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CUTTING THE QUEUE: REDUCING CANADA'S IMMIGRATION BACKLOGS AND WAIT TIMES

Report of the Standing Committee on Citizenship and Immigration

**David Tilson, M.P.
Chair**

FEBRUARY 2012

41st PARLIAMENT, 1st SESSION



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has the honour to present its

SECOND REPORT

Pursuant to its mandate under Standing Order 108(2), and the motion adopted by the Committee on Thursday, September 29, 2011, the Committee has studied the immigration application backlogs in light of the Action Plan for Faster Immigration and has agreed to report the following:

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PREFACE

The Committee decided to study immigration application backlogs September 29, 2011. “Backlogs” refers to applications in excess of the immigration target that accumulate, unopened, and form a backlog. From October 18th to November 17th, we heard from 33 witnesses on the topic, bringing a wide range of views to the issues. The Committee wishes to thank all witnesses who took the time to appear before it. In particular, the Committee wishes to express its thanks to Minister of Citizenship, Immigration, and Multiculturalism, the Honourable Jason Kenney and to officials from Citizenship and Immigration Canada for making themselves available on several occasions to appear before the Committee.

INTRODUCTION

Canada is in the enviable position of attracting more prospective immigrants than the Government plans to admit. Minister of Citizenship, Immigration, and Multiculturalism, the Honourable Jason Kenney, testified to the Committee that Canada is “the most desirable destination in the world. In fact, last year Ipsos Reid did a global poll, from which they estimated that at least two billion people around the world would like to emigrate to Canada right now.”¹

This popularity causes challenges for policy-makers, who are charged with ensuring that immigration to Canada meets its multiple goals, including benefit to Canada’s economy and meeting labour market needs, family reunification, and humanitarian assistance. The Government also has to make sure that Canada’s immigration system is efficient and, as stated in the enabling legislation, able “to deliver on immigration goals by means of consistent standards and prompt processing”.²

An efficient immigration system is of national importance, especially as future labour force growth is going to depend almost entirely on immigration. Indeed, immigration is a vital component of a multi-pronged strategy to address Canada’s looming demographic challenges, including labour shortages in certain sectors.

In this context, the House of Commons Standing Committee on Citizenship and Immigration undertook a study of immigration application backlogs and the Government’s Action Plan for Faster Immigration, a legislative change to address these backlogs. There are more than a million people awaiting a decision on their immigration file. As of July 2011, the backlog included, among others, 450,000-460,000 economic class applicants in the Federal Skilled Worker (FSW) program and 165,000 family class applicants in the parents and grandparents sponsorship program.

1 Hon. Jason Kenny, Minister of Citizenship, Immigration, and Multiculturalism, Committee *Evidence*, Meeting No. 4, October 20, 2011, 1135.

2 *Immigration and Refugee Protection Act*, Section. 3.

Officials from Citizenship and Immigration Canada (CIC) estimate, that barring any changes, the backlog in Federal Skilled Worker applications will be eliminated by 2017, due to previous Ministerial Instructions.³ In the parent and grandparent category, however, officials stated that, barring any changes, the backlog would grow to 350,000 by 2020 and these prospective immigrants could experience a wait time of 15 to 20 years.⁴ These figures indicate a problem situation that is clearly unsustainable and in need of attention.

The report begins with a history of how immigration application backlogs formed and how immigration is managed in Canada through the annual Immigration Levels Plan. It then turns to recent initiatives to address application backlogs, notably the Action Plan for Faster Immigration, implemented in 2008, and the Government's recent announcement of the Action Plan for Faster Family Reunification. Witness testimony and the Committee's recommendations are grouped according to immigration programs, including Federal Skilled Workers, federal investor immigrants, and parent and grandparent family class sponsorship.

HISTORY

A number of factors contributed to create the problem of immigration application backlogs facing CIC today. The global increase in the movement of people was felt here in Canada as the number of immigrant applications increased significantly toward the end of the 1990s: between 1997 and 2000, the number of immigrant applications in all classes increased by 46%. By 2002, the inventory of Federal Skilled Worker cases totalled over 170,000 cases involving more than 400,000 people.⁵

When it came into force in 2002, under the previous government, the *Immigration and Refugee Protection Act* (IRPA) required that all applications be processed to a final decision. This legislative change created the conditions that, if applications for permanent residency exceeded the number of admissions in any given year, a backlog was inevitable. This is in fact what happened. Over the period 2006 to 2010, an average of 436,208 new applications for permanent residence were received annually, while the immigration target range for most of that period was 240,000 to 265,000. (see Table 1)

3 Mr. Les Linklater, Assistant Deputy Minister, Strategic and Program Policy, Citizenship and Immigration Canada, Committee *Evidence*, Meeting No. 10, 17 November, 2011, 1115. (Linklater, November 17).

4 Mr. Les Linklater, Assistant Deputy Minister, Strategic and Program Policy, Citizenship and Immigration Canada, Committee *Evidence*, Meeting No. 3, 18 October, 2011, 1125. (Linklater October 18).

5 *Canada Gazette Part II*, EXTRA Vol. 136, No. 9, June 14, 2002, p. 217, <http://gazette.gc.ca/archives/p2/2002/2002-06-14-x/pdf/g2-136x9.pdf>.

Table 1: Permanent Resident Applications Received and Approval Rate ⁶

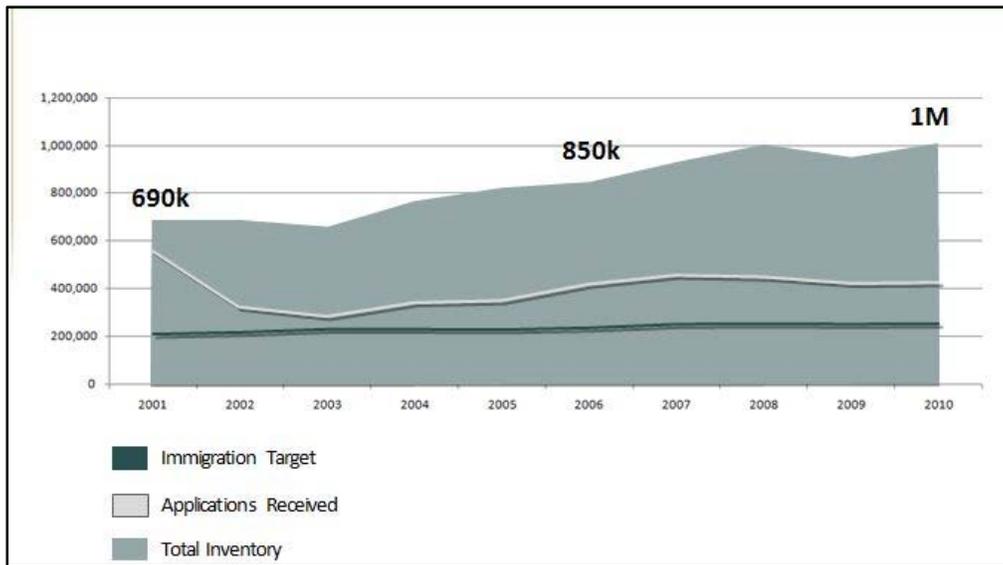
	2006	2007	2008	2009	2010	Average	Rounded
Applications received	424,265	458,175	452,874	421,442	424,282	436,208	435,000
Applications processed (excluding withdrawals)	352,571	36,407	339,659	437,278	408,366	374,856	375,000
Applications withdrawn	30,986	23,104	27,870	50,964	41,285	34,842	35,000
Applications approved	258,755	252,387	249,606	267,015	281,087	261,770	260,000
Applications denied	93,816	84,020	90,053	170,263	127,279	113,086	115,000
Approval rate	73%	75%	73%	61%	69%	70%	70%

Source: Citizenship and Immigration Canada, *CIC Operational Network at a Glance*, CIC Operational Databases, 2nd Quarter 2011.

Applications in excess of the immigration target accumulate, unopened, and form a backlog. Figure 1 shows the number of permanent resident applications received relative to the immigration target and the subsequent backlog that developed over the last decade.

6 Mr. Marc Audet, Vice-President, Immigrant Investor Program, Desjardins Trust, written submission, p. 3.

Figure 1: Permanent Resident Inventory Over Time



Source: Citizenship and Immigration Canada, <http://www.cic.gc.ca/ftp/20111020-eng.asp>.

The backlog of Federal Skilled Worker applications was exacerbated by a court challenge to the original transitional provisions of IRPA. This resulted in “dual assessment” of Federal Skilled Worker applications, using either the selection criteria of the former *Immigration Act* or the IRPA, whichever evaluation would have been more favourable to the applicant. The litigation and redress added to processing times.

Not all immigration categories have a backlog. Temporary resident visas issued to visitors, students, and temporary workers, for instance, are placed directly into processing upon receipt. Family class sponsorships of spouses, partners, and children are also placed directly into processing, though processing times may vary up to two years.⁷ However, in some immigration categories, notably Federal Skilled Workers, parents and grandparents, and federal investors, the backlog is substantial. Table 2 shows the backlog for the major categories of permanent residents as of July 1, 2011.

7 Mr. Roger Bhatti, Immigration Lawyer, Committee *Evidence*, Meeting No. 7, November 1, 2011, 1130. (Bhatti).

Table 2: Permanent Resident Inventory as of July 01, 2011 (Persons)

Federal Skilled Workers	482,117
Quebec Skilled Workers*	33,167
Federal Business (investors and entrepreneurs)	94,271
Quebec Business*	10,518
Provincial/Territorial Nominees*	39,076
Canadian Experience Class	6,002
Live-in Caregiver	15,416
Spouses, Partners, and Children	42,238
Parents and Grandparents	168,530
Government-sponsored refugees	9,917
Privately-sponsored refugees	23,212

Source: Citizenship and Immigration Canada, the Most Recent Inventory Period: dwsweb;(4) International Region/IMM_caips_e from download of July 1, 2011.

