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# Standing Committee on Citizenship and Immigration

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EVIDENCE

**Thursday, November 7, 2013**

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**Chair**

**Mr. David Tilson**



## Standing Committee on Citizenship and Immigration

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•(1140)  
[English]

**The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)):** Ladies and gentlemen, we'll start the meeting.

This is the Standing Committee on Citizenship and Immigration, meeting number two, Thursday, November 7, 2013.

We are dealing with clauses 174 and 175 having to do with the Criminal Code, and clauses 290 to 293 having to do with the Immigration and Refugee Protection Act of Bill C-4, a second act to implement certain provisions of the budget tabled in Parliament on March 21, 2013, and other measures. I have asked the clerk to distribute to you excerpts of Bill C-4, so you will have those before you.

We have as our guests members from the Department of Citizenship and Immigration: Caitlin Imrie, director general of the passport program transition office; Maia Welbourne, senior director of strategic policy and planning; James McNamee, director of immigration strategies and analysis; and Teny Dikranian, senior analyst to the passport program transition office.

The four of you are here to brief us on these clauses. I believe you have 10 minutes. Then I expect members of the committee would like to ask some questions or make some comments.

**Mr. James McNamee (Director, Immigration Strategies and Analysis, Department of Citizenship and Immigration):** Thank you.

**Ms. Teny Dikranian (Senior Analyst, Passport Program Transition Office, Department of Citizenship and Immigration):** Thank you.

**The Chair:** Who's on first?

**Ms. Caitlin Imrie (Director General, Passport Program Transition Office, Department of Citizenship and Immigration):** I'm on first.

**The Chair:** Thank you and good morning, again.

**Ms. Caitlin Imrie:** Thank you, Mr. Chair, and members of the committee. My name is Caitlin Imrie, and I'm director general for the transition office at CIC.

[Translation]

Thank you for the invitation to speak to you today about Bill C-4, A second act to implement certain provisions of the budget tabled in Parliament on March 21, 2013 and other measures, specifically part 3, division 4, related to passports. Following my opening remarks, my colleague Maia Welbourne, Senior Director, Strategic

Policy and Planning, will speak to part 3, division 16, related to the expression of interest system.

[English]

My remarks outline the technical amendments for the transfer in responsibility for Passport Canada from Foreign Affairs, Trade and Development Canada to Citizenship and Immigration Canada, which came into effect July 2, 2013.

There are two clauses in division 4 that relate to passports: clause 174 and clause 175. Both of these provisions are technical amendments that reflect the transition. The decision to transfer these responsibilities was the result of analysis that showed the passport program was better aligned with the mandate of Citizenship and Immigration Canada, given that citizenship is at the core of the passport program.

As part of the transfer in responsibilities, Employment and Social Development Canada now provides in Canada delivery of passport services, while the Department of Foreign Affairs, Trade and Development continues to provide service delivery overseas.

Changes to the legislation that are included in the budget implementation act include updates to provisions of the Criminal Code and the Department of Foreign Affairs, Trade and Development Act which reflect the transfer in responsibility between departments. The Criminal Code will be amended to link it to the interpretation section of the Canada passport order which now defines passports as documents issued by the Minister of Citizenship and Immigration Canada.

[Translation]

The Department of Foreign Affairs Trade and Development Act will also be updated to reflect the fact that travel documents are now issued by the Minister of Citizenship and Immigration.

I will now turn the floor over to my colleague Maia Welbourne, who will speak to the clauses in division 16 on the expression of interest system.

**Ms. Maia Welbourne (Senior Director, Strategic Policy and Planning, Department of Citizenship and Immigration):** Mr. Chair, members of the committee, thank you for the invitation to speak to you today about the subject matter of part 3, division 16 of Bill C-4.

[English]

Mr. Chair, and members of the committee, my remarks will provide an overview of the foundational legislation required to implement a new approach to Canada's immigration system. Based on Australia's and New Zealand's experiences with the expression-of-interest model, also known as EOI, CIC is working with partners to develop a similar system for Canada.

As members of this committee are well aware, the Government of Canada has made the reform of the immigration system an important priority. Economic action plan 2013 and the recent Speech from the Throne announced the government's intention to move to an expression-of-interest model. Along with other modernization initiatives, EOI will be a key component in creating a faster and more flexible immigration system.

The expression-of-interest model is a new electronic, fully automated, application management system that will apply to certain economic immigration streams. Creating the new system requires legislative changes to establish a two-step application process, introducing the concept of a stand-alone expression-of-interest pre-application stage, followed by an application by invitation only to the top candidates. The candidates invited to apply will be those with the right mix of high human capital, ability to work in Canada as demonstrated by an offer of employment, and/or nomination by a province or territory.

It is important to be clear that the expression-of-interest system is not a new program, nor does it replace any existing skills immigration program. The EOI system is a new component within an existing Government of Canada system. It builds on our existing IT infrastructure investment and the global case management system.

Before describing the automated processes that are possible with an expression-of-interest system, I will review EOI's key objectives. Primarily, the introduction of EOI is designed to improve application management. By only issuing invitations to apply to the number of applicants we can process, we will prevent the inventories that accumulated in the past and the associated legal risk. The new system will facilitate the arrival of the candidates best suited to Canada's needs, rather than the first person who applied. Aligning these applications to processing capacity and eliminating time spent waiting in inventories will support faster processing times.

A second feature of this system is its ability to increase the immigration system's labour market responsiveness. Evidence suggests that the selection of skilled immigrants with high levels of human capital, such as higher education, strong official languages skills, and relevant work experience, leads to better economic outcomes both initially and over time. We also know that immigrants who come with an offer of employment in hand have significantly better outcomes than those who come without. The expression-of-interest system seeks to combine the strengths of the human capital model with the benefits of having skilled immigrants arriving in Canada with employment and ready to work. Reducing unemployment and underemployment for permanent resident economic-class immigrants will help improve overall economic outcomes for both the new arrivals and the Canadian economy.

