Brief to the Standing Committee on Citizenship and Immigration

regarding

Proposed Immigration and Refugee Protection Regulations

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By

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1. INTRODUCTION

The Maytree Foundation welcomes this opportunity to comment on the proposed *Immigration and Refugee Protection Regulations.* The Maytree Foundation is a Canadian charitable foundation established in 1982.

The objectives of the Foundation's current Refugee and Immigrant Program are threefold: (a) to assist newcomers in accessing suitable employment by promoting fair recognition of the skills, education and experience they bring with them; (b) to accelerate the settlement and landing process for refugees who experience undue delays in obtaining permanent resident status; and (c) to build on the strengths and capacities of refugee and immigrant organizations and leaders.

The Maytree Foundation seeks to accomplish its objectives by identifying, supporting and funding ideas, leaders and leading organizations that have the capacity to make change and advance the common good. It assists Convention refugee youth in their post-secondary education and training pursuits, provides opportunities that build the leadership capacity of organizations and individuals, and through a variety of means, informs and educates the public and policymakers about the issues facing refugees and immigrants today.

In this brief, The Maytree Foundation will put forward proposals that we believe hold both the values implicit in compliance with international law and human rights obligations, and the interest of the common good for Canadians; eminently compatible objectives. The following submission will offer a range of suggestions to bring the current Act and the proposed regulations into compliance with both the spirit and letter of international law. As well, we offer other suggestions that may serve as practicable interim measures, as Canada makes its way

toward compliance within a global context that is fraught with challenges for national and international values.

2. PERMANENT RESIDENCE FOR PROTECTED PERSONS

The Maytree Foundation is concerned for the fair, transparent and expeditious landing of Convention refugees / protected persons. Without permanent resident status, protected persons are unable to travel outside of Canada, they are barred from sponsoring family members to come to Canada,[1] they are denied access to loans for post-secondary education, and they often face difficulties getting good jobs (employers are often reluctant to hire and train someone with only temporary status). Refugees in legal limbo are also unable to engage in meaningful civic participation. The introduction of the new Act and the proposed regulations presents an opportunity for the current situation, with thousands of Convention refugees living in legal limbo in Canada today, to be corrected.

Paragraphs 168-175 of the proposed regulations provide an outline of the rules for protected persons applying for permanent residence. In light of the front-end security screening process that will be introduced with the new Act and the proposed regulations, it is the clear position of The Maytree Foundation that permanent resident status should be the direct outcome of the refugee determination process at the Immigration and Refugee Board. As such, we view the additional requirements listed in the regulations, particularly those pertaining to identity

[1] Family reunification is the main concern of most refugees. According to former Immigration Minister Lucienne Robillard, family reunification is "the cornerstone of Canadian immigration policy" [Citizenship and Immigration Canada 1999]. Any prolonged family separation has consequences for emotional and financial health. Refugees carry the extra burden of knowing that their spouses and children often are living in very precarious circumstances in their country of origin, or in desperate conditions in a refugee camp. Psychological problems experienced by families that have suffered severe trauma are exacerbated [Canadian Council for Refugees 1995: 14-20]. The imposition of this obstacle to family reunification contradicts not only Canada's stated commitment to bringing families together, but also international human rights norms. The United Nations Convention on the Rights of the Child recognizes the right of children to be reunited with their parents [Article 10]. The Final Act of the Conference that adopted the 1951 Convention on the Status of Refugees also recognized the importance of family unity.

documents, as burdensome and redundant. The proposed regulations should be framed so that they fully recognize that refugees, by definition, are frequently unable to obtain official identity documentation. As a blanket requirement applied to all Convention refugees, the policy results in the denial of landing to even the most completely and undeniably innocent: children.

Requiring identity documentation from Convention refugees is not only inherently unjust and contrary to international law; it is also unnecessary. As part of the refugee determination process, the Immigration and Refugee Board conducts a thorough investigation into identity. It has developed detailed and rigorous procedures for doing so, with a very strong track record of accuracy. The Maytree Foundation has proposed that these procedures should be accepted as sufficient by the Department for the granting of permanent resident status.[2]

Recommendation 1

We urge the Committee to recommend that refugees be landed immediately upon recognition by the Immigration and Refugee Board, by analogy with refugees resettled by Canada from overseas who are landed immediately upon arrival.

