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**WINNING AT IMMIGRATION
POGG IMMIGRATION REPORT 3
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Preamble:

The Canadian immigration system is among the most fair and generous in the world. No system is perfect and set out herein are some specifics that both parties, immigrants and Canadians, find unsatisfactory. We find that the system is too easily abused by individuals, groups and others. It is also the object of criticism by many, including the United Nations Human Rights Council¹

This paper is directed to creating a win-win situation for immigrants and Canadians by providing comments and recommendations intended to reduce abuses.

We recognize that immigration is a very contentious and multi-faceted issue and, given the mix of political views represented in Parliament, it is a herculean task to change legislation. Therefore, this paper proposes practical changes in regulations and policies. The most significant suggestion creates gates and filters: the number of immigrants and the skills they must bring will depend on the real needs of our economy, i.e. go up and down, and be determined on an as-needed basis - as opposed to the current educated guesses and quotas.

It is important to note:

- Immigrating to Canada is a privilege offered by Canada, not a right - it must be earned and must meet the needs of Canada; applicants must be clearly informed that not everybody can gain immigrant status.
- The status of immigrant is actually a contractual one between the applicant and Canada. The immigrant will act to achieve the objectives of immigration legislation and policies. Canada will provide the legal status and related benefits. As with any contractual arrangement, the contract must be respected and both parties must expect the terms will be enforced.

¹ Kenney Disputes UN Report on Canada's Treatment of Minorities; The Gazette March 17th 2010.
[Http://www.montrealgazette.com/newsKenney+disputes+report+Canada+treatment+minorities/2694635/story.html#ixzz0rWmTAFiE](http://www.montrealgazette.com/newsKenney+disputes+report+Canada+treatment+minorities/2694635/story.html#ixzz0rWmTAFiE)

- The current point system gives great credence to education, experience, etc. It provides an ‘educated guess’ on how well-equipped a potential immigrant is to find employment and to become a self-reliant Canadian and, where dependents are involved, be able to support the family. This ‘educated guess’ is too often wrong, a situation that needs to be addressed.
- Cultural differences have been given inadequate attention and this has too often resulted in heated debates on ‘reasonable accommodation’ and ‘Canadian Values’ in some communities, and the violation of accepted Canadian laws and societal customs. These issues have become ballot box issues in Ontario and Quebec.
- Immigrants are used by some as a source of ‘cheap labour’. This, in turn, reduces salaries and wages to a point that existing settled immigrants face unnecessarily low income and unemployment. The low wages encouraged by this importation of cheap labour results in Canadians and immigrants earning less than an adequate wage and/or becoming unemployed beneficiaries of government support. Every unemployed person also contributes to a lowering of official productivity rates. The intake of an excess of immigrant labour can depress wage levels for earlier immigrants and inhibit the employment of available Canadians and earlier landed immigrants, and can act as a deterrent to innovation and invention.
- The ‘immigration consultant’ industry is in need of stronger government oversight and control. Prospective and landed immigrants are largely ignorant of the system. They can easily be taken advantage of by persons with a vested interest in promoting a larger influx of applicants and seeking fees with the claim of being necessary and cost-effective immigration professionals.

WINNING @ IMMIGRATION for both applicants and Canada

Given the above, this report proposes the following:

1. Help applicants find jobs and make an employment contract a key requirement for a successful application for Independent and potentially-Sponsored applicants aged between 18 and 50, as follows.
 - a. Expand the temporary workers program to connect to the above categories. Guide the applicants to use the Service Canada Job Bank² to find available positions.
 - b. Provide resources to facilitate interviews e.g. such as video-conferencing tools at Canadian offices abroad, airport interview rooms, official language course in

² Service Canada Job Bank

[Http://www.jobbank.gc.ca/intro-eng.aspx?OfferpPage=50&Student=No](http://www.jobbank.gc.ca/intro-eng.aspx?OfferpPage=50&Student=No)

country of origin, resume writing assistance, and more.

c. Put in place steps to deal with ‘employers of convenience’ (arrangements made simply to facilitate immigration approvals similar to ‘marriages of convenience’).

The above is ‘**winning @ immigration**’ for immigrants and Canada.

Winning For Immigrants:

- The reduction of the risk of losing economic and social recognition and employment-related or professional credentials due to the cutting of ties with the country of origin. Before they move, the applicant will have many serious concerns addressed.
- The major challenge/barrier of ‘not having Canadian experience’ while being a fresh immigrant, will be removed.
- The focus on a job contract as a condition of a successful application greatly improves the probability of successful immigration for an applicant.
- The role of paperwork, and as a consequence, the role of immigration consultants in the process and the related costs to each immigrant will be reduced.

Winning For Canada:

- The signing of an employment contract between each applicant and a Canadian employer during the application process, will aid in the creation of documentary proof, as opposed to an ‘educated guess’ based on points, that the applicant can be productive and self-reliant in Canada. Sponsored immigrants may be accepted into Canada based on proof that they can be self-reliant **before and after** the sponsorship expires.
- This requirement creates a gate and filter process based on real demands in Canada as opposed to ‘educated guesses’ and quotas based on studies and lobbying activities. The result would be to accept numbers of immigrants and skill sets based on the economy and realistic confirmed employment opportunities.
- Immigration status can be denied based on signed contracts, which enable income assessment that proves self-reliance not likely.
- Government oversight will ensure that immigration does not suppress wages.
- As job opportunities must be posted on Service Canada Job Bank, Canadians will gain the first opportunity to be employed before an immigrant applicant may apply.
- Given the employment plan, sponsor requirements may be eased.
- This program will narrow the role of immigration consultants and reduce the pressure on the immigration system.