The EOI approach also presents an opportunity to strengthen the role of the provinces and territories in immigrant selection. The government is working with provincial and territorial partners to make EOI a success. Provinces and territories are well positioned to bring the benefits of immigration to their regions through their review and nomination of EOI candidates. The ability of provinces and territories to access EOI candidates through an EOI portal will allow for EOI candidates to be invited to apply to a provincial nominee program.

We are also consulting Canadian employers so they will be ready to consider EOI candidates that meet their skills requirements when the domestic labour force cannot. An offer of employment will play a key role in a decision to issue candidates an invitation to apply. We are working with Employment and Social Development Canada to make linkages to a modernized job bank that can be leveraged for EOI candidates. Private sector job sites are also an available platform for job matching between employers and EOI candidates.

To recap, the key objectives of EOI are to improve application management and reduce processing backlogs, to increase the labour market responsiveness of the immigration system, and to strengthen the provincial, territorial and employer role.

● (1145)

[Translation]

These objectives, as well as improved service standards for processing times, have the potential to transform the economic immigration experience and to provide better outcomes for skilled immigrants. To understand how the EOI system will achieve its objectives, I will now describe the processes involved.

[English]

The EOI system will create a two-stage electronic process for managing applications. The first stage of EOI will manage applications through an automated scanning of information provided by candidates.

Prospective immigrants will fill in an online form to express their interest in coming to Canada. The information collected in the EOI form, such as the person's language ability, education, and work experience will make it possible to search, sort, and rank applicants. If potential applicants meet certain minimum eligibility criteria, their EOI will be accepted into the system where they will be given a score and ranked by CIC, and will also be searchable by both CIC and the provinces and territories.

Top candidates, in other words, those with high point scores and/or a qualifying job offer and/or provincial or territorial nomination, can be issued invitations to apply for permanent residence. Only candidates issued an invitation to apply, an ITA, will be able to submit an application in certain economic programs.

The specific design features that will allow EOI to be operational will continue to be refined over the next year in time for launch of EOI in January 2015. Further design work and consultations with the provinces and territories are ongoing. Work with Employment and Social Development Canada is also under way to find linkages to their modernized job banks so employers can source EOI candidates to staff positions not met by Canada's existing labour market.

The expression of interest system will be enabled through a combination of legislative changes and ministerial instructions. The bill before us proposes that a new expression-of-interest division be added to the Immigration and Refugee Protection Act that will allow for a stand-alone pre-application stage as the first step in immigrating to Canada. In addition, this division will include broad provisions outlining the process of EOI, the required information sharing authority, as well as measures enabling a role for third parties, including provinces and territories as well as employers under this new system.

Alongside these new legislative authorities, EOI-specific ministerial instructions or MIs, will provide precision on how EOI will work. Similar to the approach used in Australia and New Zealand, these instructions will include details such as which economic classes will be subject to EOI, the criteria according to which candidates will be ranked, and the criteria for issuing invitations to apply.

The MIs will also set out the type of EOI candidate information that may be shared and with which entities, such as provinces and territories and Canadian employers, as well as any related conditions required for access to that information.

The use of MIs envisioned for EOI is consistent with their current use under section 87.3 of IRPA, in the same way that they have been used to set processing priorities. EOI-specific MIs that detail stable elements of the system will be published in the *Canada Gazette* and on CIC's website. EOI MIs that require flexible management, including the frequency and volume of invitations to apply, will also be published on CIC's website. This approach will achieve a balance between transparency and the flexibility to administer efficiently and adjust in future phases of implementation.

In conclusion, Mr. Chair, the government has demonstrated a firm commitment to strengthen the immigration system to make it fast and flexible in a way that will contribute to Canada's economic growth and promote positive outcomes for skilled immigrants.

• (1150)

[Translation]

The expression of interest system is a key part of an overall modernization agenda to achieve those objectives for Canada's immigration system.

[English]

My colleagues and I would be pleased to answer any questions.

**The Chair:** Thank you very much for your presentations.

The committee agreed that this meeting would last one hour; therefore, this meeting will end at 12:40.

Mr. Menegakis, you have up to seven minutes.

**Mr. Costas Menegakis (Richmond Hill, CPC):** Mr. Chair, I want to take a moment to thank our officials. Thank you so much for being here today and for your presentations.

My first question is an easy one. It's for you, Ms. Imrie.

My understanding is, from reading the legislation and from your presentation today, that the changes are technical in nature as they relate to Passport Canada. Is that fair to say?

**Ms. Caitlin Imrie:** That is correct. These are purely technical changes that are necessary to reflect the change in ministerial accountabilities.

**Mr. Costas Menegakis:** Thank you very much.

I want to jump over to the expression of interest and the presentation that you made, Ms. Welbourne.

Our government has been focused on creating jobs, long-term economic growth and prosperity, and certainly, immigration is a fundamental principle in ensuring that we are successful in that goal.

We want to attract the brightest and the best. It is a competitive world and we want to maintain our economic advantage, if you will, worldwide. I also fully agree with your comment that a job is the best path to social integration and success of immigrants coming into our country.

How will the expression of interest make sure that we match immigrants' skills to the jobs that Canadians cannot fill? Would you care to comment on that?

**Ms. Maia Welbourne:** It's a combination of things, as I noted in my remarks. Evidence shows that it is often a combination of factors that increases an immigrant's chances of economic success, so we're looking at building a system that valorizes human capital but also recognizes the role of employers in providing a job offer, which might help to determine an immigrant's chances of success.

My department, along with our colleagues at Employment and Social Development Canada, is looking at ways to help individuals who have made it into the EOI pool to market themselves as prospective immigrants to Canada. We work with ESDC to ensure that we don't displace Canadian workers, using their system of the enhanced job bank and job matching. The system also helps to make connections between prospective employers and prospective immigrants so that when they arrive, they have a job offer in hand.

• (1155)

**Mr. Costas Menegakis:** Skill sets and qualifications required across the country are regional in many respects. Requirements in Alberta are different from the requirements on Prince Edward Island. What impact do you foresee this will have on our labour market in Canada?

**Ms. Maia Welbourne:** One of the objectives of EOI is to maximize the number of immigrants coming to Canada with high human capital and/or a job offer and/or a provincial or territorial nomination. EOI doesn't change the number of immigrants coming to Canada. We've been receiving, on average, about 250,000 permanent residents every year. That's set through the annual levels plan. EOI doesn't change that number. The goal is for those program streams to ensure that those who are coming have a better chance of economic success once they arrive.