2.1 Identity Documents – Implementation of Aden

As noted above, it is the position of The Maytree Foundation that the identity requirement is burdensome and redundant. In paragraph 171(1) of the regulations, the identity document requirements for undocumented protected persons applying for permanent residence are described. These requirements are in keeping with a CIC Operations Memoranda.[3] However, if the Operations Memoranda and the regulatory text are to accord with international

[2] See Brouwer, A. *What's In A Name? Identity Documents and Convention Refugees* (Ottawa: Caledon, March 1999). This same position has been argued by Professor Guy Goodwin-Gill of Oxford University and Ms Judith Kumin of the UNHCR in *Refugees in Limbo and Canada's International Obligations* (Ottawa: Caledon, September 2000).

[3] Operations Memoranda IP 01-05, *Processing of Convention Refugee Applications of Applicants Without Identity Documents in Light of the Aden Federal Court Order,* March 2001.

obligations, there should be established a clear presumption in favour of accepting sworn declarations, and an explicit acknowledgement that a recognized Convention refugee is presumptively unable to obtain original documentation. That is, there is a need for a clear awareness of the special situation of the refugee as a person who, by definition, is not able to rely on their country of origin for protection, nor expect to receive documentary services from the authorities. Finally, given that the general principle of law that sworn declarations shall be presumed to be true, requiring further statutory declarations beyond the sworn statement of the applicant is redundant.

Recommendation 2

We urge the Committee to recommend that the additional statutory declarations, beyond that provided by the applicant her/himself and required under 171 (1), be eliminated.

However, should the identity requirement not be removed, there are amendments to the identity document requirements of the regulatory text that will be required to ensure that, at minimum, it is consistent with the *Aden Order* on which it was based. The *Aden Order* was issued on 14 December 2000 by the Honourable Mr Justice Hugessen in the Federal Court of Canada Trial Division. In short, the Order was the Court's response to eleven Somali Convention refugee plaintiffs who alleged that S. 46.04(8) of the *Immigration Act* discriminated against them due to their national origin. The requirement under the Act for "satisfactory identity documents" effectively discriminated against applicants from countries where such documentation is not available. In an attempt to remedy this situation, Justice Hugessen provided an interpretation of the "satisfactory identity document" requirement. In addition to an applicant's own sworn declaration, an additional statutory declaration from either; (a) a Canadian citizen, permanent resident, or any other person deemed acceptable in the discretion of the officer, who personally

knew either the applicant or the applicant's immediate family members prior to the applicant's arrival in Canada; or (b) an official belonging to an established and credible organization representing nationals of the applicant's country of origin.

The current English text of the regulations reads as follows:

> 171. (1) An applicant who does not hold a document described in any of paragraphs 48(1)(*a*) to (*h*) may submit with their application
> *(a)* identity documents issued outside Canada before the entry of the person to Canada; **and** [emphasis added]
> *(b)* a statutory declaration made by the applicant attesting to their identity, accompanied by
> *(i.)* the statutory declaration of a Canadian citizen or permanent resident attesting to the applicant's identity, or
> *(ii.)* the statutory declaration of an official of an organization representing nationals of the applicant's country of nationality or former habitual residence attesting to the applicant's identity.

There are two textual amendments that are required in the above clause. First, the French version of the text reads, 171(1) "Le demandeur qui ne detient pas l'un des documents mentionnes aux alineas 48(1)a) a h) peut accompagner sa demande **de l'un ou l'autre** des documents suivant" [emphasis added]. The English version requires both identity documents and statutory declarations, whereas it should be *either*, as made explicit in the French text. The second amendment is found in paragraph 171(1)(a)(*i*) where it should read, "a Canadian citizen, permanent resident, or any other person deemed acceptable in the discretion of the officer." This change is required to make the regulatory text consistent with the *Aden Order*.

