, Department of Citizenship and Immigration).

118 Hague Conference on Private International Law, *Adoption Section*.

119 The current list includes Cambodia, Georgia, Guatemala, Haiti, Liberia, and Nepal. Government of Canada, *Countries with suspensions or restrictions on international adoptions*.

120 Beth Martin, *Written Submission*, p. 6.

121 Canadian Bar Association, *Written Submission*, p. 4.

According to witnesses, such as Vincent Wong of the Metro Toronto Chinese and South-East Asian Legal Clinic, R117(9)(d) catches many legitimate situations and is overly broad and harsh.[122] Further, the Committee heard that a review of published Federal Court decisions found that in 90% of cases that had section 117(9)(d) applied to them, the undisclosed family member was not inadmissible, suggesting that there was no fraudulent act or intent.[123]

Instead, applicants omitted family members for other reasons, including misunderstanding, failure to update an application, fear of exposure, lack of knowledge or bad advice, or being unaware that a child was born or family member was still living. The Committee also heard of the situation where children caught up in a custodial battle are prevented by one parent from being examined by immigration authorities.[124] Another example is couples who have children in violation of China's one-child or two-child policy and do not immediately declare those children "to protect themselves from penalties such as forced sterilization or massive monetary penalties".[125] In their written submission, the MTCSALC suggested that R117(9)(d) disproportionately affects refugees and live-in caregivers.[126]

Elizabeth Snow, Area Director for North Asia at Immigration, Refugees and Citizenship Canada, offered a different perspective. She stated that:

> In our experience in Hong Kong, rarely has the omission of a family member been one of happenstance or poor advice. Rather, the omission appears to have been purposeful and undertaken with intent. Looking at the application process, there are approximately seven different opportunities in which to disclose dependants to the department, including prior to visa issuance and prior to landing in Canada. It's challenging to objectively see such omissions as inadvertent.[127]

Witnesses also suggested that the remedy available to families separated by R117(9)(d), an application for permanent residence on humanitarian and compassionate grounds, is inadequate, with a low success rate.[128] Even successful applications, they noted, entail multiple applications and appeals that prolong family separation.

For these witnesses, R117(9)(d) is a policy tool that does more harm than good. The Canadian Council for Refugees suggested that it "violates Canada's international human rights commitments".[129] Witnesses identified other mechanisms in the *Immigration*

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122 CIMM, *Evidence*, 27 October 2016, 1535 (Vincent Wong, Staff Lawyer, Metro Toronto Chinese and Southeast Asian Legal Clinic).

123 CIMM, *Evidence*, 20 October 2016, 1530 (Jamie Liew) and Canadian Council for Refugees, *Written Submission*, p. 2.

124 CIMM, *Evidence*, 27 October 2016, 1605 (Vincent Wong).

125 Ibid.

126 MTCSALC, *Written Submission*, p. 20.

127 CIMM, *Evidence*, 15 November 2016, 915 (Elizabeth Snow, Area Director, North Asia, Department of Citizenship and Immigration).

128 CIMM, *Evidence*, 20 October 2016, 1530 (Jamie Liew).

129 Canadian Council for Refugees, *Written Submission*, p. 2.

*and Refugee Protection Act* – sections 40 and 127 in particular – that deal with misrepresentation, and could be used to address situations of family member non-disclosure related to fraud.[130] In their opinion, R117(9)(d) should be repealed.[131] Alternatively, Vilma Filici of CAPIC, recommended that the section be repealed or changed "to allow for circumstances where there was no clear intention to misrepresent and where there were circumstances beyond the control of the person applying for permanent residency".[132]

### D. Financial Requirements

As indicated previously, family class sponsors are required to have a minimum income. Zaixin Ma of the Canadian Alliance of Chinese Associations, pointed out that new immigrants often do not have a high wage if they have just arrived in Canada.[133] He, and other witnesses, suggested that the minimum income requirements should be lowered, while the Canadian Council for Refugees recommended that there be no minimum income requirement at all for family reunification.[134] Ms. Desloges spoke against reducing the income level for sponsorship.[135]

Lisa Bamford De Gante of the Multicultural Association of Fredericton, and the CBA, raised the issue of making the minimum income requirement more reflective of the actual cost of living in different regions of Canada. In their written brief the CBA remarked that "this would better reflect the ability of an individual to sponsor and support an additional family member in Canada."[136] Ms. Bamford De Gante stated that "the cost of supporting three family members in Vancouver or in Toronto is very different from the cost of supporting three family members in New Brunswick, where the cost of an average house is under $200,000.[137]

Finally, witnesses also addressed the fees associated with the family sponsorship application, suggesting that these be lowered.[138] As noted by Ms.Garcia, "[f]ive hundred and fifty dollars per applicant and $120 per child can be a lot".[139]

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130 Canadian Bar Association, *Written Submission*, p. 3.

131 For example, Canadian Bar Association, *Written Submission*, p. 3; CIMM, *Evidence*, 20 October 2016, 1530 (Jamie Liew); *Evidence*, 25 October 2016, 1640 (Erika Garcia).

132 CIMM, *Evidence*, 27 October 2016, 1700 (Vilma Filici).

133 CIMM, *Evidence*, 6 October 2016, 1600 (Zaixin Ma, Advisor, Canadian Alliance of Chinese Associations).

134 Canadian Council of Refugees, *Written Submission*, p. 8.

135 CIMM, *Evidence*, 27 October 2016, 1620 (Chantal Desloges).

136 Canadian Bar Association, *Written Submission*, p. 4.

137 CIMM, *Evidence*, 3 November 2016, 1700 (Lisa Bamford De Gante).

138 MTCSALC, *Written Submission*, p. 21; CIMM, *Evidence*, 6 October 2016, 1610 (Zaixin Ma).

139 CIMM, *Evidence*, 25 October 2016, 1710 (Erika Garcia).

## E. Processing Times

Processing times were a pressing concern for most witnesses who appeared before the Committee. This is not surprising, given the negative impacts on family separation that were identified. The personal stories of Mr. Uppal and Mr. Harohalli underscored that waiting times are not only a matter of paper files, but have real and significant effects on people. Table 3 shows overall processing times for family class applications over the last decade, as well as the break down for the sponsor assessment step and permanent resident assessment step.

**Table 3 – Average Processing Time (in Months) of Sponsorship Applications (Negative and Positive Decisions), Final Decision Years 2005–2015**

| Category | Sub category | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| All family class | Overall processing | 15 | 16 | 16 | 17 | 18 | 19 | 21 | 28 | 36 | 34 | 35 |
| | Sponsor assessment | 2 | 4 | 6 | 6 | 7 | 6 | 7 | 13 | 11 | 10 | 17 |
| | PR assessment | 13 | 12 | 10 | 11 | 12 | 13 | 15 | 14 | 25 | 24 | 18 |
| Spouses and partners | Overall processing | 10 | 10 | 10 | 11 | 11 | 12 | 13 | 14 | 18 | 19 | 20 |
| | Sponsor assessment | 2 | 3 | 3 | 2 | 2 | 2 | 2 | 3 | 4 | 7 | 11 |
| | PR assessment | 8 | 7 | 8 | 8 | 9 | 9 | 10 | 11 | 25 | 24 | 18 |
| Parents and Grandparents | Overall processing | 37 | 41 | 43 | 46 | 49 | 52 | 59 | 58 | 61 | 70 | 75 |
| | Sponsor assessment | 3 | 9 | 22 | 26 | 26 | 25 | 26 | 37 | 55 | 58 | 61 |
| | PR assessment | 33 | 32 | 20 | 20 | 23 | 27 | 33 | 21 | 6 | 12 | 14 |
| Children and others | Overall processing | 14 | 14 | 14 | 15 | 15 | 16 | 18 | 18 | 19 | 21 | 19 |
| | Sponsor assessment | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 3 | 4 | 4 |
| | PR assessment | 13 | 12 | 12 | 13 | 13 | 14 | 16 | 16 | 16 | 17 | 15 |

Source: Immigration, Refugees and Citizenship Canada, Evaluation of the Family Reunification Program, March 2014 and IRCC's response to a request for information made by the Standing Committee on Citizenship and Immigration on October 4, 2016 (Sarai 2).

IRCC has established a service standard of 12 months for processing sponsorship applications for overseas spouses, common-law partners, conjugal partners and dependent children (targeted for 80% of the time). The Department has had difficulty meeting this service standard ever since it was established in 2010. Most recently, IRCC reports that the service standard of 12 months was met 57% of the time from April 2015 to

March 2016.[140] The Department has not established a service standard for processing parent and grandparent sponsorship applications.

Departmental officials explained that processing times are a function of many variables, including the places allocated for different categories in the Immigration Levels Plan, case inventories, resources, the "complexity" of the caseload, and the operating environment. These factors will be explored in greater detail below.

According to the officials, resources are allocated for processing applications in alignment with the immigration levels plan. As senior IRCC official Sharon Chomyn stated "the department is currently resourced to deliver annual levels in the range of 300,000 each year".[141] Planned spending for 2016-17 includes $29.6 million for family reunification.[142]

According to the Department, increasing the family class target by 10,000 would require an additional 28 employees, and travel and non-salary costs estimated at $9,250,000.[143] Admitting an additional 10,000 sponsored parents and grandparents above the target in the levels plan is estimated to cost $43,662,676, including operational and settlement expenditures.[144] Daniel Mills, Chief Financial Officer at IRCC, explained that increasing the target beyond 10,000 additional places would cost disproportionately more, as new investments in infrastructure and training would be required.[145] For instance, increasing the parent and grandparent target by 30,000 above current levels is estimated to cost between $150 and $160 million. These cost estimates reflect only the fiscal costs to the Department, not including any benefits the sponsored immigrant might bring to the families or Canadian society.

Officials cited increased levels space as part of their plan to bring down processing times:

> One of the reasons we are increasing admissions of sponsored family members is to help reduce inventories and processing times that keep families separated for extended periods of time. We're admitting more family class applicants, and we expect fewer

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140 IRCC, *Service standard for applications under Family Class Priority (Overseas - spouses, common-law partners, conjugal partners and dependent children)*.

141 CIMM, *Evidence*, 15 November 2016, 0830 (Sharon Chomyn, Area Director, North Europe and the Gulf, Department of Citizenship and Immigration).

142 IRCC's response to a request for information made by the Standing Committee on Citizenship and Immigration on October 4, 2016 (Zahid 3).

143 IRCC's response to a request for information made by the Standing Committee on Citizenship and Immigration on November 24, 2016 (Rempel 1).

144 IRCC's response to a request for information made by the Standing Committee on Citizenship and Immigration on November 24, 2016 (Kwan 8)

145 CIMM, *Evidence*, 8 February 2017, 1650 (Daniel Mills, Chief Financial Officer, Department of Citizenship and Immigration).

delays related to levels space, which in turn will allow faster processing times for family sponsorships.[146]

This was also an area for change recommended by witnesses. For instance, Beth Martin recommended that the government "increase immigration levels so that [the] processing time for reunification with spouses, partners and children matches that for Express Entry and parent and grandparents do not experience unreasonable delays".[147]

An inventory of cases awaiting processing can also lead to longer processing times. An inventory in a particular category accrues when the number of applications received by the Department exceeds the number targeted in the Immigration Levels Plan. According to the Assistant Deputy Minister, Operations, at IRCC, Robert Orr, "[t]he biggest issue in creating a backlog in the various categories, including family class, has been the levels space and greater demand than there was space for us to finalize applications."[148]

Family class applications are processed on a first-come, first-served basis; excess applications are set aside for processing in the following year. Increasing the target number for a particular category of immigration can shorten processing times as the inventory of applications in that category is drawn down. Table 4 below shows the inventory in family class applications by year for the period 2008 to 2015. Mr. Orr indicated that the inventory of parent and grandparent applications is expected to be reduced to 46,000 persons by the end of 2016.[149]

**Table 4: Year-end Family Class Historical Inventory from 2008 to 2015 in Persons**

| Category | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 |
|---|---|---|---|---|---|---|---|---|
| **Total** | **192,505** | **198,120** | **208,598** | **244,838** | **204,524** | **164,819** | **132,221** | **127,942** |
| Spouses and Partners | 50,602 | 47,323 | 46,578 | 63,804 | 66,811 | 68,216 | 51,017 | 68,135 |
| Parents and Grandparents | 129,697 | 138,512 | 150,951 | 167,007 | 125,599 | 86,027 | 72,007 | 50,661 |
| Children and Others | 6,414 | 6,677 | 6,023 | 8,649 | 7,161 | 6,483 | 5,499 | 5,730 |
| Spousal Public Policy | 5,792 | 5,608 | 5,046 | 5,378 | 4,953 | 4,093 | 3,698 | 3,416 |

Source: IRCC's response to a request for information made by the Standing Committee on Citizenship and Immigration on October 4, 2016 (Zahid)

While the Department has resources commensurate with the immigration levels plan, additional resources may be deployed to help with peak periods or to carry out targeted backlog reduction efforts. For instance, the Committee heard that in some

146 CIMM, *Evidence*, 24 November 2016, 1530 (Robert Orr, Assistant Deputy Minister, Operations, Department of Citizenship and Immigration).

147 Beth Martin, *Written Submission*, p. 8.

148 CIMM, *Evidence*, 4 October 2016, 1845 (Robert Orr).

149 CIMM, *Evidence*, 24 November 2016, 1535 (Robert Orr).

regions, such as China, a high volume of temporary resident applications creates significant pressure on the management of human and physical resources.[150] Temporary resident visas are not subject to numerical limits, and have seen significant growth in some regions.

The government allocated $23.4 million in Budget 2016 to reduce processing times for family class sponsorship applications, and a total of $79.3 million over three fiscal years.[151] The 2016 funds are being used to provide additional resources to visa offices abroad (e.g., 80 Temporary Duty officers and support staff) and to reduce the processing time in Canada for sponsorship applications. According to departmental information, the funding has helped to reduce the processing time for roughly 80% of spousal applications from 18 months to 16 months globally across overseas offices. It has also decreased the in-Canada processing time for sponsorship applications from 60 plus days to 30 days.[152] Still, Marichu Antonio of the Ethno-Cultural Council of Calgary felt that the government ought to "devote resources to processing all family class applications, including parent and grandparent applications, in a timely manner".[153]

The "complexity" of the caseload was another factor identified by IRCC officials to explain longer processing times for spouse, partner, and dependent applications, in particular. They explained that the Department triages family class applications; those that are lowest risk (about 10%) are processed entirely in Canada. The higher-risk or "complex" cases require local expertise and the applicant is more likely to be asked to provide further documentation or attend an in-person interview with the visa officer. Officials reported that the rate of cases requiring an interview last year range from not many in London to 40% in El Salvador, Cuba, and the Dominican Republic.[154]

Complex cases include those that may involve criminal convictions, custody issues, marriages of convenience, polygamy, proxy marriages, non-consensual marriages, minor-aged spouses, children born outside of primary relationships, late registration of birth, irregularities in the issuance of civil documentation, security concerns, fraud, and previous adverse immigration history on the part of the applicant.[155]

Finally, departmental officials suggested that the operating environment, such as a poor local infrastructure for travel and communications, an unstable security situation, and

150 CIMM, *Evidence*, 15 November 2016, 0910 (Elizabeth Snow).

151 IRCC's response to a request for information made by the Standing Committee on Citizenship and Immigration on October 4, 2016 (Zahid 3).

152 IRCC's response to a request for information made by the Standing Committee on Citizenship and Immigration on October 4, 2016 (Tilson).

153 CIMM, *Evidence*, 3 November 2016, 1530 (Marichu Antonio, Executive Director, Ethno-Cultural Council of Calgary).

154 CIMM, *Evidence*, 15 November 2016, 0845 (Sharon Chomyn); 0815 (Olivier Jacques, Area Director, Latin America, Department of Citizenship and Immigration).

155 Ibid., 0810 (Sharon Chomyn).

difficulty obtaining exit permits, can also affect processing times.[156] Witness testimony confirmed that these barriers affect applicants as well. For instance, Ms. Bukhari told the Committee that requirements, such as visiting the only IRCC-designated doctor in Yemen, caused hardship as it was often not safe to travel across the country.[157] Ms. Monteiro explained to the Committee "that in war-torn countries such as Nepal, Eritrea, Syria and Afghanistan", identity and travel documents were impossible to obtain. [158] She recommended that the Canadian visa offices issue single travel documents to allow the successful applicants to reunite with their families in Canada.

