

The Maytree Foundation

presents

Who Should Get In? Rethinking immigration priorities

Monday, October 29, 2001

7:00 PM – 9:00 PM

Pier 21

1055 Marginal Road, Halifax, Nova Scotia

Welcome

The Maytree Foundation is pleased to welcome you to this evening's forum:

“Who Should Get In? Rethinking Immigration Priorities”

This evening's forum addresses a number of key questions:

- Do we see immigration as being primarily about filling short-term labour market gaps, or long-term economic strategies?
- Is immigration policy about reunifying families or supplying enough young workers to the labour pool? Or is immigration first of all about building a vibrant, diverse, healthy society?
- Are we looking for only the wealthiest, best educated and most skilled, or for anyone who truly wants to adopt this country as their home and has the skills and the ability to land on their feet?
- Where do our humanitarian commitments fit into the scheme, and should they be subject to quotas?
- What are our priorities as a nation, and what role does immigration play in meeting those priorities?

It is The Maytree Foundation's objective to bring new and fresh thinking to immigration and refugee policy questions in Canada by bringing people together to engage in substantive dialogue and debate. By putting forward and exchanging new ideas, by bringing new stakeholders to the table, and by developing new leadership in the process, we hope to enhance public discourse.

We would like to thank the organizers of the Recognizing Learning Conference for their promotion of the forum. At the conclusion of the forum please join us for beverages in the foyer of the theatre.

Thank you for joining us this evening.

Sincerely,



Ratna Omidvar
Executive Director

Speakers

Naomi Alboim

Naomi Alboim has worked at senior levels in the federal and Ontario provincial governments for twenty-five years, including eight years as deputy minister in three different portfolios. Her areas of responsibility have included human rights, equity, immigration, labour market training, culture, sports and recreation, women's, seniors', disability, and aboriginal issues, volunteerism, and community economic development. In all subject areas, she has worked extensively in policy development and in program design and delivery. Naomi has a master's degree in social policy and community development. Naomi is currently a visiting fellow and adjunct professor at the School of Policy Studies at Queen's University, where she teaches a number of graduate level courses, and is an active public policy consultant.

Lee Cohen

Lee Cohen is a Canadian lawyer who specializes in immigration and human rights matters. Lee has been practicing law in Canada since 1981. His practice is dedicated exclusively to matters related to immigration, refugees and human rights. He has assisted hundreds of foreign nationals seeking entry into Canada and has extensive experience preparing all categories of immigration applications and procedures. Lee has represented clients throughout all stages of Canadian immigration processes, from application to interview and from hearings to Federal Court appeals. He is a frequent commentator in local, national and international media on matters relating to immigration and human rights. Lee lectures at universities and to public interest groups on immigration issues, racism and human rights. He is the former chair of the Canadian Bar Association - Nova Scotia Branch Immigration Law Section and has appeared before Canadian parliamentary committees to comment upon proposed amendments to immigration legislation. Most recently, Lee founded the Halifax Refugee Clinic, a non-profit organization providing pro bono representation for eligible refugees seeking political asylum in Canada.

Terence Corcoran

Terence Corcoran, Editor-in-Chief of the Financial Post, joined the National Post as Financial Post Editor when the paper launched, October 27, 1998. He joined the Post after 10 years as a columnist with the Globe and Mail's Report on Business. As a journalist, Terence has been writing on business and economic policy matters for most of the past 30 years. A graduate of Carleton University School of Journalism in Ottawa, Terence began his business writing career with The Canadian Press in his native Montreal. He then moved to The Gazette, where he was business editor. In 1978, after a year of travel in Asia, he returned to Canada and settled in Toronto, first as associate editor of the Financial Times of Canada, then as Managing Editor, Executive Editor and Editor.

Costas Halavrezos

Costas Halavrezos is the host of CBC Radio One's "Maritime Noon", a current affairs program which includes a one-hour regional phone-in covering a wide range of public affairs topics. The program is broadcasted each weekday in New Brunswick, Nova Scotia & Prince Edward Island. Costas has worked with CBC Radio as a producer, host and interviewer since 1978. He has served as guest host on such national network programs as "As It Happens", "Cross-Country Checkup" and "Media File". Costas is the radio representative in CBC's partnership with the Pier 21 Society in a project designed to record & archive the oral histories of the Canadian immigrant experience.