**Mr. Costas Menegakis:** You mentioned in your presentation that New Zealand and Australia already have an expression-of-interest program. Did you have consultations with them and review it with them?

**Ms. Maia Welbourne:** Yes.

**Mr. Costas Menegakis:** In those consultations and reviews, did they share with you some of the benefits that they've seen with their program?

**Ms. Maia Welbourne:** Yes. We've benefited from conversations with officials from New Zealand and Australia. They've been very generous in sharing their experiences with us. The New Zealand version of EOI has been in place for 12 or 13 years. The one in Australia is newer, having been implemented in July 2012. So yes, we've had conversations and we're building on them as we move forward.

**Mr. Costas Menegakis:** That places us in a bit of a competition. Once we implement the program with New Zealand and Australia, where do you see that we can have some competitive advantage over them?

**Ms. Maia Welbourne:** In a way we're already in competition with Australia and New Zealand and other immigrant-receiving countries. The fact that we don't currently have the ability to pick the best and brightest puts us at a disadvantage. We believe that introducing the EOI system will help to level the playing field.

**Mr. Costas Menegakis:** Is our model going to be any different from theirs?

**Ms. Maia Welbourne:** I beg your pardon?

**Mr. Costas Menegakis:** Will our model be identical to theirs or will it be different in some way?

**Ms. Maia Welbourne:** It will have common elements, but it's important to note that they have quite different legislative frameworks in New Zealand and Australia. New Zealand is a unitary state. Still, we're learning from their experiences as we build our system.

**The Chair:** You're finished.

**Mr. Costas Menegakis:** Thank you very much.

**The Chair:** Madame Blanchette-Lamothe.

[*Translation*]

**Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP):** Thank you kindly, Mr. Chair.

I want to thank our witnesses for being here today and for giving such an informative presentation.

[*English*]

Before starting, Mr. Chair, I wonder if we would have unanimous consent to continue our meeting until 1 p.m., if our guests are able to stay, as we have the opportunity to ask questions. I just want to see if the committee agrees.

**Mr. Costas Menegakis:** We have no objection.

**The Chair:** I see three heads nodding. I see four heads nodding. We're okay.

• (1200)

[*Translation*]

**Ms. Lysane Blanchette-Lamothe:** Thank you, Mr. Chair.

Without further ado, I will get to my questions.

Subsection 10.3(2) reads as follows:

(2) For greater certainty, an instruction given under paragraph (1)(g) may provide that the number of invitations that may be issued in any specified period in respect of a class be zero.

Why was that indicated in the bill? Why can the number of invitations issued in a specified period be zero? Could you help me understand that?

[*English*]

**Ms. Maia Welbourne:** That just allows us to adjust, to make sure.... Again, going back to one of the primary objectives, which is to align our application intake with our processing capacity, it's just to allow us not to draw, if we're on a bi-weekly schedule and we've established that we will draw  $x$  number or we will invite  $x$  number of applicants to apply every two weeks, it allows us to modify that to zero if we already have enough applications in the system. It's essentially just to be able to align the intake of applications with our processing capacity.

[*Translation*]

**Ms. Lysane Blanchette-Lamothe:** Will targets be set in terms of the number of invitations per period?

[*English*]

**Ms. Maia Welbourne:** Again, just to recall that the annual levels plan is the instrument that will set out on a yearly basis what the planned ranges are and the targets are for each of the streams, including those that will be managed through EOI. It will be our job essentially to ensure that we are inviting enough applicants, individuals to apply, to align over the course of a year with the admissions that we expect in a year in question. It's a bit of that science of figuring that out.

[*Translation*]

**Ms. Lysane Blanchette-Lamothe:** Thank you.

If I understand correctly, this involves setting up a new program that won't replace other programs. But we know that annual targets are set for different classes. If you set up a new program allowing immigration through that program, will you reduce the targets for other programs or classes? How are you going to manage that? Which classes could be affected? What type of worker or immigrant could be subject to reduced targets because of the new program?

[*English*]

**Ms. Maia Welbourne:** I go back again to the annual levels plan that sets ranges and then targets by program stream, which will continue to exist once we've introduced EOI. The current thinking about those streams that would be affected in the first instance is yet to be confirmed, but the federal skilled worker program, the federal skilled trades program, and the Canadian experience class.... In addition, we're discussing with provinces and territories their interest in potentially running part or all of the provincial nominee programs through EOI. All of that is to be confirmed.

I do think it's important to note that the use of EOI in the legislation is restricted to economic immigration programs. It is intended to apply only to economic immigration streams, not the non-economic side of things. Again, going back to the annual levels plan, that's the policy tool for balancing the multiple objectives that immigration meets, the economic with the social and humanitarian, and so on. Again, that will be the frame for whatever happens through EOI, but EOI will only apply to economic programs.

[Translation]

**Ms. Lysane Blanchette-Lamothe:** I want to make sure I've understood you. The existence of the new program may change the targets. Could we see lower targets for social and humanitarian reasons, for example, to accommodate higher targets in the worker class? Or would they be completely separate? Would the social and humanitarian classes change?

[English]

**Ms. Maia Welbourne:** It's completely separate. Again, the annual levels plan is where you see that balance between the economic and the non-economic streams kind of reflected. That will be determined through the process that leads to the annual levels plan being tabled every year.

Again, what EOI is intended to do is align our application intake with our processing capacity, but also maximize the economic benefits or the chances of success for those immigrants who do come to Canada. That's really an important focus as well as increasing the role the provinces and territories and employers play.

• (1205)

[Translation]

**Ms. Lysane Blanchette-Lamothe:** I agree entirely. Helping immigrants integrate and meeting Canada's economic needs are important objectives. But I don't think the focus should be solely economic. Canada has numerous needs as far as immigration is concerned. Economic considerations do factor in, yes, but they aren't the only ones that matter.

You also mentioned stringency as regards the new program and the fact that criteria would be more stringent.