Most witnesses recognized that processing applications requires a certain amount of time. They also accepted that certain categories within the family class should have priority over others. Witnesses put forward ideal or acceptable processing times as follows: no more than 6 months for spouses, partners and children waiting to be reunited with their parents[159] and a range from 12 months to 36 months for parent and grandparent applications.[160] Ms. Monteiro suggested that Canada could adopt Australia's model, which has established different processing times for parents destined to the labour market than those not intending to work. The latter are processed faster, but cost more to sponsor.[161]

The Department informed the Committee that it expects processing times for parents and grandparents to reach 35 months by the end of 2017 (down from 75 months at the end of 2015), spouse, partners, and children overseas to reach 15 months by the end of 2017 (down from 18 months at the end of 2015) and spouses, partners, and children in Canada to reach 12 months by the end of 2017 (down from 26 months at the end of 2015).[162]

Witnesses also drew the Committee's attention to inequalities in processing times between visa offices, noting that there are significant differences among visa posts. The Nairobi visa office was singled out for having long processing times of between 15 and 31 months.[163] Data provided by the Department shows that the range for processing 80% of parent and grandparent sponsorships in 2015 was from 43 months for people residing in Singapore to 89 months for people residing in Iraq. The range for

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156 Ibid., 0805 (Sharon Chomyn ); 0810 (Mark Giralt, Area Director, United States and Caribbean, Department of Citizenship and Immigration); 0925 (Alexandra Hiles).

157 CIMM, *Evidence*, 6 October 2016, 1615 (Huda Bukhari).

158 CIMM, *Evidence*, 1 November 2016, 1645 (Sheila Monteiro, Lawyer, East Toronto Community Legal Services Inc.).

159 Beth Martin, *Written Submission*, p.3; Canadian Council for Refugees, *Written Submission*, p.4; CAPIC, *Written Submission*, p.4. The Canada Spousal Sponsorship Petitioners advocated for 80% of spouses to be processed within two months, *Written Submission*, p. 5

160 12 months: CIMM, *Evidence*, 1 November 2016, 1700 (Sheila Monteiro); 18 months: *Evidence*, 6 October 2016, 1600 (Zena Al Hamdan); 24 months: *Evidence*, 3 November 2016, 1635 (Puneet Uppal); 36 months: *Evidence*, 1 November 2016, 1625 (Amit Harohalli).

161 CIMM, *Evidence*, 1 November 2016, 1650 (Sheila Monteiro).

162 IRCC's response to a request for information made by the Standing Committee on Citizenship and Immigration on March 10, 2016

163 CIMM, *Evidence*, 25 October 2016, 1635 (Erika Garcia).

processing 80% of spouse and partner applications in 2015 was from 6 months for people residing in Brazil to 56 months for people residing in Myanmar (Burma).[164] To address discrepancies, the CBA recommended that "the government consider implementing a processing time standard of up to one year from the date an application is complete, which would apply consistently across all visa offices".[165] Ms. Martin recommended that IRCC "review targets, share caseloads between offices, process more of the caseload in Canada and provide more support to visa offices who experience difficulties, to reduce disparities in processing times between offices."[166]

Finally, several witnesses argued for better information on processing times, especially regional information, so that clients could have realistic expectations concerning their applications and "persons working in the field can assess the disparities and any issues that need to be taken up".[167] The Canadian Council for Refugees suggested that processing times per visa post should be publicly available in particular for the category of dependents of successful refugee claimants, because the current way of presenting information is misleading, as it combines processing in-Canada and overseas in one published time.[168]

Witnesses also addressed the issue of inventories. Vance Langford, of the CBA, recommended "eliminating backlogs and reducing processing times to provide certainty for Canadian families and access to the benefits provided by parents and grandparents".[169] In the opinion of Mr. Bisset, in order to clear up the backlog, the Department would have to halt receipt of new applications and send a task force to the offices to quickly process the remaining applications.[170] Lawyer Richard Kurland, who appeared as an individual, suggested that transparency concerning the inventories could be improved. He recommended that, for parent and grandparent sponsorships, for example, the Department announce the number to be processed from inventory in the year alongside the number of new cases to be accepted in the year.[171] He added that, "[u]ntil we achieve an equilibrium where we take in as many cases in a year as we can process in a year, letting the public know that intake will be less because we have to take care of the queue is appropriate."[172]

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164 IRCC's response to a request for information made by the Standing Committee on Citizenship and Immigration on October 4, 2016 (Zahid 4).

165 Canadian Bar Association, *Written Submission*, p. 5.

166 Beth Martin, *Written Submission*, p. 8.

167 CIMM, *Evidence*, 20 October 2016, 1600 (Jamie Liew).

168 Canadian Council for Refugees, *Written Submission*, p. 5.

169 CIMM, *Evidence*, 27 October 2016, 1540 (Vance Langford, Chair, Immigration Law Section, Canadian Bar Association).

170 CIMM, *Evidence*, 3 November 2016, 1655 (James Bissett).

171 CIMM, *Evidence*, 1 November 2016, 1635 (Richard Kurland, Lawyer and Policy Analyst, as an individual).

172 Ibid.

### F. Client Service

Witnesses drew the Committee's attention to improvements that IRCC could make in the area of client service. Specific areas that they addressed include the IRCC call centre, the appropriate way to handle missing or outdated information, and improved human contact. As discussed below, witnesses also made recommendations related to the use of technology and when to request supporting documentation.

Ms. Nunes reported that her clients were dissatisfied with the IRCC call centre and her organization received inconsistent and inaccurate information from agents.[173] The family class sponsors and key informants participating in Ms. Martin's research experienced the following difficulties: reaching an operator when faced with long periods on hold, understanding the interactive voice response menu system (particularly for those with limited English or French) and irrelevant or incorrect information.[174] Other witnesses shared that they had similar experiences with the call centre.[175] In order to improve the customer service experience, witnesses recommended that IRCC "put more resources into staffing and training call centre agents"[176] and that training be improved for "IRCC call centre staff and other front-line staff engaged in responding to enquiries, whether by post, email or in person".[177]

The current approach for dealing with missing information or requesting updated information on sponsorship applications was also identified as an area for improvement. In this regard, Ms. Desloges recommended that the Department adopt a common sense approach, stating that: "If a document is missing, pick up the phone and call the person. Tell them to send it, and give them a deadline, instead of strapping snail mail to the back of a donkey and sending it overland, which is the current system".[178] Ms. Martin recommended that IRCC request "missing information by email rather than returning an entire package" and "work to reduce the number of submitted documents that go missing".[179] Her research found that some visa officers returned incomplete applications, while others allowed the applicant to fix small omissions by email, a difference that materially affected processing times. Finally, Ms. Nunes suggested that requests for additional information be made by email and followed up by letter "in order to ensure the client receives it" because "what is at stake is too important to leave to vulnerable email accounts".[180]

Aside from easier access to a live agent at the call centre, witnesses also felt that family class sponsorship applicants would benefit from more opportunities for direct

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173 CIMM, *Evidence*, 20 October 2016, 1545 (Anabela Nunes).

174 Beth Martin, *Written Submission*, p. 4.

175 CIMM, *Evidence*, 25 October 2016, 1705 (Erika Garcia).

176 Beth Martin, *Written Submission*, p. 8.

177 Canada Spousal Sponsorship Petitioners, *Written Submission*, p. 5.

178 CIMM, *Evidence*, 27 October 2016, 1610 (Chantal Desloges).

179 Beth Martin, *Written Submission*, p. 8.

180 CIMM, *Evidence*, 20 October 2016, 1550 (Anabela Nunes).

contact with IRCC officials. Both Ms. Garcia and Mr. Langford expressed the need for better communication between officers and applicants, both in Canada and abroad.[181] Ms. Garcia, for example, reported that her clients expressed "the need to have somebody, a person with a name whom they can have communication with. … Having that contact with someone, one on one, even a specific name, could be very helpful for them, so they know that so-and-so is actually looking at their application."[182] Another idea proposed to promote more human contact was that IRCC should "reintroduce an in-person service that can advise people on a case-by-case basis".[183]

Witnesses suggested that IRCC could also improve client service through greater use of technology. Mr. Kurland, for example, recommended that the Department adopt a single-window approach similar to "the [Canada Revenue Agency] model in information intake – one file, one person. … Single person, single portal, single entry for your lifetime".[184] Mr. Orr informed the Committee that IRCC is "moving in that direction to try to get a single identifier that can follow people right through the entire continuum. It's a slow process, or slower than we would like sometimes, to get everything online, but we're certainly moving strongly in that direction".[185]

CAPIC recommended that IRCC implement "online intake and processing of applications in the family reunification field".[186] Participants in Ms. Martin's research suggested that the Department could make greater use of the online eCAS portal by using it as a means of communicating with clients and providing more information or status updates.[187] However, Ms. Nunes cautioned that "multiple options for the payment of processing fees should be available" rather than requiring all applicants to pay online by credit card.[188]

According to witnesses appearing before the Committee, another area of client service that could be improved is reviewing when supporting documents, such as medical exam results and police checks, are required. As Toni Schweitzer of the Parkdale Legal Clinic reported: "We see it all the time with medicals, police clearances, and with requests for passports or travel documents. They're routinely asked for up front, at the beginning of a process, when in reality they're not needed until much later."[189] Similarly, Ms. Bamford

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181 CIMM, *Evidence*, 25 October 2016, 1635 (Erika Garcia); *Evidence*, 27 October 2016, 1540 (Vance Langford).

182 CIMM, *Evidence*, 25 October 2016, 1705 (Erika Garcia).

183 Beth Martin, *Written Submission*. p. 8.

184 CIMM, *Evidence*, 1 November 2016, 1636 (Richard Kurland).

185 CIMM, *Evidence*, 24 November 2016, 1550 (Robert Orr).

186 CAPIC, *Written Submission*, p. 4.

187 Beth Martin, *Written Submission,* p. 4.

188 CIMM, *Evidence*, 20 October 2016, 1550 (Anabela Nunes).

189 Ibid., 1655 (Toni Schweitzer).

De Gante said that “many families have had to do double medicals because the medical expires before their case is processed.”[190]

Witnesses made a number of recommendations intended to address the situation of medical exam results expiring before application processing is complete, including requesting medical results at the point in processing when they are needed by visa officers to make a decision. Other proposals included allowing “applicants, particularly pregnant women and those whose previous medical checks have timed out, to complete medical checks after arrival in Canada”[191] and “eliminating medical screening for spouses and dependent children of Canadian citizens and permanent residents.”[192]

190 CIMM, *Evidence*, 3 November 2016, 1715 (Lisa Bamford De Gante).

191 Beth Martin, *Written Submission*, p. 8.

192 Canada Spousal Sponsorship Petitioners, *Written Submission*, p. 7.

## PART 5: CHANGES TO THE FAMILY CLASS PROGRAM REQUIREMENTS

During the course of its study, the Committee heard witness testimony concerning specific family class program requirements. With respect to spouses and common-law partners, witnesses expressed concerns arising out of program integrity measures, such as the test for "bad faith" relationships, assessing the genuineness of relationships, and conditional permanent residence. They also spoke about how marriages of convenience should be addressed. Finally, witnesses identified economic issues, issues related to temporary resident visas, and concerns particular to in-Canada sponsorship applications. Concerning sponsorship of parents and grandparents, witness testimony centred on application intake, specific program requirements, and the Super Visa as an alternative to permanent immigration. This testimony is set out in greater detail below.

### A. Spouses and Common-law partners

#### 1. Integrity of the Spousal Sponsorship program

To ensure the integrity of the Spousal Sponsorship program, a number of provisions in IRPA and the Regulations seek to deter relationships that are entered into for immigration purposes. Ms. Chomyn of IRCC explained to the Committee that:

> [T]he goal of our officers is to approve as many applications as possible as efficiently as possible based on the documents before them. That said, they are also very well trained in the latest fraud trends, with a view to remaining vigilant to potential fraud that might undermine the integrity of our immigration system or the security of Canada…We are aware… that it is in the public interest to reunite spouses as quickly as possible. The vast majority of cases are genuine, and we are pleased to bring people together.[193]

She added that "the most common integrity concern is that of the genuineness of the relationship. Marriage fraud is a very real problem".[194] Ms. Snow of IRCC stated that decision-making was a question of balance: "Our staff work diligently to ensure that they make a balanced assessment of the applicant's relationships and to ensure that the applicant has entered into the marriage in good faith. Our teams strive to balance the complexities of law, jurisprudence, and the intricacies that people's circumstances bring".[195]

#### a. Bad Faith as Set Out in the Regulations

Section 4 of the Regulations provides a two-pronged test used by officers to determine if a relationship was entered into in "bad faith". Until amended in 2010, "bad faith" described a relationship that was both "not genuine and entered into for the purpose of acquiring any status or privilege under the Act."[196] If both prongs of the test were met,

193 CIMM, *Evidence*, 15 November 2016, 0800 (Sharon Chomyn).

194 Ibid., 0805.

195 Ibid., 0915 (Elizabeth Snow).

196 *Regulations amending the Immigration and Refugee Protection Regulations,* SOR/ 2004-167.

the foreign national could not be considered a spouse and the application was rejected. In 2010 the test was amended so that the application could be rejected for meeting only one prong. Now "bad faith" describes a relationship that "was entered into primarily for the purpose of acquiring any status or privilege under the Act; or is not genuine."[197] Mr. Wong explained the meaning of this change:

> In 2010 there was a government amendment saying that spouse and their sponsors needed to prove both a genuine relationship, number one, and, number two, that a relationship was not entered into primarily for immigration purposes. Previously, spouses only needed to prove one or the other.[198]

Ms. Schweitzer indicated that the amended test led to decision-makers finding the relationship between spouses genuine, but rejecting the application on the grounds that it was entered into for immigration purposes, with the result of separating spouses, even those with children.[199] Ms. Schweitzer indicated "other tools exist to deal with marriage fraud" while Mr. Wong stated that the amendment was "overly harsh and redundant".[200] Both witnesses recommended that the 2010 amendment be repealed. The CBA went further and recommended new wording to address the difficult and subjective nature of assessing past intent:

> The "primary purpose" analysis should shift from an examination of what the primary purpose of a relationship ***was*** when it was entered into to what it ***is*** at present. An officer's determination of the primary purpose of [a] relationship is a difficult and subjective assessment of the intent of the applicant, and cannot by itself lead to the estrangement of children from their parents, and partners from each other, which has occurred too frequently since the current test was introduced.[201]

### b. Assessing a Genuine Relationship

Witnesses stated that many spousal sponsorship cases are rejected because the visa officers find that the relationship is not genuine. Some attribute this situation to biases on the part of the visa officer, or a lack of cultural awareness where "western" concepts of marriage are applied.[202] For example, Lawyer Lobat Sadrehashemi, who appeared as an individual, indicated that "[a] lot of the types of questions that are asked are very intrusive, and a lot of women I've spoken to feel very uncomfortable discussing with a male officer sexual questions about their relationship."[203]

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197 *Regulations amending the Immigration and Refugee Protection Regulations (Bad faith)*, SOR/2010-208.

198 CIMM, *Evidence*, 27 October 2016,1535 (Vincent Wong).

199 CIMM, *Evidence*, 20 October 2016, 1650 (Toni Schweitzer); *Evidence*, 27 October 2016, 1535 (Vincent Wong).

200 CIMM, *Evidence*, 20 October 2016, 1700 (Toni Schweitzer); *Evidence*, 27 October 2016, 1535 (Vincent Wong).

201 CBA Immigration Law Section, Letter dated 9 December 2016, p.2.

202 CIMM, *Evidence*, 27 October 2016, 1600 (Avvy Go); *Evidence*, 6 October 2016, 1555 (Zena Al Hamdan); 1715 (Usha George); *Evidence*, 1 November 2016, 1645 (Sheila Monteiro).