Recommendation 3

We urge the Committee to recommend that, should the additional statutory declarations, required under 171 (1) be retained, that the English text in 171(1)(a) be edited to read, "identity documents issued outside Canada before the entry of the person to Canada; ***or****" [emphasis added], and that the text in 171(1)(a)(i) be edited to read, "a Canadian citizen, permanent resident, or any other person deemed acceptable in the discretion of the officer."*

2.2 Undocumented Protected Persons in Canada Class

Recognizing that the document requirement was a barrier to many refugees who simply could not acquire "satisfactory" documents due to the lack of a functioning government in their country of origin, in 1997 the federal government introduced a special program for undocumented refugees from Somalia and Afghanistan. The Undocumented Convention Refugee in Canada Class provided for the landing of Convention refugees from those two countries even without the required documents, after a five-year waiting period. In December 1999, the Minister reduced this five-year period to three years.

The UCRCC program has been a failure. In 1996 the Department of Citizenship and Immigration estimated that there were 7,500 undocumented Somali and Afghan refugees in Canada [Citizenship and Immigration Canada 1998c: 3342]. Yet as of June 2001, according to the Summary Assessment of the UCRCC prepared for Citizenship and Immigration by T.K. Gussman Associates Inc., a total of 2704 Somali and 129 Afghani Convention refugees were landed under the program, only 38% of the original group. Moreover, it appears that between 1996 and mid-2000 an additional 4,637 refugees from Somalia and Afghanistan have been granted Convention status in Canada by the IRB [Immigration and Refugee Board 2000; 1999; 1998; 1997], and only 3,160 have been landed under the regular process [Citizenship and Immigration Canada 2000b; 2000c], adding a further 1,477 refugees to the pool of Somali and Afghan Convention refugees in limbo.

The UCRCC program is discriminatory, both to those included in it and to those who are excluded. For Afghans and Somalis, the creation of the program itself has had the effect of making some immigration officers suspicious of any identity documents submitted by them. Those Somalis and Afghans who do apply to the program, and who through no fault of their own

do not possess the required documents, face a waiting period of legal limbo. Lack of documentation is not a problem limited to Somalis and Afghans. The UCRCC program excludes refugees who are not from either Somalia or Afghanistan. The nature of refugee flight makes possession of identity and travel documents not necessarily a likelihood – very few refugees have the time to apply for documents before taking flight; often it is dangerous to do so. Even where the refugee possesses documents, there often simply is not time to go home and retrieve them before fleeing. For these refugees, even the flawed UCRCC program is unavailable, and they therefore have their landing suspended indefinitely.

According to the findings of the assessment, "all evidence encountered points to the fact that the waiting period is a passive time not actively monitored." (2001:17) At the time of the assessment, of the total 2,161 applications for landing under UCRCC, only one of the applications involved a person with crimes sufficient to warrant a denial of landing. With only one UCRCC case actually denied landing, it would appear that the waiting period does little more than impose additional bureaucratic obstacles on a small section of the Convention refugee population. In fact, the data indicate that the criminal and security checks during the initial RAFL process result in more denials of landing than do the subsequent checks following the waiting period. (2001: 17)

Part of the rationale provided for the waiting period is to ensure that those refugees who are landed without satisfactory identity documents will respect the laws and norms of Canadian society; this appears to be only an exercise in endurance. It is important to remember that while applicants are waiting for landing, their lives remain in limbo: unable to reunite with family, restricted mobility, lack of access to loans for post-secondary education, and significant difficulty in finding meaningful employment because of their temporary status. It does not in

any way seem a fair or appropriate means for measuring an applicant's potential integration into Canadian society, when integration by definition is suspended.

Under the proposed Immigration and Refugee Protection Regulations, paragraph 173(1)(*f*), the Undocumented Convention Refugees in Canada Class (UCRCC) becomes the Undocumented Protected Persons in Canada Class (UPPCC) and the waiting period has been defined as three years. The class continues to be limited to those applicants from countries listed in Schedule 3 (Somalia and Afghanistan), which do not have a central authority that can issue identity documents.

Recommendation 4

We urge the Committee to recommend that the Undocumented Protected Persons Class of Canada (UPPCC) be eliminated. The class itself will not be necessary if the appropriate weight and recognition, as per the general principle of law that sworn declarations shall be presumed to be true, be given to the statutory declaration provided by the applicant for permanent residence.