* By virtue of the *Canada-Quebec Accord Relating to Immigration*, the Quebec government is responsible for selecting immigrants destined to the province. The federal government has entered into agreements with the other provinces and territories that allow them to select a certain number of economic class immigrants as well.

Backlogs hinder Canada's realization of immigration policy goals, such as family reunification and benefit to the Canadian economy. The backlog in Federal Skilled Worker applications has made it difficult to match workers with the skills in demand in the Canadian economy and dampened Canada's attraction as a destination. Further, as one witness stated, "until you get rid of the backlog, you're not going to be able to manage the immigration program effectively."⁸

8 Mr. James Bissett, As an Individual, Committee *Evidence*, Meeting No. 4, October 20, 2011, 1245. (Bissett).

OVERALL SYSTEM OF IMMIGRATION

Table 3: 2012 Plan Admissions Ranges

Immigrant Category	Low	High	Admissions Target	% Mix
Federal Skilled Workers	55,000	57,000	57,000	-
Federal Business	5,500	6,000	6,000	-
Canadian Experience Class	6,000	7,000	7,000	-
Live-in Caregivers	8,000	9,300	9,000	-
Quebec-selected Skilled Workers	31,000	34,000	33,400	-
Quebec-selected Business	2,500	2,700	2,600	-
Provincial and Territorial Nominees	42,000	45,000	42,000	-
Total Economic	150,000	161,000	157,000	61.6%
Spouses, Partners and Children	38,000	44,000	44,000	-
Parents and Grandparents	21,800	25,000	25,000	-
Total Family	59,800	69,000	69,000	25.5%
Government-assisted Refugees	7,500	8,000	7,500	-
Privately Sponsored Refugees	4,000	6,000	5,500	-
Protected Persons in Canada	7,000	8,500	8,500	-
Dependants Abroad of Protected Persons in Canada	4,000	4,500	4,500	-
Total Protected Persons	22,500	27,000	26,000	9.8%
Humanitarian & Compassionate Grounds/Public Policy	7,600	7,800	7,800	-
Permit Holders	100	200	100	-
Total Other	7,700	8,000	7,900	3.1%
Total	240,000	265,000	259,900	-

Source: Citizenship and Immigration Canada, Supplementary Information for the 2012 Immigration Levels Plan,
<http://www.cic.gc.ca/english/department/media/notices/notice-levels2012.asp>

The federal government develops an annual Immigration Levels Plan, taking into account the practical limits on the number of new immigrants Canadians and governments of all levels wish to settle in Canada. The plan is part of the *Annual Report to Parliament on Immigration*, which must be tabled in Parliament every November. It normally

establishes a target range for each category of immigration. The Immigration Levels Plan for 2012 is included as Table 3.

The share of immigrants admitted through economic classes has averaged nearly 60% of the total for the last decade. The Federal Skilled Worker program is the flagship program within this class; established in 1967 with the purpose of selecting immigrants with certain economic attributes to fill gaps in the Canadian labour market. Prospective federal skilled workers are assigned points for different attributes, such as education and language ability and must pass a points threshold.

For a number of years in the annual levels plan, the federal government has accorded the provinces and territories the ability to identify workers needed to fill regional labour market needs and to encourage settlement in non-traditional immigrant destinations. As the number of immigrants selected through the Provincial Nominee Program has increased, the number of Federal Skilled Worker immigrants has decreased in the planned mix of immigrants.

The economic class also includes investor immigrants and entrepreneurs, selected on the basis of their investments in Canada. Investor immigrants must have: business experience; demonstrate a minimum net worth of \$1,600,000 that was legally obtained; and make a \$800,000 investment in the Canadian economy. The Entrepreneur Program seeks to attract experienced business persons who will own and actively manage businesses in Canada that contribute to the economy and create jobs.

It is important to note that although admissions through the economic class represent nearly 60% of total admissions, the total number of admissions also include spouses and dependents that accompany the principle applicant. In fact, more than half of the admissions through the economic classes are family members and not principal applicants.⁹

Through the family class, Canadian citizens or permanent residents may sponsor their spouse, common law partner, conjugal partner, dependent child (including adopted child) or parent or grandparent to become a permanent resident.¹⁰ Family class immigrants have accounted for an average of 26% of annual admissions over the past decade. The Government has determined that sponsorship of spouses, partners, and children takes priority within the family class. These applications are not subject to numerical limits in the Immigration Levels Plan.

9 Citizenship and Immigration Canada, *2011 Annual Report to Parliament on Immigration*, p. 17.

10 These are the main categories within the family class. A small number of "others" are also sponsored through the family class, which may include orphaned minor relatives or a more distant relative of a sponsor without Canadian relatives. *The Immigration and Refugee Protection Regulations*, S. 117(1).

The Immigration Levels Plan also includes a target for protected persons and resettled refugees. The latter are refugees selected from overseas with the assistance of the United Nations High Commissioner for Refugees (UNHCR) or private sponsors in Canada, who have no other option for a safe and secure future other than resettlement to a third country. Resettled refugees have accounted for about 4.5% of the Immigration Levels Plan over the last decade.¹¹

The Immigration Levels Plan is developed by the Minister of Citizenship and Immigration in consultation with the provinces and territories and other stakeholders. Factors considered in developing the levels plan include the inventory of immigration applications, resources available, absorptive capacity and settlement funding. After the Immigration Levels Plan is established, CIC operations is responsible for allocating the visas to the more than 90 visa offices around the world. This allocation is reviewed and reassigned as necessary so that, globally, CIC can issue the desired number of visas for a given year.

The Immigration Levels Plan interacts with other factors to affect how many people's applications are processed and how many come to Canada. Other factors include application volumes and the difference between the number of visas issued and number of arrivals. One senior civil servant described some of the factors as follows:

The levels plan limits how many people we can welcome to Canada each year. Most years we receive many more applications than can be processed. But again, it's the levels plan that establishes how many people can come in, not processing capacity. This results in the accumulation of backlogs in some categories, which in turn has led to long wait times for some applicants, particularly in the family class.¹²

Later on, he said:

[S]ince 2008, there is a mechanism that allows us to control the number of new applications. As that is reduced, backlogs and wait times improve because normal processing gradually reduces the total number in the queue. This works whether admissions stay the same or increase. If admissions increase, it happens faster. Simply hiring more officers won't solve the problem, because in the absence of controls, applications accumulate, wait times lengthen, and service standards deteriorate.¹³

11 Please note that, in fulfillment of international legal obligations, Canada also provides protection to people who arrive here and make a refugee claim. When you add refugees landed in Canada and their dependents, the total "protected persons" category comprises an average of 11% of total immigration over the last decade.

12 Linklater, October 18, 1115.

13 Linklater, October 18, 1120.

Later on, he said:

Regardless of the levels that are tabled in Parliament, I think managing the intake of applications is critical, to ensure that the number agreed upon is the number that are processed in a timely way so we can get away from this whole notion of backlogs.¹⁴

This overview of the immigration system suggests, as one witness observed, “a few alternatives to preventing a backlog. The Government might take action to, first, increase the number of admissions per year; and/or second, reduce the number of applications; and/or third, increase the number of unsuccessful files”.¹⁵ As outlined in the following section, the federal government has adopted a combination of these strategies.

With steady total levels of immigration, the target assigned to different immigration categories within the levels plan also has bearing on application backlogs. The increase in provincial nominees has been accommodated in part by the reduction of Federal Skilled Worker immigrants, meaning fewer annual numbers to reduce the skilled worker backlog. Prioritizing immediate family within the family class leaves less space for parent and grandparent applications in the levels plan to reduce the backlog in that category.

The Committee solicited input on the appropriate level and mix of immigrants and heard a range of views. Many were satisfied with the status quo and that is the position adopted by the Committee — we are not recommending a change to total immigration levels or to the mix of immigration categories at this time.

RECENT INITIATIVES TO ADDRESS IMMIGRATION APPLICATION BACKLOGS

A. The Action Plan for Faster Immigration

The Government has tried various administrative measures to deal with the backlog of Federal Skilled Worker applications. For instance, CIC contacted applicants in the backlog to offer a fee refund if they chose to withdraw their application. The Department also coded applications so that provinces could select applicants from the backlog for immigration through provincial nominee programs. These measures proved inadequate, in and of themselves, and legislative change was pursued in 2008. At that time, the Minister of Citizenship and Immigration also announced additional administrative measures,

14 Linklater, October 18, 1250.

15 Mr. Arthur Sweetman, Professor, Department of Economics, McMaster University, Committee *Evidence*, Meeting No. 7, November 1, 2011, 1220. (Sweetman).

including \$109 million over five years and reassigning resources to visa posts with large backlogs.¹⁶

The [Action Plan for Faster Immigration](#) received Royal Assent as part of the *Budget Implementation Act* on June 18, 2008. The stated goals of the initiative were to make the immigration system more responsive and flexible, and to address the growth in the backlog. To achieve these purposes, the amendment to the *Immigration and Refugee Protection Act* provided that the Minister of Citizenship and Immigration could issue Ministerial instructions regarding the processing of certain categories of immigration applications, including addressing application intake. The Minister's authority included issuing instructions that certain applications not proceed for processing, which wasn't possible prior to the Action Plan.