What does that mean? Why do you need to make certain criteria more stringent? What's the relationship between those criteria and the current scoring system?

[English]

**Ms. Maia Welbourne:** As noted, the EOI is not a new program. It would become a mandatory pre-application step to apply to certain economic programs; the current thinking, but to be confirmed, is for the federal skilled worker program, the Canadian experience class, and the federal skilled trades program.

**The Chair:** Thank you.

Mr. McCallum has up to five minutes.

**Hon. John McCallum (Markham—Unionville, Lib.):** Thank you, Mr. Chair.

Thank you to the witnesses for being here.

I think this expression-of-interest idea is a good one in principle, but I also think the devil is in the details.

My first question is not a criticism; it's just for clarification. In terms of this notion of not displacing Canadian workers, I think that's true for the temporary foreign worker program, but I don't think it's true for this, because you don't have labour market opinions.

You see if they have a job offer, but it doesn't matter if the job offer is in an area where Canadians are available. Is that right?

**Ms. Maia Welbourne:** Well, those are some of the details that we're working out with ESDC. I think, depending on the.... There are a lot of discussions under way obviously about the temporary foreign worker program and the—

**Hon. John McCallum:** I'm not talking about that. It's this one.

**Ms. Maia Welbourne:** Understood, but it's also the labour market opinion process, which currently applies to certain streams of permanent immigration. The labour market opinion is a requirement as part of the federal skilled worker program where there is a job offer when that individual is coming in.

**Hon. John McCallum:** So you're saying that a person who's a permanent resident applicant would not be allowed to receive an offer for a job for which a Canadian is qualified?

**Ms. Maia Welbourne:** I'm saying that currently under the federal skilled worker program there is a stream that's related to arranged employment, and if that individual is benefiting from a job offer from a Canadian employer as a way to come in under the federal skilled worker program, that employer has to go through the labour market opinion process.

**Hon. John McCallum:** Okay. I guess where the concern with the details lies is that, of course, in principle it's good to pick the best and the brightest, but we're concerned about who does the picking and according to what criteria. Under ministerial instructions, one of them involves a criteria for issuing invitations to apply.

To the extent that those criteria are determined by the minister—and far be it from me to say that this would happen, but it's theoretically possible—in theory, the criteria could involve a preference for politically sensitive ridings or communities. One wants to know, especially as an opposition party, that these are indeed neutral and objective, rather than in any sense politically biased.

My first question is whether all of these ministerial instructions will be made public, and second, whether there will be open public discussion about all of them.

**Ms. Maia Welbourne:** The ministerial instructions will certainly be made public in two ways. The more stable ones, the ones that we're talking about in terms of what criteria have to be met by candidates in order to be invited to apply, will be published in both the *Canada Gazette* and on CIC's website—

**Hon. John McCallum:** All of them?

**Ms. Maia Welbourne:** Yes.

●(1210)

**Hon. John McCallum:** Okay.

**Ms. Maia Welbourne:** The ones that are more frequently going to change, like the frequency of the draws or the number of individuals who would be invited to apply, will be just on CIC's website.

I think it's important, though, to come at this in a different way as well and to recognize that whatever criteria we use across the board have to be legally defensible. Because it's an automated system, they have to be able to be.... The decision about whether or not an individual who's interested in coming to Canada through the EOI system gets admitted to that EOI pool will be done by the automated machine based on information provided by the candidate. We have to make sure that whatever we do around those decisions is legally defensible, and that means those criteria we develop, especially around high human capital, have to be based on evidence.

**Hon. John McCallum:** Okay, but you haven't answered the question on whether the ministerial instructions, all of them, will be subject to public discussion and debate.

**Ms. Maia Welbourne:** I don't believe it's our intention to, subject to further discussion. The MIs will be publicly available for comment.

**Hon. John McCallum:** Well, I guess it's up to this committee, for example, if it wishes to discuss them or have witnesses on this subject. The committee would be able to do so if it so desired.

**The Chair:** Thank you, Mr. McCallum.

Mr. Weston.

[*Translation*]

**Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC):** Thank you, Mr. Chair.

As we have already said, on behalf of all Canadians, our government's priority is creating jobs and stimulating economic growth. I want to congratulate our witnesses for their role in implementing the program we're discussing today. It will go a long way towards improving Canada's situation. I also want to congratulate you for looking to the best practices of other countries. Canadians very much appreciate when we don't reinvent the wheel.

In my riding, I've seen new Canadians trained as doctors or engineers driving taxi cabs. That tells us there isn't necessarily compatibility between the demand for workers and the immigrants we're attracting.

How do you think the expression of interest program will bridge the gap between immigrants and the demand for workers?

[*English*]

**Ms. Maia Welbourne:** Thanks for the question. Again, coming back to a fundamental goal, it's to increase the chances of success for

new immigrants. We know that having a job offer in hand when immigrants arrive is an important indicator, a factor in their being able to establish economically quickly and successfully, both in the short and longer terms.

The idea is to open up in a very significant way the possibility for employers to play a role in selecting immigrants, again through creating a pool of EOI candidates, so prospective immigrants are then available potentially through the ESDC job bank and/or can market themselves so that they are making those connections with employers before they arrive in Canada. We think that's a really important part of ensuring their success.

[*Translation*]

**Mr. John Weston:** Thank you, Ms. Welbourne.

Could you elaborate on the relationship between a confirmed job offer and the expression of interest program?

**Ms. Maia Welbourne:** Pardon me?

[*English*]

**Mr. John Weston:** Can you elaborate on the relationship between a confirmed job offer and the new expression-of-interest program?

**Ms. Maia Welbourne:** To be clear, there's a lot of program and policy work that is still under way, and we are working very closely with colleagues at ESDC to keep in lockstep with the developments on their side related to things like the job bank, LMO requirements, and so on.

The idea is that we would be running, as I say, potentially three and possibly four programs through EOI: the federal skilled worker program, Canadian experience class, the federal skilled trades program, as well as the provincial nominee program, potentially.