2. Make an interview re 'Canadian Values' mandatory.
 - a. Ensure that each applicant is aware of Canadian values and is able to conscientiously sign a Certificate of Acknowledgment of Canadian Values.
 - b. Conduct the screening interviews, as to the ability of each applicant to fit into Canadian society. This allows each applicant the opportunity to inexpensively decide whether to remain in the home country. We believe that in this way the criticism, as found in one United Nations report, will be negated.
 - c. Video-record and store (an inexpensive process) the interview for use in potential appeals, service quality and training purposes.
 - d. Require the interviewing officers to summarize their reasons for accepting or denial of an application. This means that the same workload exists for both acceptance and denial, thereby eliminating preference.

3. Create and regulate 'Welcome to Canada' schools in countries of origin.
 - a. Staff the 'schools' with Canadian-born, trained and certified ESL/FSL instructors. Such staff would best portray Canadian Values and Way of Life.
 - b. The 'school' curriculum must include Canadian Values, Way of Life, and, Customs.
 - c. Cost of the school program should be paid by the applicants.

This will:

 - create professionally staffed and Canada-certified instruction in countries of origin
 - provide applicants the ability to speak well in English or French.
 - ensure applicants will be well-prepared for the main interview.

4. Create a strong system of government control over those who practice as 'Immigration Consultants'. This is addressed in POGG Report #4 ' Licensing Immigration Consultants. It recommends that the Government certify immigration consultants and regulate the immigration industry with the creation of the Office of the Superintendent of Immigration (or a similar functional description) with control and oversight and policy functions similar to those in the bankruptcy and insolvency industry under the Office of the Superintendent of Bankruptcy.

Considerations:

Job Contract:

The focus on a valid job contract as a condition of a successful application, or the determination of a high degree of employment success for a sponsored applicant, greatly

improves the probability of successful immigration for an applicant. It also reduces the role of and amount of paperwork and better focuses the role of the immigration consultant.

The Steps in Winning@ Immigration

Stages:

1. Applicant applies for Preliminary Landed Immigrant status. The Applicant is informed of the Preliminary Immigrant Status Program and enrolled.
2. Consideration and approval of the application.
3. Arrival in Canada.

Implementation of Stages:

1. Enrol and participate in Preliminary Immigrant Status Program.

The applicant will:

- 1.1. educate him/herself about the immigration process
- 1.2. optionally attend and pay for the 'Welcome To Canada' school
- 1.3 educate him/herself about Canada, i.e. read an expanded version of the booklet 'Welcome to Canada'.
- 1.4. read and understand Canadian values and sign an acknowledgment of this.
- 1.5. attend and pay for one (1) or more question and answer sessions on their knowledge and understanding of Canada and of the booklet 'Welcome To Canada'. These sessions to be organized by embassy and consulate officials.
- 1.6. submit documents for assessment of education in relation to known standards of Canadian education and professional institutions.
- 1.7. find a prospective employer. Be aware that if offered a job, the prospective employer must first have posted the position available on the Service Canada Job Bank.

Goals:

- provide proof to immigration officers, instead of an educated guess based on points, that the applicant can be productive and self-reliant in Canada.
- similarly, ensure that each Sponsored Immigrant can be productive and self-reliant in Canada.
- make it possible for the immigration officer to evaluate the applicant's family income before considering approval or denial of an application.
- create a gate and filter based on meeting real demand for the services of the applicant.
- prevent abuses of the system by:

- a. ensuring that Canadians have the first opportunity for jobs
- b. ensuring that immigrant workers gain employment relevant to them, and are not just a source of cheap labour that is not necessarily related to their skills and knowledge.

Mechanisms:

- expand the temporary workers program to include both Independent and Sponsored Immigrants categories; guide all immigrants to use the Service Canada Job Bank.
- provide the resources to assist and improve the interviewing process. e.g. video-conferencing tools at Canadian offices abroad, airport interview rooms.
- provide safeguards against potential abuse by an employer of immigrant labour:
 - ◆ eliminate ‘revolving door’ practice by rules and policies that ensure employer is well-established ;
 - ◆ review cases where immigrants are not on the payroll for a minimum period, such as two years;
 - ◆ review records, etc. to ensure immigrant is paid what is in the contract;

1.8. The applicant will be interviewed on Canadian values and the booklet ‘Welcome To Canada’.

Goals:

- to determine the applicant speaks one of the official languages at an adequate level;
- to determine that the applicant better understands the culture of Canada and is willing to accept its laws and institutions.

Mechanism:

- ‘Role game’ style of interviews with each adult, especially parents, to increase awareness and acceptance of certain values,
 - i.e. children have wide choice of lifestyle re teen dating and sex, form of marriage and selection of life-partner; no honour physical violence, no killing; no polygamy, etc.
- use at least two interviewers, one of whom must be born in Canada. By virtue of personal history or training, between them, the interviewers must have knowledge of the country and customs of the country of origin of the applicant and be trained to recognize hostile reactions to Canadian values and way of life.
- interviews to be video-recorded and stored for five years. They may be used for training, quality control, or for evidence purposes.
- the interviewers will summarize their reasons for acceptance or rejection

- of an applicant and provide a copy to the applicant.
- an applicant may, after receipt of a rejection, request a second interview with a new panel. The decision of the second panel will be final.
- The applicant may then go forward with the process.

2. Consideration and Approval of the Application

- 2.1. The application will be considered if the applicant has signed a job contract and passed the interview stage.
- 2.2. The application will be approved based on the current criteria
 - scores well in the 'point system' (which reflects the current needs of Canada).
 - gains security clearance.
 - proven ability of the applicant to financially sustain himself and the family unit.
 - the successful applicant has signed a Certificate of Acknowledgment of Canadian Values' before an immigration officer, and obtained Landed Immigrant status.

3. After arrival in Canada

- 3.1 The person signs a declaration that Canada is his/her permanent home.

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