203 CIMM, *Evidence*, 20 October 2016,1625 (Lobat Sadrehashemi, Lawyer, as an individual).

Ms. Chomyn told the Committee about the training and other measures used by the Department to familiarize visa officers with different cultural norms. She stated:

> [W]e have quite a comprehensive training program. We also have officers on staff, who have had previous experience on assignment in Pakistan. We have London-based locally engaged staff, who are of an ethnic or religious origin that would be typical of cases found in Pakistan. We have regular training programs for new officers who have joined. We do case conferences, so that officers can sit together to look through applications to make sure that they are approached in a common way.[204]

Shannon Fraser, Area Director, South Asia, IRCC, highlighted another example of training visa officers to improve their awareness and understanding of cultural norms and customs. She spoke of an India "academy" that "we provide to them as soon as they arrive, as well as ongoing training, making sure we are letting them know the customs, the culture, and the norms across India, because, again, it's a very diverse country. There are many different cultures, societies, and traditions of which they need to be aware."[205] Olivier Jacques, Area Director, Latin America, commented on the diverse means used to ensure the visa officers are well informed when making their decisions: "Our office has developed a solid knowledge transfer strategy. Through area trips, reporting, briefings, timely training from subject matter experts, quality assurance exercises, round-table discussions, and effective communication with missions in the region."[206]

Despite these measures, many witnesses recommended that IRCC officers should have more training[207]. This training could provide country specific cultural awareness, and awareness of the different classes within that society.[208] Ms. Go recommended "anti-racism training for visa officers to combat any inherent bias in their decision-making process."[209] The MTCSALC recommended that "there should be periodic review of visa officers' decisions".[210] Mr. Kurland proposed that individual decision-makers be tracked and suggested that officers generating above-average refusals should be targeted for additional training.[211]

Witnesses also made other recommendations intended to ensure that genuine relationships are not rejected. Ms. Sadrehashemi recommended that officers look at all the evidence and not put so much weight on the interviews.[212] A couple of witnesses thought officers should have "objective" or "reasonable" criteria to assess the

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204 CIMM, *Evidence*, 15 November 2016, 0900 (Sharon Chomyn).

205 Ibid., 0935 (Shannon Fraser, Area Director, South Asia, Department of Citizenship and Immigration).

206 Ibid., 0815 (Olivier Jacques).

207 CIMM, *Evidence*, 6 October 2016, 1620 (Zena Al Hamdan); *Evidence*, 20 October 2016, 1630 (Patricia Wells); *Evidence*, 27 October 2016, 1530 (Avvy Go), 1540 (Vance Langford); *Evidence*, 1 November 2016, 1655 (Richard Kurland), 1645 (Sheila Monteiro).

208 CIMM, *Evidence*, 6 October 2016, 1620 (Zena Al Hamdan).

209 CIMM, *Evidence*, 27 October 2016, 1530 (Avvy Go).

210 MTCSALC, *Written Submission*, p.12.

211 CIMM, *Evidence*, 1 November 2016, 1655 (Richard Kurland).

212 CIMM, *Evidence*, 20 October 2016,1625 (Lobat Sadrehashemi).

spousal relationship.[213] Ms. Wells suggested that some relationships were "clearly genuine", for example if the couple had children together or had been married for more than five years; perhaps interviews could be waived in such cases.[214]

Given the cross-cultural challenges in assessing whether a relationship is genuine and the finality of these decisions after a negative appeal at the Immigration Appeal Division (IAD), several witnesses discussed a remedy that could be made available for marriages that have been found not genuine. Mr. Kurland suggested that five years after a negative decision by the IAD, the tribunal should have jurisdiction to consider humanitarian and compassionate relief, contrary to the customary application of *res judicata.*[215]. The CBA also recognized that the application of barring re-litigation of any legal issue known as *res judicata* should be more flexible in family reunification cases – "No Canadian should be denied a meaningful hearing as to whether their relationship is [genuine] simply because they were unsuccessful in a previous attempt." The CBA recommended adding a new section to IRPA: "63(1.1) Res judicata shall not apply to an appeal under paragraph 63(1)."[216]

### c. Marriages of Convenience and Section 130(3) of the Regulations

Marriages of convenience are relationships formed for the sole purpose of immigration, or to obtain a benefit under the Act.[217] Witnesses discussed section 130(3) of the Regulations, which prevents sponsored spouses from sponsoring a new partner for five years after receiving permanent residence, another measure in place in order to deter marriages of convenience.[218] Speaking to the experience of her region of responsibility, Ms. Snow of IRCC stated that: "Historically, marriages of convenience have been found throughout applications from China[219]." However, she observed a significant drop in marriages of convenience following the implementation of the five-year ban on sponsorships made by permanent residents or Canadian citizens who had come to Canada as sponsored spouses.[220]

On the other hand, MTCSALC suggested that this ban predominantly affects women, as they are the majority of sponsored spouses, and it hinders their efforts at moving forward with their lives after marital breakdown. The MTCSALC recommends that

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213 CIMM, *Evidence*, 27 October 2016, 1600 (Avvy Go), 1540 (Vance Langford).

214 CIMM, *Evidence*, 20 October 2016, 1630 (Patricia Wells).

215 CIMM, *Evidence*, 1 November 2016, 1635 (Richard Kurland).

216 IRPA, s. 63; CBA written submission

217 For a more detailed description, IRCC, "What are marriages of convenience?".

218 IRPR, section 130(3).

219 CIMM, *Evidence*, 15 November 2016, 0910 (Elizabeth Snow). Ms Snow's testimony explained the varied types of marriages of convenience "In some of these fraudulent relationships, both parties may be aware the relationship is for immigration purposes. In others, the sponsor may believe the relationship to be genuine, while the sponsored foreign national intends to dissolve the relationship after being granted permanent residence."

220 Ibid., 0915.

section 130(3) of the Regulations be repealed, and that it cease to have effect on sponsored spouses already in Canada.[221]

Sergio Karas, as an individual, testified that it currently takes years for a marriage of convenience to be discovered.[222] Mr. Kurland suggested that IRCC could use income tax data to assess the incidence of marriages of convenience as this source would indicate if the couple is still married.[223] Mr. Karas said he is aware of many instances where Canadians were targeted by foreign nationals for whom marriage was seen as a way to leave their country of origin, leaving sponsors with few options for redress when it became apparent once in Canada that they were in a fraudulent marriage. Mr. Karas recommended that IRPA be enforced by "giv[ing] [the Canadian Border Services Agency] (CBSA) the proper tools and proper budget in order to be able to investigate complaints from people who complain about being duped, or being forced into arranged marriages that they didn't want, just for the purpose of immigration".[224]

### d. Conditional Permanent Residence

In 2012, the federal government introduced conditional permanent residence for certain sponsored spouses as a means of dealing with marriages of convenience. Spouses married two years or less and without children with the sponsor, have to cohabit for two years before obtaining unconditional permanent residence. Mr. Wong told the Committee that their legal clinic saw an increase in domestic abuse cases following the introduction of this measure. Ms. Nunes stressed that conditional permanent residence forced people to remain in abusive relationships.[225]

Most witnesses called for the conditional permanent residence requirement to be repealed.[226] Both Ms. Schweitzer and Mr. Langford stated that the tools for dealing with marriage fraud already existed in IRPA and that the CBSA could enforce the provision of misrepresentation.[227] Ms. Nunes suggested that when IRCC suspects marriage fraud, they should be fair and investigate both parties.[228] CAPIC underlined that eliminating the provision would protect both vulnerable applicants and sponsors. However, Mr. Karas urged the Committee to maintain conditional permanent residence in order to deter

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221 MTCSALC, *Written Submission*, pp. 19-20.

222 CIMM, *Evidence*, 27 October 2016, 1655 (Sergio Karas, Barrister and Solicitor, Karas Immigration Law professional Corporation, as an individual).

223 CIMM, *Evidence*, 1 November 2016, 1655 (Richard Kurland).

224 CIMM, *Evidence*, 27 October 2016, 1725 (Sergio Karas).

225 CIMM, *Evidence*, 20 October 2016, 1545 (Anabela Nunes).

226 Ibid.,1535 (Lobat Sadrehashemi),1700 (Toni Schweitzer), 1545 (Anabela Nunes); *Evidence*, 27 October 2016, 1535 (Vincent Wong), 1540 (Vance Langford); *Evidence*, 1 November 2016, 1545 (Rupaleem Bhuyan, Professor, Faculty of Social Work, University of Toronto, as an individual); CAPIC, *Written Submission*, pp.3-4 ; MTCSALC, *Written Submission*, pp.18-19.

227 CIMM, *Evidence*, 20 October 2016,1700 (Toni Schweitzer); *Evidence*, 27 October 2016, 1540 (Vance Langford).

228 CIMM, *Evidence*, 20 October 2016, 1550 (Anabela Nunes).

marriages of convenience, and added that some sort of reporting mechanism should be put in place.[229]

Both Ms. Go and Ms. Sadrehashemi urged the Committee to recommend that the government not only repeal the conditional permanent residence provision, but make its application retroactive, because sponsored women are living in a state of fear.[230] They recommended that the government take immediate action, for example, by issuing an operational bulletin that would instruct officers not to enforce the provision.[231] Ms. Sadrehashemi strongly suggested other interim measures like issuing a letter to sponsored spouses upon landing explaining that no action will be taken if they do breach the conditional requirement.[232] Finally, she emphasized that the government will also need to conduct outreach to affected spouses:

> The idea that you must live with your spouse for two years is now very ingrained in communities and I have no doubt that the legend of conditional permanent residence will continue. To be effective, this type of change requires a serious multilingual communication strategy that makes it clear that the government is not requiring you to live with your spouse to maintain your status.[233]

Finally, Professor Rupaleem Bhuyan, who appeared as an individual, explained to the Committee that she valued the expertise developed within the Department for assessing exemptions from the two-year conditional permanent residence requirement in cases of abuse or neglect by the sponsor. Ms. Bhuyan recommended that the structures within IRCC that provide support to those vulnerable to abuse be expanded to include others being abused by their sponsor, such as children, spouses, parents and grandparents whose sponsorships are being processed in Canada.[234]

### e. Marriage by Proxy and Remote Marriages

In 2015, the Regulations were amended to exclude marriages conducted without the two parties being physically present, as is the case with proxy marriages.[235] The rationale provided by the Department for this change was that the nature of the marriage made it more difficult to determine the validity of the consent of the individual, prompting concerns that this facilitated forced marriages.[236] Thus, proxy, telephone, fax, Internet and other similar forms of marriage, although legally valid in the country in which they occurred, are not recognized for immigration purposes. The CBA argues that while these forms of marriages are uncommon in Canada, to exclude these relationships speaks

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229 CIMM, *Evidence*, 27 October 2016, 1700 (Sergio Karas).

230 CIMM, *Evidence*, 20 October 2016, 1535 (Lobat Sadrehashemi); *Evidence*, 27 October 2016, 1615 (Avvy Go).

231 CIMM, *Evidence*, 20 October 2016, 1535 (Lobat Sadrehashemi); *Evidence*, 27 October 2016, 1615 (Vincent Wong).

232 CIMM, *Evidence*, 20 October 2016, 1535 (Lobat Sadrehashemi).

233 Ibid.

234 CIMM, *Evidence*, 1 November 2016, 1545 (Rupaleem Bhuyan).

235 IRPR s. 5 and s. 117(9).

236 Regulatory Impact Analysis Statement accompanying SOR/2015-139.

to a lack of sensitivity to cultural practices abroad: “Outside the immigration sphere, these marriages are typically recognized as valid under the laws of the jurisdiction where it took place and under Canadian law.” [237] Accordingly, the CBA recommends that the sections of IRPA prohibiting proxy and remote marriages be repealed. [238]

### 2. Economic Issues in Spousal Sponsorships

Mr. Reitz remarked that one of the program requirements of family class sponsorship is for the sponsor to take responsibility for the economic welfare of the spouse they are bringing to Canada.[239] In the program design, sponsors are supposed to be able to pay for their sponsored spouse’s needs; therefore individuals on social assistance for reason other than disability are not eligible to be sponsors. The sponsor’s eligibility is dependent on his or her income. However, the MTCSALC describes circumstances where being able to sponsor a spouse would enable a single parent to move off welfare. They recommend that the social assistance bar to sponsoring be repealed.[240]

A second economic issue raised by witnesses is that sponsored spouses in Canada typically are not allowed to work, which has caused significant financial difficulties as processing times became extended. To address this situation, IRCC launched a pilot project in January 2014 allowing in-Canada spouses to apply for open work permits as soon as the sponsor was approved. Many witnesses noted that this pilot project has been beneficial. Mr. Langford recommended that the pilot-project be made permanent. [241] He also suggested that the application for a work permit should be issued at the same time as the application for spousal sponsorship is filed.[242] Ms. Nunes stated that all spouses in-Canada, whether in status or not, should be allowed to apply for a work permit.[243]

### 3. Other Challenges related to the Spousal Sponsorship program

#### a. Dual Intent

Section 22(2) of IRPA provides that a foreign national can be a visitor or temporary resident, even if he or she has the intention of becoming a permanent resident, as long as the officer is satisfied that he or she will leave Canada by the end of the period authorized for his or her stay (known as “dual intent”). A number of witnesses expressed concerns that the dual intent provision is not well implemented. Instead, many observed a high rate

237 CBA Immigration Law Section, Letter dated 9 December 2016, p.3.

238 Ibid.

239 CIMM, *Evidence*, 25 October 2016, 1540 (Jeffrey Reitz ).

240 MTCSALC, *Written Submission*, p.10.

241 CIMM, *Evidence*, 27 October 2016, 1540 (Vance Langford).

242 Ibid.

243 CIMM, *Evidence*, 20 October 2016, 1545 (Anabela Nunes).

of refusal of visitor visas for family members with sponsorship applications in progress.[244] Ms. Martin indicated that the refusals are unfair, as nationals from visa-exempted countries do not face this barrier.[245]

The CBA noted that the refusals for temporary resident visas were often unexplained, even when both sponsor and spouse have the ability to demonstrate the ability to leave Canada if the spouse 's permanent application is refused.[246] CAPIC pointed out that, given that the regulations provide for sponsorships from within Canada, the refusals of temporary resident visas because of a permanent resident application in progress seemed contradictory and asked that this matter be reviewed.[247]

Knowing about the high refusal rate of visitor visas for spouses with sponsorships in progress led Mr. Uppal to take unpaid leave to visit his wife abroad "since she could not come to Canada". He suggested that temporary resident visas should be issued to sponsored spouses when the sponsor had successfully met the requirements, or that some sort of "super visa" be issued.[248] Similarly, Ms. Martin recommended that IRCC "introduce a work permit similar to that granted to the spouses of temporary workers and international students or the work permit for inland applicants", so that the couple could be reunited in Canada while they wait for the processing of their application.[249]

### b. Challenges Particular to In-Canada Spouses and Common-Law Partners

The Spouse or Common-law Partner in Canada Class was designed for individuals legally in Canada with temporary resident status and with sponsorship applications in process.[250] Ms. Nunes commented that it was costly for the applicants to constantly renew their temporary resident status, (i.e., paying for visitor visa or student permit fees) or risk being out of status and being deported. She recommended that "implied status" should be given to those with a sponsorship in process.[251] Mr. Langford told the Committee that the CBSA has a policy of deferring a removal for 60 days when an in-Canada sponsorship exists. However, he cautioned that this is inadequate when these applications take 12 to 24 months to be finalized. He recommended that the removal of spouses be deferred while the application is in process.[252] Ms. Nunes noted that there should be better communication between IRCC and the CBSA, as it affects the removal

244 CIMM, *Evidence*, 1 November 2016, 1640 (Sheila Monteiro); *Evidence*, 3 November 2016, 1635 (Puneet Uppal); 1650 (Lisa Bamford De Gante); Beth Martin, *Written Submission*,p.5; CAPIC, *Written Submission*,p.4.

