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CANADA

Report of the
National Advisory Board
on Science and Technology

IMMIGRATION

OF SCIENTISTS, ENGINEERS, TECHNICIANS, AND TECHNOLOGISTS

Presented to the
Prime Minister of Canada



National Advisory Board on
Science and Technology

Conseil consultatif national
des sciences et de la technologie

The Right Honourable Brian Mulroney
Prime Minister of Canada
Office of the Secretary
Ottawa, Ontario
K1A 0A6

HUMAN RESOURCES COMMITTEE

Dear Prime Minister:

In fulfilment of the Human Resources Committee of the National
Advisory Board on Science and Technology, I am pleased to submit for your
consideration the Report to Immigration which recommends changes in immigration
policy and procedures. The Committee, by developing its mandate, identified a
number of specific issues which it felt important on the availability and accessibility of
science, engineering and technologically qualified personnel. The immigration issue is
one that of course, requires

REPORT ON IMMIGRATION OF SCIENTISTS, ENGINEERS, TECHNICIANS, AND TECHNOLOGISTS

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DECEMBER 1992



National Advisory Board on
Science and Technology

Conseil consultatif national
des sciences et de la technologie

The Right Honourable Brian Mulroney
Prime Minister of Canada
House of Commons
Room 309-S
Ottawa, Ontario
K1A 0A6

Dear Prime Minister:

On behalf of the Human Resources Committee of the National Advisory Board on Science and Technology, I am pleased to submit for your consideration this Report on Immigration which recommends changes to immigration policies and procedures. The Committee, in developing its mandate, identified a number of specific issues which it felt impacted on the availability and accessibility of scarce scientifically and technologically qualified personnel. The immigration issue is one part of a larger work program.

NABST strongly believes that life-long education and training for Canadians remain the primary foundations for a dynamic and globally competitive workforce. Nevertheless, it recognises the role which immigration can play in meeting specific or short term needs when they cannot be met effectively or efficiently by the domestic labour market. The Board commends the Government for the proposed changes to the Immigration Act tabled in the House of Commons in June 1992. These changes should significantly improve the Government's ability to manage the growing complexities and pressures surrounding immigration.

It is in response to these proposed changes that NABST submits this Report. The concerns and recommendations of the Board are restricted to the aspects of immigration policy which relate to employer/economic issues and which can be dealt with in the regulations being developed to accompany the new legislation.

Respectively submitted,

Stella Thompson
Chairperson
Human Resources Committee

The views expressed in this paper are those of the authors and do not necessarily correspond to the views or policies of the Government of Canada.

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Table of Contents

	Page
Introduction	1
Preface	2
Context	2
Issues:	4
1) Procedural Hurdles	4
2) Application Streams	7
3) Point System	8
4) Employment for Spouses of Temporary Employment Visa Holders	9
Conclusion	10
Annex I	11
Annex II	12

INTRODUCTION

Purpose:

The Human Resources Committee of the National Advisory Board on Science and Technology undertook a review of immigration policies and procedures in relation to their impact on the availability of scarce scientifically and technologically qualified personnel for Canadian firms.

The Committee fully recognizes that first class education and training programs in Canadian institutions must serve as the primary sources for a top quality, competitive workforce. However, when shortages of specific skills or expertise inevitably appear, employers must have efficient and ready access to the world skills market.

Findings:

Canada has historically been concerned with the social, humanitarian and economic aspects of Immigration. The Committee was concerned that the need for an appropriate **balance** among the different aspects be recognised, addressed and maintained.

The complexity and broad ramifications of immigration policy led the Committee to consult with industrial and educational sectors to determine where areas of frustration and concern related directly to immigration policies and procedures. Simultaneously, it consulted with senior officials at Employment and Immigration Canada (CEIC).

The timeliness of the study became apparent with the tabling in the House of Commons in June 1992 of proposed changes to Canada's Immigration Act. As regulations are developed from these proposed changes, it is important that identified issues of concern receive appropriate attention.