Recommendation 5

We urge the Committee to recommend, if the Undocumented Protected Persons Class of Canada (UPPCC) is maintained, that; a) the waiting period, which has been found not to add value, be eliminated, and b) that any schedule of qualifying countries be eliminated so that the program is available to all undocumented protected persons, in recognition of the special situation of refugees, who by definition do not have access to national protection and the documentary services of the authorities in their country of origin.

Recommendation 6

We urge the Committee to recommend, if there is an administrative imperative to developing a schedule of countries for the UPPCC, although contrary to the nature of refugee existence, that this schedule should be determined in consultation with non-governmental organizations, and that additional discretion be given to officers to make exceptions for inclusion.

Recommendation 7

We urge the Committee to recommend, if the UPPCC should continue, that the program be amended to include the concurrent processing of family members overseas, so that the period of family separation can be minimized as much as possible [174].

2.3 Providing documentation: Identity Document

In *Refugees in Limbo and Canada's International Obligations* (Ottawa: Caledon, September 2000), Professor Guy Goodwin-Gill of the University of Oxford, an authority on international refugee law, and Judith Kumin, Representative to Canada for the UN High Commissioner for Refugees, examine Canada's legislation and practices with respect to undocumented refugees in light of our obligations under the 1951 UN Convention relating to the Status of Refugees. They find that Canada is not, in fact, complying with Articles 25 (administrative assistance), 27 (identity papers) and 28 (travel documents). The authors make it clear that as a signatory to the Convention, which Canada ratified in 1969, we have an obligation to provide undocumented refugees with the same freedoms and rights provided to documented refugees. We are required to issue official identity papers to all determined refugees in Canada who are without travel documents, without exception.

Canada has committed itself, under the 1951 UN Convention relating to the Status of Refugees, to provide identity documents to refugees who do not have documents from their country of origin. Our failure to do this directly contravenes those obligations. While the bill does provide for a status document, the purpose of this document has not been made clear. S.31(1) of the Act states: "A permanent resident and protected person shall be provided with a document indicating their status." The purpose of such a status document appears to allow those holding such documents to use them when seeking access to other government services. The

document thus appears to be a partial attempt to comply with Article 25 of the 1951 Convention Relating to the Status of Refugees, which requires States to provide administrative assistance to undocumented refugees in their territories. However, the status document does not appear to be intended to serve as an identity document, so it does not clearly address concerns regarding Canada's non-compliance with Article 27 of the 1951 Convention. Given the fact that responsibility for issuing travel documents has been designated to the Department of Foreign Affairs, the regulations should reflect the intended purpose of the status document for protected persons to ensure the issuance of a travel document by Foreign Affairs. This would replace the complex and time-consuming process of obtaining a Ministerial permit which is the current practice.

Recommendation 8

We urge the Committee to recommend that the regulations be amended to state expressly that a purpose of the status card, among others, for protected persons, is to function as an alternative to the Ministerial permit in the application for a travel document to the Department of Foreign Affairs.

With respect to the status card and the requirements for application by permanent residents who are renewing their cards, and permanent residents who will need to apply with the implementation of the regulations, there are some concerns specific to Convention refugees without documentation. The application process as described in paragraph 54(2)(c), requires a certified copy of a passport, certificate of identity, or refugee travel papers issued by Foreign Affairs. For refugees who have not traveled outside Canada this is an unfair requirement – it is onerous in that it will involve applying for refugee travel papers, which is time-consuming and expensive, and it is redundant for those refugees who do not even intend to travel.

In contrast to the requirements of Canadian citizens in applying for a passport, the proposed application process demands far more than is necessary to establish that an individual is a permanent resident; that is, employment and education details for the past five years, addresses of places of residence, and names and contact information for two people who know the applicant. These requirements are burdensome and may have the effect of excluding some individuals from even applying, thereby forfeiting their eligibility for those services that require the card. Finally, paragraphs 55(2) and 55(3) deal with who should sign for minors. For separated minors, particularly refugee minors, there may not be a clearly identified adult responsible for the child. There are many refugee minors who may have parents alive outside Canada and do not have a legal guardian recognized by the courts. This creates a serious gap in access to the status card.