245 Beth Martin, *Written Submission*,p.5

246 Canadian Bar Association, *Written submission*, p. 3.

247 CAPIC, *Written Submission*, p.4.

248 CIMM, *Evidence*, 3 November 2016, 1635 (Puneet Uppal).

249 Beth Martin, *Written Submission*, p.8.

250 IRPR, ss.123-129.

251 CIMM, *Evidence*, 20 October 2016, 1545 (Anabela Nunes).

252 CIMM, *Evidence*, 27 October 2016, 1540 (Vance Langford).

orders. She recommended that sponsorship applicants under deportation orders should have their applications expedited.[253]

The Committee also heard that while rejected family class applications for overseas spouses and partners may be appealed to the IAD at the Immigration and Refugee Board of Canada, there is no mechanism to appeal a refused in-Canada spousal sponsorship application. The CBA recommends that applicants who submitted sponsorship applications inside Canada should have access to appeal a negative decision to the IAD.[254]

In addition, some spouses in Canada waiting for the sponsorship applications to be finalized may not be eligible for provincial health coverage, nor in any position to purchase private insurance. For example, "expectant mothers, the wives of Canadian citizens who live in Canada and cannot purchase private health insurance because pregnancy is treated as a pre-existing condition."[255] The Canada Spousal Sponsorship Petitioners recommends that the Committee consider urging the government to "[a]mend Section 11 of the *Canada Health Act* to require that provinces allow persons who live in their province to buy into provincial health insurance plans if they are not eligible for coverage."[256]

### B. Parents and Grandparents Sponsorship Program

#### 1. Application intake

The number of applications received to sponsor parents and grandparents significantly exceeded annual admission targets for this category for a number of years. As a result, a significant backlog developed – over 160 000 applications as of 2011 – leading to processing wait times of eight years.[257]The Department decided to pause the intake of new applications in 2011 to process the backlog and review the program. At the time, the Super Visa was introduced as a way to facilitate entry into Canada of parents and grandparents, who could stay for up to two years in Canada per visit during a 10 year period.

In 2014, IRCC started taking in new applications. However, an intake cap was introduced by ministerial instructions limiting the number of new sponsorship applications for parents and grandparents to 5,000 per year. When the program officially opened to receive new applications in 2015 and 2016, the number of applications was quickly reached (in a matter of hours), and processing as usual meant that the applications were treated on a "first come, first served" basis. Currently, the cap is for 10,000 new sponsorship applications for parents and grandparents per year.

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253 CIMM, *Evidence*, 20 October 2016, 1550 (Anabela Nunes).

254 Canadian Bar Association, *Written submission*, p.3.

255 Canada Spousal Sponsorship Petitioners, *Written Submission*, p.7.

256 Ibid.

257 *Regulatory Impact Analysis Statement* accompanying SOR/2013-246.

Ms. Martin described how applicants from outside the Greater Toronto Area were frustrated in their efforts by the cap, as it depended very much on the courier service's ability to bring the application to the case processing centre before the cap was reached and if the applicants missed their opportunity they had to wait until the following year. According to information from the Department, parent and grandparent sponsorship applications from Ontario accounted for just over 50% of all applications submitted in 2014 and 2015.[258]

Ms. Martin recommended that the parents and grandparents quota or cap be increased. She called for a lottery for applications to be put in place to help equalize the chances of meeting the quota, regardless of the sponsor's location in Canada.[259] The MTCSALC recommends that the quota or cap on the sponsorship of parents and grandparents be lifted.[260]

Ms. Al Hamdan and Ms. George suggested that, when evaluating parent and grandparent sponsorship applications, IRCC take into consideration the reason behind the sponsorship, for example, if there is a need to look after small kids.[261] Ms. Al Hamdan recommended that the program should consider an impact statement "saying how bringing your parents and grandparents is going to help your life, how it is going to help your integration and settlement".[262] Mr. Bissett spoke about the Australian experience, explaining that they used criteria called "the balance of family": parents and grandparents would not be eligible for sponsorship if they were already living in a country with family members.[263]

### 2. Program requirements for Parent and Grandparents

Witnesses addressed the program requirements for sponsoring parents and grandparents, which were generally perceived as too difficult.[264] Regulatory amendments made in 2013 increased the income needed by the sponsor, required proof of income over a longer period of time, and doubled the period of undertaking to 20 years. Admasu Tachble of the Centre for Newcomers told the Committee that these requirements have affected groups differently, and have been hard for the African community to meet.[265]

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258 IRCC's Response to a request for information made by the Standing Committee on Citizenship and Immigration on October 4, 2016.

259 Beth Martin, *Written Submission*, pp.7,8.

260 MTCSALC, *Written Submission*, p.5.

261 CIMM, *Evidence*, 6 October 2016, 1600 (Zena Al Hamdan); 1720 (Usha George).

262 Ibid., 1600 (Zena Al Hamdan).

263 CIMM, *Evidence*, 3 November 2016, 1630 (James Bisset).

264 Canadian Council for Refuges, *Written Submission*, p .8

265 CIMM, *Evidence*, 6 October 2016, 1715 (Admasu Tachble, Director, Settlement and Career Development, Centre for Newcomers).

### a. Minimum Necessary Income

A number of witnesses addressed the issue of minimum necessary income (MNI) for sponsoring parents and grandparents, indicating that the current level is difficult for many sponsors to meet. Ms. Al Hamdan recommended that IRCC establish a realistic minimum financial threshold, as the current one (low-income cut-off plus 30%) is "unrealistic" for the length of time required (three years).[266]Mr. Harohalli pointed out that the current requirement is too high and lacks flexibility; the MNI is indexed to inflation which means the threshold for sponsors is also rising, but wages are not. [267]

Some witnesses suggested that the MNI be lowered without providing an alternative threshold, while Ms. Monteiro recommended that it be returned to the Low-Income Cut-off.[268] The MTCSALC recommended that the MNI requirement for parents and grandparents be repealed.[269] Ms. Yuen pointed out that by lowering the MNI, there would be a decrease in remittances sent abroad, which would allow more money to stay in Canada.[270]

In order to mitigate the difficulties of meeting the required MNI, Ms. Monteiro recommended a new approach to be applied for single parents and people with low income. Specifically, she remarked that the sponsorship program should allow the inclusion of other family members, such as adult siblings, to co-sponsor parents or grandparents.[271] The CBA recommended that when assessing a sponsorship application, additional factors should be taken into account, such as the sponsored person's demonstrated ability to support themselves in Canada, their financial assets, and their non-economic contribution.[272] CAPIC recommended that a narrow exception to the MNI be provided in well-considered deserving cases, for example when an elderly parent is widowed and there are no other children with whom the parent can reside.[273]

### b. Period of time — proof of income

Using documents from the Canada Revenue Agency, sponsors must provide three years of evidence of meeting the MNI. Most witnesses found this period too long. Ms. Antonio asked that the current requirement be reviewed and replaced with a more "reasonable" period.[274] Ms. Bamford De Gante explained to the Committee that three years was a long time to maintain such a high income, and that a lot can happen over

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266 Ibid., 1600 (Zena Al Hamdan).

267 CIMM, *Evidence*, 1 November 2016, 1535 (Amit Harohalli).

268 CIMM, *Evidence*, 6 October 2016, 1725 (Usha George); *Evidence*, 3 November 2016, 1530 (Marichu Antonio); *Evidence*, 1 November 2016, 1645 (Sheila Monteiro).

269 MTCSALC, *Written Submission*, p.17

270 CIMM, *Evidence*, 6 October 2016, 1725 (Anila Lee Yuen)

271 CIMM, *Evidence*, 1 November 2016, 1645 (Sheila Monteiro).

272 Canadian Bar Association, *Written Submission*, p .5.

273 CAPIC, *Written Submission*, p. 3.

274 CIMM, *Evidence*, 3 November 2016, 1555 (Marichu Antonio).

that period.[275] Ms. Bukhari pointed out that the three year requirement presents a problem for people who have not been in Canada for that length of time.[276] Mr. Ma described the circumstances of newcomers with children, noting that because of child care expenses, most households were limited to one wage earner, and could therefore not meet the MNI for three years. He recommended that the requirement should return to the previous period of one year.[277]

### c. Length of Undertaking

The undertaking is an unconditional promise of support, to provide the necessities of life, which remains in effect even if the sponsor's financial situation deteriorates, as well as in the event of divorce, separation, relationship breakdown or any other situation. In its 2014 reforms of the Parent and Grandparent Sponsorship Program, the government increased the undertaking period to 20 years.[278] If during this period of time, the sponsored parent turns to social assistance, their sponsor will have to reimburse any sums of money disbursed. Most witnesses who addressed the sponsorship undertaking period for parents and grandparents recommended that it should return to 10 years instead of the current 20 years.[279] Ms Bukhari suggested it should be lowered to five years.[280]

## 3. The Super Visa for Parents and Grandparents

Since 2011, parents and grandparents have the option of coming to Canada on a Super Visa,[281] which is a 10-year visa allowing multiple entries for a period of up to 2 years. Witnesses stressed that the Super Visa Program is not an alternative to the Parent and Grandparent Sponsorship Program, as it is a temporary measure and has its own challenges.[282] However, Ms. Garcia pointed out that the Super Visa does help with temporary family reunification if the sponsorship quota for parents and grandparents is met early in the year. [283]

Witnesses found the Super Visa useful but still had various recommendations on how it could be improved. Ms. Ghassemi recommended that the visa be issued more quickly, and that it be made more affordable.[284] As for all temporary visas the issuing officer must be satisfied that the parents and grandparents will leave at the end of the

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275 Ibid., 1715 (Lisa Bamford De Gante).

276 CIMM, *Evidence*, 6 October 2016, 1630 (Huda Bukhari).

277 Ibid., 1600 (Zaixin Ma).

278 SOR/2013-246

279 MTCSALC, *Written Submission*, p.17; CAPIC, *Written Submission*, p. 3; CIMM, *Evidence*, 3 November 2016, 1530 (Marichu Antonio).

280 CIMM, *Evidence*, 6 October 2016, 1610 (Huda Bukhari).

281 IRCC, *Ministerial Instruction regarding the Parent and Grandparent Super Visa,* November 2011.

282 CIMM, *Evidence*, 3 November 2016, 1530 (Marichu Antonio); Canadian Bar Association, *Written submission*, p.2; MTCSALC, *Written Submission*, p.5.

283 CIMM, *Evidence*, 25 October 2016, 1720 (Erika Garcia).

284 Ibid., 1545 (Effat Ghassemi).

authorized period for the stay. Ms. Desloges recommended that this requirement be lifted, as it was especially hard for widows to meet.[285]

Ms. Al Hamdan told the Committee that the Super Visa's financial requirements (MNI) are "unrealistic, and in most cases unattainable".[286] The MTCSALC recommended that the MNI requirement be repealed and that parents and grandparents should not have to purchase private health insurance.[287] On the other hand, Mr. Sweetman explained that the Super Visa does not lead to extra costs to Canadian society since the parents and grandparents pay their own health care costs. They are also, as visitors, not eligible to receive other social assistance programs, such as Old Age Security and Government Income Supplement.

Obtaining medical insurance was identified as a problematic aspect of the Super Visa, as it is expensive.[288] Ms. Ghassemi recommended that the government could work with a few insurance companies to make it affordable for newcomer families.[289] Mr. Harohalli suggested that health insurance coverage from the country of origin should be allowed, and not just health coverage by Canadian companies.[290] Similarly, the CBA recommended that the government consider identifying alternatives for health insurance coverage, such as comparable insurance from approved providers in jurisdictions outside of Canada.[291]

Ms. Garcia advised the Committee that the cost of flying back and forth could be difficult as the Super Visa only allowed parents and grandparents to stay for a period of two years at a time.[292] Ms Yuen stated that the Super Visa was not a sustainable alternative to sponsorship of parents and grandparents, as families are financially and emotionally burdened by it. She recommended it be discontinued.[293]

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285 CIMM, *Evidence*, 27 October 2016, 1625 (Chantal Desloges).

286 CIMM, *Evidence*, 6 October 2016, 1540 (Zena Al Hamdan).

287 MTCSALC, *Written Submission*, p.5.

288 CIMM, *Evidence*, 6 October 2016, 1555 (Zaixin Ma).

289 CIMM, *Evidence*, 25 October 2016, 1545 (Effat Ghassemi).

290 CIMM, *Evidence*, 1 November 2016, 1535 (Amit Harohalli).

291 Canadian Bar Association, *Written submission,* p.2.

292 CIMM, *Evidence*, 25 October 2016, 1655 (Erika Garcia).

293 CIMM, *Evidence*, 6 October 2016, 1655 (Anila Lee Yuen).

## PART 6: BARRIERS TO FAMILY REUNIFICATION OUTSIDE OF FAMILY CLASS SPONSORSHIPS

As indicated above, Canada's immigration law facilitates family reunification for people through mechanisms outside of family class sponsorships. The three pathways addressed by witnesses in the course of the Committee's study are the Live-in Caregiver Program, family reunification for protected persons, and family reunification linked to in-Canada applications for permanent residence on humanitarian and compassionate grounds. Barriers to family reunification for temporary foreign workers and people without legal immigration status were also raised. This section deals with each of these issues in turn.

### A. Live-in Caregivers

The Live-in Caregiver Program is a two-step immigration program that allows caregivers to enter Canada to work on a temporary basis then apply for permanent residence for themselves and their nuclear families after program conditions are met. Although the program still appears in IRPA and in the Regulations it was replaced in 2014 by two pilot programs called the Caring for Children Class and the Caring for People with High Medical Needs Class.[294] The pilot programs do not require the caregivers to live in their employer's home, nor do they include a dedicated path to permanent residence.

The 2017 Immigration Levels Plan includes a target of 18,000 caregivers, including applications under the Live-in Caregiver program and the two pilot programs. There is a backlog of live-in caregiver applications awaiting a decision, as indicated in Table 5. A great number of live-in caregivers to Canada are from the Philippines. IRCC's Ms. Snow informed the Committee that the Manila office "consistently meets their levels, as determined by the department" and is working diligently with centralized network colleagues in order to coordinate the processing of live-in caregiver and their dependent applications.[295]

**Table 5: Year-End Processing Inventory, Caregiver Program (in persons)**

| | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 (end of March) |
|---|---|---|---|---|---|---|---|---|---|---|
| **Caregiver Program** | 16,012 | 20,366 | 26,892 | 28,464 | 32,071 | 44,834 | 58,383 | 57,473 | 38,153 | 34,033 |

Source: IRCC's response to a request for information made by the Standing Committee on Citizenship and Immigration on March 10, 2016.

294 *Ministerial Instructions Establishing the Caring for Children Class* and *Ministerial Instructions Establishing the Caring for People with High Medical Needs Class*, Canada Gazette Part 1, Vol. 148, no. 48 – November 29, 2014.

295 CIMM, *Evidence*, 15 November 2016, 0935 (Elizabeth Snow).

Ms. Sadrehashemi informed the Committee that, as of 19 October 2016, the average processing time for caregiver applications was 51 months.[296] Furthermore, the average processing time for live-in caregiver dependents for the year ending 30 September 2016 was 70 months; 76 months for the Manila visa office, according to IRCC.[297] Witnesses underlined that such processing times are unacceptable and take a significant toll on caregivers and their families. Appearing as an individual, Ma Lean Adrea Gerente shared her personal story of being separated from her mother:

> I was only a year old when my mother first left the Philippines to work overseas, so growing up in the Philippines without my mother was not that easy. It was hard for me to understand that my mother was taking care of other children instead of my sister and me. She moved to Canada, but she had to leave us behind with our relatives. … Nothing is more painful than a separated family. It's worse than a divorced family. The long years of waiting have serious psychological and physical impacts on families, especially on us, the children. I remember having nightmares regularly while waiting anxiously to hear the good news from my mother about her PR approval. The torture of waiting caused my sister and me great emotional suffering.[298]

Ms. Bhuyan also informed the Committee of processing inequalities between caregivers, saying that her recent research discovered some caregivers' 2015 applications were processed ahead of caregivers who applied in 2009 and 2010.[299] She stated, "This disparity, we believe, needs to be addressed, certainly with more resources provided for application processing."[300] In their written brief, GABRIELA-Ontario recommended that the government increase the target for caregivers beyond the 18,000 included in the 2017 Immigration Levels Plan. Such an increase would allow for more applications to be accommodated, including those that are in the inventory and those submitted under the pilot programs.[301] Ms. Sadrehashemi urged the government to implement a targeted effort at reducing the backlog.[302]

In her testimony before the Committee, Ms. Gerente also made a number of recommendations that would address barriers to family reunification for caregivers, including: "allocate resources to address PR [permanent residence] applications of caregivers submitted from the years 2007 to 2011; commit to the same reduced times for family reunification of caregivers and refugees as for the family class; dedicate more resources to the PR processing to decrease waiting times; increase efficiencies, and address PR refusals caused by administrative errors; address repeated medical procedures that seem to be arbitrary and unnecessary; respond to the "death of the sponsor" resolution of the Canadian Council of Refugees, or CCR; review section 38 of the

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296 CIMM, *Evidence*, 20 October 2016, 1535 (Lobat Sadrehashemi).