Only the economic/employer aspects of the legislation and of immigration policies and procedures in general were studied by the Committee.

Four principles were determined as essential to the appropriate and timely response of immigration policies and procedures to the needs of the economy and of employers. These principles are **speed** of response, **flexibility** of implementation, **knowledge** of the employers' scientific and technical employment needs and **balance** among economic, social and humanitarian needs.

In pursuit of the achievement of these principles, the Committee has identified key issues of concern which include a number of obstructive or frustrating procedural hurdles, proposed application streams, the point system and the issue of employment for spouses of temporary employment visa holders. From these issues it has developed recommendations for change which it suggests are required if the legitimate needs of employers are to be met efficiently, through the immigration channel.

Conclusion:

It is a reality that essential personnel requirements are not always readily available from the domestic labour market. When this occurs, immigration policies and procedures must meet the challenge of facilitating the movement into Canada of required, skilled human resources. Globalization of the labour market is already a fact. Canada must not be left behind in its competition with other nations for the brightest and the best.

REPORT ON IMMIGRATION ISSUES

PREFACE

In June, 1992, proposed changes to Canada's Immigration Act were tabled in the House of Commons. Regulations are now being developed in response to these proposed changes.

The full spectrum of human resource related issues is very wide and encompasses many areas: all levels of formal education; training; the principle of lifelong learning; social attitudes; cultural bias; women in non-traditional occupations; and the role of immigration to name just a few. Considering this broad framework, while developing its terms of reference, the Human Resources Committee of the National Advisory Board on Science and Technology recognised that much important research has been accomplished, and a significant number of excellent recommendations made, in many of these areas. There were, however, a number of immediate issues which the Committee believed required further attention and recommendations for action. How immigration policies and procedures impact on the availability and accessibility of scarce scientifically and technologically qualified personnel is one such issue.

To respond in a timely manner to the proposed changes to the Immigration Act, the Human Resources Committee in this Report identifies key issues of concern. It presents recommendations for change related to these issues, which it believes should be addressed as regulations responding to the proposed changes are formulated in the coming months. While the Committee has focused its attention exclusively on the employer/economic aspects of immigration policy, it fully recognises that the social and humanitarian aspects are an equally important and significant component.

CONTEXT

The availability of appropriately qualified and skilled scientific and technical personnel is essential to Canada's ability to compete successfully in an increasingly integrated global economy. The attainment of an appropriately qualified, and competitive domestic workforce through effective education and training programs must be a primary goal.

The Committee believes that first and foremost, attention must be given to delivering the best education and training programs in our institutions and workplaces and that Canadians must be the first candidates considered in the acquisition of needed personnel. However, it also recognises that there will be instances where the supply of specific skills or expertise does not always meet the demand. When such gaps occur, employers must have the alternative of efficient access to the world skills market. In order to achieve this ready access, flexible immigration policies, responsive to economic/employer requirements must exist. Resourcing through immigration is not a replacement for preparing and employing Canadians. It is an additional and important tool, a stop-gap, available to employers when required.

Immigration policy impacts on a wide range of areas which affect the lives and livelihoods of Canadians. The subject is extremely complex. Hence, simple, definitive resolutions of issues or problems are rarely possible or appropriate. Internationally, Canada has gained a reputation for being both humanitarian and pragmatic in its approach to Immigration. This is an image

which the majority of Canadians would not wish to change. There is some concern however, that the intense pressures of the social and humanitarian aspects have overwhelmed the equally valid and necessary economic role of Immigration policy; that the economic aspects of Canadian Immigration policy are no longer sufficiently relevant or effective. It is the Committee's view that improved policies and procedures intended to serve the best economic interests of Canada and Canadians are needed.

Accordingly, the Committee on Human Resources has undertaken an examination of how immigration policies and procedures may impact the availability and accessibility of scarce scientifically and technologically qualified personnel, in all sectors of the workforce. It has consulted widely on this issue and found that there is considerable reaction from all stakeholders. Input was solicited from the industrial and education sectors to determine specific areas of concern where negative experiences were a result of current policy and/or procedures.