Linda Almaria Hamilton

Linda Almaria Hamilton was born in the Philippines, and came to Canada as an immigrant in 1968 and has been a Canadian citizen since 1970. She has worked in a variety of positions as a registered nurse over a span of 30 years, including staff nurse, head nurse, educator, and consultant. She is presently the manager of Professional Practice and Policy Services, Registered Nurses Association of Nova Scotia, the professional regulatory body for registered nurses in the province. Linda has been active in the Filipino Association of Nova Scotia since the late 1960's to 1999. She was a founding member of the Filipino Canadian Heritage Society in 2000 and has held executive positions with the Halifax – Dartmouth Multicultural Council. Linda has also been a board member and executive member of the Nova Scotia on Multicultural Health and Canadian Council on Multicultural Health. She holds a Bachelor of Science in Nursing from the University of the Philippines and a Master of Nursing from Dalhousie University.

Jeffrey Nguyen

Jeffrey Nguyen is a former Vietnamese boat refugee who arrived in Canada at the age of 13 with his older brother, an aunt and her family. Reunited with his own family after 12 years of separation, he is a certified Cultural Health Interpreter on staff at the North End Community Health Centre in Halifax since 1992. Jeffrey has coordinated the "Human Rights in Canada" consultation with new Canadians and service providers across Canada for Canadian Heritage's Citizenship Participation Initiative module. He has also coordinated the national organizational change on Cross Cultural Mental Health with the Canadian Mental Health Association network; and coordinated "the Family Violence and Ethnocultural Communities" workshops and resource information for new Canadians and service providers in Nova Scotia. In addition to his community work, Jeffrey manages the Tu Do Restaurant and Bar, a popular Vietnamese restaurant in downtown Halifax.

Canada's stated immigration and refugee protection objectives

Section 3, "Objectives", of the current *Immigration Act* begins as follows: "It is hereby declared that Canadian immigration policy and the rules and regulations made under this Act shall be designed and administered in such a manner as to promote the domestic and international interests of Canada recognizing the need..." This is followed by a list of 10 such needs, ranging from demographic goals and health and safety and good order to family reunification, non-discrimination, refugee protection and keeping out criminals.

- In contrast, the proposed new *Immigration and Refugee Protection Act*, Bill C-11 has two separate sets of objectives, one pertaining to immigration and one pertaining to refugee protection. Section 3(1) (immigration objectives) lists as the first objective (a) "to permit Canada to pursue the maximum social, cultural and economic benefits of immigration." This is followed by 9 further objectives, many similar to those in the old Act. One additional objective states "to work in cooperation with the provinces to secure better recognition of foreign credentials of permanent residents and their more rapid integration into society." Section 3(2) (refugee protection objectives) begins with the objective (a) "to recognize that the refugee program is in the first instance about saving lives and offering protection to the displaced and persecuted." The next seven objectives range from (b) fulfilling international obligations regarding refugees to (f) supporting self-sufficiency and social and economic well-being of refugees, (g) protecting health and safety of Canadians and (h) keeping out serious criminals and security risks.

The proposed *Immigration and Refugee Protection Act*

On February 21, 2001, Immigration Minister Elinor Caplan tabled new legislation to replace the current tangle of legislation and regulations governing immigration and refugee protection. This bill was passed by the House of Commons on June 13, 2001 and is currently being reviewed by the Senate. The new bill is available in summary and in full on the Department of Citizenship and Immigration's website: www.cic.gc.ca. For Maytree's submission to the Standing Committee on Citizenship and Immigration and the Senate Committee on Social Affairs, Science and Technology regarding Bill C-11, Immigration and Refugee Protection Act, and for Maytree's observations on the bill's predecessor, Bill C-31, see "The New Immigration Act: More Questions than Answers" and "Don't Slam the Door", available on the Maytree website (www.maytree.com) under "Publications".

Canada's legal obligations re immigrants and refugees

Canada's immigration and refugee program is subject to certain Constitutional and international legal obligations. Foremost among these are:

- ***The Charter of Rights and Freedoms:*** R v. Singh (1985, Supreme Court of Canada) ruled that the Charter's guarantee of fundamental justice applies not just to those with recognized legal status in Canada (such as citizens, permanent residents, Convention refugees) but also to those claiming refugee status.
- ***The 1951 Convention relating to the Status of Refugees:*** As a party to this convention, Canada is obliged to provide protection to those who have a "well-founded fear of persecution" on certain enumerated grounds, and is prohibited from returning individuals to their country of origin if they will be persecuted there ("non-refoulement"). The convention obliges signatories to grant a range of civil rights to refugees, and to provide them with travel and identity documents if they do not have them from their country of origin. (Canada is in violation of this requirement.) Article 31 prohibits countries from imposing "penalties, on account of illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened...enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence."
- Other important human rights instruments with a direct bearing on Canadian immigration and refugee law and policy are the: *Convention on the Rights of the Child* (which requires, among other things, that the best interest of the child be a primary consideration in immigration policies and decisions, and guarantees children the right to be reunited with their families); the *Convention Against Torture* (which prohibits the return of anyone to a place where they face a real risk of torture, among other provisions). Also directly relevant are the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights* and the *American Convention on Human Rights*.
- Canada is also a signatory or has ratified the *Council of Europe/UNESCO Convention on the Recognition of Qualifications concerning Higher Education in the European Region* ("the Lisbon Convention") and the *Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the European Region*.