I think it's important to realize the EOI in itself doesn't change the requirements or the parameters of those programs per se. Any requirements related to job offers being vetted through an LMO process or not would still apply. It's just the idea, too, through creating a pool of prospective immigrants who can then make themselves available, and employers can access their information through the job bank or other places, that we are trying to increase the number of job connections made prior to arrival.

●(1215)

[*Translation*]

**Mr. John Weston:** My colleague Mr. McCallum brought up unemployment. Obviously, we're trying to bring down Canada's unemployment rate.

How can we be sure that the new program won't take jobs away from people who are already Canadians?



[English]

**Ms. Maia Welbourne:** Again, we're working very closely with ESDC to ensure that anything we do on the EOI side of things is consistent with the greater Government of Canada objective of ensuring that Canadian workers are not displaced—we're very mindful of that—but also recognizing that we do receive about 250,000 immigrants every year. Given that, and focusing on the economic stream in particular, how can we ensure that those individuals who will be coming to Canada in any case have greater chances of success?

[Translation]

**Mr. John Weston:** In my riding, what business leaders are perhaps most in need of is people with the training to do the work that needs doing in Canada.

Again, I want to congratulate you. I think this has a lot of potential. I hope that

[English]

we can live up to that great potential.

[Translation]

Thank you very much.

[English]

**The Chair:** Thank you.

We're on to the five-minute rounds.

Ms. Sitsabaiesan.

**Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP):** Thank you, Mr. Chair, and thank you to the witnesses for joining us today. I'll try to go through my questions quickly.

Is this a way to strengthen the provincial nominee program? From my understanding it seems the provinces are getting more say in what's happening. It seems there's a transference of more of the immigration system on to the provinces rather than the federal level. Is this what's happening here? I want to understand it better.

**Ms. Maia Welbourne:** No, I don't think that's the case. I guess there are a number of elements to the response.

We're in discussions with provinces and territories about their use of EOI. One possibility is they may wish to choose to run part or all of their provincial nominee programs through the EOI system. That's something we're in discussions about. Again, coming back to the levels plan which always provides the frame for the numbers of immigrants coming under the various streams, that will be the frame that will continue to exist and will set the ranges and the targets. EOI in a way simply provides another means for provinces and territories to potentially identify possible nominees.

**Ms. Rathika Sitsabaiesan:** Okay.

I'm always thinking of keeping families together. Will the families of those individuals who are selected through the EOI program be permitted to come to Canada with the applicant and have their applications processed simultaneously and come to Canada with the EOI applicant, or will they have to go through the traditional sponsorship program after the fact, after the EOI applicant is in Canada and receives a PR and only then can sponsor their family?

**Ms. Maia Welbourne:** The same processes will apply as currently apply. Principal applicants and their accompanying family members will be processed as one, sort of at once. This wouldn't change that at all. It doesn't affect that approach.

• (1220)

**Ms. Rathika Sitsabaiesan:** Okay, fantastic.

Will the implementation of the EOI system lead to increases in wait times for permanent residency applicants? In other words, will CIC be hiring new resources to process the expression-of-interest applicants, the à la modes, the invitation-to-apply people, and the subsequent complete immigration application, or will existing resources be used? That is my question. Is it existing resources? In your introduction I didn't hear of any new money being allocated to CIC for this. If existing resources are to be used, which we already know can't handle the load of the applications that are submitted to Canada through the existing programs, such as federal skilled workers, the living caregiver, humanitarian and compassionate grounds, family reunification, family-class sponsorships, whatever it might be, then naturally we know that wait times to process all these applications will increase as well. If EOI is created to make it faster, it's really going to be stuck in the backlog.

There's a lot in there, I know. The rest of my time is yours.

**Ms. Maia Welbourne:** We're still working on the question of costs. That is subject to ongoing review and discussion, and subject to approval, so I can't provide details of costs at this time.

On the question of processing times, clearly, one of the goals is to ensure fast processing for those candidates running through the EOI process.

**Ms. Rathika Sitsabaiesan:** We're going to ensure fast processing of these new hand-selected people, but we haven't talked about new resources being put in. As of now, existing resources are already backlogged and can't process the applications. These resources are going to be set aside for these hand-selected EOI applicants and they will be processed faster.

This EOI system is being implemented without talking about how it's going to be sourced, how it's going to be resourced, how it's going to be financed. Is that what's happening?

**Ms. Maia Welbourne:** What we're talking about here are the foundational legislative amendments that are necessary to go forward with an EOI system. There are other aspects to getting EOI up and running. We are developing costs. We're in discussions. We are reviewing them. They are still subject to decision, so I'm not able to—

**Ms. Rathika Sitsabaiesan:** Ministerial decision probably. What I'm hearing is ministerial discretion.

**The Chair:** Thank you.

Mr. Leung, go ahead.

**Mr. Chungsen Leung (Willowdale, CPC):** Thank you, Chair. Thank you, witnesses.

Successful immigration is often contingent on having a job already lined up that they can move into seamlessly. We have seen that, in the prior year, as the PNP, provincial nominee program, ramps up, we have 40,000-plus, if I'm correct.

As we move forward, how do you see the EOI system increasing the PNP nominees?

**Ms. Maia Welbourne:** Again, I don't think there's a direct relationship between EOI and the numbers of individuals arriving in Canada under the provincial nominee program or any other economic stream. The annual levels plan is the vehicle through which those numbers are established every year.

EOI becomes a pre-application stage, mandatory for certain economic streams. We're in discussions with provinces and territories about their interest in using EOI for provincial nominee programs. Coming at it another way, it is a potential recruitment tool for provinces, territories, and employers to have access to a new group of individuals, prospective immigrants, those who've made it into the EOI pool.

It's a way of making connections between employers and these candidates and potentially with provinces and territories if they are interested.

**Mr. Chungsen Leung:** From the time an immigrant is selected to come in, there is a lag time of perhaps six months or more, up to a year. Within the system as we envision it, or that you can share with us, after they come to a particular province under the provincial nominee system, is there a framework or an ability there for them to migrate to other provinces that may need their job requirements? I'm thinking of seasonal work. Let's say we go ahead with the pipeline and welders come to Ontario. Is their ability to migrate to another province within the framework of how we envision the program?