The first set of Ministerial Instructions (MI-1) was published in the [Canada Gazette, November 29, 2008](#), and applied only to Federal Skilled Workers. The instructions stipulated that Federal Skilled Worker applications that met the following criteria would be placed into processing: an offer of arranged employment; applications submitted by Temporary Foreign Workers or International Students residing legally in Canada for at least a year; or applications from skilled workers with at least one year of experience in 1 of 38 prescribed occupations (see Appendix 1). Federal Skilled Worker applications that did not meet one of these initial eligibility criteria were to be returned.

Department officials told the Committee that CIC received more applications than anticipated under MI-1 and that a new backlog of 140,000 applications was formed.¹⁷ The *2011 Annual Report to Parliament on Immigration* indicates that the Department aims to have this backlog cleared up within two years based on additional Ministerial Instructions as outlined in paragraphs to follow.

The second set of Ministerial Instructions (MI-2) was published in the [Canada Gazette, June 26, 2010](#) and aimed to limit application intake more successfully. These Ministerial Instructions made further changes to the Federal Skilled Worker stream, reducing the list of eligible occupations from 38 to 29 (see Appendix 2) and introducing a cap on Federal Skilled Worker applications without arranged employment of 20,000, a maximum of 1,000 applications per National Occupation Classification (NOC) code. These instructions also imposed an administrative pause on Investor Class applications, until program amendments came into force.

16 The Hon. Diane Finley, Minister of Citizenship and Immigration, Committee *Evidence*, 39th Parliament, 2nd Session, Meeting No. 45, May 13, 2008, 1535.

17 Linklater, October 18, 1115.

The third set of Ministerial Instructions (MI-3) was published in the [Canada Gazette, June 25, 2011](#) and came into force on July 1, 2011. These Ministerial Instructions again made further changes to Federal Skilled Worker Applications, reducing the cap on Federal Skilled Worker applications without arranged employment to 10,000 annually, with a maximum of 500 per NOC. These instructions also reopened investor class immigration, stipulating a cap of 700 on new immigrant investor applications. Finally, the instructions placed a temporary moratorium on new entrepreneur applications while the program is under review.

Ministerial Instructions apply only to new applications. The limit placed on new economic class applications allows CIC to process a combination of backlog applications and new applications every year in order to reach the immigration targets. For instance, with regard to investor class immigrants, immigration officers have been instructed, as a general rule, to process applications in a two-to-one ratio; two older cases from the backlog submitted before June 26, 2010 to one case submitted on or after December 1, 2010.¹⁸

Under the Action Plan for Faster Immigration, progress has been made on addressing the backlog in Federal Skilled Workers — the pre-February 2008 backlog of Federal Skilled Worker applications has been reduced by half, two years ahead of schedule.¹⁹ Had the Action Plan not included a means to address application intake, the backlog in Federal Skilled Worker applications would stand today at over a million and people would be waiting 10 to 12 years to immigrate.²⁰ The experience with using Ministerial Instructions to address Federal Skilled Worker applications provided important lessons on how to match applications received with the Government's Immigration Levels Plan and was fine tuned with subsequent usage.

B. The Action Plan for Faster Family Reunification

Toward the conclusion of the Committee's study, the Minister announced Ministerial Instructions 4 and measures to address the backlog in parent and grandparent applications, called the Action Plan for Faster Family Reunification. The fourth set of Ministerial Instructions (MI-4) was published in the [Canada Gazette, November 5, 2011](#) and came into force that same day. These Ministerial Instructions introduced a pause for up to two years on new applications for sponsorship of parents and grandparents. The instructions indicate that at the end of this temporary pause the program would be re-

18. Citizenship and Immigration Canada, Operational Bulletin 252 — December 2, 2010, Regulatory and Administrative Changes to the Federal Immigrant Investor Program.

19. Citizenship and Immigration Canada, CIC's Response to a Request for Information Made by the Standing Committee on Citizenship and Immigration on October 18, 2011, December 14, 2011.

20. Linklater, November 17, 1115.

designed to “prevent a large backlog from growing and be sensitive to fiscal constraints”.²¹ Public consultations will provide an opportunity for input into the redesign of the parent and grandparent sponsorship program.

Also as part of the Action Plan for Faster Family Reunification, the Government announced the 2012 immigration target of 25,000 for parent and grandparent sponsorship applications, representing an increase of more than 60% over 2010 admissions (15,324). Parents and grandparents account for 9% of the 2012 Immigration Levels Plan. With the pause and increased levels, the Department estimates that the backlog in parent and grandparent sponsorship applications will be significantly reduced when the program reopens to new applications.²²

The last component of the Action Plan for Faster Family Reunification is a new 10-year multiple-entry “Parent and Grandparent Super Visa,” which would allow its holders to stay in Canada for a period of 24 months, rather than the usual 6 months for temporary resident visas. According to information from the Department, this new visa will be available as of December 1, 2011. Applicants will have to: provide a written commitment of financial support from their relative in Canada, who must meet a minimum income threshold; prove they have bought private medical insurance; and complete an Immigration Medical Examination.

C. Caps on Privately Sponsored Refugees

Minister Kenney also told the Committee that caps have been introduced on refugee resettlement applications from private sponsors to address the backlog in this category. This change could be accomplished through negotiation with sponsorship agreement holders and did not require the use of Ministerial Instructions.

RECOMMENDATION 1

The Committee recommends that the Government of Canada review its immigration policies to better align the number of applications it accepts for processing with the number of admissions in each year.

RECOMMENDATION 2

The Committee recommends that the Government of Canada review the fees charged for all of its immigration services and programs to

21 Citizenship and Immigration Canada, “Backgrounder — Phase 1 of the Action Plan for Faster Family Reunification,” <http://www.cic.gc.ca/english/department/media/backgrounders/2011/2011-11-04.asp>.

22 Ms. Claudette Deschênes, Assistant Deputy Minister, Operations, Citizenship and Immigration Canada, Committee *Evidence*, Meeting No. 10, November 17, 2011, 1130.

discover what, if any, gap exists between what is being charged and actual costs.

AREAS OF STUDY

1. Federal Skilled Worker Program

Witnesses were generally supportive of the Government's action to reverse the legal obligation to process all new applications and curtail the intake of Federal Skilled Worker applications to better align with the Immigration Levels Plan. They called the 2008 legislative amendment that introduced Ministerial Instructions "politically courageous", "a great leap forward," and "a bold step".

However, some suggested that alternative methods of limiting Federal Skilled Worker intake would be preferable to the Government's approach of permitting 500 applications without arranged employment from each listed occupation. One witness suggested instead a two-stage approach, where the Government could select from a pool of applicants that met initial eligibility criteria.²³ Another suggested that charging higher processing fees could be a means to slow intake.²⁴ Finally, another witness suggested that the Government adjust the pass mark required for Federal Skilled Workers, the mechanism provided in IRPA for regulating intake.²⁵ Others suggested that the Government amend the points system to favour young immigrants proficient in English or French to both slow intake and improve labour market outcomes for immigrants²⁶.

The Action Plan for Faster Immigration and Ministerial Instructions streamlined Federal Skilled Worker intake. There remains, however, a backlog of Federal Skilled Worker applications that formed prior to February 2008, which numbered 314,000 as of July 2011. There is a second backlog of Federal Skilled Worker applications received under the first Ministerial Instructions of November 2008, estimated to comprise an additional 140,000 persons. These applications are slowly being drawn from to meet annual Federal Skilled Worker targets. A couple of suggestions were made to address these existing backlogs — one witness proposed adding more processing resources²⁷,

23 Mr. Patrick Grady, Economist, Global Economics Ltd., Committee *Evidence*, Meeting No. 5, October 25, 2011, 1150. (Grady).

24 Mr. Warren Creates, Immigration Lawyer, Committee *Evidence*, Meeting No. 6, October 27, 2011, 1205.

25 Sweetman, 1220.

26 Mr. Naeem (Nick) Noorani, President, Destination Canada Information Inc., Committee *Evidence*, Meeting No. 9, November 15, 2011, 1205; Mr. Colin Busby, Senior Policy Analyst, C.D. Howe Institute, Committee *Evidence*, Meeting No. 9, November 15, 2011, 1220.

27 Mr. Michael Atkinson, President, Canadian Construction Association, Committee *Evidence*, Meeting No. 6, October 27, 2011, 1220.

while another suggested that people in the backlog should be able to apply for a work permit and work in Canada while the processing on their permanent resident applications is concluded²⁸.

The Committee heard that applications received under MI-2 (cap of 20,000 without arranged employment) and MI-3 (cap of 10,000 without arranged employment) were placed directly into processing.²⁹ The remainder of the Federal Skilled Worker target is met through backlogged applications received under MI-1 and backlogged applications from pre-February 2008, the cut-off date for the first Ministerial Instructions.

Witnesses from an organization informed the Committee of the disappointment of applicants under Ministerial Instructions 1 who expected, based on publicity surrounding these Ministerial Instructions, to receive a final decision within a year.³⁰ These witnesses told the Committee that the expedited processing was only a reality for 4.7% of their clients applying under Ministerial Instructions 1. Further, they reported that applicants with occupations in demand who applied under Ministerial Instructions 1 felt it was somewhat unfair that they should wait in a backlog while those with similar occupations who applied later, under Ministerial Instructions 2 and 3, are processed first.

