

Recent Changes in Refugee and Immigration Policy

Notes for presentation
October 2014

(NB background notes are for information in case there are questions - they are not necessarily intended to be presented).

Slide	Notes
1. title	There have been a large number of policy changes in the last couple of years, in areas of concern to the CCR - refugees, migrant workers, family reunification, trafficked persons, citizenship. This presentation gives a brief summary of the key changes.
2. Major themes	The presentation focuses on 4 major themes that run through many of the changes: <ul style="list-style-type: none">• Focus on meeting economic interests of Canada (rather than protecting refugees or reuniting families);• more people in situations where their status in Canada is precarious;• significant changes to refugee policies that are generally restrictive;• Focus on issues of criminality and fraud (e.g. deporting criminals, uncovering cases of misrepresentation)
3. Economic priority	
4. Immigration categories 1995	Immigration to Canada is traditionally divided into 3 categories: economic immigrants, family class and refugees. This chart shows how many immigrants were in each category in 1995.
5. Immigration categories: 2014 targets	This chart shows the targets nearly 20 years later. We can see how the gap between the economic and the other categories has grown. Background note: The 1995 numbers are actual landings; 2014 numbers are the government targets, as presented to Parliament.
6. 1994 versus 2014	Here we see the two sets of numbers together. Numbers for economic immigrants have gone up, while numbers for families and refugees have gone down.

<p>7. Priority to economic immigration</p>	<p>The focus on the economic is reflected both in the change in the immigration numbers (as we just saw in the charts) and in various policy changes.</p> <p>One important change was the introduction of new barriers to the sponsorship of parents and grandparents (including limits on the numbers of applications that can be submitted (5,000 in 2014) and higher income requirements for sponsors.</p> <p>Another change, introduced in August 2014, is the reduction of the maximum age for a dependant from 21 to 19 years. This change affects all categories of immigrants - economic, family class and refugees. The rationale given by the government for the change was a purely economic one: older dependants don't do as well according to some economic criteria as dependants who arrive at a younger age.</p> <p>Background notes: Parents and grandparents: there was a complete moratorium on sponsorship applications from November 2011 to January 2014. In January the door was opened again, but sponsors had to meet a higher income threshold over a longer period in order to qualify. The sponsorship period was increased from 10 years to 20 years. The government set a limit of 5,000 applications which was already reached by February 2014, so the door is again closed to such applications (until next year). Age of dependants: the change also included the elimination of the exception for full-time students.</p>
<p>8. Precarious status</p>	
<p>9. Migrant workers</p>	<p>Canada has traditionally brought in immigrants on a permanent basis, with the expectation that most would become citizens. However, this emphasis has changed in recent years.</p> <p>In 2008 for the first time, the number of temporary foreign workers in Canada exceeded the total number of permanent residents admitted in the same year. Since then, as this graph shows, the gap has widened.</p> <p>Background note: The numbers show Temporary Foreign Workers present in Canada on December 1, and the number of permanent residents landed.</p> <p>TFW numbers include both "high-skilled" workers in the "International Mobility Program" and "low-skilled" Temporary Foreign Workers. The former have significantly more rights. It is the latter that are of concern (they represent about 1/3 of the total in 2013).</p> <p>Figures are from CIC website, Preliminary tables – Permanent and temporary residents, 2013</p>

<p>10. Migrant workers' rights</p>	<p>The “low-skilled” Temporary Foreign Workers are particularly vulnerable to abuse because of their precarious status:</p> <ul style="list-style-type: none"> • not having permanent status they may feel that they can't complain if mistreated: they may be simply fired and deported • they are on a work permit that is tied to a specific employer, so they can't just take their labour elsewhere if they are not being treated fairly. • they are often isolated (physically, socially). Sometimes they live in housing provided by the employer. • they may not have good access to information on rights (partly due to isolation and lack of English/french) • there has been little monitoring of employers to ensure they respect contracts (a few provinces have done better, the federal government has more recently committed to action) • TFWs are not eligible for federal settlement services (some provinces have funded some services). <p>CCR has been very active addressing these issues (including report cards on situation by province): http://ccrweb.ca/en/migrant-workers</p>
<p>11. Trafficked persons</p>	<p>In the worst cases of abuse, migrant workers may be trafficked i.e. they are exploited for their labour through some form of coercion.</p> <p>Trafficking happens in various ways in Canada and trafficked persons without any status at all are the most vulnerable. A Temporary Resident Permit is a way to provide a trafficked person with at least temporary status.</p> <p>However, changes to the law made in 2012 prevent people who have made a refugee claim or who are part of a group of Designated Foreign Nationals from receiving a Temporary Resident Permit.</p> <p>This is a major concern as traffickers sometimes make their victims make a refugee claim.</p> <p>Background note: Trafficked persons could easily be part of a group of Designated Foreign Nationals, but happily there have been very few designations.</p> <p>The CCR has raised with CIC the problem of these barriers for trafficked persons. CIC has agreed that there is an issue.</p> <p>See http://ccrweb.ca/en/trafficking including for paper on TRP for trafficked persons.</p>