Simultaneously, the Committee held consultations with Employment and Immigration Canada. The Minister and senior officials of this department are keenly aware that immigration policy and procedures must become more responsive to current and future economic indicators. The Committee has communicated many of its findings and concerns directly to the senior officials involved in the development of the proposed changes to Canada's Immigration Act which were tabled in the House of Commons in June 1992.

The essence of the proposed changes to the Immigration Act is a framework, designed to establish authorities which permit the development of regulations suited to the management of immigration today. This is intended to result in better management, control and enforcement and will allow limits to be set on the number of applicants to be accepted in the various categories. In its discussions with Employment and Immigration Canada officials, and in this Report, the Committee has confined its comments and recommendations to the aspects of the proposal, and of immigration policy and procedures in general, which relate to economic/ employer issues.

The National Advisory Board on Science and Technology commends the government for its intention to bring necessary change, **flexibility** and management to its immigration policies. The regulations which will be established should facilitate the ability of these policies to address effectively, and to process efficiently, the critical requirements of the employer and of the economy.

The Committee determined that there are four principles essential to this appropriate and timely response: **speed** of response, **flexibility** of implementation, **knowledge** of employers' scientific and technical employment needs and **balance** between economic, social and humanitarian needs. A number of specific issues have been identified as key to the pursuit and maintenance of these fundamental principles. NABST recommends that particular attention be given to these issues as the regulations are formulated.

ISSUES

1) Procedural Hurdles

ARRANGED EMPLOYMENT

A frequent complaint was the length of time consumed between initial application and the attainment of landed immigrant status. This concern was expressed by employers who are attempting to bring into the country persons identified as best qualified to fill specific positions. These arranged employment situations often carry with them a sense of urgency, particularly where they are responding to needed technological change. Speed in the implementation of innovative applications of new technology is crucial to the maintenance of a competitive edge. A fast track method of processing is required for these applications. One solution would be to allow the simultaneous granting of a "temporary" employment visa to allow quick entry and employability while the application for landed immigrant status is being considered. If, ultimately, it evolves that the applicant does not qualify as a landed immigrant, then the employment would end upon the expiry of the temporary visa.

Recommendation 1:

In Arranged Employment situations, permit the granting of a Temporary Employment Visa while simultaneously processing the application for landed immigrant status.

RECRUITMENT REALITIES

The current regulations that require the wording of international advertisements to be general rather than specific are onerous to industry. The consequent flood of unqualified responses which must then be processed is costly and time consuming. An additional obstacle to fast turn-around time between identification and acquisition of required expertise, is the requirement that a Canadian be hired if training for the position can be completed within a year. The delay, complexity and cost that this requirement imposes on businesses can be crippling in the development or production delays which result. Although the option of training a Canadian employee must always receive priority consideration, policies are needed which are responsive when this is not a practicable solution. Greater technological expertise on the part of immigration officials would allow for better understanding of the business realities and the legitimacy of companies' requests, and would permit needed flexibility. In both these areas, the costs are felt most keenly by small or medium-sized businesses which are least able to sustain such costs and survive or prosper.

Recommendations 2 and 3:

Permit the wording of international advertisements to be specific where speed in employee acquisition is essential in order to attract only those applicants who are fully qualified, both in Canada and abroad, and waive any requirement for the allowance of training time.

Be flexible in the requirement that a Canadian be hired if training can be effected within a year, so that when this is not feasible, companies do not suffer negative repercussions in time, production, or financial loss.