Recommendation 9

We urge the Committee to recommend that the general requirements of identification and personal information for the application for the status card be harmonized with those for a Canadian passport.

Recommendation 10

We urge the Committee to recommend that, for protected persons who have become permanent residents, the requirement of a certified copy of a passport, certificate of identity or refugee travel papers issued by Foreign Affairs in their application for the status card be eliminated.

Recommendation 11

We urge the Committee to recommend that with respect to minors, an alternative public guardian, not requiring court decision, be permitted for signing so that separated minors are not systematically prevented from acquiring a status card, and any services or benefits that it may allow.

2.4 Inadmissibility Clauses

Clause 170 of the proposed Immigrant and Refugee Protection Regulations delineates the conditions under which a protected person will be considered inadmissible, as per subsection 21(2) of the Act. Included in the grounds of inadmissibility are 38(1)(a) and (b) of the Act – inadmissible on health grounds if their health condition is likely to be a danger to public health; is likely to be a danger to public safety. It is not clear why these grounds are included, as the person, by virtue of their status as a protected person will remain in Canada. Furthermore, under the previous Act, refugees in Canada were not inadmissible on health grounds. Although it was CIC that proposed this change, the department has not provided any explanation or rationale for the change. For this reason, or lack thereof, The Maytree Foundation is asking this Committee to recommend maintaining the status quo; that is, refugees in Canada should not be inadmissible on health grounds.

Recommendation 12

We urge the Committee to recommend that, since the objective of public health and safety cannot be achieved by excluding physical entry to the country, in the interest of integrating effectively protected persons, that these grounds of inadmissibility, as per subsection 21(2) of the Act, be exempted for protected persons.

3. FEDERAL SKILLED WORKER CLASS

The proposed regulations for the selection criteria of federal skilled workers have been the subject of public debate since their release in December 2001. There is widespread concern about the retroactivity of the criteria being used to assess applications, and the unwillingness to refund applicants who applied in good faith to a process that has been substantively altered. The Maytree Foundation shares in these concerns and strongly encourages the Committee to request the implementation of interim measures to ensure fair process and service to applicants, and refund to applicants whose application has become redundant due to changes in the regulations.

These are minimal concessions to be made in order to protect the integrity of the Canadian immigration system. We believe that reducing the required number of points to 75 is not a bona fide accommodation to previous applicants.

Recommendation 13

We urge the Committee to recommend that interim measures to ensure fair process and service to applicants be implemented, and applicants whose application has become redundant due to changes in the regulations be refunded.

The Maytree Foundation has concerns at a fundamental level with respect to the selection system as it has been laid out. There are assumptions that have been made in the design of this program that are problematic and require rethinking. In the Regulatory Impact Analysis Statement, the argument is made that economic performance of skilled immigrants has deteriorated in the last decade, and that selection has played an important role in this. The data regarding education, occupation, actual employment in Canada and level of income, however, are not disaggregated, so that the assumption of a causal relationship between selection and economic performance is ungrounded.

There is a substantial body of research that has been compiled over the past decade that documents the mismatch between the skills and education of immigrant professionals and tradespeople and their actual occupations once in Canada, and the concomitant costs of this mismatch to individual immigrants and their families, and to Canadian governments, businesses and the economy. According to a Price Waterhouse report commissioned by the Ontario government, failure to recognize foreign academic credentials alone (not to mention foreign work experience) results in losses to the Ontario economy due to:

- increased costs to the welfare system and social services;

- losses to employers who are unable to find employees with the skills and abilities they desperately require;
- costs associated with unnecessary retraining for foreign-trained individuals; and
- the loss of potential revenue from foreign-trained individuals who are unable to work and contribute to the tax base and other parts of the economy [1998: iii].