<p>12. Conditional Permanent Residence</p>	<p>In Oct 2012 there was a change to the regulation that introduced the concept of Conditional Permanent Residence.</p> <p>This affects sponsored spouses, where the couple has been together for less than 2 years and have no children together. The sponsored spouse has conditional permanent residence for 2 years after becoming a permanent resident. If during those 2 years, the couple splits up, the sponsored spouse can lose his or her permanent residence.</p> <p>A big concern is that this may lead to women staying in abusive relationships because they fear deportation. The regulations do provide an exception to loss of status in cases of abuse or neglect, but there are concerns about how accessible this is and how you prove it to an immigration officer.</p> <p>Background note: CCR has info sheet designed for front-line workers. http://ccrweb.ca/en/conditional-permanent-residence</p>
<p>13. Cessation and loss of Permanent Residence</p>	<p>Another 2012 change means that permanent residents who came as refugees can lose their status if the Immigration and Refugee Board decides that they are no longer refugees. This could happen, for example, if a former refugee travelled to their country of origin.</p> <p>There is a high level of anxiety caused by this change - people who thought they had secure (permanent) status in Canada are finding out that their status is conditional on their still being a refugee.</p> <p>Background note: Loss of permanent residence only occurs if the person “reavailed themselves” of the protection of the country of origin e.g. returning to the country. There is no risk of losing permanent residence simply based on a change of circumstances in the country of origin.</p> <p>CCR has a detailed report on this issue. Also basic information http://ccrweb.ca/en/cessation-basic-information</p>
<p>14. Barriers to citizenship</p>	<p>Citizenship is the most secure status, and getting citizenship has become more important as permanent residence has become less secure. However, it has become harder to get citizenship.</p> <p>The chart shows the backlog of applications going up (top line), the number of applications arriving going down (middle line) and the number of new citizens going up and down, but mostly down.</p> <p>The increase in the backlog is largely due to insufficient resources to process applications. Recently the government committed extra resources to address this, and numbers of new citizens are up in 2014. In August CIC announced that we were already up to 150,000 new citizens in 2014, which is double the number of new citizens compared to the same period in 2013 - but still less than half of the backlog at end 2013).</p>

<p>15. Barriers to citizenship</p>	<p>Slow processing has been caused by insufficient staff, but some applicants face even longer delays because they are asked to complete the Residence Questionnaire (RQ).</p> <p>RQ is not new but a couple of years ago CIC started sending it to many more applicants. Completing the RQ is difficult and can be costly because of all the documents that must be acquired.</p> <p>The drop in 2013 in the numbers of applications is likely to be due to new requirements for proving language competence. Starting in November 2012, applicants for citizenship have had to submit proof (at their own expense) that they speak English or French. Some applicants have to pay for language testing to prove their competence. The number of applications went down by 60,000 in 2013 (compared to 2012).</p>
<p>16. Amendments to Citizenship Act</p>	<p>Extensive changes to the Citizenship Act were approved by Parliament in June 2014. Most of the changes are not yet in force - they are expected to be implemented sometime next year (2015).</p> <p>Overall the changes have been described as making citizenship “harder to get, easier to lose”.</p> <p>Among the changes: extending the age range for applicants needing to pass the knowledge of Canada test and provide proof of knowledge of English or French - currently 18-54 years expanded to 14 to 64 years.</p> <p>For more info and for a two-pager outlining barriers to citizenship: http://ccrweb.ca/en/citizenship</p>
<p>17. Restrictions for refugees</p>	<p>Since 2012 there have been a number of significant changes affecting refugees.</p>
<p>18. Refugee Health Care</p>	<p>Maybe the best known are the cuts to refugee health care.</p>

<p>19. Interim Federal Health Program</p>	<p>The cuts were made to the Interim Federal Health Program in June 2012.</p> <p>They affect resettled refugees (including privately sponsored refugees), refugee claimants and others without permanent status in Canada.</p> <p>Some health care services are still covered by the federal government through IFH, but recipients are divided into complex categories, depending on their immigration status, and each category is entitled to different levels of coverage. Some people have no coverage at all. Because the processing is complicated, some people find it difficult to get health service providers to offer them the services they are eligible for.</p> <p>Provinces have stepped in to fill the gap, to varying degrees, and in different ways, so the current situation depends on the province you are in.</p> <p>A legal challenge was brought to the cuts and in July 2014 the Federal Court ruled that the cuts violate the Canadian Charter of Rights and Freedoms. The Court said that the cuts constitute “cruel and unusual treatment”. The government has been ordered to reinstitute full IFH - the order will take effect November 4. The government has appealed the decision to the Federal Court of Appeal.</p> <p>For more info see http://ccrweb.ca/en/ifh</p>
<p>20. Refugee claim system</p>	<p>Major changes were made to the refugee claim process, through amendments to the law in 2012. Most of these changes came into effect in December 2012.</p> <p>The changes are quite complex - we won't have time to get into the details - this is just a quick overview of key points.</p>