Numbers provided by two CIC missions brought this issue into clearer focus. The Immigration Program manager from New Delhi reported that his mission has the largest inventory of pre-February 2008 Federal Skilled Worker cases.³¹ While the mission reduced this backlog by 15% in 2008-09, it still stands at 119,500 persons and applicants faced processing times of 79 months in 2010. Further, the program manager stated "Due to the large number of new cases submitted under Ministerial Instructions, we processed few old-inventory cases in 2010. At the present time we are devoting all available resources to the quick processing of new cases received under the 2nd and 3rd set of Ministerial Instructions."³² Similarly, the immigration program manager at the Manila mission reported that they have been successful at processing the majority of Federal Skilled Worker applications under MI-2, many of those lodged under MI-1, and only a few in the pre-February 2008 inventory.³³

28 Ms. Katrina Parker, Lawyer, Committee *Evidence*, Meeting No. 6, October 27, 2011, 1235. (Parker).

29 Ms. Claudette Deschênes, Assistant Deputy Minister, Operations, Citizenship and Immigration Canada, Committee *Evidence*, Meeting No. 3, October 18, 2011, 1210.

30 Parker; Mr. Ali Mokhtari, CanPars Immigration Services Inc., Committee *Evidence*, Meeting No. 7, November 1, 2011, 1215.

31 Mr. Sidney Frank, Immigration Program Manager, New Delhi, India, Citizenship and Immigration Canada, Committee *Evidence*, Meeting No. 9, November 15, 2011, 1115.

32 Ibid.

33 Mr. Kent Francis, Immigration Program Manager, Manila, Philippines, Citizenship and Immigration Canada, Committee *Evidence*, Meeting No. 9, November 15, 2011, 1120.

How many Federal Skilled Worker applications from each source — the old backlog, the backlog under Ministerial Instructions 1, and new applications received under recent Ministerial Instructions — should be processed in a given year to meet the target was an issue raised by witnesses. Advice on the appropriate balance between processing old backlogged applications and new applications was varied, with most witnesses recognizing the Government's legal obligation to process all applications. One witness suggested that this legal obligation was not accompanied by a timeframe for processing and urged that the Government prioritize Federal Skilled Workers currently in demand by the Canadian labour market, such as applications lodged under Ministerial Instructions.³⁴

Another witness made the opposite argument, suggesting that the Government should restrict new applications under Ministerial Instructions for the short term and process primarily backlog applications. He argued that eliminating the backlog quickly is important because the backlog has negative effects on Canada's reputation, the operation of the immigration system, and the labour market, as well as on immigrants themselves. He referenced research showing that younger immigrants have better labour market outcomes, saying "This implies that if an individual sits in the queue for three, four, or five years, there's a simultaneous deterioration in that person's ability to integrate into the Canadian labour market, and it reduces that person's lifetime earnings profile".³⁵

The Committee is sympathetic to those with applications in the backlog, some of whom have been waiting for years to receive a final decision. The oldest and largest backlog, that comprised of pre-February 2008 Federal Skilled Worker applications, has been reduced significantly in just over three years. The Committee is satisfied with this progress and urges the Department to continue processing these files as expeditiously as possible. We commend the Government for reducing the pre MI-1 backlog by 50%. This reduction was made two years ahead of schedule.

With regard to backlogs formed under Ministerial Instructions, some witnesses have suggested that the Government of Canada take all the applications received under Ministerial Instructions 1 that are in occupations eligible under MI-2 and MI-3 and process them on a first come, first-served basis. Since the Department learned how to control intake more successfully under MI-2 and MI-3, backlogs under Ministerial Instructions should only pose a temporary problem. Others have stated that we can dissolve the existing backlog by sending applicants a letter informing them that they can withdraw their application, and receive a refund.³⁶

34 Mr. Martin Collacott, Spokesperson, Centre for Immigration Policy Reform, Committee *Evidence*, Meeting No. 7, November 1, 2011, 1120. (Collacott).

35 Sweetman, 1220.

36 Collacott, 1140.

RECOMMENDATION 3:

The Committee recommends that the Government of Canada evaluate the different options to deal with the Federal Skilled Worker backlog put forward by witnesses. The Government should then proceed to act in a timely manner to implement whichever recommendation(s) are determined to be the most effective at reducing the backlog in the Federal Skilled Worker program.

2. Federal Investor Immigrant program

Some witnesses commented on the use of Ministerial Instructions to adjust the flow of investor immigrant applications. One suggested that the cap introduced under MI-3 “cured” the inventory problem in this category.³⁷ Another had a less positive view, saying:

Recent experience with the federal cap of 700 applications in the investor category would seem to indicate that reducing supply by itself is not a useful tool for curtailing demand. As we know, all 700 applications were filled in one day, due to the operations of a few immigration agencies from one source country. More innovative methods and policies than simple caps are needed to balance demand and supply in critical immigration programs.³⁸

Responding to this observation on how the investor immigrant cap was filled by immigrants from only one source country, one witness suggested that the Government consider regional caps to ensure a geographical balance.³⁹

With respect to the current backlog of investor class immigrants, one witness suggested that a component is comprised of people who have submitted multiple applications — under the federal, Quebec, and certain provincial nominee programs. He suggested that the cap on the federal program may have displaced potential applicants into the provincial level programs. As a way to encourage only serious applications to be submitted under the federal investment program, he proposed that the Government require applicants to open a Canadian bank account and deposit 5% of the required investment funds.⁴⁰ According to this witness, the rigour of screening undertaken by banks may dissuade non-serious applicants and the Government could benefit from this third-party assessment of the source of funds.

37 Mr. Richard Kurland, Policy Analyst and Attorney, Committee *Evidence*, Meeting No. 4, October 20, 2011, 1235. (Kirkland).

38 Mr. Nigel Thomson, Member, Board of Directors, Canadian Migration Institute, Committee *Evidence*, Meeting No. 8, November 3, 2011, 1130. (Thomson).

39 Mr. Daniel Perron, Director and Business Head, Global Investor Immigration Services, HSBC Trust Company, Committee *Evidence*, Meeting No. 8, November 3, 2011, 1230. (Perron).

40 Perron, 1225.

RECOMMENDATION 4

The Committee recommends that the Government of Canada complete a thorough review of the program in order to determine what the proper financial requirements should be and any other steps that should be taken to ensure maximum benefit from this program to both the applicant and the Government.

3. Family Class

While some witnesses felt that progress was being made to address economic class backlogs, some felt that the backlog of parent and grandparent applications was an outstanding problem requiring Government action. There was some discussion of the potential costs to Canadians of admitting more parents and grandparents, and whether more could be done, such as requiring a bond, to ensure that family sponsors bear the costs.⁴¹ However, one witness suggested that Canada has a “legal as well as a moral obligation” to admit these applicants and that the Government should respond “by biting the bullet and letting the parents and grandparents in, at the cost that will accrue to us in health care and other things”.⁴²

Others pointed out that parents and grandparents often facilitate the labour market participation of their children by providing child care and they offer a sense of stability in families and cultural communities.⁴³ They suggested that the long wait time for sponsoring parents and grandparents has led people to make choices with negative impacts for families and for Canada. For example, one witness talked about the “satellite baby” phenomenon, when immigrant parents send their young children back to the country of origin to be raised by parents/grandparents whose applications for sponsorship are stuck in the queue.⁴⁴ Another suggested that, faced with the long wait for parent sponsorship, some permanent residents have returned to their country of origin in order to fulfil family responsibilities.⁴⁵

41 Mr. Herbert Grubel, Senior Fellow, Fraser Institute, Committee *Evidence*, Meeting No. 5, October 25, 2011, 1115.

42 Bissett, 1245.

43 Ms. Amy Casipullai, Senior Policy and Communications Coordinator, Ontario Council of Agencies Serving Immigrants (OCASI), Committee *Evidence*, Meeting no. 5, October 25, 2011, 1300. (Casipullai).

44 Mr. Tomas Tam, Chief Executive Officer, SUCCESS, Committee *Evidence*, Meeting No. 5, October 25, 2011, 1220. (Tam).

45 Mr. Felix Zhang, Coordinator, Sponsor our Parents, Committee *Evidence*, Meeting No. 7, November 1, 2011, 1225. (Zhang).

Several witnesses raised the issue of uneven backlogs and processing times for family class applications around the world.⁴⁶ While CIC officials explained that these differences in processing times arise because of different local realities and risk factors⁴⁷, witnesses felt that more could be done to target visa missions with large backlogs and even out waiting times.⁴⁸

The Committee agrees that processing times for family class applications are not consistent around the world and that the Department, based on their modernization agenda, should continue to test and implement changes, such as Skype and increased centralized processing in Canada, to speed up processing.

Witnesses addressed possible policy options to clear up the current backlog of parent and grandparent applications and prevent future backlogs from growing. One proposal would have parents and grandparents awaiting permanent residence be offered a 10-year multiple-entry visa (with medical expenses covered by family members upfront) to allow them long-term visits rather than immigration. Witnesses were unanimous in their support for this idea, saying that permanent immigration is not necessarily what these prospective immigrants want. In the words of one witness:

At present there's a huge backlog of parents and grandparents trying to come to Canada. Indeed, if they only want to come to Canada to be with their family and not to take advantage of our generous social programs, then all we need to do is to give them an extended visa. They will pay for their own transportation, their own health insurance, their own living expenses. That way we solve the backlog problem and they get to be united with their family.⁴⁹

Another witness claimed that “for many the only way they can enter Canada is through the sponsorship process”.⁵⁰ She further stated that “the multiple-entry visitor visa will open up opportunities for many more people and that will definitely cut down on the backlog.”

