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Government Response to the Report of the Standing Committee on Citizenship and Immigration

Competing for Immigrants

November 2002

The government has carefully reviewed the report of the Standing Committee on Citizenship and Immigration. The report is timely, coming as it does at the implementation of the *Immigration and Refugee Protection Act* (IRPA) and the publication of the 2001 Census of Canada. The report noted the role immigration and, in particular, skilled worker immigration could play in addressing the skill shortages in labour markets. Canada's median age has reached an all-time high and, along with Japan, Canada has the lowest ratio of younger individuals in the work force. A falling birth rate combined with a working age population made up of older workers portends a serious skill shortage in Canadian labour markets. The government shares the view of the Standing Committee that immigration has a role to play in addressing the shortage of skilled workers. Ensuring the establishment of effective and efficient promotion and selection systems will ensure that Canada gets the skills it needs when it needs them.

Immigration has always been a defining characteristic of Canada, bringing together families that have been separated, providing a safe haven for refugees and attracting skilled workers. The government is committed to making it easier to bring highly skilled foreign workers and their spouses to Canada.

The specific responses to each recommendation follow.

RECOMMENDATION 1

Skilled worker immigration applications should be given second priority in processing. Within that group, the highest priority should be given to those with arranged employment.

Response: Under the new IRPA selection criteria, more points are awarded for arranged employment. The government agrees that, in order to meet Canada's skill needs, skilled worker applications should be given high priority and that, within the skilled worker group, those with arranged employment should be given the highest priority. The government will fast-track the applications of skilled workers with arranged employment.

RECOMMENDATION 2

In order to achieve a balance that is in Canada's best interests, the components of non-discretionary processing should be analyzed.

Response: The balancing of processing priorities at visa offices abroad is a complex matter. The processing of visitors, students and temporary workers, referred to as non-discretionary processing in the Standing Committee report, occurs in cyclical patterns and must be completed in a timely fashion. As the volume of non-discretionary applications increases, especially the student movement, the government continues to analyze and manage resources to balance all aspects of the program.

RECOMMENDATION 3

Realistic service standards should be established and publicized for processing skilled worker applications.

Response: The government agrees with the need for dissemination of information on processing times for skilled worker applications. Average processing times are already publicized on several missions' Web sites. The government is looking at methods to ensure that high-priority skilled worker cases, especially those with arranged employment, are processed as expeditiously as possible.

RECOMMENDATION 4

Units dedicated exclusively to processing skilled worker applications should be established on a pilot project basis.

Response: Missions abroad with many skilled worker applicants already have units and officers specialized in skilled worker processing. The government agrees that this practice should continue to be widely adopted at missions where the volumes of skilled worker applications so warrant.

RECOMMENDATION 5

A system of inventory management should be fair and transparent; should promote excellence; should be efficient, simple and cost effective; should safeguard program integrity and security; and should be sufficiently flexible to respond to Canada's overall interests.

Response: The government agrees with the recommendation. Through the new skilled worker selection criteria, the government is committed to selecting skilled workers with the necessary attributes to succeed in the knowledge-based economy while maintaining program integrity and orderly management of inventories.

RECOMMENDATION 6

Accurate skilled worker processing times for each post should be publicized on their Web sites.

Response: Skilled worker processing times have been publicized on several missions' Web sites. The government will continue to ensure that information supplied to applicants is available on as many mission Web sites as possible.

RECOMMENDATION 7

Restricting the ability of qualified people to submit a skilled worker application should not be used as a method to manage the immigration inventory.

Response: Under both past and present skilled worker selection systems, any person who wishes to do so can submit an application. The new selection system eliminates the General Occupation List, which made many professionals unable to qualify. In doing so, the government has in fact significantly expanded the ability of skilled worker applicants to submit applications.

RECOMMENDATION 8

Medical officers overseas must be provided with resources that are adequate to permit them both to screen prospective immigrants for tuberculosis and other diseases that have an impact on public health in Canada and to continually monitor worldwide public health trends.

Response: The government has recognized the workload and resource issues related to the overseas workload of immigration medical staff. Since August 2001, CIC has supported an active reorganization and reinvigoration of the immigration health components. Additional resources will be assessed in the context of overall priorities and available funds.