297 IRCC's response to a request for information made by the Standing Committee on Citizenship and Immigration on November 15, 2016 (Zahid 2).

298 CIMM, *Evidence*, 1 November 2016, 1545 (Ma Lean Andrea Gerente, as an individual).

299 Ibid., 1540 (Rupaleem Bhuyan).

300 Ibid.

301 GABRIELA-Ontario, *Written Submission*, p. 3.

302 CIMM, *Evidence*, 20 October 2016, 1610 (Lobat Sadrehashemi).

*Immigration and Refugee Protection Act* for discriminatory content against persons with disabilities; and provide landed status on arrival to allow caregivers to enter Canada with their families".[303]

Witnesses also made other recommendations concerning the terms of the caregiver program that are not related to family reunification, such as replacing the closed work permit with an open work permit in order to make it easier for workers to leave one employer and find another.

### B. Refugees and Protected Persons

Resettled refugees may come to Canada as government-assisted refugees or privately sponsored refugees. In both cases, it is possible that refugees have left behind a member of the family class due to situations outside of their control. The "One Year Window"[304] provides resettled refugees with the opportunity to reunite with spouses, common-law partners, dependent children and their dependent children. While the family members do not need to be refugees in their own right, they must have been declared in the original application of the principal applicant. The 2017 Immigration Levels Plan includes a target of 7,500 government-assisted refugees and 16,000 privately sponsored refugees.

Concerning family reunification for resettled refugees, Mr. LeBlanc suggested that family members should be "part and parcel" of the original commitment by the government to resettle a particular group.[305] The CCR indicated that although "the government is unable to provide any processing times" for One Year Window applications, its member organizations "report that processing times for these applications are often very lengthy".[306]

A person who makes a claim for refugee protection in Canada, and who, following a hearing at the Immigration and Refugee Board of Canada, is determined to be a protected person, may then apply to become a permanent resident, including their nuclear family on the application. The child's age at the time of application determines if he or she can be included as a dependent. In 2017, it is expected that about 15,000 protected persons in Canada and dependents abroad will land in Canada.

Ms. Schweitzer informed the Committee that families of protected persons or refugees should also be considered, saying that, "Those cases are taking an inordinately long period of time, and families are being destroyed in the process".[307] Ms. Schweitzer explained that family members of live-in caregivers and people found to be refugees in Canada (protected persons) are eligible for concurrent processing, intended to make

303 CIMM, *Evidence*, 1 November 2016, 1545 (Ma Lean Andrea Gerente).

304 The **"One-Year Window of Opportunity"** to reunite with family members applies only to persons who immigrated to Canada as Convention Refugees Abroad or as Humanitarian-Protected Persons Abroad.

305 CIMM, *Evidence*, 25 October 2016, 1600 (Alex LeBlanc).

306 Canadian Council for Refugees, *Written Submission*, p. 4.

307 CIMM, *Evidence*, 20 October 2016, 1700 (Toni Schweitzer).

family reunification faster; “you didn't have to wait until you were a permanent resident or a citizen yourself; you could apply for your family at the same time that you're applying for yourself. The problem is that it's nowhere near that fast.”[308]

Witnesses told the Committee that overseas processing of refugees’ family members can take up to 31 months.[309] They also underscored that children left behind in conflict zones “sometimes are exposed to very dangerous situations, similar to the situations their parents fled”.[310]

The CBA suggested that “particular attention should be paid to applications for permanent residence by family members sponsored by refugees in Canada”.[311] They also recommended in their written submission that “children of successful refugee applicants should be eligible for inclusion as dependent children, notwithstanding their birth in a country that would otherwise make them ineligible, such as the United States.”[312] Others recommended that the government make a similar commitment to reducing processing times for refugee family reunification, as has been done for the family class.[313] Finally, the CCR recommended that “Regulations be amended so that a “family member” of a Protected Person includes the parents and siblings of a Protected Person who is a minor”.[314]

### C. In-Canada applications on Humanitarian and Compassionate Grounds

There is a special discretionary provision in the IRPA that allows people in Canada who otherwise do not meet the requirements of the Act to apply for permanent residence on humanitarian and compassionate (H&C) grounds.[315] Relevant factors the visa officer might consider include the person’s establishment in Canada, the best interests of any children directly affected by the application, family violence, or any unique or exceptional circumstances that merit relief.[316]

Some concerns were raised with respect to family reunification for in-Canada H&C applicants. The CCR pointed to the 2004 amendment that removed concurrent processing for family members of persons accepted in Canada on H&C grounds. They claimed that this amendment “has resulted in a significant delay in family reunification for persons accepted on H&C grounds, and children “ageing” out during the long processing times”.[317]

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308 Ibid., 1640.

309 CIMM, *Evidence*, 3 November 2016, 1635 (Lisa Bamford De Gante).

310 CIMM, *Evidence*, 25 October 2016, 1635 (Erika Garcia).

311 Canadian Bar Association, *Written Submission*, p. 5.

312 *Ibid.*, p. 4.

313 CIMM, *Evidence*, 1 November 2016, 1545 (Ma Lean Andrea Gerente), Canadian Council for Refugees, *Written Submission*, p. 3.

314 Canadian Council for Refugees, *Written Submission*, p. 2.

315 IRPA, s. 25(1).

316 IRCC, *Factors to consider in a humanitarian and compassionate assessment*.

317 Canadian Council for Refugees, *Written Submission*, p. 5.

The problem of children of H&C applicants "ageing" out was also raised by Ms. Wells, who shared the story of a caregiver whose husband was found to be medically inadmissible, so she had to submit an application to remain in Canada on humanitarian and compassionate grounds. Ms. Wells stated, "The shift from being a live-in caregiver to applying on [H&C] grounds meant that she lost the ability to include her children in her own application for permanent residence, and that was catastrophic for Marcellina and her children".[318]

Both witnesses recommended that the government restore concurrent processing for people who obtain permanent residence on humanitarian and compassionate grounds and their family members overseas.[319]

### D. Temporary Foreign Workers and Those without Legal Immigration Status

Finally, some witnesses drew the Committee's attention to the fact that some foreign nationals (people lawfully in Canada who are neither permanent residents nor Canadian citizens) have very limited opportunity for family reunification through Canada's immigration programs. This group includes some temporary foreign workers, in particular those in low-skilled occupations and in the Seasonal Agricultural Workers Program. Ms. Bhuyan asked Committee members to "consider… the long-term impacts on a society that deems some people worthy to live with and raise their children, while a growing number of people do not deserve to do so".[320] The CCR posited, "as long as temporary labour migration programs are in use, all workers should be entitled to bring their spouse or partners and children to Canada with them" and they should be issued work permits.[321]

The Undocumented Workers Committee advocated that family reunification also be considered for people living in Canada without legal immigration status, who are often "closely and successfully integrated into their supportive Canadian families, including parents, children, siblings and extended family".[322] Their written submission called on the government to implement a "modest case by case pilot project" for family reunification targeted to people without legal immigration status.

318 CIMM, *Evidence*, 20 October 2016, 1540 (Patricia Wells).

319 Canadian Council for Refugees, *Written Submission*, p. 5; CIMM, *Evidence*, 20 October 2016, 1540 (Patricia Wells).

320 CIMM, *Evidence*, 1 November 2016, 1540 (Rupaleem Bhuyan).

321 Canadian Council for Refugees, *Written Submission*, p. 6.

322 Undocumented Workers Committee, *Written Submission*, p. 2.

## PART 7: CONCLUSIONS AND RECOMMENDATIONS

The importance of family unity was a strong message throughout the course of this study. Witnesses underscored the negative effects of family separation and outlined the barriers faced by families trying to reunite through Canada's immigration programs.

The government is currently working to address some of these barriers. Notably, on 7 December 2016, the government introduced reforms for the sponsorship of spouses, partners and children intended to reduce processing times and improve customer service. The Minister of Immigration, Refugees and Citizenship also announced that, in addition to on-going efforts to reduce processing times, the Department is making available a new spousal application kit in simpler language, will begin requesting medical exam results at a later point in the process, and is committing to process 80% of spouse and partner sponsorships within 12 months.[323]

A week later, the Minister announced a new application intake process in an effort to improve fairness for the sponsorship of parents and grandparents. During the specified period, an unlimited number of people can express interest in applying, with some selected by lottery to submit a complete application.[324] Mr. Orr explained that even with the higher cap of 10,000 new applications accepted, the demand for sponsoring parents and grandparents exceeds the number of places available, necessitating the change to a fairer process. Finally, the government has also pre-published regulations to end conditional permanent resident status for certain sponsored spouses and to raise the age cut-off for dependent children from 19 to 22 years of age.

Any changes made must address concerns raised by witnesses, while maintaining the Department's focus on program integrity. The Committee will continue to monitor processing times and urge the government to deal with the 20% of more "complex" cases that fall outside of the 12-month processing commitment as expeditiously as possible.

However, other barriers to family reunification remain and should be addressed. These, as well as the Committee's recommendations, are discussed below.

### *Immigration Planning*

First, the Committee would like to address the place of family class immigration within Canada's immigration program. We envision future levels that maintain the importance of this program, while recognizing the connections between different immigration streams. As such, the Committee recommends the following:

**RECOMMENDATION 1**

**That Immigration, Refugees and Citizenship Canada continue the recent trend of increasing the level of family class immigration and**

323 Government of Canada, *Reuniting more spouses and partners*.

324 Government of Canada, *Changes to 2017 Parent and Grandparent Program application intake process*.

**that the family class category continue to increase as overall immigration levels rise.**

**RECOMMENDATION 2**

**That Immigration, Refugees and Citizenship Canada consider designing the economic and family class programs together, recognizing that the characteristics of the two streams are interdependent.**

### *Processing Times and Backlogs*

Long processing times and backlogs of family sponsorship applications awaiting a final decision were of great concern to witnesses, who emphasized the various costs of family separation. The Committee shares this concern, noting that separation has a negative impact not only on the families in question, but on Canadian society as well. In addition, witnesses pointed to significant processing time differences between visa offices and the lack of information publicly available on these differences, inhibiting applicants from having a realistic expectation concerning the conclusion of their case. In order to address the issues of long processing times, backlogs, and regional disparities in application processing, the Committee recommends as follows:

**RECOMMENDATION 3**

**That Immigration, Refugees and Citizenship Canada create and make public a game plan with clear timelines of how to eliminate the backlog for every category under family reunification (i.e. spouses and partners, parents and grandparents; children and others).**

**RECOMMENDATION 4**

**That Immigration, Refugees and Citizenship Canada review and update the risk profile of family class applicants, and do so on an ongoing basis.**

**RECOMMENDATION 5**

**That Immigration, Refugees and Citizenship Canada publish online current average wait times for each immigration processing stream by region.**

**RECOMMENDATION 6**

**That Immigration, Refugees and Citizenship Canada take steps to ensure consistent delivery standards across all national and global processing offices and that there is consistent application of decisions made by staff.**

### *Client Service*

The need to improve client service at Immigration, Refugees and Citizenship Canada was also raised by witnesses, who identified improvements in areas including the call centre, how missing or incomplete information is addressed, and what information is provided on the IRCC website. The issue of fee affordability was also raised. In light of this testimony, the Committee recommends the following:

**RECOMMENDATION 7**

**That Immigration, Refugees and Citizenship Canada continue to focus on culture change across all relevant departments to ensure a customer-centric focus.**

**RECOMMENDATION 8**

**That Immigration, Refugees and Citizenship Canada ensure more resources are put into the staffing and training of call centre agents for the purpose of:**

- **Reducing the amount of time it takes for an applicant to get a live person on the phone;**

- **Developing an affordable plan using best practices from top service companies to better respond to applications whose first language is not English or French; and**

- **Considering having people in the applicant's language return phone calls if call centre staff do not understand what is being asked of them.**

**RECOMMENDATION 9**

**That Immigration, Refugees and Citizenship Canada first attempt to contact applicants by email and/or phone if documentation is missing or incorrectly filed with appropriate timelines to address the issues prior to returning the entire application package.**

**RECOMMENDATION 10**

**That Immigration, Refugees and Citizenship Canada find a cost effective way to notify applicants of small omissions or that information is missing and do so in a timely fashion.**

**RECOMMENDATION 11**

**That Immigration, Refugees and Citizenship Canada continue working toward the single window approach used by the Canada Revenue Agency (single person, single portal, single entry for your lifetime); and that this work is completed within a 12-month timeline from the**

**time this report is filed and that IRCC report back to CIMM when it is completed.**

**RECOMMENDATION 12**

**That Immigration, Refugees and Citizenship Canada move towards providing more transparency to applicants online and providing more information on the status of their application.**

**RECOMMENDATION 13**

**That Immigration, Refugees and Citizenship Canada provide more accessible information through the eCAS portal, including status updates, and to allow for multiple options for the payment of processing fees.**

**RECOMMENDATION 14**

**That Immigration, Refugees and Citizenship Canada consider introducing an in-person service that can advise people on a case by case basis; in which a fee can also be considered under an expedited timeframe.**

**RECOMMENDATION 15**

**That Immigration, Refugees and Citizenship Canada undertake a full review of the fees for family classes with a special consideration to establishing a maximum amount per family.**

### *Excluded Family Members*

The Committee appreciates the importance of program integrity measures intended to prevent people from using Canada's immigration system inappropriately, such as section 117(9)(d) of the Regulations prohibiting sponsors from sponsoring family members not previously declared in their respective applications. However, we believe that, in this case, preserving program integrity comes at the expense of families who suffer disproportionately under a lifetime ban on sponsorship. Officers have no discretion to assess the circumstances of the omission and the lifetime ban is a much harsher penalty than the five years imposed on misrepresentation elsewhere in the Act. Finally making an application for permanent residence on humanitarian and compassionate grounds is not an effective remedy for dealing with these cases, in light of the costs involved and low approval rate. In order to implement a more flexible and compassionate approach, the Committee recommends the following:

**RECOMMENDATION 16**

**That Immigration, Refugees and Citizenship Canada require visa officers to consider all the facts of the case, including intention and any mitigating circumstances, in deciding whether to impose an exclusion under section 117(9)(d) of the Regulations, which should not**

**exceed five years, in accordance with the penalties for misrepresentation elsewhere in the Act.**

### *Spouses and Partners*

A second program integrity measure that, the Committee believes, should be reviewed relates to the definition of bad faith, which currently operates to exclude genuine relationships and separates families. The Committee is of the opinion that a finding of bad faith should require both that the relationship is not genuine at the time of consideration and that its primary purpose is to acquire immigration benefits. As such, the Committee recommends as follows:

**RECOMMENDATION 17**

**That the Minister of Immigration, Refugees and Citizenship take immediate steps to amend the *Immigration and Refugee Protection Regulations* so that section 4(1) reads as follows:**

> **4 (1) For the purposes of these Regulations, a foreign national shall not be considered a spouse, a common-law partner or a conjugal partner of a person if the marriage, common-law partnership or conjugal partnership:**
>
> **(a) is not genuine; and**
>
> **(b) the primary purpose of the marriage, common-law partnership or conjugal partnership is to acquire status or privilege under the Act.**

Also in relation to spouse and partner sponsorship, the Committee heard testimony concerning the need for more consistent country-specific cultural awareness training. Other unmet needs brought to the Committee's attention include the lack of an appeal mechanism for rejected in-land spousal sponsorships and timely decisions on appeals. To address these concerns the Committee recommends the following:

**RECOMMENDATION 18**

**That Immigration, Refugees and Citizenship Canada mainstream training to provide country-specific cultural awareness including awareness of different classes and how intimacy is discussed, so that bone fide relationships are not penalized.**