**SECTOR
COOPERATION**

The speed of technological change is ever increasing and flexibility and appropriate procedural mechanisms are required to respond in a timely manner. Nevertheless, it is essential that all sectors, through rigorous planning exercises, project future needs wherever possible. These projections are required to identify where there is expected to be a shortfall in the availability of certain expertise in the Canadian workforce and where training programs are, or are not, a feasible solution. Such projections are currently made by many sectors, including federal and provincial governments. Where resourcing through immigration is identified as necessary, these sectors already cooperate in designating occupations as being eligible for inclusion on preferred lists. This cooperation among sectors is not only commendable, it is essential. In the opinion of the National Biotechnology Advisory Committee as articulated in its report, National Biotechnology Business Strategy: Capturing Competitive Advantages for Canada:

“...companies involved in biotechnology are in need of skilled production and technical managers. Consequently, a challenge of the 1990’s is to develop immigration policies to meet the needs of economic competitiveness and facilitate the immigration of highly qualified scientists and managers needed by Canadian companies and universities involved in biotechnology.”

Recommendation 4:

Continue inter-governmental and industrial cooperation in the designation of occupations for inclusion on preferred lists.

COMMUNICATION These needs are echoed by other engineering, scientific and technological sectors. To ensure that response to identified shortages of labour is expeditious, a fast track method of processing should be implemented, which would ensure priority processing for applicants who possess the required knowledge and skills. A cooperative, pro-active recruitment approach, with Canadian Posts abroad actively involved, would attract applicants with needed and marketable qualifications. Closer linkage between the employment and immigration sectors of federal and provincial governments is needed. An immigration data bank which

recorded the education, training and experience of an applicant, linked to a data bank of employer requirements would facilitate efficient and fast matching of immigrants' skills with specific labour shortages. Similarly, better communication of policies, procedures, options and requirements between the "employer" sector and immigration authorities would contribute significantly to cooperative working situations, would contribute to the effectiveness of such a data bank and replace substantially the sometimes adversarial connection which has existed up to the present.

For example, an advisory body, composed of private sector representatives, could serve as an effective communication vehicle to bring specific employer concerns to the attention of immigration officials.

Recommendations 5, 6 and 7:

Promote a cooperative, pro-active recruitment approach in Posts abroad to attract applicants with needed and marketable qualifications.

Develop closer linkages between the employment and immigration sectors of government including linked data banks.

Develop effective methods of communication of policies, procedures, options and requirements between employers and immigration authorities.

**TEMPORARY
SITUATIONS**

The processing of "temporary" employment visas frequently moves quickly and efficiently. However, there are still sufficient examples of delay, frustration, and lost opportunities for employers/employees and students to indicate that improvement in this category is required. One possibility which would safeguard balance and ensure that sufficient resources are dedicated to economic objectives, would be to assign designated officers to serve this clientèle in areas where numbers justify. The ability to commence the validation process with CEIC as soon as an employer becomes aware that the search is likely to include foreign personnel would speed the process considerably in some instances. When extensions are requested for temporary or student visas, the Committee agrees that revalidation is necessary to prevent abuse of the system. However, there should be reasonable flexibility where validity is certain.

Recommendations 8, 9, and 10:

Assign designated officers in foreign Posts to serve applicants for Temporary Employment Visas, in areas where numbers justify the need, in order to speed processing.

Permit the commencement of the validation process with CEIC as soon as the employer becomes aware that the search is likely to include foreign personnel.

Expedite the processing of revalidation where extension requests for temporary and student visas are seen to be clearly valid.

STUDENTS

Canadian post-graduate programs are largely dominated by foreign students who bring valuable **knowledge** and skills, but who eventually leave, taking with them significantly increased **knowledge** and skills. In some instances this lost expertise is in high demand in Canada. NABST recognises the fact that some of these students are here as part of Canada's aid programs with developing countries and concurs with the expectation that they will return to their native countries to contribute there with their valuable and needed skills. It also recognises the rationale which requires applicants for landed immigrant status to file application from outside Canada. Effective incentive programs are sorely needed which will attract and retain more Canadian students in post graduate programs so that highly qualified personnel, required by Canada's academic institutions and private industries, are readily available. Incentives which recognise financial requirements and promote awareness of employment prospects would both assist and motivate Canadian students and bring a healthier **balance** to the graduate school enrolment figures. In the meantime, a specific category of graduate students should be eligible to apply for landed immigrant status while in Canada. This category would include graduate students who, upon graduation, possess qualifications listed in skill categories designated by EIC as being in short supply and which serve an economic need, and whose study at a Canadian institution is not as a result of receipt of aid related education funds. Thus, those who apply and qualify, can avoid the requirement to leave the country in order to make application and Canada will not lose the investment and expertise lodged in these students upon the completion of their studies.