However, some caution was expressed around the effectiveness of the regular multiple-entry temporary resident visa, which CIC has made available for some time. A witness reported that it was perceived as an attractive alternative, but underutilized.⁵¹

46 Bhatti, 1130; Mr. Dan Bohbot, President, Quebec Immigration Lawyers Association (AQAADI), Committee *Evidence*, Meeting No. 7, November 1, 2011, 1210.

47 Ms. Claudette Deschênes, Assistant Deputy Minister, Operations, Department of Citizenship and Immigration, Committee *Evidence*, Meeting No. 11, November 24, 2011, 1205.

48 Zhang, 1125; Tam, 1220.

49 Mr. Tom Pang, President, Chinese Canadian Community Alliance, Committee *Evidence*, Meeting No. 5, October 25, 2011, 1210.

50 Casipullai, 1245.

51 Bhatti, 1145.

Another witness stated, “We have had the five-year multiple-entry visa in place for a number of years and it has yet to make an impact on our immigration backlog.”⁵²

Due to the timing of the announcement, few witnesses had the opportunity to speak directly to the super visa for parents and grandparents that the Minister announced. However, given the overwhelming support among witnesses for the concept of a long-term multiple-entry visa for parents and grandparents, the Committee is confident this policy direction will be well received. Given that the super visa presents a new opportunity for families to reunite while at the same time possibly reducing the backlog in parent and grandparent permanent resident applications, the Committee wants to ensure that this new “win-win” measure is publicized as widely as possible.

RECOMMENDATION 5

The Committee recommends that the Government of Canada promote the new parent and grandparent super visa widely to ensure maximum utilization.

RECOMMENDATION 6

The Committee recommends that the Government of Canada ensures the parent and grandparent super visa becomes a permanent government policy.

The Committee is also eager to ensure that the promise of the new super visa for parents and grandparents is realized and hopes that these visas are issued in a timely and appropriate manner. Minister Kenney told the Committee that CIC is confident the approval rate for super visas will be very high.⁵³ The Committee was also assured that “the issue of wanting to immigrate will not be a detraction for being considered for a super visa”.⁵⁴

From the Committee’s perspective, take up and approval rates are two potential indicators of success. The Committee urges the Department to carefully monitor applications for the super visa, including the relationship between super visa applications and sponsorship applications in the backlog, and track the number and location of super visas issued.

52 Mrs. Sima Sahar Zerehi, Communications Coordinator, Immigration Network, Committee *Evidence*, Meeting No. 9, November 15, 2011, 1220.

53 Hon. Jason Kenney, Minister of Citizenship, Immigration and Multiculturalism, Committee *Evidence*, Meeting No. 11, November 24, 2011, 1150.

54 Ms. Claudette Deschênes, Assistant Deputy Minister, Operations, Department of Citizenship and Immigration, Committee *Evidence*, Meeting No. 11, November 24, 2011, 1150.

RECOMMENDATION 7

The Committee recommends that the Government of Canada monitor take up of the super visa over 2012-2013 and evaluate the impact it has had on backlogs as an alternate means for parents and grandparents to be reunited with family.

Another policy option recommended by some witnesses to address the existing backlog of parent and grandparent applications was to increase the target for this group within the Immigration Levels Plan, at least on a temporary basis.⁵⁵ Parent and grandparent sponsorship accounted for 5% to 6.6% of total immigration in the 2011 Immigration Levels Plan.

With respect to how a future backlog of parent and grandparent applications could be prevented, witnesses had a range of ideas on how to limit intake in this category. One proposed that the Government impose an annual cap of 20,000 new parent and grandparent applications.⁵⁶ Others proposed that program eligibility be restricted, by reinstating a minimum age for sponsored parents and grandparents,⁵⁷ or by using Australia's approach, which permits parental sponsorship only if the "balance of family" is resident in Australia⁵⁸. One witness suggested that the parent and grandparent category of family class sponsorship be eliminated altogether.⁵⁹

However, one witness urged the Government to "carefully examine" policy options such as a cap, underscoring that family reunification is very important, especially to Asian cultures.⁶⁰ Others claimed that family reunification is a traditional value in Canadian immigration policy and part of Canada's competitive advantage in attracting skilled workers.⁶¹ Another witness countered that Canada would continue to be a popular destination even if the Government were to change this program, but there are other benefits, such as a more diverse society, derived from this aspect of Canada's program.⁶²

55 Kurland, 1300 and Casipullai, 1220.

56 Kurland, 1310.

57 Bisset, 1245.

58 Collacott, 1145.

59 Mr. Joseph Ben-Ami, President, Canadian Centre for Policy Studies, Committee *Evidence*, Meeting No. 5, October 25, 2011, 1115.

60 Tam, 1220.

61 Casipullai, 1220 and Zhang, 1225.

62 Sweetman, 1240.

The Committee's view is that changes to the parent and grandparent sponsorship program, while necessary, should be undertaken very carefully. We fully support the national consultation that the Minister has announced for this purpose and we encourage the Minister to table the ensuing report with this Committee for our consideration. In our view, it is important that sponsors demonstrate they have the ongoing ability to support family members. Accordingly, we recommend the following with respect to the future of the program for parent and grandparent sponsorship:

RECOMMENDATION 8

The Committee recommends that the Government of Canada ensures its consultations on the future of the parent and grandparent sponsorship program are thorough and include a wide variety of stakeholders and that the final consultations report be provided to the House of Commons Standing Committee on Citizenship and Immigration.

RECOMMENDATION 9

The Committee recommends that the consultations include a review of what the appropriate admissions level should be in the parents and grandparents program, including the exploration of a firm cap.

RECOMMENDATION 10

The Committee recommends that the Government of Canada study the "balance of family" test used by the Australian government. The "balance of family" test allows sponsorship to occur if the greater balance of family of the parent or grandparent resides here in Canada as permanent residents or Canadian citizens.

CONCLUSION

Canada's position in attracting immigrants is not to be taken for granted. The Committee believes we need a modern immigration system; one that is responsive to the needs of Canadian families and employers, and to prospective immigrants themselves, and is an overall benefit to Canada.

The reforms introduced under the Action Plan for Faster Immigration made significant strides toward a modernized and efficient system, marking a turning point in immigration application backlogs and progress toward backlog reduction.

As with any new initiative, improvements are possible. In particular, the interaction of Ministerial Instructions requires some fine tuning, so that the perception of fairness prevails. To this end, the Committee recommends that the Government continue to look

for ways to improve the implementation of Ministerial Instructions in the skilled worker category.

The Committee is optimistic that some of the lessons of successful backlog reduction can also be applied to the parent and grandparent sponsorship program. We believe the Action Plan for Faster Family Reunification is an initiative with real potential to ease the backlog in the short and long term.

In order to help families reunite in the short term, we urge CIC to promote the super visa for parents and grandparents and to monitor its success as a new initiative. As another short-term measure, the Committee encourages the Government to consider maintaining the 2012 immigration levels based on analysis of the Action Plan for Faster Family Reunification. Looking to the long term and a redesigned parent and grandparent sponsorship program, it is the Committee's view that Australia's "balance of family test" warrants further consideration. We also look forward to the views of Canadians on this question.

Immigration application backlogs impede the realization of Canada's immigration goals and affect all stakeholders. Pressure will continue to mount on the popular or growing streams of Canadian immigration. Hopefully the experience of addressing the Federal Skilled Worker and parent and grandparent backlogs will position the Department to better address backlogs of the future. The Committee has heard numerous testimonies on how managing the intake was successful with the Federal Skilled Workers program; the Government should consider using this approach for other streams that are experiencing large backlogs.

LIST OF RECOMMENDATIONS

RECOMMENDATION 1

The Committee recommends that the Government of Canada review its immigration policies to better align the number of applications it accepts for processing with the number of admissions in each year..... 14

RECOMMENDATION 2

The Committee recommends that the Government of Canada review the fees charged for all of its immigration services and programs to discover what, if any, gap exists between what is being charged and actual costs..... 14

RECOMMENDATION 3

The Committee recommends that the Government of Canada evaluate the different options to deal with the Federal Skilled Worker backlog put forward by witnesses. The Government should then proceed to act in a timely manner to implement whichever recommendation(s) are determined to be the most effective at reducing the backlog in the Federal Skilled Worker program. 18

RECOMMENDATION 4

The Committee recommends that the Government of Canada complete a thorough review of the program in order to determine what the proper financial requirements should be and any other steps that should be taken to ensure maximum benefit from this program to both the applicant and the Government. 19

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The Committee recommends that the Government of Canada study the “balance of family” test used by the Australian government. The “balance of family” test allows sponsorship to occur if the greater balance of family of the parent or grandparent resides here in Canada as permanent residents or Canadian citizens. 23

APPENDIX 1: LIST OF OCCUPATIONS IN MINISTERIAL INSTRUCTIONS 1¹

- 0111 Financial Managers
- 0213 Computer and Information Systems Managers
- 0311 Managers in Health Care
- 0631 Restaurant and Food Service Managers
- 0632 Accommodation Service Managers
- 0711 Construction Managers
- 1111 Financial Auditors and Accountants
- 2113 Geologists, Geochemists and Geophysicists
- 2143 Mining Engineers
- 2144 Geological Engineers
- 2145 Petroleum Engineers
- 3111 Specialist Physicians
- 3112 General Practitioners and Family Physicians
- 3141 Audiologists and Speech Language Pathologists
- 3142 Physiotherapists
- 3143 Occupational Therapists
- 3151 Head Nurses and Supervisors
- 3152 Registered Nurses
- 3215 Medical Radiation Technologists
- 3233 Licensed Practical Nurses
- 4121 University Professors
- 4131 College and Other Vocational Instructors
- 6241 Chefs
- 6242 Cooks
- 7213 Contractors and Supervisors, Pipefitting Trades
- 7215 Contractors and Supervisors, Carpentry Trades
- 7217 Contractors and Supervisors, Heavy Construction Equipment Crews
- 7241 Electricians (Except Industrial and Power System)
- 7242 Industrial Electricians

1 *Canada Gazette*, Part I, Vol. 142, No. 48 — November 29, 2008.

