

RECENT IMMIGRATION HIGHLIGHTS

Between 2008 and July 1, 2012 the Government of Canada introduced many changes to policies affecting immigration, temporary entry to Canada, and citizenship.

The government also *changed the way in which reform was undertaken, including a dramatic increase in ministerial powers and the use of omnibus legislation.*

Research is beginning to suggest that there has been a dramatic pace and breadth of change in the last five years → these rapid changes are having a sweeping cumulative impact on individuals and the nature of immigration itself.

While some of the changes are viewed as positive, but the future of Canada will be negatively affected by [1] the recent emphasis on short-term labour market needs, [2] the lack of evidence-based policies, [3] a retreat from traditional democratic processes, and [4] a less welcoming environment for immigrants and refugees.

{Thesis → restrictive reception policies, securitization of migration and changing migration patterns. restrictive reception policies, securitization of migration and changing migration patterns.}

The federal government began a pattern of introducing substantial changes at a rapid pace in 2008, just six years after the *Immigration and Refugee Protection Act* was enacted.

[Here are the goals and drivers]

- Improve the relatively poor outcomes of recent cohorts of immigrants as compared to those who had arrived in the past;
 - Increase the short-term contribution that immigration programs could make to the Canadian economy; [{Main source of changes → *Canadian Temporary Foreign Workers Program // Provincial Nominee Program (PNP) // Canadian Experience Class // International Students Program*]
 - Address backlogs that have developed in practically every category and prevent their re-occurrence; and
 - Prevent fraud and minimize abuse of the immigration and refugee system.
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In conjunction with this state goals, in →

2008

Perhaps the change with the most significant impact was *the granting of legislative authority for the Minister of Citizenship, Immigration and Multiculturalism to make decisions that fundamentally alter immigration policies and programs without having to go through the parliamentary process.*

This was accomplished through the **2008 Budget Bill that amended the Immigration and Refugee Protection Act** to enable a minister to issue “**Ministerial Instructions**” to immigration officers. Ministerial Instructions were used for the first time in November 2008 to limit new

federal skilled worker applications to those with an arranged employment offer, in specified occupations, or already in Canada as students or temporary foreign workers.

Another significant change in 2008 was the creation of the **Canadian Experience Class**. This allows some international students and highly skilled temporary foreign workers to make the transition to permanent residence from within Canada.

2009

In 2009, in an attempt to reduce refugee claims, ***visitor visas were required of Czech and Mexican citizens*** travelling to Canada. In addition, ***an exemption to the Safe Third Country Agreement was removed***. This meant that people who had obtained a temporary stay of removal could no longer make a refugee claim in Canada if they had the opportunity to make one in the United States.

The citizenship rules also changed in 2009. As a result, children born outside Canada on or after April 17, 2009 will be Canadian citizens at birth ***only if either of their parents was born in Canada or was naturalized in Canada***.

2010

In 2010 the federal government made several changes to the economic immigration stream. It increased the funds needed to qualify as an immigrant investor; ***imposed mandatory language testing for principal applicants in the Federal Skilled Worker Program and Canadian***

Experience Class; and placed caps on the numbers of new federal skilled worker applications that would be processed.

Live-in caregivers were given an additional year to complete their cumulative two-year employment obligation and were no longer required to complete a second medical examination at the time of applying for permanent residence.

The government also introduced *a more rigorous citizenship exam with a higher minimum passing grade* and a *five-year wait before sponsored spouses could sponsor a new spouse.*

2011

The pace of change accelerated in 2011. The changes affected all three immigration streams, citizenship, temporary workers, immigration consultants, and settlement funding.

In the *Economic Class*, *caps* were imposed on new applications to the federal *Immigrant Investor Program* and were further reduced for new federal skilled worker applications. A new eligibility stream was created for international PhD students within the *Federal Skilled Worker Program* and a decision was made not to accept new applications to *the Entrepreneur Program.*

In the *Family Class*, the government *imposed a moratorium on the sponsorship of parents and grandparents* and *created a super visa for them to enter Canada as visitors.*

In the **Refugee Class**, the rules for private sponsorship of refugees were tightened. In addition, **the Source Country Class was repealed**. This denied access to Canadian embassies or private sponsorship for people in need of protection while in their home countries.

Other changes in 2011 included a requirement to remove face coverings during the oath taking portion of citizenship ceremonies; legislation to “crack down on crooked immigration consultants;” and the introduction of open work permits for live-in caregivers once their two-year work obligations had been met. That year also saw a decrease in total federal settlement funding. This resulted in a substantial funding decrease in Ontario while increasing the amounts available to other provinces.

2012

Rapid and far-reaching federal immigration changes continued in the first six months of 2012.

In the **Economic Class**, decisions were made to return unprocessed, pre-2008 federal skilled worker applications, to return all applications submitted on or after July 1, 2012 for the Federal Skilled Worker Program and Immigrant Investor Program, and to impose a moratorium on new applications from most federal skilled workers. In addition, mandatory language testing was imposed for lower skilled provincial nominee applicants.

New legislation provided that refugee claimants from designated countries and those who arrived in a group and were designated as “irregular arrivals” would be denied the new appeal rights granted to other refugee claimants.

Mandatory detention was imposed for all “irregular arrivals” over the age of 16.

“Irregular arrivals” would also have delayed access to permanent residence, family reunification, and travel documents even if determined to be bona fide refugees by the Immigration and Refugee Board. At the same time, access to health services funded by the Interim Federal Health Program was reduced for refugee claimants and most privately sponsored refugees. In addition to swifter deportation of failed refugee claimants, a pilot project was created for failed claimants wishing to return home voluntarily.

2019

Two New Immigration Pilot Programs

- 1. Home Child Care Provider Pilot, and**
- 2. Home Support Worker Pilot**

The Trudeau government launched **two new immigration pilot programs that will allow caregivers to →**

- 1. Come to Canada with their families**
- 2. While also offering them the opportunity to become permanent residents.**

[A] Under the newly designed programs,

- ❖ **Caregivers will be given greater flexibility to change jobs quickly, if needed. →**

- ❖ Current barriers that prevent caregivers' family members from coming with them to Canada will also be removed, → and
- ❖ Open work permits will be offered to their spouses and common-law partners as well as study permits for dependent children.