Immigration by class, 1997-2000 and planned for 2001-2002

	1997	1998	1999	2000	2001 plan	2002 plan
Family class immigrants (27-29%)	59,953	50,880	55,216	60,426	57,000 - 61,000	59,800 - 63,700
Economic immigrants (55-59%)	125,465	94,967	105,404	133,201	116,900 - 130,700	123,000 - 136,700
Other immigrants*	6,174	5,415	4,767	3,244	4,000	4,200
TOTAL immigrants	191,592	151,262	165,387	196,871	177,900 - 195,700	187,000 - 204,600
Government assisted refugees	7,671	7,397	7,442	7,367	7,300	7,500
Privately sponsored refugees	2,612	2,169	2,331	2,905	2,800 - 4,000	2,900 - 4,200
Refugees landed in Canada (+ dependents overseas)	10,626 (+3,221)	10,178 (+2,956)	11,790 (+2,804)	12,955 (+3,481)	10,000 -15,000 (+ 2,000 - 3,000)	10,500 - 15,600 (+2,100 - 3,100)
TOTAL refugees (11-13%)	24,130	22,700	24,367	26,708 (+ 3258 Kosovars**)	22,100 - 29,300	23,000 - 30,400
TOTAL Immigrants and refugees	216,014	174,159	189,816	226,837	200,000 -225,000	210,000 -235,000

*Includes live-in caregivers, provincial nominees, and "Special Categories."

**The Kosovar refugees were part of a special movement.

SOURCE: Citizenship and Immigration Canada (Facts and Figures 1999; News Release 2001-01)

Top 10 source countries (all classes) in 2000

Country	2000
China	36,664
India	26,004
Pakistan	14,163
Philippines	10,063
South Korea	7,602
Sri Lanka	5,832
USA	5,806
Iran	5,598
Yugoslavia	4,699
Great Britain	4,644

SOURCE: Citizenship and Immigration Canada (News Release 2001-01)

In-Canada Convention refugee determination: 1991 – 2000

Year	Claims referred to CRDD	Positive decisions	Negative decisions	Total claims finalized	Rate of positive decisions
2000	34,253	13,990	10,134	25,809	54.2%
1999	29,391	12,954	9,378	27,929	46.4%
1998	23,897	12,925	10,251	29,407	44.0%
1997	22,706	10,039	9,052	24,841	40.4%
1996	26,098	9,628	7,091	21,976	43.8%
1995	26,414	9,697	4,054	17,154	56.5%
1994	22,376	15,306	6,650	25,643	59.7%
1993	35,701	14,200	11,651	30,744	46.2%
1992	31,701	17,608	9,985	29,454	59.8%
1991	31,342	19,913	7,602	28,909	68.9%

SOURCE: Convention Refugee Determination Division of the Immigration and Refugee Board.

Immigration categories

Economic immigrants

There are 2 main categories of “economic” immigrants: independent immigrants, or “skilled workers”, and business immigrants.

Independent immigrants (skilled workers)

The Independent Class is by far the largest category of immigrants, making up more than half the total number of immigrants and refugees landed in Canada in recent years (118,307 in 2000). The class is designed to meet Canada’s longer-term economic and labour market needs and goals. Most independent immigrants are skilled workers, who are expected to have the skills, education, work experience, language ability and other qualities needed to participate in the Canadian labour market. The selection criteria, known as the "point" system, focus on occupation, education and training, experience, age, and knowledge of English and/or French. Bonus points are given if relatives in Canada are Canadian citizens or permanent residents.

The federal government’s Occupations List details the number of points awarded for each occupation and the required training. The number of points awarded to various occupations is intended to reflect demand in the Canadian labour market. However, in recent years the list has been severely criticized for being static and perennially out of date (the current list was published in 1997) and thus not reflective of the fast changing Canadian economy. Another problem with the list is that because it awards immigrants points for their occupation and training, it gives them the impression that they will be able to practice their occupations in Canada. Unfortunately, this is all-too-often a false impression. Particularly in the regulated professions and trades, immigrants face sometimes insurmountable barriers to recognition of the very education and occupational training for which they were selected for immigration to Canada. Some critics have labeled this a policy of “seduction and abandonment.”