The same report cites an Australian study of the economic impact of not recognizing foreign credentials:

> Similar to Ontario in demographic, socio-economic, cultural and immigration characteristics, Australia quantified the loss to their national economy, due to the non-recognition of foreign degrees, as ranging from $100 million to $350 million (US) in 1990. This represents 200,000 immigrants who failed to gain recognition and never returned to their pre- migration occupations. [1998: 1-3]

More recently, the Conference Board of Canada released its study on the impact of non-recognition of credentials on Canada's economy. The conclusion from this study is that if the problem of non-recognition were eliminated, "it would give Canadians an additional $4.1 billion to $5.9 billion in income annually." (2001: i) While the study focused on non-recognition of learning generally in Canada, it did find that immigrants are among those who experience the most serious problems in having their learning recognized. Indeed, more than 340,000 Canadians have non-recognized foreign credentials. Non-recognition of qualifications has a direct impact on access to employment that is appropriate to the skills, knowledge and experience an individual offers. The study also found that there is a lack of employer confidence in foreign educational qualifications, and that all types of foreign learning rank lower than Canadian learning even when the foreign learning is supported by a credential document and the Canadian learning is not.

By failing to recognize foreign qualifications, Canada is forgoing the windfall to its economy of educated and fully qualified workers for whose education and training Canada has

not paid a cent. For example, the Canadian Labour Force Development Board reported in 1999 that the costs to Canada of raising and educating the immigrants who arrived between 1992 and 1997 would have been more than a billion dollars [Training and Development Associates 1999: 13].

Due to a variety of factors including the unfamiliarity of regulatory bodies, employers and academic institutions with foreign educational, training, technological and professional standards, many of the skilled immigrants coming to Canada face major and sometimes insurmountable barriers to obtaining occupational licensure and employment. The result is a highly educated and experienced underclass of immigrant professionals and tradespeople that are unemployed or underemployed in Canada.[4]

It becomes clear then, that there is significant and well-documented problem in the recognition of the credentials and skills that immigrants bring to Canada. The problem is not so obviously that the wrong people are coming to Canada, but rather that within Canada there is not the requisite infrastructure to ensure that their skills are appropriately recognized and employed. Therefore, crafting a point system that limits successful applications to those with extensive academic backgrounds will not ensure better economic performance – the research does not support this. In order to ensure the successful settlement of skilled immigrants, it is critical that

[4] Citizenship and Immigration Canada reports that between 1991 and 1994, for example, 10,279 immigrants arrived in Canada listing civil, mechanical, chemical or electrical engineering as their intended occupation [Citizenship and Immigration Canada 1994; 1995; 1996; 1997]. By April 1996, according to Statistics Canada, only 5,770 of the immigrants who arrived between 1991 and 1996 were practising these professions (though how many were doing so as licensed engineers is unknown) [Statistics Canada 1999]. This figure means that nearly half (44 percent) of the immigrants who came to Canada between 1991 and 1994 intending to work as a civil, mechanical, chemical or electrical engineer were not so employed in 1996. Making this comparison even more striking is the fact that Citizenship and Immigration data include only immigrants who intended to work at the time of arrival. By contrast, Statistics Canada data include all immigrants irrespective of entrance category. The number of foreign-trained engineers (who arrived between 1991 and 1996) practising in Canada in 1996 would have been even lower than the number presented by Statistics Canada, as this figure inevitably would include non-workers at the time of arrival who since have acquired Canadian credentials [Brouwer 1999b].

appropriate leadership is taken to develop: a) the necessary policy coherence among federal and provincial governments, and b) effective infrastructure to assess and recognize the skills and experience immigrants bring with them.

While the selection of skilled workers no longer focuses on specific occupational affiliations, but is intended to focus instead on transferable skills, it is not clear how skills, per se, are being more effectively targeted or measured (particularly in terms of transferability). It is a problematic assumption that applicants with graduate degrees will be more effectively integrated into a knowledge-based economy. There is no requirement of field of study or assessment of transferability of skills. Indeed, professionals like physicians, who have many years of postgraduate training and will score well on the point grid, and also complement a critical physician resource shortage in Canada, will not be integrated quickly or effectively, if at all. This is the consequent reality of profoundly complex jurisdictional issues, professional protectionism, and an absence of national vision and leadership.

Moreover, the emphasis on post-secondary education, and disproportionate weight given to university education over applied skills training will discriminate against tradespeople. It also sends the unfortunate message that Canada values professionals over tradespeople – an elitist message, both domestically and internationally. Although it has been noted repeatedly by the former Minister that Canada is seeking skills for a knowledge-based economy, the fact remains that 32% of new jobs created over the 1999-2004 period are expected to be in occupations generally requiring a community college diploma or apprenticeship training (Job Futures 2000, HRDC).