RECOMMENDATION 9

Citizenship and Immigration Canada should be permitted to tell sponsors about significant medical findings in relation to the person they are sponsoring, particularly when that information is likely to affect the sponsor's own health.

Response: While the government agrees with the need to protect the health of sponsors, the issue of disclosing an applicant's medical condition is a complex subject with several legal, privacy and confidentiality components. The government is working toward the development of a strategy to ensure that proper notification and advice is provided.

RECOMMENDATION 10

More resources should be provided so that all customer service programs, including the Department's Call Centre and the e-CAS system, can be improved to provide more information to clients.

Response: Plans to include additional work-in-process events in the narrative are under consideration and technicians are exploring the feasibility of allowing applicants limited access to case notes. Technological changes to the e-CAS and Call Centre systems will be examined in the context of program priorities and available funds.

RECOMMENDATION 11

Members of Parliament should inform constituents seeking file status information of the e-CAS service. Other inquiries should be managed prudently by MPs, taking into account the high volume of applications at some missions.

Response: The government supports individual initiatives taken by MPs to encourage their constituents to use the e-CAS system to obtain information concerning the processing status of applications. Informational brochures have been written to assist members of Parliament and others involved in immigration advocacy to inform the public of the availability of e-CAS.

RECOMMENDATION 12

Members of Parliament wishing to play an advocacy role in immigration matters should be encouraged to educate themselves about the Act and Regulations.

Response: This is valuable advice for anyone wishing to play an advocacy role in immigration matters. The government will assist in this endeavour by continuing to provide informational sessions concerning immigration policy and the Act and Regulations to members of Parliament and their staff.

RECOMMENDATION 13

As part of the Department's commitment to customer service, the flow of information to applicants should continue to be improved.

Response: The government is constantly searching for ways to improve the flow of information to applicants. The functionality of e-CAS has been improved by expanding the number of immigrant categories included in the e-CAS database, thus permitting more people to use the system. Plans to include additional work-in-process events in the narrative are under consideration and technicians are exploring the feasibility of allowing applicants to have limited access to case notes.

RECOMMENDATION 14

The Centralized Imaging Pilot should be expanded with due caution, and further options to centralize administrative processes should be examined. However, all major decisions must be made by overseas officers to maintain program integrity.

Response: The evaluation of the results of the Centralized Processing Pilot and an analysis of delivery options support the Department's decision to move to front-end administrative centralization using a digitally imaged file. This delivery model will enable the Department to determine where an application is assessed, ensuring that decisions are taken at missions abroad that possess the most appropriate local knowledge.

The Department began the analysis required for the development of the business case for the implementation of centralization in March 2002. The business case will focus on costs for public and private sector options, benefits and risks, and time frames for the implementation of administrative centralization with imaging. The business case will be completed by the end of October 2003.

RECOMMENDATION 15

Additional resources should be allocated to process skilled worker immigrant applications at our missions abroad.

Response: The government recognizes the importance of skilled worker processing. Additional resources will be assessed in the context of overall priorities and available funds.

RECOMMENDATION 16

Additional resources should be used to enable skilled workers to be given second priority and to be processed faster; immigration levels to be increased; physical infrastructure to be expanded where facilities are

currently stretched to the maximum; and selective targeting and recruitment of highly skilled workers.

Response: Additional resources will be assessed in the context of overall priorities and available funds. The government supports the Committee's recommendation to undertake selective targeting and recruitment of highly skilled workers.

RECOMMENDATION 17

Where a lack of space in Canada's primary location in a country precludes effectively utilizing additional personnel, the government should consider expanding the use of the consulates in the country or establishing new satellite offices for immigration purposes.

Response: Where demand warrants it and resources permit, the government is prepared to explore the appropriateness of additional offices. Considerations of security and personal safety of personnel are necessarily factored into such decisions.

RECOMMENDATION 18

Departmental budgeting should be flexible enough to address the increasing volumes of non-immigrant applications to ensure that the processing of skilled worker applications is not interrupted.