**RECOMMENDATION 19**

**That Immigration, Refugees and Citizenship Canada create an appeals process for rejected in-land spousal sponsorships; that the appeal decision be issued within a 12-month window; and apply a similar timeline for appeals of overseas applicants.**

### *Dependent Children*

Family reunification also includes dependent children. Dependent children may come to Canada as a member of a nuclear family unit, with a sponsored parent or grandparent, through adoption, or as dependents of people already in Canada who succeed at gaining permanent residence on protection or humanitarian grounds. The Committee is especially concerned about dependent children and any barriers that might prolong their period of separation from parents or even lead to permanent separation from them. As such, the Committee recommends the following:

**RECOMMENDATION 20**

**That Immigration, Refugees and Citizenship Canada put in place transitional provisions that would enable dependent children who would have been eligible before the change in August 2014 to apply for permanent residence in Canada.**

**RECOMMENDATION 21**

**That Immigration, Refugees and Citizenship Canada expedite the processing of children under the age of 18 to less than six months if both parents are in Canada.**

**RECOMMENDATION 22**

**That Immigration, Refugees and Citizenship Canada review the situation of permanent residents of Canada who give birth to children outside of Canada and provide options for a remedy that would permit the child to enter Canada during the sponsorship process.**

**RECOMMENDATION 23**

**That Immigration, Refugees and Citizenship Canada consider recognizing broader definitions of parent-child relationship that do not require formal adoption.**

**RECOMMENDATION 24**

**That the federal government work with the provinces to review exceptions to the adoption moratoria on countries whose adoption systems are considered unreliable.**

**RECOMMENDATION 25**

**That Immigration, Refugees and Citizenship Canada exercise greater flexibility and accommodation in the sponsorship of adopted children; and that the government improve coordination with Canadian provincial authorities, including exploring giving an adopted child a temporary resident visa while waiting for an application for citizenship to be processed, and reviewing the circumstances in which an application might succeed on humanitarian and compassionate**

**grounds, so that it includes situations such as the inability to locate relatives of abandoned children.**

**RECOMMENDATION 26**

**That Immigration, Refugees and Citizenship Canada reduce the processing time to six months for routine applications for proof of citizenship of Canadian citizens under the age of 18 who were born abroad to a parent(s) who is a Canadian citizen.**

**RECOMMENDATION 27**

**That Immigration, Refugees and Citizenship Canada review and consider adopting an age lock-in date provision for the overseas dependents of Humanitarian and Compassionate applicants.**

### *Parents and Grandparents*

While the Committee believes that sponsoring families must be able to fulfil their commitments and sponsored relatives must have adequate care, sponsorship of parents and grandparents should not be out of reach for people with modest incomes. Even those who are not wealthy may be able to support parents and grandparents if siblings could co-sponsor or parents' assets were eligible as part of the application.

Further, the Committee believes that the current program requirements do not adequately take into account the youthfulness of sponsored parents and grandparents and their potential engagement in the labour market. Since the undertaking between the sponsor and IRCC is put in place to ensure that parents' and grandparents' use of social assistance is limited, for those younger parents and grandparents, more likely to find employment and contribute to Canada's economy, a shorter undertaking period could be justified. In order to strike the appropriate balance between facilitating parent and grandparent sponsorship and limiting costs to Canadian society, the Committee recommends the following:

**RECOMMENDATION 28**

**That Immigration, Refugees and Citizenship Canada adopt a more flexible approach to demonstrating the minimum necessary income required to sponsor parents and grandparents, by allowing siblings to co-sponsor an application and counting any transferrable state benefits for parents and grandparents in the calculation and by reducing the number of years required of proof of income from three years to one.**

**RECOMMENDATION 29**

**That Immigration, Refugees and Citizenship Canada shorten the undertaking period to 10 years for sponsoring parents and grandparents aged 60 and under.**

Applications to sponsor parents and grandparents are much longer in processing than the other categories that comprise the family class. In order to improve processing times for this group, the Committee recommends the following:

**RECOMMENDATION 30**

**That Immigration, Refugees and Citizenship Canada establish a service standard for processing parent and grandparent sponsorship applications.**

In light of these long processing times as well as personal preferences, some parents and grandparents make use of the Super Visa to visit loved ones in Canada, rather than apply to immigrate. The Committee heard that obtaining health insurance for parents and grandparents on a Super Visa is prohibitively expensive and that these costs could be lowered by allowing applicants to use alternative insurance providers. To address these concerns, the Committee recommends the following:

**RECOMMENDATION 31**

**With respect to parents and grandparents on a Super Visa, that Immigration, Refugees and Citizenship Canada explore alternative options for accepting a broader range of health insurance coverage options outside the Canadian market that meets Canadian standards for coverage; and consult with domestic health insurance providers to ensure fairness to families in Canada.**

### *Research*

Finally, the Committee is of the opinion that Canada's family class sponsorship program should be the subject of greater study and that this information be made available to stakeholders such as provincial and territorial governments as well as to the Canadian public. Areas for further research include the accessibility of the program to all permanent residents and Canadian citizens, the adequacy of settlement support targeted to family class immigrants, and more detailed information on the costs and benefits of family class immigration, using a family unit perspective and longitudinal data. As such, the Committee recommends the following:

**RECOMMENDATION 32**

**To counter the reliance on qualitative and anecdotal evidence, that Immigration, Refugees and Citizenship Canada establish guidelines as to how to better track quantifiable data on immigrants entering Canada through family reunification so that decisions regarding this category can be better informed.**

**RECOMMENDATION 33**

**That the federal government work with the provinces to gather the following information: impact of sponsored parents and grandparents**

**on Canada's health care and social welfare system – breaking it down according to age and regions in Canada where they live.**

**RECOMMENDATION 34**

**That the federal government work with each of the provinces to collect data on provincial retention rates of family class applicants.**

**RECOMMENDATION 35**

**That Immigration, Refugees and Citizenship Canada gather data on the economic contribution to the family unit of the sponsored parents and/or grandparents who take care of children.**

**RECOMMENDATION 36**

**That Immigration, Refugees and Citizenship Canada gather data on the economic contribution of the family unit as well as qualitative data on other types of contributions.**

**RECOMMENDATION 37**

**That Immigration, Refugees and Citizenship Canada provide funding for research and programs to support the unique needs of the Canadian citizens who sponsor spouses and children for immigration and assess the impacts of delays and separation on Canadian families.**

### *Outside of Family Class Sponsorship*

Concerns were raised during the course of the Committee's study about processing times for bringing together live-in caregiver and refugee families. The long wait times facing these groups are a matter of great concern to the Committee, as they undermine the purpose of offering concurrent processing. By program design, live-in caregivers leave behind any family members while they fulfil the required period of work in Canada. The backlog of cases under this program, now defunct, should be of highest priority, as it is a matter of fulfilling the promise made to these workers.

For protected persons and refugees, likewise, speedy processing is essential. Refugee families are sometimes separated in the flight to safety, and reunification plays an important role in helping them heal from the trauma of war and settle into their new home. Witnesses informed the Committee that processing times are long for both One-Year Window applications and for dependents of protected persons, yet the Department does not publish accurate times for these categories, nor are they subject to service standards.

Therefore, the Committee recommends:

**RECOMMENDATION 38**

**That Immigration, Refugees and Citizenship Canada create a game plan to eliminate the backlog of caregiver applications and present this plan to CIMM within six months; and that Immigration, Refugees and**

**Citizenship Canada reduce the wait times from the current 51 months to 12 months.**

**RECOMMENDATION 39**

**That Immigration, Refugees and Citizenship Canada establish service standards of 12 months for applications under the One-Year Window family reunification program for resettled refugees and for processing applications for dependents abroad of protected persons.**

Canada's immigration program has to strike a balance between preserving program integrity and facilitating attainment of national objectives, such as family reunification. As the government moves forward with the new baseline target of 300,000 immigrants per year, family class immigration will continue to form an important part of the overall program. While recognizing the importance of recently announced program reforms with respect to processing times and client service, we hope the findings of this report will encourage the government to do more to address outstanding barriers to family reunification. Through these sustained and continued efforts, family reunification can be a reality for more Canadian citizens and permanent residents and, as such, strengthen the fabric of Canadian society.

# LIST OF RECOMMENDATIONS

# APPENDIX A: INCIDENCE OF EMPLOYMENT EARNINGS OF PARENTS AND GRANDPARENTS UNDER FAMILY CLASS (INCLUDING DEPENDENTS) BY LANDING COHORT AND YEAR SINCE LANDING

| Landing Year | Year Since Landing | | | | |
|---|---|---|---|---|---|
| | 1 | 2 | 3 | 5 | 10 |
| | | | *Percentage* | | |
| 1993 | 55.0 | 53.3 | 52.3 | 52.5 | 46.8 |
| 1994 | 51.3 | 50.4 | 51.1 | 52.2 | 44.7 |
| 1995 | 47.8 | 48.6 | 49.7 | 51.4 | 42.0 |
| 1996 | 46.8 | 48.9 | 50.2 | 50.7 | 40.1 |
| 1997 | 48.0 | 50.0 | 51.1 | 49.2 | 38.2 |
| 1998 | 52.3 | 53.8 | 53.8 | 50.8 | 38.6 |
| 1999 | 53.0 | 53.4 | 52.2 | 49.9 | 35.6 |
| 2000 | 52.2 | 51.6 | 51.6 | 49.0 | 36.0 |
| 2001 | 51.5 | 51.8 | 51.4 | 49.0 | 35.4 |
| 2002 | 51.1 | 50.6 | 50.0 | 48.3 | 35.2 |
| 2003 | 49.4 | 49.4 | 49.1 | 46.9 | 34.3 |
| 2004 | 46.2 | 45.6 | 44.5 | 42.8 | |
| 2005 | 58.1 | 56.9 | 56.2 | 53.0 | |
| 2006 | 52.2 | 52.4 | 49.6 | 48.9 | |
| 2007 | 48.5 | 46.2 | 45.5 | 44.5 | |
| 2008 | 44.6 | 43.9 | 43.3 | 43.7 | |
| 2009 | 41.4 | 41.7 | 41.6 | | |
| 2010 | 41.4 | 41.7 | 42.2 | | |
| 2011 | 39.5 | 39.4 | | | |
| 2012 | 36.8 | | | | |
| **Parents and Grandparents (All Landing Years Since 1980)** | **53.8** | **54.1** | **53.7** | **52.2** | **42.1** |
| **All Canada** | **65.4** | **65.4** | **65.4** | **65.4** | **65.4** |

Notes:

- Data includes immigrants 15 years of age and over who landed since 1980 and filed taxes at least once since 1982.
- Data for "All Canada" includes all tax-filers in Canada (regardless of their immigration status).
-' - Data includes sponsored parents and grandparents and their accompanying dependents on the application

Source: Longitudinal Immigrant Database (IMDB) 2013

Data request tracking number: RE-16-0864

Appendix A is a data table showing the incidence of employment earnings of parents and grandparents under family class (including dependents) by landing cohort and year since landing.

The table has six columns and 25 rows.

The cells in the first column are header cells that show the landing year, from 1993 to 2012.

The cells in the first row are header cells; the years since landing.

The second column shows the incidence of employment earnings one year since landing, as a percentage.

The third column shows the incidence of employment earnings two years since landing, as a percentage.

The fourth column shows the incidence of employment earnings three years since landing, as a percentage.

The fifth column shows the incidence of employment earnings five years since landing, as a percentage.

The sixth column shows the incidence of employment earnings ten year since landing, as a percentage.

The second last row shows the relevant data for parents and grandparents in all landing years since 1980.

The final row shows comparable data for all of Canada.

# APPENDIX B: INCIDENCE OF SOCIAL ASSISTANCE TO PARENTS AND GRANDPARENTS UNDER FAMILY CLASS (INCLUDING DEPENDENTS) BY LANDING COHORT AND YEAR SINCE LANDING

| Landing Year | Year Since Landing | | | | |
|---|---|---|---|---|---|
| | 1 | 2 | 3 | 5 | 10 |
| | | | *Percentage* | | |
| 1993 | 13.1 | 15.3 | 15.2 | 15.8 | 18.8 |
| 1994 | 10.9 | 11.5 | 12.1 | 13.2 | 18.2 |
| 1995 | 9.2 | 10.3 | 11.3 | 11.6 | 18.0 |
| 1996 | 7.8 | 8.8 | 9.2 | 9.8 | 16.9 |
| 1997 | 6.8 | 7.8 | 8.2 | 9.7 | 16.7 |
| 1998 | 4.9 | 5.7 | 6.1 | 8.0 | 15.5 |
| 1999 | 4.3 | 5.7 | 6.5 | 8.3 | 15.8 |
| 2000 | 4.0 | 5.2 | 5.9 | 7.8 | 15.8 |
| 2001 | 4.1 | 5.1 | 6.0 | 7.3 | 16.3 |
| 2002 | 3.9 | 4.9 | 5.5 | 6.1 | 14.9 |
| 2003 | 3.9 | 4.6 | 5.2 | 5.9 | 22.0 |
| 2004 | 3.6 | 4.4 | 4.7 | 6.3 | |
| 2005 | 2.7 | 3.1 | 4.1 | 5.1 | |
| 2006 | 2.7 | 3.8 | 4.2 | 5.1 | |
| 2007 | 2.8 | 3.2 | 3.6 | 4.5 | |
| 2008 | 3.1 | 3.9 | 4.2 | 5.0 | |
| 2009 | 3.5 | 3.7 | 4.1 | | |
| 2010 | 3.1 | 3.4 | 3.5 | | |
| 2011 | 3.1 | 3.4 | | | |
| 2012 | 3.0 | | | | |
| **Parents and Grandparents (All Landing Years Since 1980)** | **5.2** | **6.5** | **7.7** | **9.9** | **19.1** |
| **All Canada** | **6.0** | **6.0** | **6.0** | **6.0** | **6.0** |

Notes:
- Data includes immigrants 15 years of age and over who landed since 1980 and filed taxes at least once since 1982.
- Data for "All Canada" includes all tax-filers in Canada (regardless of their immigration status).
-Data includes sponsored parents and grandparents and their accompanying dependents on the application
Source: Longitudinal Immigrant Database (IMDB) 2013
Data request tracking number: RE-16-0864

Appendix B is a data table showing the incidence of social assistance to parents and grandparents under family class (including dependents) by landing cohort and year since landing

The table has six columns and 25 rows.

The cells in the first column are header cells that show the landing year, from 1993 to 2012.

The cells in the first row are header cells; the years since landing

The second column shows the incidence of social assistance one year since landing, as a percentage.

The third column shows the incidence of social assistance two years since landing, as a percentage.

The fourth column shows the incidence of social assistance three years since landing, as a percentage.

The fifth column shows the incidence of social assistance five years since landing, as a percentage.

The sixth column shows the incidence of social assistance ten year since landing, as a percentage.

The second last row shows the relevant data for parents and grandparents in all landing years since 1980.

The final row shows comparable data for all of Canada.