• (1225)

**Ms. Maia Welbourne:** Yes.

Once any individual arrives in Canada as a permanent resident, they have full mobility rights. They can work wherever they please, so—

**Mr. Chungsen Leung:** So they're not held to a province.

**Ms. Maia Welbourne:** No.

**Mr. Chungsen Leung:** All right, let me move to another aspect of the EOI.

What mechanism is there to safeguard against people fraudulently upgrading their skills, whether it be their academic level, language skills, or credentials? Something as technical, as you say, as a lens grinder. These are very trade oriented. How do we safeguard that the information is correct in EOI?

**Ms. Maia Welbourne:** Individuals will fill in an online form and that information will be assessed by the automated system to determine if they meet the minimum entry criteria and can be admitted to the pool. That's all automated so there is no officer check at that stage. Only after an individual has been invited to apply and then submits an application for permanent residence will the information be verified.

Officers will be able to ensure that the information provided through the online form is backed up by the documentation and the proof necessary at the application for permanent residence stage. If an individual has been found to have misrepresented themselves, then the general IRPA provisions related to misrepresentation would apply. Those are fairly significant and can result in an individual

being barred from reapplying for permanent residence for a period of five years.

It will be important for us to be very clear as we design and build the system that individuals are aware of the consequences of providing false information up front on the EOI online tool, because it will be verified at the application for permanent residence stage, and there could be serious consequences.

**The Chair:** Thank you.

Mr. Wallace.

**Mr. Mike Wallace (Burlington, CPC):** Thank you, Mr. Chair. It is my pleasure to be on the committee. It's the first time I've ever been on the citizenship and immigration committee.

I have a couple of questions and I'd like to refer to your presentation, if I could.

One part is just because I don't understand or don't know information. You say "by only issuing 'invitations to apply' to the number of applicants that we can process", so based on that, so we don't end up with the huge backlog that we have nowadays, the new system wouldn't do that. One line says, "inventories that accumulated in the past", which I understand, and also "the associated legal risk".

What is the legal risk? I don't understand what the legal risk is. I'm assuming we're not legally responsible for those who have applied and happen to be on a waiting list. Can you tell me what that is?

**Ms. Maia Welbourne:** I'll turn to James if he needs to fill in more. Essentially, there's a mandamus risk in that once we receive an application, we are obliged to process it to conclusion. We also are required to do so within a reasonable time, and the bigger the backlogs are and the longer the time from submission of the application to rendering a decision, the greater the legal risk.

**Mr. Mike Wallace:** Is that legal risk that's been proven in a court in Canada?

**Mr. James McNamee:** Yes, there have been a few issues in which mandamus has been successful, and we've been mandated to process applications to expedite folks who have been waiting for a long time.

• (1230)

**Mr. Mike Wallace:** One of the answers could be, "No, you can't come; you're not getting here." Would that end the discussion then?

**Ms. Maia Welbourne:** As I say, once we've received an application, we must process it to a final decision, and a final decision based on—

**Mr. Mike Wallace:** It could be no.

**Ms. Maia Welbourne:** It could be no, but a "no" would have to be based on the substance of the application rather than another reason related to needing to expedite a decision.

**Mr. Mike Wallace:** Thank you.

My second question is regarding consulting Canadian employers when you're building this system.

I have an acquaintance who is technically, I would say, in the temporary employer business, but they don't deal with office staff. They deal with high-end, highly skilled engineers. Those individuals stay on their payroll. If a company out west needs somebody to do some technical work for them for a year, two years, or five, whatever, they stay on that company's payroll, not on the payroll of the company they are doing the work for.

You're probably working on it, but where is the decision-making on who gets access to that list of potential employees? Do companies like that in the private sector get it? Or is it just government job banks that are going to have access to it? What's the thinking at this point? I know you're working through the process, but who will get access to those names of qualified potential employees?

**Ms. Maia Welbourne:** We are working with the ESDC on the job bank as one potential platform for employers and others to access EOI candidates. To be consistent, whatever decisions are about who may access the job bank will inform who can access EOI candidates through the job bank.

In addition, we are recognizing, in fact encouraging, in an EOI world, these candidates to also market themselves in other ways. One of the approaches we're looking at is giving them what we've been terming a unique identifier, which shows the world that they've been accepted through the first phase into the EOI pool—they are a prospective immigrant; they are looking for work in this context—recognizing that there are all sorts of private job-matching sites that will be of interest to EOI candidates and others.

It's a way of helping them give proof that they've made it through a first step in the road to immigration. Those platforms, whether its Workopolis or Monster, are available to the people who subscribe and so on. We don't really control who accesses those. It's likely to be a bit of a hybrid approach.

**The Chair:** Thank you. Mr. Dusseault.

[Translation]

**Mr. Pierre-Luc Dusseault (Sherbrooke, NDP):** Thank you, Mr. Chair. Thank you everyone for being here.

Does any of you know why this measure was introduced in a budget implementation bill as opposed to a separate piece of legislation?

[English]

**Ms. Maia Welbourne:** As I noted in my opening remarks, there were references to expression of interest in both the most recent economic action plan as well as the economic action plan in 2012.

**The Chair:** We'd like to stay out of the politics, if we can.

[Translation]

**Mr. Pierre-Luc Dusseault:** That answers my question. Thank you.

My second question has more to do with the new immigration system you're setting up. You talked about a pool of skilled prospective immigrants to Canada that employers could consult. Will employers have to show that they were unable to find skilled Canadian workers to fill the position before using the pool?

[English]

**Ms. Maia Welbourne:** This is something that we're working on with ESDC, Employment and Social Development Canada, again, coming to the point that EOI does not in itself change the current requirements related to the programs that will be run through EOI.

The example I talked about is with the federal skilled worker program where currently an individual who is coming through the employer stream of that program, if they have a job offer that would allow them to advance, that job offer has to be subject to a labour market opinion. That would not change, because EOI wouldn't change the program requirements and structures of the individual programs to be run through.

If there are changes to the requirements around the federal skilled worker program, those would be reflected in EOI, but EOI doesn't change any of that.