Response: In recent years, non-immigrant volumes have been rising at a rapid rate. This has necessitated the reallocation of resources to meet the needs of this movement. At the same time, CIC has processed record numbers of skilled worker immigrants. In 2001, economic immigrants and their dependants comprised 61 percent of the more than 250,000 newcomers who were granted permanent resident status in Canada.

RECOMMENDATION 19

Consideration should be given to allocating application fees for non-immigrant visas to the processing mission as a means of alleviating the budgetary impact of increasing volumes.

Response: CIC does not have direct access to revenues collected as all revenues are deposited directly into the Consolidated Revenue Fund. Various funding options are being considered to address the needs related to higher volumes of non-immigrant visas. Resources will be assessed in the context of overall priorities and available funds.

RECOMMENDATION 20

Significantly more immigration control officers should be hired to work overseas and the necessary administrative and technological support should be provided to them.

Response: The creation this spring of the Intelligence Branch will improve CIC's ability to support the expanded role of immigration control officers. CIC will use threat and risk analyses to identify up front where it should apply resources. CIC is in the process of implementing an intelligence-led approach to responding to program integrity issues and to controlling access to Canada. It is dedicating a significant number of additional resources to enhance departmental control efforts. The new allocations for 20022003 include 10 officers at posts abroad. Five positions will be added at headquarters to support the additional range of duties and number of personnel deployed abroad.

RECOMMENDATION 21

Immigration control officers should be assigned to work full-time at airports that have been identified as major transit points for illegal entry into Canada.

Response: The interdiction role of the ICO, monitoring airlines for MOU compliance and providing training, expert guidance and support to airline staff and local authorities abroad in order to reduce irregular migration to Canada, is significant and has produced highly positive results. Given the large number of flights departing from many major embarkation points, it is not feasible or desirable to have ICOs monitor all departing flights. The focus of ICO airport activities has been and should continue to be the transfer of skills and information. The primary responsibility for passenger screening remains with the airlines. In addition, ICOs have an important role in the area of intelligence gathering and reporting on issues of irregular migration, security, war crimes and organized crime. This intelligence is essential to efforts toward the development of a more proactive "intelligence-led" approach to combating global irregular migration.

RECOMMENDATION 22

More resources should be provided to immigration control officers to train airline staff in fraud detection.

Response: The government continues to expand the range of support and resources provided to ICOs abroad. Over the past year, headquarters support for ICOs has been expanded to provide more regular feedback and support. Regular intelligence and statistical information on irregular migration flows, electronic and printed document alerts for distribution to airlines and partners, digital training packages for airline and partner training, and an enhanced training program for new ICOs are being provided. The ICO support section continues to work towards identifying additional tools and technological aids to help ICOs in performing their duties.

RECOMMENDATION 23

The Department should develop a communications strategy to inform the general public of the presence of Canadian immigration control officers at airports and their ability to detect fraud. Such programs should target countries where fraud occurs regularly.

Response: There are serious employee health and safety issues associated with immigration control work, particularly given the involvement of criminal elements in organized document fraud and irregular migration movements. Any publicity that would single out Canadian officers and their interdiction efforts in specific locations could be expected to raise personal risks because of retribution from criminal elements against the officers in the field. Publicizing the presence of an immigration control officer could also serve to shift irregular migration to other points not served by an on-site ICO.

RECOMMENDATION 24

The importance of immigration control officers should be recognized and the position should be treated as a senior position within the Department.

Response: The role of ICOs is an essential element in reducing irregular migrant flows to Canada. Their effectiveness is well recognized within CIC. Conditions and operational focus for ICOs vary from location to location. Every effort is made by CIC to match site needs with the best possible combination of appropriate experience and knowledge from the available pool of immigration officers.

RECOMMENDATION 25

Greater intelligence resources should be made available to immigration control officers by the RCMP, CSIS and the Canadian Security Establishment.

Response: One of the government's priorities is to provide the full spectrum of intelligence support to the ICO network. CIC continues to work with the Canadian intelligence establishment, domestically and abroad, to increase linkages and information flows. CIC and CSIS have an MOU in place and CIC and the RCMP are currently in the process of finalizing an MOU on cooperation and information exchange.