# APPENDIX C
# LIST OF WITNESSES

| Organizations and Individuals | Date | Meeting |
|---|---|---|
| **Department of Citizenship and Immigration** | 2016/10/04 | 30 |
| Paul Armstrong, Director General<br>Centralized Network | | |
| David Cashaback, Acting Director General<br>Immigration Branch | | |
| Hon. John McCallum, P.C., M.P., Minister of Immigration<br>Refugees and Citizenship | | |
| Robert Orr, Assistant Deputy Minister<br>Operations | | |
| **Arab Community Centre of Toronto** | 2016/10/06 | 31 |
| Zena Al Hamdan, Programs Manager | | |
| Huda Bukhari, Executive Director | | |
| **As individuals** | | |
| Usha George, Interim Vice-President<br>Research and Innovation, Ryerson University | | |
| Madine VanderPlaat, Professor<br>Saint Mary's University | | |
| **Canadian Alliance of Chinese Associations** | | |
| Zaixin Ma, Advisor | | |
| Dianqi Wang, Executive Director | | |
| **Centre for Newcomers** | | |
| Anila Lee Yuen, Chief Executive Officer | | |
| **Centre for Newcomers** | | |
| Admasu Tachble, Director<br>Settlement and Career Development | | |
| **As individuals** | 2016/10/20 | 33 |
| Jamie Liew, Immigration Lawyer and Law Professor<br>Faculty of Law, Common Law Section, University of Ottawa | | |
| Lobat Sadrehashemi, Lawyer | | |
| Patricia Wells, Barrister and Solicitor | | |
| **Parkdale Community Legal Services** | | |
| Toni Schweitzer, Staff Lawyer | | |
| **Working Women Community Centre** | | |
| Anabela Nunes, Settlement Counsellor | | |
| **As an individual** | 2016/10/25 | 34 |
| Gishelle Albert | | |

| Organizations and Individuals | Date | Meeting |
|---|---|---|
| **As an individual** | 2016/10/25 | 34 |
| Jeffrey Reitz, Professor<br>R.F. Harney Ethnic, Immigration and Pluralism Studies,<br>University of Toronto | | |
| **Davenport-Perth Neighbourhood and Community Health Centre** | | |
| Erika Garcia, Settlement Worker | | |
| **New Brunswick Multicultural Council** | | |
| Alex LeBlanc, Executive Director | | |
| **Newcomer Centre of Peel** | | |
| Effat Ghassemi, Executive Director | | |
| **As individuals** | 2016/10/27 | 35 |
| Chantal Desloges, Lawyer<br>Desloges Law Group | | |
| Sergio Karas, Barrister and Solicitor<br>Karas Immigration Law Professional Corporation | | |
| Arthur Sweetman, Professor | | |
| **Canadian Association of Professional Immigration Consultants** | | |
| Vilma Filici, Representative | | |
| Deepak Kohli, Vice-President | | |
| **Canadian Bar Association** | | |
| Vance P. E. Langford, Chair<br>Immigration Law Section | | |
| Tamra Thomson, Director<br>Legislation and Law Reform | | |
| **Metro Toronto Chinese and Southeast Asian Legal Clinic** | | |
| Avvy Go, Clinic Director | | |
| Vincent Wong, Staff Lawyer | | |
| **As individuals** | 2016/11/01 | 36 |
| Rupaleem Bhuyan, Professor,<br>Faculty of Social Work, University of Toronto | | |
| Ma Lean Andrea Gerente, | | |
| Amit Harohalli | | |
| Richard Kurland, Lawyer and Policy Analyst | | |
| **East Toronto Community Legal Services Inc.** | | |
| Sheila Monteiro, Lawyer | | |

| Organizations and Individuals | Date | Meeting |
|---|---|---|
| **As individuals** | 2016/11/03 | 37 |
| James Bissett, Former Ambassador,<br>Former Executive Director, Canadian Immigration Service | | |
| Puneet Uppal, Electrical and Control Systems Engineer | | |
| **Dalhousie University** | | |
| Michael Ungar, Canada Research Chair in Child, Family and Community Resilience<br>Child and Youth Refugee Research Coalition | | |
| **Ethno-Cultural Council of Calgary** | | |
| Marichu Antonio, Executive Director | | |
| Bronwyn Bragg, Former Research and Policy Manager | | |
| **Multicultural Association of Fredericton** | | |
| Lisa Bamford De Gante, Executive Director | | |
| **Department of Citizenship and Immigration** | 2016/11/15 | 38 |
| Sharon Chomyn, Area Director<br>North Europe and the Gulf | | |
| Shannon Fraser, Area Director<br>South Asia | | |
| Mark Giralt, Area Director<br>United States and Caribbean | | |
| Alexandra Hiles, Area Director<br>Sub-Saharan Africa | | |
| Olivier Jacques, Area Director<br>Latin America | | |
| Elizabeth Snow, Area Director<br>North Asia | | |
| **Department of Citizenship and Immigration** | 2016/11/24 | 41 |
| Paul Armstrong, Director General<br>Centralized Network | | |
| David Cashaback, Director<br>Social Immigration Policy and Programs | | |
| Robert Orr, Assistant Deputy Minister<br>Operations | | |

# APPENDIX D
# LIST OF BRIEFS

## Organizations and Individuals

**Canada Spousal Sponsorship Petitioners**

**Canadian Association of Professional Immigration Consultants**

**Canadian Bar Association**

**Canadian Council for Refugees**

**GABRIELA-Ontario**

**Liew, Jamie**

**Martin, Beth**

**Metro Toronto Chinese and Southeast Asian Legal Clinic**

**Undocumented Worker's Committee**

# REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this Report.

A copy of the relevant Minutes of Proceedings (Meetings Nos. 30, 31, 33 to 38, 41, and 48 to 51) is tabled.

Respectfully submitted,

Borys Wrzesnewskyj
Chair

**Supplementary Report of Her Majesty's Official Opposition**
**The Conservative Party of Canada**

**Family Reunification Study**

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*David Tilson, Member of Parliament for Dufferin – Caledon*
*Michelle Rempel, Member of Parliament for Calgary Nose Hill*
*Bob Saroya, Member of Parliament for Markham – Unionville*

## BACKGROUND

Over the course of October and November 2016, the Standing Committee on Citizenship and Immigration conducted a study on the federal government's policies surrounding family reunification. The testimonies of over 51 witnesses were used to analyze the effectiveness of the government's current policies in an attempt to improve Canada's approach to family reunification.

Many of the Committee's meetings were rendered useless due to the government's decision to make numerous legislative changes to the family reunification immigration streams in an apparent disregard for the ongoing studies being conducted. For example, the federal government changed the age of dependants and conditional permanent residence for sponsored spouses during the course of our study, both of which were topics addressed in many of our meetings.[1]

The topic of "family reunification" was so broad that the Committee was unable to gather adequate data on any single issue. It only gained a passing overview of a range of programs including, but not limited to, parents and grandparents, caregivers, refugees, adoption, and dependent children. Given their significance and complexity, any one of these topics could have been the subject of its own committee study. Instead, they were all grouped together, which served to obfuscate these important subjects.

## REASONS FOR A SUPPLEMENTARY REPORT

It is the opinion of the Conservative Members that the *Report on Family Reunification* tabled by this Committee was insufficient in achieving all the objectives of the study. Since the structure of this study precluded an in-depth investigation of any of the seven

[1] "Government Plans to Raise Maximum Age of Children on Immigration Application to under 22," *CIC News*, October 31, 2016; "Canada set to Repeal Conditional Permanent Resident Provision for Certain Sponsored Spouses/Partners," *CIC News*, October 31, 2016.

items outlined for inquiry, it is irresponsible of the Committee to produce such wide-ranging recommendations without sufficient supporting evidence.[2]

Furthermore, the recommendations in the main *Report* will most likely lead to transferring the costs of immigration to the provinces and remove existing safeguards from our immigration processes, which will make it more vulnerable to abuse.

Due to these factors, the Conservative Members of the Standing Committee on Citizenship and Immigration offer the following supplementary document to the Committee's *Report on Family Reunification*. This supplementary report responds to the main *Report* by voicing the Conservative Party's opposition to specific recommendations and proposing supplementary recommendations under the following headings:

- Immigration planning
- Processing times and backlogs
- Client services
- Spouses and partners
- Dependent children
- Research

## Immigration Planning: Costing Increases

We have concerns with Recommendation 1 of the *Report*, which states:

> That Immigration, Refugees and Citizenship Canada continue the recent trend of increasing the level of family class immigration and that the family class category continue to increase as overall immigration levels rise.[3]

This recommendation is based on the unsubstantiated assumption that we can continuously and unconditionally increase immigration levels and shows a lack of understanding of the wait times that family class applicants currently experience. Many of the witnesses noted that wait times for the family class category have been particularly onerous. For example, the Canadian Council of Refugees described in their briefing that it takes an average of 51 months to process caregiver dependent applications.[4] Such concerns were also noted by Beth Martin, who conducted PhD research on family reunification in Canada:

[2] CIMM, *Minutes of Proceedings*, February 25 2016.
[3] CIMM, *Draft Report on Family Reunification*, February 24, 2016, p. 69.
[4] Canadian Council for Refugees, *Written Submission*, p. 4.

> differences between immigration streams and within Family Class were perceived to be a result of backlogs that had built up when the number of submitted applications exceeded the number of applications to be processed.[5]

Ms. Martin's briefing demonstrates how backlogs accumulate when the amount of applications received overwhelm IRCC's processing capabilities.

Through this recommendation, the Liberal government has chosen the unproven tactic of countering backlogs by increasing the number of applicants in the stream. The alternative option, however, is to impose a limit on applications in various streams of the family class. The previous government applied this measure in cooperation with other steps to reduce wait times, and it resulted in a 40% decrease in the backlog by 2013.[6] Reducing the backlog should be a top priority and this cannot be accomplished if thousands more applications are added to an ever-increasing pile.

Additionally, the Committee's *Report* does not consider the higher costs for the federal and provincial governments that could ensue from this recommendation. As family members age, they are likely to require more assistance, specifically in terms of healthcare. Parents and grandparents brought to Canada under the family class category may not be able to work or find employment, depending on their age. This can become a burden on the federal government in terms of financial support, as well as a drain on the provinces through their various social programs and health care resources.

It is our opinion that this recommendation has been made by the Committee without a clear understanding of the impact it will have on both the processing times of applications and the monetary and resource costs it will incur.

**We therefore voice our opposition to Recommendation 1 of the *Report.***

Similarly, we have significant concerns with recommendation 2:

> That Immigration, Refugees and Citizenship Canada consider designing the economic and family class programs together, recognizing that the characteristics of the two streams are interdependent.[7]

The committee did not hear enough evidence to support such a recommendation. Furthermore, the main *Report* includes numerous recommendations for the collection of data on the economic impact of different family class immigration streams and it would be inappropriate to make such a recommendation until that data is available.

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[5] Beth Martin, PhD Candidate, *Written Submission*, p. 3.
[6] *Immigration backlog reduced by forty percent*, Government of Canada, March 6, 2013.
[7] CIMM, *Draft Report on Family Reunification*, February 24, 2016, p. 69.

**We therefore voice our opposition to Recommendation 2 of the *Report.***

## Processing Times and Backlogs

In our current system, the processing wait times for parents and grandparents are excessive. As the Metro Toronto Chinese and Southeast Asian Legal Clinic noted in their written submission, "the processing time for PGP (Parent and Grandparent) applicants is unconscionably long."[8] This point of view was supported by many witnesses, including Anila Lee, the Chief Executive Office of the Centre for Newcomers, who told the committee: "the processing time is anywhere between three to five years in length, which is really quite an excessive amount of time in terms of wanting to have your family unified."[9]

Given these excessive wait times for family reunification, we recommend:

1. **That IRCC prioritize keeping the backlog in family reunification low by maintaining prudent caps on the number of applications for family reunification they accept each year.**

## Client Service: Increasing Transparency

Due to the backlog, the low quality of communication, and the lack of transparency, immigration applicants often have no other recourse but to use Access to Information and Privacy (ATIP) requests in order to obtain information on the status of their application. According to the Canada Spousal Sponsorship Petitioners, roughly half of all ATIP requests filed by Canadians relate to immigration inquiries. This percentage has grown under the current Liberal government.[10]

Ms. Martin commented that many participants in her study called IRCC a "black hole."[11] Applicants are turning to ATIP requests because they are not receiving the appropriate information about the status of their application.

Given this egregious waste of time and government resources, we recommend:

2. **That IRCC improve the IRCC portal in order to include detailed information on the status of applications in order to reduce unnecessary confusion, decrease the need for applicants to contact the department or to file ATIP requests, and eventually phase out the need to ATIP one's own application.**

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[8] Metro Toronto Chinese and Southeast Asian Legal Clinic, *Written Submission*, p.18

[9] CIMM, *Evidence*, October 6, 2016, 1650 (Anila Lee Yuen, Chief Executive Officer, Centre for Newcomers).

[10] Canadian Spousal Sponsorship Petitioners, *Written Submission*, p.5.

[11] Beth Martin, *Written Submission*, p. 4.

## Spouses and Partners: Limiting Marriages of Convenience

Although there are legal mechanisms in place to enforce the provision that fraudulent marriages are grounds for being denied entry for the purpose of immigration, it is evident from the testimony that IRCC does not have the capacity to enforce these mechanisms. As Vance Langford, of the Canadian Bar Association, testified, "It was clear that there was a lack of resources in the enforcement area, so it wasn't done. I've been involved in reporting cases. We just don't have the resources to enforce it."[12]

Given that as the situation stands, the system is prone to abuse due to lack of enforcement, we recommend:

**3. That IRCC devote adequate resources to responding to the issue of marriages of convenience in order to protect the integrity of our immigration system.**

We must express our concern surrounding Recommendation 17, which proposes that the *Immigration and Refugee Protection Regulations* be modified to require the Canadian government to prove that the relationship between the sponsor and the foreign national seeking citizenship is **both** not genuine **and** was entered into for the purpose of immigration. This modification changes Section 4(1) of the *Immigration and Refugee Protection Regulations* into a two-step test, and as a result undermines the government's ability to detect actual cases of marriage fraud. IRCC officials who confront these issues on the ground continue to view marriage fraud as "a very real problem."[13] Furthermore, department officials Sharon Chomyn, Mark Giralt and Olivier Jacques, when questioned directly about Article 4 of the *Regulations*, did not advocate for the recommended changes.[14]

Marriage fraud causes strains on the immigration system, burdens taxpayers with extra costs and is a risk to the financial and physical safety of Canadians. In many cases, Canadian citizens are being victimized by foreign nationals who are seeking to gain citizenship in Canada.[15] Sergio Karas, a specialist in immigration law, stated in Committee that "the financial and personal costs to Canadians or permanent residents who have been duped into entering into relationships of convenience are staggering."[16]

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[12] CIMM, *Evidence*, October 27, 2016, 1615 (Vance P.E. Langford, Chair, Immigration Law Section, Canadian Bar Association).

[13] CIMM, *Evidence*, November 15, 2016, 0805 (Sharon Chomyn, Area Director, North Europe and the Gulf, Department of Citizenship and Immigration).

[14] CIMM, *Evidence*, November 15, 2016, 0845 (Sharon Chomyn); CIMM, *Evidence*, Tuesday, November 15, 2016, 0845 (Mark Giralt, Area Director, United States and Caribbean, Department of Citizenship and Immigration); CIMM, *Evidence*, November 15, 2016, 0845 (Olivier Jacques, Area Director, Latin America, Department of Citizenship and Immigration).

[15] CIMM, *Evidence*, October 27, 2016, 1630 (Vance P.E. Langford).

[16] CIMM, *Evidence*, October 27, 2016, 1630 (Sergio Karas).

Mr. Karas advocated for a reporting system and enforcement of laws surrounding these marriages. Such testimony points to the need to uphold legislation protecting the integrity of Canada's immigration system.

**We therefore voice our opposition to Recommendation 17 of the *Report*.**

**Dependent Children: Adoption and Parent – Child Relationship**

We have great concern over recommendation 23 which asks

> That Immigration, Refugees and Citizenship Canada consider recognizing broader definitions of parent-child relationship that do not require formal adoption.[17]

The Committee did not have the opportunity to study the effects of such a recommendation in its entirety. Since this is a highly sensitive issue, which touches on questions of abuse through child trafficking, we believe it is essential for the Committee to do a more in-depth study on this topic before making a recommendation. Under current rules and definitions, the rights of the children in question are upheld. Alexandra Hiles, an IRCC official, stated with respect to adoption that, "officers are committed to preventing the abduction of, sale of, or traffic in children, and all adoption applications are processed with extreme care."[18] Therefore, it would be irresponsible for the Committee to make this recommendation without further evidence, especially considering that this could open a gap in our system that could lead to increased levels of human-trafficking.

**We therefore voice our opposition to Recommendation 23 of the *Report*.**

Similarly we have concerns with recommendation 24, which states

> That the Federal Government work with the provinces to review exceptions to the adoption moratoria on countries whose adoption systems are considered unreliable.[19]

This recommendation has been made without a clear understanding of the adoption process and how it connects to Canada's broader international commitments. Ms. Hiles demonstrated the need for Canada to honor its international commitments in her testimony,

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[17] CIMM, *Draft Report on Family Reunification*, February 24, 2016, p. 72.
[18] CIMM, *Evidence*, November 15, 2016, 0925 (Alexandra Hiles, Area Director, Sub-Saharan Africa, Department of Citizenship and Immigration).
[19] CIMM, *Draft Report on Family Reunification*, February 24, 2016, p. 7.