- 7251 Plumbers
- 7252 Steamfitters, Pipe fitters and Sprinkler System Installers
- 7265 Welders and Related Machine Operators
- 7312 Heavy-Duty Equipment Mechanics
- 7371 Crane Operators
- 7372 Drillers and Blasters — Surface Mining, Quarrying and Construction
- 8221 Supervisors, Mining and Quarrying
- 8222 Supervisors, Oil and Gas Drilling and Service
- 9212 Supervisors, Petroleum, Gas and Chemical Processing and Utilities

APPENDIX 2: LIST OF OCCUPATIONS IN MINISTERIAL INSTRUCTIONS 2²

- 0631 Restaurant and Food Service Managers
- 0811 Primary Production Managers (Except Agriculture)
- 1122 Professional Occupations in Business Services to Management
- 1233 Insurance Adjusters and Claims Examiners
- 2121 Biologists and Related Scientists
- 2151 Architects
- 3111 Specialist Physicians
- 3112 General Practitioners and Family Physicians
- 3113 Dentists
- 3131 Pharmacists
- 3142 Physiotherapists
- 3152 Registered Nurses
- 3215 Medical Radiation Technologists
- 3222 Dental Hygienists & Dental Therapists
- 3233 Licensed Practical Nurses
- 4151 Psychologists
- 4152 Social Workers
- 6241 Chefs
- 6242 Cooks
- 7215 Contractors and Supervisors, Carpentry Trades
- 7216 Contractors and Supervisors, Mechanic Trades
- 7241 Electricians (Except Industrial & Power System)
- 7242 Industrial Electricians
- 7251 Plumbers
- 7265 Welders & Related Machine Operators
- 7312 Heavy-Duty Equipment Mechanics
- 7371 Crane Operators
- 7372 Drillers & Blasters — Surface Mining, Quarrying & Construction
- 8222 Supervisors, Oil and Gas Drilling and Service

2 *Canada Gazette*, Part I, Vol. 144, No. 26 — June 26, 2010.

APPENDIX 3 LIST OF WITNESSES

Organizations and Individuals	Date	Meeting
<p>Department of Citizenship and Immigration</p> <p>Claudette Deschênes, Assistant Deputy Minister, Operations</p> <p>Les Linklater, Assistant Deputy Minister, Strategic and Program Policy</p>	2011/10/18	3
<p>As individuals</p> <p>James Bissett</p> <p>Richard Kurland, Policy Analyst and Attorney</p>	2011/10/20	4
<p>Department of Citizenship and Immigration</p> <p>Claudette Deschênes, Assistant Deputy Minister, Operations</p> <p>Les Linklater, Assistant Deputy Minister, Strategic and Program Policy</p> <p>Neil Yeates, Deputy Minister</p> <p>Hon. Jason Kenney, P.C., M.P., Minister of Citizenship, Immigration and Multiculturalism</p>	2011/10/25	5
<p>As individuals</p> <p>Patrick Grady, Economist, Global Economics Ltd.</p> <p>Herbert G. Grubel, Senior Fellow, Fraser Institute</p>		
<p>Canadian Centre for Policy Studies</p> <p>Joseph Ben-Ami, President</p>		
<p>Chinese Canadian Community Alliance</p> <p>Tom Pang, President</p>		
<p>Ontario Council of Agencies Serving Immigrants (OCASI)</p> <p>Amy Casipullai, Senior Policy and Communications Coordinator</p>		
<p>S.U.C.C.E.S.S.</p> <p>Thomas Tam, Chief Executive Officer</p>		
<p>As individuals</p> <p>Warren Creates, Immigration Lawyer</p> <p>Ali Mokhtari, CanPars Immigration Services Inc.</p>	2011/10/27	6

Organizations and Individuals	Date	Meeting
As individuals Katrina Parker, Lawyer	2011/10/27	6
Canadian Construction Association Michael Atkinson, President		
As individuals Roger Bhatti, Immigration Lawyer Martin Collacott, Spokesperson, Centre for Immigration Policy Reform Arthur Sweetman, Professor, Department of Economics, McMaster University	2011/11/01	7
Canadian Restaurant and Foodservices Association Justin Taylor, Vice-President, Labour and Supply		
Quebec Immigration Lawyers Association (AQAADI) Dan Bohbot, President		
Sponsor our Parents Felix Zhang, Coordinator		
Canadian Migration Institute Nigel Thomson, Member, Board of Directors	2011/11/03	8
Desjardins Trust Inc. Marc Audet, Vice-Chair, Immigrant Investor Program		
HSBC Trust Company Daniel Perron, Director and Business Head, Global Investor Immigration Services		
LEGIT Vancouver Christine Morrissey, Co-founder		
C.D. Howe Institute Colin Busby, Senior Policy Analyst	2011/11/15	9
Department of Citizenship and Immigration Sharon Chomyn, Director General, International Region Kent Francis, Acting Immigration Program Manager, Manila, Philippines Sidney Frank, Immigration Program Manager, New Delhi, India Lillian Zadravetz, Immigration Program Manager, Chandigarh, India		

Organizations and Individuals	Date	Meeting
Destination Canada Information Inc. Naeem (Nick) Noorani, President and Chief Executive Officer	2011/11/15	9
Immigration Network Sima Sahar Zerehi, Communications Coordinator	2011/11/17	10
Department of Citizenship and Immigration Claudette Deschênes, Assistant Deputy Minister, Operations Les Linklater, Assistant Deputy Minister, Strategic and Program Policy		

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this Report.

A copy of the relevant Minutes of Proceedings ([Meetings Nos. 3, 4, 5, 6, 7, 8, 9, 10, 12, 15, 16, 17, 18, 19 and 20](#)) is tabled.

Respectfully submitted,

David Tilson, M.P.

Chair

Supplemental Report of the Official Opposition New Democratic Party

The backlog in Canada's immigration system is an issue that greatly concerns the New Democratic Party of Canada.

There are over one million applications currently in the queue. This represents an increase from the 850,000 applications in the backlog in 2006. Notably, backlogs are present in all three immigration categories: economic, family and refugee.

The presence of backlogs in the system has a direct and negative effect on the amount of time it takes to process an application. Indeed, it is inarguable that wait times have reached patently unacceptable levels.

It is not uncommon for an application to sponsor one's parent to take between 10 and 13 years. Employers seeking to attract skilled workers frequently wait between 4 and 7 years. Live-in caregivers seeking to re-unite with their spouses and children wait an average of 5 years from the date they complete their obligations under that program. Even spousal applications - ostensibly in the number one priority category that are supposed to go into instant processing - are taking two years to process depending on the country involved.

This situation presents serious problems for the integrity of Canada's immigration system. Equally important are the very real and negative impacts it is having on the individuals and their families involved. Significant application fees are held for years on end with no clear indication or guarantee of the timeliness of a response. Families remain separated, employers are frustrated and our economy suffers.

New Democrats believe that a balanced and multi-faceted approach must be employed to address this problem. It is our view that prudent adoption of several key strategies will be most successful in arresting and reducing the backlog.

In this regard, we wish to thank all of the witnesses who appeared before the Standing Committee and who presented thoughtful, varied and creative options. What follows are a series of recommendations that emerge from their testimony and from information obtained from a variety of organizations with expertise in immigration matters, including Citizenship and Immigration Canada ("CIC") itself.

Recommendations:

1. Ensure immigration levels better match demographic and economic needs.
2. Recognizing the importance of family reunification in nation-building, resist the use of broad-based quotas, and strict restrictions, on family sponsorship.
3. Ensure that the new ten year multiple-entry visa (“Super Visa”) is accessible, affordable, fairly administered and generously approved.
4. Oppose the use of excessive financial barriers as a strategy to deter applications.
5. Increase resources to embassies where there is a high volume of applications and particularly acute backlogs, and examine how best to address under-served areas.
6. Reduce the reliance on Temporary Foreign Workers, improve training for Canadian workers and better match skilled workers to employers’ needs.
7. Study the possibility of raising the levels of refugee visas and restoring cuts to private sponsorships.

Recommendation #1: Ensure immigration levels match demographic and economic needs.

Canada is facing a looming demographic transformation that will see a significant reduction in the ratio of working adults supporting the rest of the population. A forward-looking plan to increase skilled workers and ensure new Canadians receive adequate settlement services would help alleviate these demographic pressures. As such, New Democrats believe that immigration levels should be regularly reassessed to more effectively match long-term demographic and economic needs.

As identified in the main body of the Report, it is understood that the backlog was created by a combination of two main factors: first, the introduction in 2002 of provisions in the *Immigration and Refugee Protection Act (“IRPA”)* that obligate Canada to process every application received to final decision; and second, the fact that in every year since 2002,

Canada has received more applications per year than the federal government chooses to admit to our country. To quote CIC:

CIC strives to process applications in a timely manner, but it is an ongoing challenge for CIC to meet the *IRPA* objectives simultaneously. Every year, we receive many more applications than can be processed resulting in large backlogs in many categories, which in turn have led to long wait times for applicants¹.