RECOMMENDATION 26

Department management should continue to encourage the development of informal information exchanges between Canadian immigration control officers and their foreign counterparts.

Response: CIC enjoys excellent relations with allied immigration services at all levels. The government has entered into a number of formal bilateral arrangements with allied immigration services to share information relating to irregular migration. CIC also led the implementation of a three-country cooperation agreement to encourage closer operational coordination in the field with the United Kingdom and the Netherlands. Information exchange arrangements include the recognition of obligations under the privacy laws of Canada and the other countries.

RECOMMENDATION 27

In order to prevent mission shopping, applicants for immigration should be required to submit their applications to the post that serves the country in which they have been living for at least one year.

Response: The government agrees with the recommendation and therefore, the issue of "offshore" applications has been addressed through Regulation 11 of IRPA, which will be fully operational early in 2003. Under this regulation, an application for a permanent resident visa must be made at the immigration office that serves the country where the applicant has been residing for at least one year or the applicant's country of nationality.

RECOMMENDATION 28

Citizenship and Immigration Canada should not move files from post to post in an attempt to relieve processing bottlenecks.

Response: The transfer policy under IRPA is based on the tenet that an application will only be transferred if program integrity is not compromised. This will apply to all transfer cases, including those that are client-initiated and those that the Department initiates for operational reasons.

RECOMMENDATION 29

Greater resources should be provided at the file screening stage to allow for more careful scrutiny of identity documents, police certificates and employment and educational records.

Response: The government agrees with the recommendation and has provided additional resources to the Department for anti-fraud activities. Anti-fraud activities are increasing in overseas programs. CIC is developing a universal quality assurance and anti-fraud framework for its overseas operations.

RECOMMENDATION 30

Medical officers at Canada's overseas missions should be provided with greater resources to allow for more effective monitoring of local designated medical practitioners.

Response: Additional resources directed to the monitoring of designated medical practitioners will be considered within the context of general funding for the Department.

RECOMMENDATION 31

The use of locally engaged officers at our overseas missions is essential and should be continued.

Response: The government agrees that locally engaged officers are an important and essential part of the effective delivery of the immigration program overseas and plans to continue using them.

RECOMMENDATION 32

Canada-based officers should be responsible for making final decisions regarding the issuance of visas where a personnel analysis indicates potential risk.

Response: The government agrees that Canada-based officers should be responsible for making final decisions regarding the issuance of visa where analysis indicates the risks are too high to be effectively managed through locally engaged officers.

RECOMMENDATION 33

A rigorous program of review and audit should be maintained to ensure the integrity of decision making by all overseas personnel.

Response: CIC has created the new Internal Audit and Disclosures Branch headed by a director general. In addition, CIC is developing a quality assurance framework that will be completed this fiscal year. A review of program procedures and decision making is included in audits conducted overseas. A policy of zero tolerance exists in dealing with malfeasance.

RECOMMENDATION 34

The Minister should discuss the issue of "visa schools" and shortcomings in provincial licensing and accreditation requirements when meeting with the provinces and territories at the upcoming conference of immigration ministers. All levels of government should better work toward eliminating these enterprises and raising standards.

Response: The government will consult with provincial and territorial governments, as well as other stakeholders in the area of education, to address this issue.

RECOMMENDATION 35

The definition of "instruction" in the regulations should be modified to better reflect the requirements of full-time post-secondary education.

Response: The term "instruction" is not defined in the IRPA regulations. While there is a definition of full-time studies as part of the skilled worker assessment, it is not applicable to applications for study permits.

RECOMMENDATION 36

Canadians involved in the fraudulent use of documents or other forms of immigration fraud should face prosecution and significant penalties. This should be a higher priority for the Department of Justice.

Response: The government has increased penalties under the *Immigration and Refugee Protection Act* for the possession and use of fraudulently obtained, altered or counterfeited documents. Possession of such a document is punishable by five years' imprisonment while the use, import or export of such a document is punishable by 15 years' imprisonment. The investigation and prosecution of offences under IRPA fall under the authority of the RCMP and Crown prosecutors.

