

STANDING COMMITTEE ON CITIZENSHIP AND
IMMIGRATION
HOUSE OF COMMONS OF CANADA

BILL C-50

AN ACT TO IMPLEMENT THE BUDGET AND TO AMEND
THE IMMIGRATION AND REFUGEE
PROTECTION ACT

12 May 2008

SUBMISSION BY

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A. IMPORTANT AND WORTHY GOALS

- Reduce backlog.
- Restrict size and cost of maintaining large, outdated inventory.
- Faster processing, improved service: "just-in time" inventory aimed at reducing wait time to an average of one (1) year.
- Make system more responsive and more nimble to immediate regional economic needs by listing and selecting strategic or priority occupations.
- Cannot keep building a warehouse that houses every application that gets filed, whereas we can only sell a comparatively small or fixed number of widgets each year.

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A. CONCERNS

- Moving some category of applicants to the front of the line results in delay in other categories, which delay is already far too long.
- With so many "priority" silos (verticals) of business (Interdiction, Enforcement, Refugees, Visitors, Students, Work Permits, Spouses, Children, Provincial Nominee Programs, and soon the Canada Experience Class), it will not be possible, not even realistic, to cherry pick "strategic or priority occupations". With all this movement to the front of the line, there is in fact no longer a front of the line and all categories will suffer.

"Opinion of the Minister": (87.3 (2) "The processing of applications is to be conducted in a manner that, in the opinion of the Minister, will best support the attainment of the immigration goals established by the Government". This is the most totalitarian piece of law imaginable.

- Immigration and visa officers must be accountable not to our Minister but to our Constitution, our Charter, and to our legislation and laws. Ministerial fiat is corrupting.
- Erosion of the sacred Rule of Law principle.
- Erosion of democracy.
- Processing priorities will be decided outside the tried, tested and true established and transparent Parliamentary procedures for legislative and regulatory change, all of which now require stakeholder input.
- The Minister now asserts that the instructions will be "fair, open and transparent", however, there are no checks and balances on the Minister's power to make sure these principals are adhered to.
- High risk of political influence by certain industry sectors and industry groups favoured by and supportive of the party in power. Certain industries, employers, unions and professional bodies will use their political influence to either include or exclude occupations which will further their own selfish interests.
- Democracy and advantage slips from being open and transparent and controlled by consensus and majority, to being the privilege of a few.

- Expressions of current intent are no protection at all against future uses of the power in very different ways, including abuses of power.
- The proposed changes concentrate far too much arbitrary power and authority in the Minister and his/her officials. This is totalitarian and anti-Canadian.
- Cabinet approval for instructions not sufficient: no Parliamentary input, no political accountability, no public stakeholder consultations.
- Gazetting and Annual Reports to Parliament are insufficient
- These proposed changes are a very bad precedent. Do we want to live in a country where our legislature can and will be undermined by "Ministerial Instruction", which will override all laws?
- A11: the substitution of the word "may" for the word "shall" means an applicant's entry to Canada is no longer certain even if they are qualified at the time of application.
- Humanitarian and Compassionate cases (A25): "Shall" examine them if the applicant is in Canada, and only "may" examine them if outside Canada. Why draw a distinction? Humanitarian and compassionate cases are just that. We know one when we see one. The Department has policies to assess such cases. Why should it matter if the desperate case is in Canada or outside Canada? There will not be a flood of overseas applications.
- Moving towards a "quota" based system.

- "Lock-in principal" a very important and fundamental principal in any democracy that is built on the Rule of Law. Retroactive refusal or sending the envelope back to the mailing address without a decision is totalitarian and abusive. It will bruise our country's reputation.
- Proposed changes will not reduce existing backlog at all. It will only allow the Minister and her officials to stop the backlog from growing any more.
- No accountability, no reviewability by an independent judiciary. One of the absolute cornerstones of a democracy that is governed by the Rule of Law is that decisions involving the dispensing of government largesse must be made subject to review by an independent judiciary.

A. REASONABLE ALTERNATIVES

- Increase processing resources. Add officers to existing platforms.
- Train officers to be more skilled, more productive.
- Raise the pass mark for Federal Skilled Worker from 67 to 72 points.
- Award bonus points for priority or strategic occupations.
- Certainty of outcome. Keep system transparent. Applicants want a system that is transparent and accountable. If a person, interested in migrating to Canada, researches his/her chances, and finds that they qualify, they should be welcomed by a system that gives them

a reasonable expectation that they will be successful. Why would anyone apply if "the Minister may process your case". This is arbitrary. Since when should we reduce our legislation, our country, our democracy, to a casino, to a lottery?

- Streamline the application, simplify the process, and invest in a meaningful appeal process.
- Eliminate inefficiencies, redundancies, and red tape.
- Weed through existing inventory in backlog to determine which applicants have died, migrated to another country, given up.
- Achieve parity amongst the visa offices: Buffalo takes 18 months to process a skilled worker application (acceptable), whereas Paris takes 4 years (or longer) to process an identical case.

A. CONCLUSION

- We have a very rare and honourable consensus in Canada, unmatched on the planet: all political parties and all stakeholders agree that immigration is a critical issue of significance now and for the deep future of our country. We all believe and want a robust immigration program.
- Any substantive change to our immigration system must therefore be implemented after full and meaningful consultation that only the Parliamentary process can provide.
Our legislature must speak for us.