Information presented to the Committee suggested that raising the annual number of visas issued to more closely approximate the number of valid applications received is one tool that would work to slow, arrest and even reverse the backlog. CIC acknowledges this fact in the same source quoted above.

The numbers presented to the Committee reveal that even a modest increase to the annual number of visas issued would go a substantial distance toward successfully addressing the backlogs.

Mr. Marc Audet of Desjardins Trust Inc. provided the Committee with statistical information over the last 5 years from CIC that showed that increasing the annual visas issued by 10% from the current levels would completely arrest the growth in the backlog. Any increase above that number would start to reverse it.

The question that is raised, then, is whether an increase to Canada's annual visas issued (the "levels") is justified and desirable on economic and social grounds.

The evidence is overwhelming that a gradual, prudent increase to annual levels would not only address the backlog - it is essential to deal with Canada's labour force and economic growth needs:

- Canada is facing a clear demographic trend of aging population and declining birthrate.
- The proportion of Canadians aged 60 and over is projected to increase from roughly 1 in 5 to nearly 1 in 3 by 2020 (SOURCE: Frontier Centre for Public Policy).
- CIC projects that within 5 years - 60 months from now - immigration will be responsible for 100% of Canada's new labour growth needs.

¹ Citizenship and Immigration Canada, Backgrounder – Stakeholder Consultations on Immigration Levels and Mix, p.3

- Addressing the demographic trends through increased immigration is necessary to secure the economic sustainability of various federal programs and service the federal and provincial debt.
- Industry representatives point to a significant present and future deficit in labour supply. The Canadian Restaurant and Foodservices Association testified that its members will have 142,000 unfilled job vacancies in 2025. The Canadian Association of Petroleum Producers and many Building Trades affiliate unions have publicly stated that they are dependent upon temporary foreign workers because of a shortage of permanent stream immigrants and skilled Canadians.
- Nearly every province in the country has requested expansion to the Provincial Nominee Program, a highly successful immigrant stream that allows provinces and territories to align new Canadians with local economic needs.
- Canada’s current immigration rate of admitting 0.7% of population is low in comparison to historical standards:
 - 1860 - 2009 average - 0.97%;
 - 1900 - 1949 average - 1.34%
 - 1900 - 2009 average - 1.003%

Singling out just one of these factors - that of Canada’s dependence on immigration for our new labour force needs - we would quote the Minister of Immigration himself:

“With an aging population, the number of retirements from the Canadian labour force is increasing. Very soon, the number of new entrants from Canadian schools and universities will equal - or fall short of - the number of retirees. That means that, if we want our labour force to grow, it will have to come from immigration.”²

It is clear that annual immigration levels will need to keep pace with Canada’s evolving demographic and economic needs. The Committee heard evidence suggesting that a prudent increase to annual levels could achieve this goal, while also helping to reduce the backlog.

We note that the current government has itself recognized the need to increase annual immigration levels to deal with the immigration backlog.

Upon assuming office in 2006, the Conservative government raised immigration levels some 14%, from an average of 220,000 per year under the Liberal government which preceded it to

² -Hon. Jason Kenney, Speech, Vancouver Board of Trade, July 19, 2011

the current average of 254,000 per year. Importantly, the Minister of Immigration testified before the Committee that one of the reasons he increased the annual levels upon taking office was to address the pre-existing backlog that was inherited from the previous government.³

The Official Opposition believes that admitting more immigrants must be done gradually and in measured fashion. We must ensure that there are sufficient resources to properly settle newcomers and adopt policies and measures that match them intelligently with Canada's economic and labour needs.

We also acknowledge CIC's advice that an increase to immigration levels will require "broad buy-in from the public". It is the Official Opposition's view, given the clear and strong demographic and economic needs of our nation, that strong public sanction can be achieved.

In this vein, we note that the Minister of Immigration conducted consultation meetings throughout Canada in the summer of 2011 to obtain feedback from selected invitees on this very question. Unfortunately, although he was asked to provide this data to the Committee for this report, he neglected to do so.

We believe that Canadians want an immigration system that builds a strong economy, sustains public programs and helps us maintain a high standard of living. We believe that Canadians want an immigration system that produces strong family units in cohesive communities.

Ensuring that our immigration system is responsive to these shared goals is of vital importance as we develop sound policy in the years ahead. We are confident that Canadians will be fully supportive as we do so.

Recommendation #2: Recognizing the importance of family reunification in nation-building, resist the use of broad-based quotas, and strict restrictions, on family sponsorship

The government has steadily reduced the number of family class visas issued from 2006 through 2010 (CIC figures: 70,517, 66,242, 65,582, 65,204, 60,220). The Official Opposition recommends that this trend be halted.

Canada has long enjoyed a balanced immigration stream between economic, family and refugee classes, and this balance ought to be respected. We note that economic class immigrants themselves have spouses, children and parents. Ensuring that they can unite their

³ -Hon. Jason Kenney, CIMM Meeting No. 11, November 24, 2011

families is critical to Canada's ability to attract and retain desirable applicants to build our economy.

Notwithstanding these facts, the Government appears intent on imposing caps (quotas) on applications to deal with the backlog.

New Democrats do not agree that imposing temporary freezes, or permanent quotas, on applications in the family class are effective long-term solutions to the backlog problem. We believe that imposing a temporary freeze or permanent quotas on parental sponsorships is misguided and contrary to *IRPA's* explicit purpose of uniting families.

We particularly stress our concern that the government will impose permanent caps on applications to sponsor parents and grandparents when the temporary freeze is lifted in two years' time. The Official Opposition opposes that strategy categorically. While quotas may be an appropriate option in certain economic categories, they should not be employed as a measure when dealing with applications to unite family members.

In addition, we have great concern with the Report's recommendation that the Government consider the adoption of the so-called "balance of family" test used by Australia. In essence, this approach prohibits people from sponsoring their parents if more of their siblings live outside the country. For example, a person could not sponsor their parent if they had a sister and a brother that lived in another country - even if those two siblings were unable to care for parent.

This approach will, if adopted, prevent thousands of Canadians from sponsoring their parents. It will do so even in cases where the sponsor is the best position to do so.

The Conservative government appears to be headed in the clear direction of putting quotas on Canadians' ability to sponsor their parents and unite their families. They are actively contemplating placing strict limits on who can sponsor their parent. This approach will leave many new Canadians' families separated and also reduce Canada's ability to attract the young, skilled workers our employers and economy so clearly need.

New Democrats believe that quotas and strict restrictions on who can sponsor their parent are ineffective and unfair. Adopting policies that unite more families, more quickly, is more responsive to Canadians', and our economy's, real needs.

Recommendation #3: Ensure that the new 10 year multiple-entry visa ("Super Visa") is accessible, affordable, fairly administered and generously approved.

The Official Opposition believes that offering parents and grandparents of Canadian citizens or permanent residents a 10 year, multiple-entry visa is a sound and desirable policy. Many witnesses lauded this concept during testimony before the Committee, and the Official Opposition led the call for the creation of such visas early on in the study. If granted in generous numbers, fairly, and with reasonable criteria, Super Visas have the potential to ease at least a portion of the backlog for parents and grandparents (currently estimated to be 165,000) and help many families.

However, we must acknowledge that Canada has had 5 year multiple entry visas for decades, (increased to 10 years in July, 2011), and they have not proved to be issued widely or of any assistance in reducing the backlog. Indeed, immigration officials testifying from Chandigarh, New Delhi and Manila were unable to tell the Committee how many of these visas were even issued.

If Super Visas are to have any real impact, we must understand why existing multiple entry visas have been of so little help. What is clear is that those visas have been of extremely limited utility to applicants because they were not advertised. Applicants were not aware of their existence and were unable to specifically apply for them, leaving their issuance entirely up to the discretion of the visa officer processing the application. Most importantly, multiple entry visas have simply not been granted in any sizeable number.

The Super Visa must be offered in a transparent and accessible manner. In order to accomplish this, the Official Opposition recommends as follows:

- Advertise the Super Visa widely to ensure that potential applicants are aware of its existence.
- All visa application forms must have a distinct and prominent section for this visa, inviting applications and setting forth the criteria for applying and the rules regarding issuance.
- The criteria for granting Super Visas must be clear and reasonable, including prohibiting the consideration of any existing permanent resident application as a negative factor.
- Ensure that income requirements are reasonable and flexible, including allowing applicants' and their sponsors' incomes to be judged cumulatively.
- Have a mechanism to make sure that affordable health insurance is available to all qualified applicants.

This measure must be designed carefully to accomplish the goal of easing some portion of the backlog in the parent and grandparent class. It is also essential to provide relief to the many thousands of Canadian families who are suffering the pain of separation. It is regrettable that the government chose to rashly implement the Super Visa before this Report was concluded. Early reports of Canadians' experience with the Super Visa are already revealing problems, with many families expressing frustration with unexplained rejections, extremely high medical coverage costs and overly restrictive financial requirements.

Moreover, while the Official Opposition believes that flexible visa options are important, it is equally clear that they cannot be relied upon to solve the deeper structural problems and mismanagement that has caused Canada's backlog crisis.

It is also critical that the Super Visa should not be a substitute for permanent residency options for parents and grandparents.

Recommendation #4: Oppose the use of excessive financial barriers as a strategy to deter applications.