RECOMMENDATION 37

Resources should be provided to ensure that where local law enforcement procedures exist, Canadian immigration control officers are able to assist in the prosecution of those involved in immigration fraud.

Response: Canada's immigration control officers currently cooperate to the full extent permitted by local control and law enforcement authorities abroad in the identification, apprehension and prosecution of irregular migrants and people smugglers and facilitators.

RECOMMENDATION 38

Where local law enforcement procedures do not exist or are inadequate to deter immigration fraud, the Canadian government should encourage and assist the host nation to develop effective criminal enforcement and penalties. This is particularly important for transit areas in airports.

Response: CIC officers abroad work closely with local authorities to promote cooperation and to develop strategies for deterring migrant smuggling by sharing information about our new immigration legislation,

providing information and training on irregular migration trends and patterns, and cooperating in anti-smuggling operations in transit countries.

Canada ratified the UN Convention against Transnational Organized Crime and its two protocols on people trafficking and migrant smuggling. Canada has been a strong supporter of the Convention and protocols from the outset and its position is to encourage other countries to sign and ratify them to enable targeting of perpetrators and provide law enforcement with the ability to combat these crimes.

RECOMMENDATION 39

Provinces and territories should be encouraged to enter the provincial nominee program or, if they already have an agreement under the program, to continue to develop and refine it.

Response: Given the vast size and regional differences within our country, the government recognizes that the involvement of provinces and territories in the selection of immigrants is vital to meeting their specific labour market needs. To date, nine of the 10 provinces, and one of the three territories have provincial nominee programs or agreements. When the renewal of these agreements is negotiated, both parties will continue to refine the program to meet both federal and provincial/territorial needs.

RECOMMENDATION 40

Provinces participating in the Provincial Nominee Program should ensure that local employers are fully informed about the program's potential to assist them in attracting the skilled workers they need.

Response: This is essential to the success and development of the existing program. The development of provincial Web sites for the program is a tool for local employers to learn more about the program. The government will work with the provinces and territories to encourage the dissemination of information to all stakeholders.

RECOMMENDATION 41

The question of the role that immigration representatives play in referring immigrants to provincial authorities should be discussed at the upcoming federal-provincial-territorial conference of immigration ministers.

Response: Some provinces have had unsatisfactory experiences with immigration consultants who promote their programs in such a way as to mislead applicants. As immigration is an area of shared jurisdiction, ensuring applicants receive accurate information is in the interest of all orders of government.

RECOMMENDATION 42

The possibility of municipalities, in partnership with the provinces and the private sector, directly recruiting immigrants to suit their particular needs should be explored.

Response: The government is committed to working with the provinces and territories and with communities throughout Canada to develop regional immigration initiatives to meet their particular needs and to ensure that the benefits of immigration are shared more widely.

RECOMMENDATION 43

Citizenship and Immigration Canada should proceed expeditiously, in conjunction with the groups representing immigration consultants, to establish a Canadian college of immigration practitioners.

Response: CIC is currently developing a strategy to deal with the problems surrounding the representation of immigrants and refugees in Canada and abroad. An advisory group has been established, with a mandate to define the problems and to identify options to resolve them. The Department will consult the governments of the provinces and territories as well as other stakeholders to determine the best course to follow.

RECOMMENDATION 44

Citizenship and Immigration Canada should only deal with a representative who is a citizen or permanent resident of Canada, and a member in good standing of the Canadian college of immigration practitioners or a member in good standing of a provincial or territorial Bar in Canada.

Response: The *Privacy Act* authorizes Citizenship and Immigration Canada to deal only with representatives who are Canadian citizens, permanent residents or physically present in Canada. Dealing only with representatives meeting specified criteria will be considered as part of the examination of options for the regulation of immigration practitioners.

RECOMMENDATION 45

Citizenship and Immigration Canada should undertake more promotional activities and proactive recruiting of skilled workers.

Response: In the future, Canada will have to compete with more countries to recruit highly skilled workers as most developed countries struggle with skill shortages and the effects of an ageing population. As part of the Innovation Strategy, CIC is leading new innovative partnerships with HRDC and Industry Canada as well as exploring new partnerships with the private sector and NGOs. New promotional portions of the Citizenship and Immigration Web site are currently under development, and the Department

will continue to explore other strategies to promote Canada as a favoured destination for skilled worker immigrants.