> When processing adoption applications, officers also need to ensure that they are meeting Canada's commitment to apply the standards and safeguards of the Hague Convention on inter-country adoption.[20]

Canada should continue to prioritize the rights of the child and meeting its commitments to international standards. This recommendation was made without prior understanding and evaluation within the Committee of the role of international law with regards to this topic. Therefore, this recommendation ignores international law and requires further study before the Committee can entertain such changes.

**We therefore voice our opposition to Recommendation 24 of the *Report*.**

## Research: Study of Economic Benefits

We are concerned with the apparent disregard for the provinces and territories in the recommendations included in the main *Report*. For example, as we heard from Arthur Sweetman, of the Centre for Health Economics and Policy Analysis,

> we might not want to be imposing health care and social assistance costs upon provinces. The federal government may want to choose to reimburse provinces for health care and social assistance costs directly associated with the family reunification or the family class program.[21]

This highlights the fact that the effects of immigration are felt across all levels of government. It is therefore imperative that their needs and requests be taken seriously.

We are also cognizant that Canada's aging population is a serious concern, especially in terms of the long-term sustainability of our social programs. Dr. Sweetman noted,

> The parents and grandparents program needs to be considered from a demographic perspective. It goes against the motivation used by this government for other parts of its immigration policy, and we need to be considering immigration policy as a whole.[22]

Taking into account the needs of the provinces, we recommend:

4. **That IRCC maintain the suggested 30/70 ratio preferred by the provinces with regards to immigration levels. This guideline suggests that 30% of immigration be humanitarian/family reunification and that 70% be based on economic immigration.**

## CONCLUSION

[20] CIMM, *Evidence*, November 15, 2016, 0925 (Alexandra Hiles).
[21] CIMM, *Evidence*, October 27, 2016, 1650 (Arthur Sweetman, Professor, As an individual).
[22] CIMM, *Evidence*, October 27, 2016, 1650 (Arthur Sweetman).

The Conservative Party of Canada submits this supplementary report with the objective that the pressing issues raised in the family reunification study will be adequately examined before unsubstantiated recommendations are instituted into Canadian immigration practices. In short, the Committee's *Report on Family Reunification* lacks data-driven policy recommendations and relies on vague anecdotal evidence on an overly broad range of topics.

The critiques and recommendations put forward in this supplementary report will serve to bolster our family reunification programs and re-build trust in our immigration system, both for Canadians and applicants who have become disillusioned and frustrated with the backlogs and the lack of transparency. Furthermore, this report highlights the areas where the government must conduct actual financial analysis if it does not want to lead the federal and provincial governments further into debt. Without the modifications proposed herein, the government's *Report on Family Reunification* proposes irresponsible policy changes that will lead to an increased financial burden on taxpayers, a ballooning of the application backlog and an undermining of the regulations that ensure the integrity of our immigration system.

**List of Recommendations**

1. **That IRCC prioritize keeping the backlog in family reunification low by maintaining prudent caps on the number of applications for family reunification they accept each year.**
2. **That IRCC improve the IRCC portal in order to include detailed information on the status of applications in order to reduce unnecessary confusion, decrease the need for applicants to contact the department or to file ATIP requests, and eventually phase out the need to ATIP one's own application.**
3. **That IRCC devote adequate resources to responding to the issue of marriages of convenience in order to protect the integrity of our immigration system.**
4. **That IRCC maintain the suggested 30/70 ratio preferred by the provinces with regards to immigration levels. This guideline suggests that 30% of immigration be humanitarian/family reunification and that 70% be based on economic immigration.**

## Supplementary Report of the New Democratic Party:
## Standing Committee on Citizenship and Immigration Family Reunification Study

During the House of Commons Standing Committee on Citizenship and Immigration's study on the Family Reunification program, the Committee had the opportunity to hear from 55 witnesses over 13 meetings. The witness list was diverse, both in terms of geographic representation and in terms where their experience with the Family Reunification came from. The Committee heard from immigration lawyers, university researchers, resettlement services providers, and sponsorship applicants themselves. It was clear that a significant number of those appearing before the committee were sharp in their criticism of the current state of Family Reunification in Canada; thoughtful in their understanding of the impacts the programs have on individuals and the Canadian economy; and bold in their recommendations to transform the Family Reunification programs for the better.

For most Members of Parliament, the vast majority of their constituency office casework is immigration related. Given the difficult to meet standards currently in place to qualify for Family Reunification; the often confusing process in place to apply; the devastatingly long processing delays that stem in large part from massive backlogs; and relatively smaller targets under annual immigration levels plans when compared to 'economic class' immigration; it is heartbreaking to learn of these experiences. The very real and negative impact of being separated from family for extensive periods of time on people is unacceptable by any standard. As well, many MPs find themselves spending considerable time helping constituents through the Family Reunification program. It is

with these issues in mind, that New Democrats are presenting these supplementary recommendations.

While the main report offers a number of recommendations supported by New Democrats, it was disappointing that the report failed to bring forward some of the more significant and transformative recommendations presented that would truly impact Canadians hoping to reunite with loved ones.

One of the most important takeaways from this study was how frequently mentioned and stressed by witnesses that just because someone arrives through the family class immigration stream, that just does not mean they will have a negative impact on the Canadian economy; in fact, quite the opposite was stressed.

Parents and Grandparents:

Avvy Go, director of the Metro Toronto Chinese and Southeast Asian Legal Clinic (MTCSALC) informed the Committee about important figures from the recent government analysis of the Family Reunification program, stating,

> "It found that 15% of sponsors said their parents and grandparents contribute to the household income. Another 21% said they contribute sometimes. 48% said that having the sponsors' parents here helped them go out to work more and generate more income."[i]

It was made clear by witnesses the reunited dependents become working age adults in Canada; reunited spouses often enter the workforce or take on other responsibilities and make contributions; and that parents and grandparents often wish to stay active in some way and contribute through work or household activities. Family class immigrants are Economic class immigrants, but with the added benefit of having an established

network in Canada already. As Avvy Go further explained on parents and grandparents specifically that,

> "Studies have actually shown that the presence of family networks in Canada, including parents and grandparents, facilitate the settlement and integration process. Research also confirms the central critical role parents and grandparents play in supporting the healthy development of our youth. Families are particularly important in the maintenance of the well-being of racialized communities, members of people with disabilities communities, and women."[ii]

Many witnesses countered the stereotype that parents and grandparents that arrive in Canada have a negative impact on the economy. It was noted that families in many of Canada's immigration source countries are generally younger than Canadian born families and could still be working age and healthy. As these source countries' economies improve, even retired individuals are now more likely to have resources to support themselves and contribute to the economy through pensions and investments they bring with them.

Immigration lawyer and law professor Jamie Liew explained,

> "The other I think that's often forgotten is that these people have investments, their own economic history, and they will bring it with them to Canada. If you allow these people to come to Canada, often they're not just elderly, ill people, they are also people who can further contribute to Canadian society through their investments, their spending, innovative ways they could generate activity socially, culturally, or economically. There's a lot of misunderstanding with regard to parents and grandparents and what they could contribute to our society."[iii]

During the course of this study, the government announced changes to this stream which came into effect 2017. The former first come, first serve basis for applications that resulted in a race to submit before the quota was hit, is now replaced with a lottery system, drawn after unlimited applications are submitted in January of each year. The notion that whether or not you get to be reunited with family is based on lucky of the

draw is a deeply troubling one. No other immigration stream is based on luck. During the 2015 election, now Prime Minister Trudeau said,

> "A Liberal government will make family unification at the core of its immigration policy. Making it easier for families to be together here in Canada makes more than just economic sense. When Canadians have added supports like family involvement in childcare, it helps productivity and drives economic growth and it brings in skilled workers we need so badly."[iv]

It is the opinion of New Democrats that a family reunification lottery to does not reflect that statement. With that statement in mind, and on the basis of several witness recommendations, New Democrats recommend:

**Recommendation One:**

- That IRCC remove the quota on parent and grandparent applications and ensure adequate resources are allocated to this program to address backlogs and reduce processing times to 12 months.

**<u>Spouses and Dependents:</u>**

Canada's spousal and dependent sponsorship programs are about reuniting the 'nuclear' family. Years spent apart due to long processing times and delays can have a devastating impact, including the breaking up of families. The government recently announced two significant changes to spousal sponsorship: the elimination of the conditional permanent residence provision, and a promise to reduce processing times to 12 months. These changes are welcomed, but more needs to be done to reduce hardships for families seeking reunification.

The biggest problem with conditional permanent residence was that it left sponsored spouses, often women, in a position of fear to leave a relationship even if there was abuse due to the potential loss of status in Canada. This fear put women and in some cases children in danger. Witnesses stressed that this provision was now so entrenched in the community that significant efforts must be undertaken to explain conditional permanent residence has been ended. Immigration lawyer Lobat Sadrehashemi explained,

> "We must act now, even before regulatory change comes into effect. This measure has been in place for four years. We know women are staying in abusive relationships because of it. If they government is committed to eliminating it, it can take a number of actions right away."[v]

Clear and concise recommendations were provided that are supported by the New Democrats.

**Recommendation Two:**

- That IRCC take immediate action through the issuance of an operational bulletin instructing officers to not enforce the soon to be repealed conditional permanent residence provision. Additionally, that IRCC issue letters to sponsored spouses upon landing explaining that no action will be taken if the currently in place conditional requirement is breached, and for IRCC to conduct outreach to affected spouses

**Recommendation Three:**

- That IRCC engage in multilingual communication strategies to make it clear that the conditional permanent residence provision has been repealed to reduce the likelihood of individuals remaining in relationships solely out of fear of losing status in Canada

With the importance of reuniting loved one in mind, there are additional steps IRCC can take to reduce hardship. As stated in the government report, the Canadian Bar Association (CBA) noted temporary resident visa refusals are not well explained, and this can be especially difficult for spouses trying to reunite with sponsorship applications are in processing. The Canadian Association of Professional Immigration Consultants (CAPIC) also noted that refusing a temporary resident visa because a permanent resident application was in progress is contradictory.

**Recommendation Four:**

- That IRCC provide temporary resident visas to sponsored spouses when the application has been approved in principle, to speed up the reunification process and reduce hardship on families. Additionally, that IRCC examine the feasibility to providing “implied status” following the issuance of the temporary visa to avoid lengthy and costly temporary visa renewals.

Finally for spouses specifically, in some cases it was brought to the Committee’s attention that in-Canada sponsored spouses could face removal orders, despite their application for sponsorship being in process. The CBA informed the Committee that there is a policy of deferring removal for 60 days in this situation. However, it was noted

that this is inadequate due to the processing times, even if the promise of 12 months is realized.

**Recommendation Five:**

- That CBSA defer any spousal removal while a sponsorship application is in process.

Often included in spousal sponsorships are dependent children. Currently, to be considered as a dependent, the son or daughter must be 19 years old or younger. Given the changes realities both in Canada and abroad, especially regarding the extended length of time young adults spend in the education system, witnesses explained that this cut off was not realistic. Anabela Nunes stated, “The current age of 18 as a cutoff age to be sponsored should be eliminated and increased to the age of 22, as it was a few years back. Children 19 to 22 years old are still greatly financially dependent on their parents.”[vi]

**Recommendation Six:**

- That IRCC return to the provision in place up until 2014 that allowed full-time students up to the age of 25 to qualify as dependents.

Immigration lawyer Chantal Desloges also alerted the Committee to a seemingly rare but important to address issue regarding children born abroad to Canadian permanent residents.

> "The way the regulations are currently set up is that if you're a permanent resident, you are not able to sponsor anyone unless you are living in Canada. If you're permanent resident who, quite within your rights, has travelled abroad for a period of time, still maintaining your residency requirements for permanent residence, and you have a child outside the country, you have to actually leave that child in the other country and come back to Canada to sponsor that child."[vii]

This would be a devastating situation for new parents, and should be addressed.

**Recommendation Seven:**

- That IRCC grant temporary status to children born to permanent residents who give birth outside of Canada, so that the child can enter and remain in Canada during the sponsorship process

**Definition of Family:**

Generally, the narrow scope of family members eligible for family reunification was an issue raised by many witnesses and it was noted its impacts are not just felt in family reunification streams of immigration, but also for successful refugee claimants. Currently, only a spouse, dependent child 19 years old or younger, or parent/grandparent can be sponsored. This narrowly defined family unit simple does not match the definition of family for many of Canada's source countries for newcomers and this causes significant hardship. Ms. Desloges explained,

> "The concept of the nuclear family being just two parents with children is largely a western European construct. It is not the norm in most of the world and particularly not in areas of the world from which most of our newcomers in Canada originate. However, it's exactly on that construct that we've built our definition of family in the immigration and refugee protection regulations Maybe it's time to rethink that."[viii]

It is also important to note that at one time, Canada did allow for the sponsorship of siblings. In the case of siblings, uncles, aunts, nieces, and nephews; these individuals are very likely to working aged adults, or soon to be so. In many instances, these individuals would be closely aligned with what the current system considers an economic immigrant, only as noted in the opening; they have the additional benefits associated with having a family network already established in Canada.

**Recommendation Eight:**

- That IRCC expand the definition of family under the family reunification program and the one-year window sponsorship program for refugee claimants, so as to include siblings, cousins, uncles, aunts, nieces, and nephews

**Processing Standards:**

Despite some recent improvements to processing times and backlogs, and new promises for further improvements, witnesses were clear that the length of time families are forced to be apart can have devastating impacts. If the Prime Minister's statement is to be taken as a true principle of our system, more needs to be done.

In their brief submitted to the Committee, the Canadian Council for Refugees (CCR) suggested better information could be provided to applicants, especially in the category of dependents of refugee claimants as the current way was misleading. This is because it combines processing in-Canada and overseas applications into one average processing time, despite considerable differences between the two.

**Recommendation Nine:**

- The IRCC make public processing times per visa post, including for the categories of successful refugee claimants

Finally, the CCR also noted in its brief, a 2004 amendment that removed concurrent processing for family members of persons accepted in Canada on humanitarian and compassionate grounds. In the CCR's view, this resulted in significant delays for family reunification, as well as dependent children potentially 'aging out' and no longer being eligible for reunification due to these long processing times.

**Recommendation Ten:**

- That IRCC reinstate concurrent processing for family members of persons accepted in Canada on humanitarian and compassionate grounds, reversing the amendment made in 2004.

**Conclusion:**

Strong families help build strong communities, and strong communities are what Canada needs to build a strong, sustainable economy with more equally shared benefits from coast to coast to coast. The Committee heard from many witnesses that reuniting families helps newcomers to Canada better and more quickly integrate into Canadian society. Further, there are significant social and cultural benefits to our communities, as well as positive economic impacts. For these reasons, New Democrats strongly urge the government to take action in addressing the recommendations both in the Committee report and in this supplementary report. Canada's family class

immigrants should not be considered lesser immigrants; instead, these programs should be considered and treated as integral parts of the system. This means increased levels of immigration through these streams, and an increased focus of resources and policy tools to reduce backlogs, and processing times.

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[i] CIMM, Evidence, 1st session, 42nd Parliament, 27 October 2016, 16:11.
[ii] CIMM, Evidence, 1st session, 42nd Parliament, 27 October 2016, 15:33
[iii] CIMM, Evidence, 1st session, 42nd Parliament, 20 October 2016, 16:21
[iv] http://news.nationalpost.com/news/canada/trudeau-promises-to-double-number-of-entry-applications-for-parents-and-grandparents-of-new-immigrants
[v] CIMM, Evidence, 1st session, 42nd Parliament, 20 October 2016, 15:35
[vi] CIMM, Evidence, 1st session, 42nd Parliament, 20 October 2016, 15:45
[vii] CIMM, Evidence, 1st session, 42nd Parliament, 27 October 2016, 15:50
[viii] CIMM, Evidence, 1st session, 42nd Parliament, 27 October 2016, 15:36