<p>21. Changes to claims - Key features</p>	<p><i>Very short timelines:</i> the system went from being too slow to being too fast. 15 days to fill out a detailed form on the basis of the claim; 2 months to prepare for the hearing. The short timeline is particularly difficult for the most vulnerable refugees, and those without strong support (e.g. lawyer, NGO)</p> <p><i>Differential treatment:</i> The system does not work the same for all refugees. In particular, claimants from “Designated Countries of Origin” (including Mexico and European countries) face different rules: even shorter timelines and no appeal.</p> <p><i>Refugee appeal but bars on recourses:</i> Finally the Refugee Appeal that has been in the law since 2002 has been implemented. But several categories of claimants do not have access to the appeal.</p> <p>Also refused claimants do not have access to the Pre-Removal Risk Assessment for a year following refusal. This means that they have no place to bring new evidence that shows that they are at risk in the home country (e.g. a family member arrested on political grounds).</p> <p>Background note: for more information, including practical resources, http://ccrweb.ca/en/refugee-reform</p>
<p>22. Drop in numbers of claims</p>	<p>Since the implementation of the new restrictive rules in December 2012, the number of refugee claims has dropped dramatically.</p> <p>As you can see from the graph, the number of claims made has been going down for several years.</p> <p>In 2013, the number of claims was the lowest since Canada started counting claims in 1989.</p> <p>2014 numbers to date continue to be at about the same rate as in 2013.</p>
<p>23. Refugee resettlement</p>	<p>The numbers of refugees resettled to Canada has also been low recently. (Here are talking about refugees selected overseas and brought to Canada. They are divided between those supported by the government (in grey) and those supported by private groups (in red).)</p> <p>The chart shows that the government-assisted refugee numbers (the grey) have been particularly low. In each of 2012 and 2013, fewer than 6,000 government assisted refugees arrived. These are the only years since 1979 when there were fewer than 6,000 government-assisted refugees.</p>

<p>24. Changes in resettlement</p>	<p>Although the government has been increasingly relying on private groups to keep the resettlement numbers up, there have been a number of changes that make it more difficult to do private sponsorship.</p> <p>These changes include more complicated paperwork, centralized processing in Winnipeg with long delays, more restrictions on which individuals can be sponsored, limits on the numbers that Sponsorship Agreement Holders can sponsor each year and specific restrictions on sponsorship of refugees in certain regions of the world (especially regions in Africa). The Interim Federal Health cuts also affect private sponsors as they must be prepared to cover certain health-related costs.</p> <p>Another change is that the private sponsorship program is increasingly focused on priorities set by the Minister. Rather than private sponsors deciding which refugees they want to sponsor, they are expected to sponsor the refugee populations identified as priorities by the Minister.</p> <p>For the Government-Assisted Refugees, Canada is moving from a global response (i.e. taking refugees from anywhere in the world, as identified by the UNHCR) to a focus on a limited number of refugee populations (ie. Canada tells UNHCR to only refer refugees belonging to the populations chosen by Canada).</p> <p>Despite the scale of the Syrian refugee crisis, Canada has not opened the door to many Syrian refugees through resettlement.</p> <p>Background notes: For more info on restrictions, see http://ccrweb.ca/en/changes-private-sponsorship-refugees Canada has identified the following priority populations for Government-Assisted Refugees: Bhutanese, Iraqis, refugees in Turkey, Colombians, Eritreans, Congolese. The plan is to have 90% of Government-Assisted Refugees from the identified populations, 10% for others (e.g. urgent cases).</p> <p>Re. Syrian crisis: http://ccrweb.ca/en/responding-syrian-refugee-crisis-background</p>
<p>25. Focus on fraud, criminality</p>	

<p>26. Permanent residence and criminality</p>	<p>Changes were made to the law in 2013 that makes it easier to deport permanent residents who have committed a crime.</p> <p>The most important change is that more people lose their right to appeal their deportation (and have humanitarian factors considered). Previously people with a sentence of less than 2 years imprisonment could appeal; following the changes, this is reduced to 6 months imprisonment.</p> <p>The CCR has prepared a two-pager explaining the changes. It is important for permanent residents to be aware of the possible consequences of a criminal conviction.</p> <p>http://ccrweb.ca/en/permanent-residents-and-criminal-inadmissibility-c-43-resource</p>
<p>27. Divisive rhetoric</p>	<p>The government has introduced many concrete measures making it easier to go after cases of suspected fraud or criminality, including changes to the rules and investment of resources.</p> <p>In addition, the government has focused on these issues a lot in its public statements.</p> <p>It has gone after refugees in particular, for example stating (wrongly) that before the health cuts refugees were getting access to better health care than Canadians.</p> <p>CCR member organizations have seen how this type of rhetoric is divisive and damaging in particular for refugees and other vulnerable migrants.</p>
<p>28.</p>	<p>The CCR has been leading a campaign to change the conversation about refugees, inviting Canadians to declare themselves proud to protect refugees.</p> <p>http://ccrweb.ca/en/proud-to-protect-refugees</p>
<p>29.</p>	<p>More information on all the issues addressed is available from the CCR website.</p> <p>There are many ways for groups and individuals to get involved. CCR has also developed resources such as buttons and posters that can be ordered from the CCR.</p>