RECOMMENDATION 46

The provinces should be encouraged to undertake more promotional activities.

Response: Through the Innovation Strategy, the government remains committed to engaging in promotional activities to ensure Canada receives the skilled workers it needs. Provincial participation in promotional activities will be encouraged.

RECOMMENDATION 47

The government should encourage student exchange programs for Canadian colleges and universities.

Response: The government recognizes that student exchange programs work well as a means of attracting international students to Canadian educational institutions. Additionally, they serve as recruitment tools for the skilled worker program, as people who have already experienced Canada as students are more likely to choose Canada as a permanent immigration destination. The government will promote Canada as a destination of choice for talented foreign students.

RECOMMENDATION 48

Once immigration consultants are regulated and their marketing practices subjected to a professional code of conduct, they should be encouraged in their promotional activities.

Response: Once Citizenship and Immigration Canada has implemented a strategy to deal with the problems surrounding the representation of immigrants and refugees, the Department will consider the issue of encouraging the promotional activities of immigration consultants and lawyers.

RECOMMENDATION 49

Information regarding the bodies in Canada that perform educational and technical professional assessments should be centrally compiled and available on the Citizenship and Immigration Canada Web site and the Web sites of the individual missions.

Response: The government agrees with the Committee's recommendation and, to that end, has already made changes to the Citizenship and Immigration Web site to provide better and more complete information on

credential assessment bodies in Canada. The government hopes to provide better labour market information to newcomers.

RECOMMENDATION 50

The various bodies regulating trade and professional accreditation in Canada should be encouraged to work together to address issues of foreign education and skills assessment.

Response: The government is committed to making progress on this issue as illustrated in its 2002 Speech from the Throne and the discussion papers released in February 2002 as part of Canada's Innovation Strategy-- *Knowledge Matters* and *Achieving Excellence*. These strategies commit the government to working in partnership with the provinces and territories and key stakeholders to develop fair, transparent and consistent processes to assess and recognize foreign qualifications before and after the immigrant's arrival.

RECOMMENDATION 51

The recognition of foreign credentials should be given priority when the federal, provincial and territorial ministers of immigration meet later this year. Partnerships between the federal, provincial and territorial governments, and the licensing bodies, should be pursued.

Response: The government intends to hold discussions on the barriers to successful integration as part of its Innovation Strategy. The government is committed to working in partnership with the provinces and territories and key stakeholders to develop fair, transparent and consistent processes to assess and recognize foreign qualifications before and after an immigrant's arrival. The government intends to hold discussions on the barriers to successful integration as part of its Innovation Strategy engagement activities with stakeholders, including regulatory bodies, and with the provinces and territories.

RECOMMENDATION 52

Incentives should be provided to encourage individuals to obtain a provincial professional or trade assessment prior to applying for permanent residence.

Response: The government agrees with the Committee's recommendation. The Citizenship and Immigration Web site, on which the skilled worker immigration application package has been posted, is being enhanced to explain to prospective applicants the advantages of obtaining such assessments, and to provide the contact information of the organizations that conduct them.

RECOMMENDATION 53

The future business plan of each mission should reflect the Committee's recommendations and should specify, taking into account the particular pressures on the post in question, how they will be implemented.

Response: To the degree possible, the government agrees with this recommendation and will reflect agreed-to recommendations in the government's planning documents.

Some of this will be achieved through the yearly International Region Immigration Management Plan prepared by each mission, which reflects the objectives of the program based on the departmental and International Region priorities and captures information about required operational resources, and challenges or issues confronting the missions.

It is useful, however, to point out that the individual business plans of each mission may not be the best mechanism to ensure progress in the implementation of some of the recommendations as, in many instances, the Committee's recommendations call for international solutions beyond the scope or control of individual missions. Some of the agreed-upon recommendations will need to be captured in more global plans.

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Cat. no. Ci-51-123/2002
ISBN 0-662-66936-3
C&I-513-11-02

Date Published: 2002-11-07

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