As part of its overhaul of immigration legislation and policy (see page12), Citizenship and Immigration is developing a new skilled worker selection system. There are a number of models under consideration at this time, but all are geared to moving away from occupation-based selection to selection based on “flexible and transferable skills.” The new model will assign greater weight to education and to knowledge of English or French.

Business immigrants

The business class is relatively small (13,645 in 2000) and is geared to those who can invest in or establish businesses in Canada. Business immigrants include investors, entrepreneurs and self-employed immigrants. Selection criteria vary for each category. Investors must invest a minimum amount (\$400,000) in approved projects in Canada and have a minimum net worth of \$800,000. Entrepreneurs must establish or buy a business in Canada that contributes to the Canadian economy and creates one or more jobs in Canada in addition to the jobs created for the entrepreneur and family. Self-employed applicants must be able to establish or buy a business in Canada, which will provide employment for themselves and will make an economic or cultural contribution to Canada.

Family class

Currently, a permanent resident or citizen may sponsor a close relative to immigrate to Canada as a member of the family class. Sponsors must agree to support the family member and accompanying dependents for 10 years, to help them settle in Canada. Last year, 60,426 immigrants came to Canada in this class. The federal government is considering expanding the family class somewhat by increasing the maximum age of a “dependent child” from 19 to 22, and including spouses, common-law and same-sex partners.

Refugees

As a signatory of the United Nations' 1951 *Geneva Convention Relating to the Status of Refugees* and its 1967 Protocol, Canada has undertaken to provide protection to Convention refugees, defined as persons with a well-founded fear of persecution based on race, religion, nationality, political opinion or membership in a particular social group. Each year, Canada accepts between 20,000 and 30,000 Convention refugees and other displaced persons. Roughly half of these refugees are selected abroad for resettlement in Canada, with the assistance of either the federal government or private sponsors; the others are successful refugee claimants, who arrived in Canada seeking protection and had their claims to Convention refugee status accepted by the Immigration and Refugee Board.

Destinations in Canada

About 70 percent of immigrants to Canada settle in Canada's 3 largest cities of Toronto, Vancouver and Montreal, nearly one-half (44%) going to Toronto alone.

Source: Citizenship and Immigration Canada, 1999

Level of education*: all categories of refugees and immigrants

The overall rate of university graduates among *all* categories of immigrants, including refugees, family class immigrants and economic immigrants is substantially higher than that for the Canadian-born in the same age group.

- 36% of immigrant men have a university degree, compared to 18% of Canadian-born men.
- 31% of recent immigrant women have a university degree, compared with 20% of Canadian-born women.

SOURCE: Statistics Canada, based on 1996 data.

Level of education*: economic class (skilled workers)

- About 72% of the principal applicants in the skilled worker class have at least one university degree.
- Factoring in their dependents 15 years of age or over, the rate is 59.6%.

SOURCE: Statistics Canada, based on 1997 data. *Note: there is some debate about the comparability of university degrees between countries.

Labour Market Gaps

While hard data is very difficult to obtain, it is well known that some sectors of the Canadian economy are experiencing significant labour shortages. While the most talked-about is the health sector, shortages are also observed in such sectors as education (primarily post-secondary), industrial tool and die makers, the information technology field, and construction.

Top 10 regulated professions among new immigrants to Canada: 1996-2000

Rank	Profession	Landing Year					
		1996	1997	1998	1999	2000	Total 1996-00
1	Engineers	7,845	9,240	7,902	10,472	13,902	49,361
2	Engineering Technicians & Technologists	5,134	5,142	3,167	2,379	2,819	18,641
3	Accountants	2,080	2,511	1,404	1,414	1,893	9,302
4	Teachers	732	541	471	458	680	2,882
5	Medical Lab Technologists	549	605	385	395	491	2,425
6	Nurses and Practical Nurses	435	367	274	287	379	1,742
7	Pharmacists	316	362	291	280	404	1,653
8	Geoscientists	299	302	253	291	322	1,467
9	Physicians or Surgeons	334	267	254	240	330	1,425
10	Architects	265	282	199	204	239	1,189