● (1235)

[Translation]

**Mr. Pierre-Luc Dusseault:** Earlier, you said it was possible for someone to be turned down. Does that person have any recourse in terms of being able to appeal the decision, as is the case with many other administrative decisions?

[English]

**Ms. Maia Welbourne:** Again, like all decisions that we make, there are various opportunities or rights of appeal, and those are not changed by the introduction of EOI.

[Translation]

**Mr. Pierre-Luc Dusseault:** As I see it, that is very similar to the system Quebec already has in place. Under that system, employers can use selection certificates to show a shortage of workers in a specific area, thereby justifying their desire to bring in workers from outside Canada.

Will your proposal change the dynamic between federal and provincial programs, particularly Quebec's?

[English]

**Ms. Maia Welbourne:** There again it doesn't really change anything. Quebec is aware of our intentions to move ahead with EOI. It has selection authorities. The Quebec skilled worker program is one. Those will not be subject to EOI, but I do understand from a recent announcement that they are exploring establishing their own expression of interest model.

[Translation]

**Mr. Pierre-Luc Dusseault:** I have a question about passports, which will probably please Ms. Imrie. It's something that really concerns me because we don't have a passport office in Sherbrooke. My constituents often call my office or Service Canada.

The documentation says this:

Under this transfer, the Minister of Employment and Social Development will support the Minister of Citizenship and Immigration as Service Canada (SC) will serve as the delivery agent for passport services on behalf of Citizenship and Immigration Canada (CIC).

Does that change things at Service Canada, which is already able to check passport applications? Will it be able to do what any passport office anywhere in the country can do, meaning printing passports and reviewing them, sometimes in a matter of hours?

[English]

**Ms. Caitlin Imrie:** Through the transition process our guiding principle has been to ensure no disruption of service to Canadians. The transfer has actually happened already, as of July 2, and we have achieved that goal of no disruption.

The passport offices and the passport...the service delivery network remains as it was, largely. That is, we will be taking our time to do our plans to ensure that we're able to take advantage of the opportunities that can be presented by having Service Canada do the first in-person service. Of course, Service Canada has a large network of Service Canada offices across the country.

The goal of the transition is really to improve service delivery to Canadians.

**The Chair:** Thank you.

Mr. Lauzon.

**Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC):** Thank you very much, Chair.

Welcome, witnesses. It's good to have you folks here.

I would like some clarification.

First, you said in your speech that the “candidates invited to apply will be those with the right mix of high human capital, ability to work in Canada as demonstrated by an offer of employment...”.

Am I right in assuming that they have to have an offer of employment to get on the list, to get into the system?

**Ms. Maia Welbourne:** No, although having a job offer will be an advantage when it comes to selecting the candidates we wish to invite to apply.

The way we're envisaging it, it can be that an individual has such high human capital, such high points overall, that they would make an excellent candidate with a good chance of success, and/or plus a job offer, and/or a provincial or territorial nomination.

**Mr. Guy Lauzon:** Okay, so it's not that difficult to qualify to get into the system.

Do you foresee having more people in the queue, or less?

**Ms. Maia Welbourne:** I'll break that question down.

To get into what we've been calling the EOI pool, to be accepted as an EOI candidate, there will be certain minimum entry criteria with respect to skill level and language ability. As long as the candidate met those minimum entry criteria, they would be admitted and then would become an EOI candidate.

From a design perspective, we'd like to maximize the number of EOI candidates to make our ability to choose the best and brightest; again, the best and brightest, or top candidates, being those with really high human capital, or a job offer from an employer, or a provincial or territorial nomination.

We would like to maximize the number of EOI candidates, but then when it comes to inviting candidates to apply, that's where the number would be smaller and aligned with processing capacity and our—

**Mr. Guy Lauzon:** Basically they self-apply, right?

•(1240)

**Ms. Maia Welbourne:** Yes.

**Mr. Guy Lauzon:** So this is not going to be labour intensive at all from your perspective, from your side of the equation. I'm assuming there will be some savings here, because you don't have to do a whole lot of paperwork and cull all these applications, etc.

Is that a correct assumption?

**Ms. Maia Welbourne:** We will still on the application for permanent residence side have to—

**Mr. Guy Lauzon:** But you'll have a heck of a lot less, won't you?

**Ms. Maia Welbourne:** We will have more, yes, streamlined and aligned—

**Mr. Guy Lauzon:** Yes, because they'll be pre-selected, so to speak, self-culled, in other words.

There should be in fact some savings there, and a heck of a lot less work to perform. Is that a fair assumption?

**Ms. Maia Welbourne:** As I mentioned, we're working on cost and resource implications, so in terms of quantifying—

**Mr. Guy Lauzon:** So you'll be asking for fewer resources from Treasury Board, I'm sure.

I just want to understand the process well. Let's say I'm a small employer and I need welders. I guess the first step is that I get the LMO to say that I need a welder with three years' experience. I go to Service Canada and get an LMO report that says there are no available Canadians. Is that the first step?

**Ms. Maia Welbourne:** It depends on what you're looking for and whether you're looking for a permanent person or a temporary foreign worker.

**Mr. Guy Lauzon:** I'm looking for a permanent person.

**Ms. Maia Welbourne:** Again, depending on the stream, if you're hoping to hire somebody through a stream where there is an LMO requirement, then yes, you would be dealing with Service Canada, undergoing the advertising—

**Mr. Guy Lauzon:** Once I get that—

**Ms. Maia Welbourne:** Once you've got your LMO—

**Mr. Guy Lauzon:** Once I get that, then I access the folks on the EOI list, right?

**Ms. Maia Welbourne:** Then you're on job bank and that's one—

**Mr. Guy Lauzon:** They access me.

**Ms. Maia Welbourne:** I'm not the expert on job bank or the plans, but my understanding of the way job bank currently works, and will work, is that in order for you, as an employer, to access job bank, you have to register and there are certain requirements. You don't register unless you've got a job to offer. All of that will continue to be the same. The idea is that, within that job bank frame, there will be a place for EOI candidates to post their interest in looking for work.

**The Chair:** Thank you, Mr. Lauzon.

Go ahead, Mr. Brown.