We are greatly concerned with the Report's suggestion that immigration application fees be reviewed to determine what "gap" may exist between what is being charged and "actual costs" of the processing.

The Official Opposition is concerned that the advised "review" may be an exercise masking the desire to raise immigration application fees as a deterrent measure to deal with the backlog. The fact that this measure is contained in this report, whose object is to deal with the backlog, serves as a basis for this concern.

This is wrong and we categorically reject it as a method of attacking the backlog.

Canada's history is replete with examples of punitive landing fees, head taxes and prohibitive application fees. Indeed, the current government has repeatedly sought credit for its decision to reduce immigration landing fees set by the previous Liberal government.

New Democrats believe that raising application fees, income requirements or other measures designed to discourage applicants from applying to immigrate to Canada are inappropriate and unfair.

The Official Opposition believes that Canada's immigration system must not erect undue financial barriers to admission to Canada nor create a money-based, two-tiered immigration system where wealth determines citizenship.

Criteria for permanent residency should not be based on the ability to buy one's way into Canada, but on legitimate factors such as the ability to successfully integrate and contribute to Canada's economic needs, the commitment to democratic values, and a desire to build the Canadian cultural mosaic.

Recommendation #5: To ensure fairness for all prospective immigrants, increase resources to embassies where there is a high volume of applications and particularly acute backlogs, and examine how best to address under-served areas.

Too many newcomers are not getting the fair treatment they deserve. Committee evidence clearly showed that the backlog is unevenly distributed around the world, creating very long processing times in some countries and shorter processing times in others. Processing centres under particular strain include New Delhi, Chandigarh, Beijing, Manila, Nairobi, London and Damascus.

Evidence tendered before the Committee, gleaned from CIC statistics themselves, shows that Canada fails to process an average of 25,000 applications each year. Disturbingly, evidence was received that indicated that there is no necessary connection between the number of personnel working in a particular visa processing centre and the volume of applications that centre receives.

The Conservative government refuses to acknowledge that there is any connection between available resources in overseas embassies that process immigration applications and the backlog. With respect, the Official Opposition disagrees.

This regional inequality must be addressed by placing additional resources in over-stretched processing centres that receive disproportionately high volumes of applications, particularly if coupled with an increase in the number of visas granted in those areas.

The evidence further revealed that there are areas in the world where Canada has an inadequate immigration processing presence. For example, evidence was presented to the Committee that our embassy in Nairobi, Kenya, serves 18 countries. In our view, it is no

coincidence that such offices have among the longest processing times, and largest backlogs, of applications.

This can be addressed by opening visa processing centres in acutely under-served areas. We would suggest that addressing the top three areas under intense pressure would be a prudent measure in this regard.

Recommendation #6: Reduce reliance on Temporary Foreign Workers.

Under the current government, admissions to Canada of Temporary Foreign Workers (TFWs) have exploded. This represents a significant alteration to Canada's historic policy of pursuing citizenship-track immigration. Many Canadians believe, as the Official Opposition does, that this change is regrettable.

Canada experienced some 180,000 entries or re-entries of TFWs to Canada in 2010. There are over 425,000 TFWs in Canada, and even more are estimated as having gone underground after their visas have expired.

While there is a legitimate need for TFWs in certain industries, we are concerned that sustained annual use of TFWs is masking permanent economic needs as "temporary" ones.

In times of high unemployment, and underemployment of many individuals (including in many skilled trades), the record high use of TFW's must be questioned. In addition, many Canadians can and ought to be trained for many jobs currently being filled by TFW's.

In terms of the backlog, the Official Opposition would suggest that the Government study the extent to which we may reduce the number of TFW visas issued and replace them with permanent resident stream applicants and domestic Canadian workers. In addition, more pathways to permanent residency should be explored for TFWs currently in the country. Permanent status allows individuals establish roots in the community and contribute even more towards the Canadian economy.

Any changes in this area must be within the limits of the annual permanent resident levels plan.

Recommendation #7: Study the possibility of raising levels of refugee visas and restoring cuts to private sponsorships.

Evidence presented before Committee suggests that, globally, 2011 has been a troubling year in many parts of the world with extraordinary numbers of people displaced.

We heard that there are 43.5 million displaced persons worldwide, and some 16.8 million Convention Refugees. Testimony revealed that these numbers, while staggering, are undoubtedly low, as many of people in these categories are uncounted or do not register.

While some 747,000 refugees need re-settlement annually, only 79,000 receive an offer to re-settle by those states who participate in re-settlement programs. Some 35,000 refugees are on the wait list for Canada.

From 2005 to 2009, Canada reduced the number of refugees granted permanent residency by 13,803 (36,000, 31,000, 27,000, 21,000, 22,000). 2010 saw a slight increase of 2,400. Not surprisingly, the Committee heard evidence that the backlog is getting worse for refugee class applications.

While we are attracting the most economically advantageous applicants from other countries, we should also increase our responsibility for the world's most vulnerable people. Dealing with the backlog in refugee claims is also consistent with Canada's legal obligations under international conventions and treaties.

CONCLUSION

Canada is a nation of immigrants.

Outside of our First Nations, we are all immigrants, or the children, grandchildren or further descendants of people who came to Canada to make this land our new home. We - or our forefathers and foremothers - have been given a chance to start a new life here, to grow, to succeed.

And in this endeavor, we have all been helped.

The Official Opposition believes that Canadians want us to continue to accord to others that which we have been given. We believe that Canadians want a strong, generous and fair immigration system that can process applicants in an efficient, effective manner.

We recognize that there are limits to what Canada can absorb - economically, socially, culturally. We also recognize that we are a prime destination for people from all corners of the globe, and that our economy depends, as our economy of times past, on our ability to attract and retain the citizens of tomorrow.

The Official Opposition is committed to practical, evidence-based and common sense solutions to help our immigration system accomplish the needs of our nation. We will continue to work to build a system that helps Canada achieve its full potential.

Liberal Party Opinion on the Report of the Standing Committee on Citizenship and Immigration Concerning Immigration Application Backlogs

The Liberal Party of Canada supports the need to study and review the issues surrounding the immigration application backlogs. The study clearly indicated that the high demand from individuals to immigrate to Canada was the source of the backlogs rather than any perceived lack of resources to process applications. With an existing backlog of approximately one million applications, it is necessary for the government to facilitate the reduction of the backlog while maintaining Canada's tradition in supporting family reunification. Regrettably, the recommendations presented in the report were not based on a full consensus and we therefore have reservations concerning some of the items put forth.

The Liberal Party is not satisfied with how the Department has chosen to handle the existing backlogs particularly, in the areas of the Federal Skilled Worker Program and the parents and grandparents category under the Family Class. The Minister's decision to implement mechanisms such as the 10 year multi-entry visa as a remedy to the parent and grandparent backlog whilst the study was underway undermined the work of the Committee. We also believe that other administrative issues including the gross discrepancies in processing times of varying overseas missions requires immediate attention.

Federal Skilled Worker Program

As indicated in the report, the first set of Ministerial Instructions (MI) caused a backlog to buildup in the Federal Skilled Worker Program (FSWP). In an attempt to remediate the situation, a 2nd as well as 3rd set of Ministerial Instructions was released. Consequently, applications received under the 2nd and 3rd set of Ministerial Instructions were unfairly prioritized and processed over applications under MI1. We propose that the Committee adopt a recommendation that prioritizes the processing of applications under MI1 while also focusing on Canada's labour market needs. Furthermore, increasing the intake in the Temporary Foreign Worker Program (FTWP) can alleviate some of the backlog issues in relation to the existing demand in the FSWP. Immigrating to Canada under the FTWP is an exhaustive process and as such, we believe that candidates who fulfill the FTWP eligibility requirements and are able to meet the few other basic requirements should have the ability to apply for permanent residency after a working period of two years.

Parent and Grandparent Category

We believe that the Department's decision to pursue the use of the 10 year multi-entry visa as a backlog reduction mechanism in the parent and grandparent category is flawed. The visa is not a viable solution in dealing with the backlog. Changes to its eligibility requirements are necessary in order for the visa to act as an effective tool that will allow individuals to visit Canada for extended periods. Paired with the Government's decision to place a two year moratorium on parent and grandparent sponsorship applications, it is clear that the Government is pursuing policies that are not conducive to family reunification.

Recommending that the 10 year-multi entry visa be adopted as permanent government policy when adequate and proper monitoring of the visa has yet to be substantiated is cause for concern. The Government's decision to pursue the implementation of such policies in this manner demonstrates a lack of regard for evidence-based decision making. We suggest that eligibility requirements for the visa be re-examined to allow greater fairness and accessibility to people who wish to apply.

The Government side also indicated that they recommend studying the Australian government's "balance of family" test in order to gain insight into changes for a redesigned parent and grandparent sponsorship program. Our party believes that the study should not be limited to the "balance of family" test and should include the exploration of other models as well.

Standardizing Processing Times

The current discrepancies between missions in processing family class applications overseas varies greatly and requires immediate changes in order to rectify this issue. Modernization measures such as the implementation of the Global Case Management System represents a step in the right direction. Furthermore, we believe a focus on centralizing application processing in Canada can greatly contribute to reducing the variance in processing times among countries.

Application Intake: Numbers & Mixtures

The Government has set an immigration target range of 240,000-265,000 for 2012. With regards to the admissions target, it is in our view that the figure should be based on factors such as the size of the Canadian population as well as having the right mixture of immigrants. With population growth, it is necessary to ensure that admission targets are adjusted to accommodate the change in demands of Canada's economic, cultural, and social needs.