To conclude, the problem of economic performance and integration of skilled immigrants over the past decade has not been one of selection, but rather one of settlement. There are

significant gaps in the information, assessment, bridging and integration of skilled immigrants, on the part of all the stakeholders involved; federal and provincial governments, educational institutes, assessment services, occupational regulatory bodies, professional associations, and employers. Neither the Act nor the proposed regulations address this issue. It is time now for a co-ordinated systems based approach to deal with this issue, so that immigrants are able to settle more effectively and contribute to their new home, and so that the Canadian public is better served. The issue of developing a practical and doable systems based approach has been a priority for The Maytree Foundation over the last year. At the moment, The Foundation is in the process of articulating these ideas, solutions and opportunities for appropriate federal government engagement with the provinces. After extensive consultation, we have begun to present these solutions to a variety of stakeholders, and would welcome an opportunity to present these ideas to appropriate federal fora, including this Committee if it is so interested.

4. SUMMARY OF RECOMMENDATIONS

1. We urge the Committee to recommend that refugees be landed immediately upon recognition by the Immigration and Refugee Board, by analogy with refugees resettled by Canada from overseas who are landed immediately upon arrival.

2. We urge the Committee to recommend that the additional statutory declarations, beyond that provided by the applicant her/himself and required under 171 (1), be eliminated

3. We urge the Committee to recommend that, should the additional statutory declarations, required under 171 (1) be retained, that the English text in 171(1)(a) be edited to read, "identity documents issued outside Canada before the entry of the person to Canada; **or**" [emphasis added], and that the text in 171(1)(a)(i) be edited to read, "a Canadian citizen, permanent resident, or any other person deemed acceptable in the discretion of the officer."

4. We urge the Committee to recommend that the Undocumented Protected Persons Class of Canada (UPPCC) be eliminated. The class itself will not be necessary if the appropriate weight and recognition, as per the general principle of law that sworn declarations shall be presumed to be true, be given to the statutory declaration provided by the applicant for permanent residence.

5. We urge the Committee to recommend, if the Undocumented Protected Persons Class of Canada (UPPCC) is maintained, that: a) the waiting period, which has been found not to add value, be eliminated; and b) that any schedule of qualifying countries be eliminated so that the program is available to all undocumented protected persons, in recognition of the special situation of refugees, who by definition do not have access to national protection and the documentary services of the authorities in their country of origin.

6. We urge the Committee to recommend, if there is an administrative imperative to developing a schedule of countries for the UPPCC, although contrary to the nature of refugee existence, that this schedule should be determined in consultation with non-governmental organizations, and that additional discretion be given to officers to make exceptions for inclusion.

7. We urge the Committee to recommend, if the UPPCC should continue, that the program be amended to include the concurrent processing of family members overseas, so that the period of family separation can be minimized as much as possible [174].

8. We urge the Committee to recommend that the regulations be amended to state expressly that a purpose of the status card, among others, for protected persons is to function as an alternative to the Ministerial permit in the application for a travel document to the Department of Foreign Affairs.

9. We urge the Committee to recommend that the general requirements of identification and personal information for the application for the status card be harmonized with those for a Canadian passport.

10. We urge the Committee to recommend that, for protected persons who have become permanent residents, the requirement of a certified copy of a passport, certificate of identity or refugee travel papers issued by Foreign Affairs in their application for the status card be eliminated.

11. We urge the Committee to recommend that with respect to minors, an alternative public guardian, not requiring court decision, be permitted for signing so that separated minors are not systematically prevented from acquiring a status card, and any services or benefits that it may allow.

12. We urge the Committee to recommend that, since the objective of public health and safety cannot be achieved by excluding physical entry to the country, in the interest of integrating effectively protected persons, that these grounds of inadmissibility, as per subsection 21(2) of the Act, be exempted for protected persons.

13. We urge the Committee to recommend that interim measures to ensure fair process and service to applicants be implemented, and applicants whose application has become redundant due to changes in the regulations be refunded.

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