Top 10 regulated trades among new immigrants to Canada: 1996-2000

Rank	Trade	Landing Year					
		1996	1997	1998	1999	2000	Total 1996-00
1	Cooks/Bakers	1,734	1,669	1,276	954	763	6,396
2	Auto Service Technicians/Autobody Repairers	797	654	407	324	321	2,503
3	Industrial Millwrights	549	595	386	245	199	1,974
4	Hairstylists and Barbers	388	371	237	208	213	1,417
5	Tool and Die Makers	225	214	175	195	268	1,077
6	Electricians	167	175	129	133	124	728
7	Machinists	3	28	141	225	260	657
8	Plumber/Steamfitters	68	50	45	41	41	245
9	Refrigeration/Air Condition Mechanics	54	41	34	34	33	196
10	Sheet Metal Workers	9	12	7	7	10	45

Source: Citizenship and Immigration Canada, Prepared by Immigration and Settlement Unit, Ontario Ministry of Citizenship, 2001.

The role of provinces in selection: Provincial Nominees

The federal government has negotiated agreements with several provinces which allow provinces to nominate a number (100-200 per year) of immigrants, based on provincial labour market needs. This is still in the piloting stage. Last year, 1,249 skilled workers immigrated to Canada as provincial nominees.

Racism, poverty and unemployment

A number of reports have been published over the past year exposing the correlation between visible minority status, recent immigrant status, unemployment and poverty. These reports show a growing poverty and unemployment gap between recent immigrants and visible minorities on the one hand and Canadian-born persons of European descent on the other.

Please see:

- Jean Lock Kunz, Anne Milan and Sylvain Schetagne, *Unequal Access: A Canadian Profile of Racial Differences in Education, Employment and Income*, prepared for the Canadian Race Relations Foundation by the Canadian Council on Social Development, 2000.
- Grace-Edward Galabuzi, *Canada's Creeping Apartheid*, prepared for the CSJ Foundation, 2001.

Socioeconomic Situation of Immigrants in Canada

Indicator	Visible Minority Immigrants	Visible Minority Immigrants	Immigrants Who Are Not Visible Minorities	Immigrants Who Are Not Visible Minorities
	1991	1996	1991	1996
Average Unemployment Rate	14.4	13.7	10.8	7.8
Average Employment Income	\$24,380	\$23,298	\$30,285	\$31,194
Average Percent Below the Low Income Cut-Off (LICO)	25.1%	34.3%	14.4%	17.8%

Source: Census of Canada, 1991 and 1996. Population aged 15 years and over. 1991 average employment incomes have been standardized to the 1996 Census of Canada basis. Prepared by Harvey ET. Al., 2001.

Access to professions and trades: a quick summary

- “Non-recognition of immigrants’ foreign credentials is the biggest single learning recognition problem in Canada today”. Michael Bloom and Michael Grant, Conference Board of Canada, 2001
- Fewer than a quarter of immigrant professionals in Ontario are actually employed in their professions of training. Source: The Facts Are In! Ontario Ministry of Training, Colleges and Universities, 2000.
- The first job a foreign-trained professional takes has a significant impact on future employment prospects. For example among those who arrived in Ontario in 1994 and 1995, those whose first job was in their field stood an 83%-89% likelihood of still working in their field in 1999. In contrast, those whose first job was not in their field of expertise had only a 39%-43% chance of being employed in their field by 1999. Source: The Facts Are In! Ontario Ministry of Training, Colleges and Universities, 2000.

What's being done/proposed

- In the 2001 Speech from the Throne, it was stated that “Immigrants have enriched Canada with their ideas and talents. The Government will take steps to help Canada attract the skilled workers it needs. It will also work in co-operation with the provinces and territories to secure better recognition of the foreign credentials of new Canadians and their more rapid integration into society. The Government will re-introduce changes to immigration legislation to streamline and improve the immigration system.”
- The Department of Citizenship and Immigration Canada is developing a new immigrant selection model that may reduce expectations among immigrants that they will be able to enter a regulated occupation in Canada.
- There are now four provinces (British Columbia, Alberta, Ontario and Quebec) that have provincially recognized academic credential assessment services.
- Ottawa and the provinces and territories have a joint working group on access to professions and trades focused on information sharing and harmonization of provincial credential assessments.
- There is a growing trend among regulators to move away from credential-based assessment to a system geared more directly to assessing occupational competency.
- The interprovincial Agreement on Internal Trade and the Social Union Framework Agreement require provincial regulators to work towards mutual recognition of occupational licensure from province to province. This model of cross-jurisdictional qualification recognition and the momentum created by the Agreement may encourage regulators to look at more effective and fair ways to assess qualifications not just from other provinces but from foreign jurisdictions as well. Canada is a signatory to European agreements on educational credential recognition between signatory states.