Recommendation 11:

Allow non-aid-related graduate students whose completed qualifications match those on the EIC "designated occupations list", to apply for landed immigrant status while still in Canada.

2) Application Streams

Three management streams have been recommended in the proposed changes to the Immigration Act. One CEIC proposed grouping of immigrant classes is shown in *Annex 1*. Streaming the different categories of immigrants may well prove an effective tool towards the achievement of flexible and efficient management at a time when national and global social and economic circumstances are constantly fluctuating.

Given the importance to the country's economic health of ready access to critical human resources, NABST considers that in order to facilitate the fast tracking procedures referred to earlier in this report, Stream I should also embrace more "economic" class applicants.

All applicants for temporary employment or student visas should be processed on demand, as should applicants in the arranged employment category. Mechanisms should be developed which would permit the inclusion in Stream I, the stream not bounded by an annual levels plan, for limited time periods, of occupations designated as urgently required. This would contribute to the ability of immigration authorities to respond quickly to suddenly emerging labour force requirements.

Recommendation 12:

Include in Stream 1 of immigrant categories, in addition to "investors" the following "economic" class applicants:

- (a) all applicants for temporary or graduate student visas***
- (b) all applicants in the arranged employment category***
- (c) for limited time periods only, occupations designated as urgently required.***

3) Point System

Employment and Immigration Canada is at present reviewing the point system in light of the proposed changes to the act and the current economic/ employment climate. The system should be flexible enough to reflect the fluctuations in priority listings and also be able to reflect varying needs in different parts of the country. For instance, an incentive to attract immigrants with needed expertise to a particular part of Canada, would be to grant extra points if the applicant is prepared to remain in the area for an agreed upon length of time.

Stronger weight should be given to educational levels, qualifications and experience, in order that the employability factor in the immigration point system has greater value. Applicants with qualifications in occupational areas of high demand should be awarded bonus points as was recently done for software specialists when Employment and Immigration Canada responded to a warning of a "skills crisis" contained in a report of the Canadian Advanced Technology Association (CATA): Software and National Competitiveness.

Recommendation 13:

Develop a flexible point system which would:

- (a) reflect fluctuations in priority listings***
- (b) provide incentive to applicants with needed expertise to settle in particular regions of Canada***
- (c) award bonus points to applicants with education, qualification and expertise in occupational fields of high demand.***

4) Employment for Spouses of Temporary Employment Visa Holders

Under existing regulations, the spouse of a person residing in Canada on a temporary work permit is not permitted to work unless he/she independently acquires an employment visa. The basis for this policy is, of course, to protect Canadian employees. Certainly this is a valid consideration and few argue with it. Counterbalancing this is the reality that a significant number of persons entering Canada on a "temporary" employment basis are highly qualified persons, employed because their very specific skills are required by a Canadian company. Frequently, it follows that the spouses are equally highly qualified, employed, and not willing to abandon their current employment base to be unemployed for the duration of their residency in Canada. The current policy can be a very real disincentive to applicants and a serious deterrent to the acquisition of desirable personnel, often critical to the growth and competitive edge of Canadian industries. While some reciprocal agreements exist with other countries, e.g. Australia and the U.K., this is not a blanket solution, as many countries, for their own reasons, are unable or unwilling to commit to such formal agreements. It is necessary then, if Canada is to attract the best available on the international skills market, that the government take a pro-active position on this issue and extend the right of "temporary" employment to spouses of holders of temporary employment visas while the couple is resident in Canada, wherever accreditation policies allow.

Recommendation 14:

While resident in Canada, and where accreditation allows, permit the temporary employment of spouses of holders of a Temporary Employment visa.