**Mr. Patrick Brown (Barrie, CPC):** Thank you, Mr. Chair.

My first question is on the EOI program. How are you going to market that abroad to make it sound exciting and cutting edge?

**Ms. Maia Welbourne:** We're developing plans to try to make it sound exciting and so on. One of the first things we're actually working on is finding a new name, because apparently EOI is not compelling enough. That's part of our marketing, but yes, there will be a communications approach to ensure that individuals are aware of the introduction of the new system. It will be linked with some work about why people should want to immigrate to Canada.

**Mr. Patrick Brown:** With some of the historic immigration programs, one of the challenges we've had is backlogs. What plans do you have in place to ensure we won't have backlogs into the future with this program?

• (1245)

**Ms. Maia Welbourne:** Again, one of the fundamental goals of EOI is to eliminate or move away from a backlog situation. The ability to only invite applications from people to the number for whom we have available processing capacity and spots in our annual levels plan will prevent the accumulation of that kind of inventory of applications.

**Mr. Patrick Brown:** There was mention earlier in one of the questions about the provincial nominee program. I just wanted to put it out there.

I understand that for 2014 the number of provincial nominees is between 44,000 and 47,000, which is the highest since 2006. I think that was one of the questions that might have caused some confusion. What type of support are you finding for this EOI from partner organizations? Is there a lot of support from the provinces? Has there been any opposition in the consultations you've done so far?

**Ms. Maia Welbourne:** We've been working very closely with the provinces and territories for well over a year, talking about EOI design and policy development. Those discussions are ongoing and have been very helpful and productive, and they will continue.

As well, we've had a number of opportunities to consult with employers and employer associations through a series of round tables that were held at the end of 2012. We also have what we're calling an employer technical reference group that's chaired by the RDG, which meets about quarterly, to keep them informed of our progress but with the ability to feed into our policy and design work.

I think there's good support and interest in EOI as a concept and lots of interest in continuing to be part of the discussions as the details get worked out.

**Mr. Patrick Brown:** Thank you.

Chair, that covers my questions.

**The Chair:** Thank you.

Madame Blanchette-Lamothe.

[*Translation*]

**Ms. Lysane Blanchette-Lamothe:** Thank you, Mr. Chair.

I want to ask a question before I hand the floor over to my colleague.

A little while ago, Mr. Weston mentioned a very widespread phenomenon he had observed in his riding. He referred to the situation of a doctor who, after immigrating to Canada, was working as a cab driver. That's a very common occurrence, but not necessarily because jobs in the medical field are lacking. That brings me to the matter of prior learning and recognition.

Will the program you told us about today change anything in that respect? Will it be easier for someone to have their prior learning recognized? Will individuals who come here under the EOI program have had their degrees or credentials recognized before arriving in Canada?

What can we do to prevent the phenomenon of new immigrants not finding jobs because they aren't able to have their degrees and skills recognized?

[*English*]

**Ms. Maia Welbourne:** I have two aspects to answer on that front.

The emphasis we're going to place is the importance of a job offer. Having employers able to provide job offers to these individuals in itself gets at part of that, in that presumably employers would not be offering jobs to individuals who are not qualified to undertake those jobs.

Going back to what I said previously, the EOI in itself doesn't change program structures or requirements. The work that is ongoing right now as related to foreign credential recognition will continue to go on within the department, and the EOI will be more of a reflection of whatever changes or developments happen there, rather than a driver for those changes.

I don't know if that's clear, but requirements related to entering under the federal skilled worker or federal skilled trades programs, or what have you, will be developed outside of the EOI context, but EOI necessarily as a pre-application stage for those programs will reflect any changes that are undertaken.

[*Translation*]

**Ms. Lysane Blanchette-Lamothe:** Thank you.

As for the questions you weren't able to answer today, do you know when you will have more details for us? Right now, we have the basics on the program you're in the midst of setting up, but who's going to make the final decisions? When can we expect some information on that?

[English]

**Ms. Maia Welbourne:** Quite honestly, I think we'll be developing EOI in sort of phases between now and January 2015, when it's intended to be launched.

• (1250)

**The Chair:** With respect to that, if you have additional information for clarification, could you send that information to the clerk?

**Ms. Maia Welbourne:** Yes.

**The Chair:** Ms. Sitsabaiesan has a couple of minutes.

**Ms. Rathika Sitsabaiesan:** Thank you.

I'm not going to address the resourcing right now; I'm going to talk about the LMOs, because I don't think we have an answer for the resourcing.

We've seen the LMO system fail before in the context of the temporary foreign worker program. Can you expand on how this expression-of-interest system will work with respect to the LMOs and what safeguards will be put in place for this system to ensure that Canadians will have the first opportunity for the available jobs?

**Ms. Maia Welbourne:** I guess what I've been trying to explain is that EOI in itself doesn't change things related to program requirements or processes outside of it, so EOI in itself doesn't change the LMO requirements. Those requirements are related to the specific program streams that may be run through EOI. I guess what I'm saying is that.... There is a lot of discussion, as I'm sure you're aware, around things like the LMO. Whatever developments happen

in that area between now and EOI being launched will be reflected in the EOI system once it does launch.

**Ms. Rathika Sitsabaiesan:** I have a follow-up question, but I think I know the answer. Is there a plan in place to improve the information we have about the labour market?

**Ms. Maia Welbourne:** I'm sorry, but I don't really—

**Ms. Rathika Sitsabaiesan:** Is there a plan to collect better information and to communicate with the needs of the labour market? What we're hearing is that there's quite a lag.

**Ms. Maia Welbourne:** We're working with ESDC, which is the labour market department, and they have responsibility for LMOs and labour market information, so—

**Ms. Rathika Sitsabaiesan:** It seems CIC and ESDC are one big happy family now.

Will the automated system provide reasons when it declines an expression of interest from a foreign national?

**Ms. Maia Welbourne:** Yes, if an individual is not accepted into the EOI system, there will be—

**The Chair:** I think that concludes our questions, Ms. Sitsabaiesan. Agreed?

Ms. Welbourne, I want to thank you and your colleagues for coming and making things a little more clear as to these parts of the bill. Thank you very much for making your presentation and answering our questions

This meeting is adjourned.

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