CONCLUSION

Canada will be accepting immigrants in the future as in the past. They are a part of Canada's social and economic mosaic. These immigrants become a part of the Canadian Human Resources bank. It is important therefore, that in the immigration process the needs of the employer and the economy be served; that the impact on the wider labour force be acknowledged and considered; that the best and quickest integration of immigrants into the labour force be sought and facilitated.

Goods and services, capital and technology are available worldwide and move rapidly to those who can, and would, acquire them. Our schools and industries benefit from this increasingly swift and efficient process. However the commodities or resources which are needed to best utilize these elements, i.e. talented and skilled workers, are sometimes most difficult to acquire. Greater attention must be given to the development of these skills in Canadian youth and the labour force. Nevertheless it is a reality that essential personnel requirements are not always readily available in Canada. Our immigration policies and Procedures must meet the challenge of facilitating the movement of human capital. Globalization of the labour market is already a fact. Canada must not be left behind in its competition with other nations for the best and the brightest.

ANNEX I

LEVELS MANAGEMENT FRAMEWORK

Stream 1

**Responsive
To Demand**

FAMILY

- fiancés
- children
- spouses

HUMANITARIAN

- refugees landed in Canada
- humanitarian and compassionate

ECONOMIC

- investors

Process on demand
and without limit

Stream 2

**Limited-
First Come,
First Served**

FAMILY

- extended

HUMANITARIAN

- refugees - other categories
- special measures programs

ECONOMIC

- arranged employment
- self-employment
- foreign domestics

Process limits set
out in the annual
levels plan

Stream 3

**Limited-
Select For
Excellence**

FAMILY

- siblings
- non-dependent children

ECONOMIC

- skilled workers
- designated occupations
- entrepreneurs

process on a
comparative basis
- limits set out in the
annual levels plan

SUMMARY OF RECOMMENDATIONS

Arranged Employment:

1. In Arranged Employment situations, permit the granting of a Temporary Employment Visa while simultaneously processing the application for landed immigrant status.

Recruitment Realities:

2. Permit the wording of international advertisements to be specific, where speed in employee acquisition is essential, in order to attract only those applicants who are fully qualified, both in Canada and abroad, and waive any requirement for the allowance of training time.
3. Be flexible in the requirement that a Canadian be hired if training can be effected within a year, so that when this is not feasible, companies do not suffer negative repercussions in time, production, or financial loss.

Sector Cooperation:

4. Continue inter-governmental and industrial cooperation in the designation of occupations for inclusion on preferred lists.

Communication:

5. Promote a cooperative, pro-active recruitment approach in Posts abroad to attract applicants with needed and marketable qualifications.
6. Develop closer linkages between the Employment and Immigration Sectors of Government including linked data banks.
7. Develop effective methods of communication of policies, procedures, options and requirements between employers and immigration authorities.

Temporary Situations:

8. Assign designated offices in foreign posts to serve applicants for Temporary Employment Visas, in areas where numbers justify the need, in order to speed processing.
9. Permit the commencement of the validation process with EIC as soon as the employer becomes aware that the search is likely to include foreign personnel.
10. Expedite the processing of revalidation where extension requests for temporary and student visas are seen to be clearly valid.

Students:

11. Allow non-aid-related graduate students whose completed qualifications match those on the EIC "designated occupations list", to apply for landed immigrant status while still in Canada.

Application Streams:

12. Include in Stream 1 of immigrant categories, in addition to "investors", the following "economic" class applicants:
 - (a) all applicants for temporary or graduate student visas
 - (b) all applicants in the arranged employment category
 - (c) for limited time periods only, of occupations designated as urgently required.

Point System:

13. Develop a flexible Point System which would:
 - (a) reflect fluctuations in priority listings
 - (b) provide incentive to applicants with needed expertise to settle in particular regions of Canada
 - (c) award bonus points to applicants with education, qualification and expertise in occupational fields of high demand.

Employment of Spouses:

14. While resident in Canada, and where accreditation allows, permit the *temporary* employment of spouses of holders of a Temporary Employment visa.

