



HOUSE OF COMMONS
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CANADA

**PROTECTING CANADA AND CANADIANS,
WELCOMING THE WORLD : A MODERN VISA
SYSTEM TO HELP CANADA SEIZE THE MOMENT**

**Report of the Standing Committee on
Citizenship and Immigration**

**David Tilson
Chair**

MARCH 2014

41st PARLIAMENT, SECOND SESSION

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THE STANDING COMMITTEE ON CITIZENSHIP AND IMMIGRATION

has the honour to present its

SECOND REPORT

Pursuant to its mandate under Standing Order 108(2) and the motion adopted by the Committee on Thursday, November 7, 2013, the Committee has studied the temporary resident visas for visitors and has agreed to report the following:

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LIST OF ACRONYMS

AAT	Administrative Appeals Tribunal (Australia)
ADS	Approved destination status
BEP	Business Express Program
CAGR	Compound Annual Growth Rate
CBSA	Canada Border Services Agency
CIC	Citizenship and Immigration Canada
CIMM	House of Commons Standing Committee on Citizenship and Immigration
CIS	Canadian Industry Statistics
CPC	Case Processing Centre
EEA	European Economic Area
eTA	Electronic Travel Authorization
IPT	Immigration and Protection Tribunal (New Zealand)
IRPA	<i>Immigration and Refugee Protection Act</i>
IRPR	<i>Immigration and Refugee Protection Regulations</i>
MRT	Migration Review Tribunal (Australia)
OAG	Office of the Auditor General of Canada
OCWPP	Off-Campus Work Permit Program
SFV	Sponsored Family Visitor (Australia)
U.K.	United Kingdom
U.S.	United States
TIAC	Tourism Industry Association of Canada
TRV	Temporary Resident Visa
VAC	Visa application centre
VWP	Visa Waiver Program (United States)

PROTECTING CANADA AND CANADIANS, WELCOMING THE WORLD: A MODERN VISA SYSTEM TO HELP CANADA SEIZE THE MOMENT

PREFACE

On 4 June 2013, the House of Commons Standing Committee on Citizenship and Immigration (“the Committee”) decided to study the Temporary Resident Visas (TRVs) for visitors system in Canada. In particular, the Committee agreed to examine “1) the integrity of the system; 2) the cost and practical implications of introducing an appeal mechanism; and 3) a comparison of Canada’s visitor visa system with programs in peer countries.”¹ The Committee also agreed to consider certain issues for international students as it relates to the visa process, and to incorporate testimony received on the subject of TRVs for visitors during the Committee’s recent study on the security of Canada’s immigration system.²

To inform its study, the Committee held five meetings — occurring over two sessions of the 41st Parliament, from 4 June to 3 December 2013 — with 22 witnesses representing the federal government, academics, think tanks, community representatives, legal experts, and representatives of the tourism and travel industry. As well, the Committee received four written submissions from similar stakeholders. The Committee wishes to thank all witnesses who took the time to appear before it, and appreciates the valuable information gained from all stakeholders.

INTRODUCTION

In November 2013, the Office of the Auditor General of Canada (OAG) report “Chapter 5—Preventing Illegal Entry into Canada”³ looked into the practices to prevent the illegal entry of people into Canada. The audit concluded that the audited systems and practices to prevent the illegal entry of people into Canada are not always operating as intended.⁴ In November 2011, the OAG report “Chapter 2—Issuing Visas”⁵ concluded that “Citizenship and Immigration Canada (CIC) and the Canada Border Services Agency (CBSA) have taken some measures to address longstanding weaknesses in the process of determining whether visa applicants are admissible to Canada,” but that “they have not

1 House of Commons, Standing Committee on Citizenship and Immigration [CIMM], [Minutes of Proceedings](#), 1st Session, 41st Parliament, 4 June 2013.

2 CIMM, [Standing on Guard for Thee: Ensuring that Canada's Immigration System is Secure](#), Seventh Report, 1st Session, 41st Parliament, March 2013.

3 Office of the Auditor General of Canada (OAG), “[Chapter 5—Preventing Illegal Entry into Canada](#),” in *2013 Fall Report of the Auditor General of Canada*, 26 November 2013.

4 *Ibid.*, p. 22.

5 OAG, “[Chapter 2—Issuing Visas](#),” in *2011 Fall Report of the Auditor General of Canada*, 22 November 2011.

fully managed the risks associated with determining inadmissibility under the *Immigration and Refugee Protection Act* for health, safety and security concerns before issuing visas to foreign nationals.”⁶

Every year, more than 35 million people visit Canada from around the world. A visa requirement remains the most effective means of protecting the integrity of Canada’s immigration system. Visas are effective in allowing genuine visitors to come to Canada and discouraging those who are not. Canada must be satisfied that, among 40 different criteria, a visa exemption will not lead to an increase in irregular migration, asylum claims or in risks to the safety and security of Canadians. Since 2006, Canada has lifted visa requirements for 11 countries.

As a recent departmental evaluation of the TRVs for visitors system noted, “[t]here are many potential benefits that result from the temporary migration of foreign visitors to Canada, such as the development and growth of the tourism industry, increases to trade and international understanding, and cultural exchanges.”⁷ At the same time, there has been concern around maintaining the integrity of the system, i.e., ensuring that non-bona fide travellers are deterred from applying, and that irregular migration and application violations are prevented as much as possible.⁸

In August 2012, CIC released an evaluation report on the effectiveness of the TRVs for visitors system.⁹ The Committee observes that, although the CIC evaluation found that the TRVs for visitors system is “an effective tool” to protect the integrity of CIC’s immigration and asylum system, the evaluation also found that “[i]ts role as a mechanism to address immigration violations is less certain.”¹⁰ The report also stated that “[t]he impact of the visitor visa on irregular migration is difficult to measure due to lack of data on certain indicators (e.g., overstays).”¹¹

In the evaluation report, CIC indicated that it agreed with the evaluation team’s findings and recommendations, including that it should “investigate the feasibility of introducing supplementary tools” to enhance protection and facilitation, for example, through the development of an Electronic Travel Authorization (eTA) system; increase collaboration among federal government departments and agencies that provide visa-related services, for example, through enhanced monitoring and reporting; and “explore

6 OAG, “[Chapter 2—Issuing Visas](#),” in *2011 Fall Report of the Auditor General of Canada*, 22 November 2011, pp. 25–26.

7 Citizenship and Immigration Canada (CIC), [Evaluation of CIC’s Visitor Visa Program](#), Evaluation Division, August 2012, p. 1.

8 See, for example: CIC, [Evaluation of CIC’s Visitor Visa Program](#), Evaluation Division, August 2012; and OAG, “[Chapter 2—Issuing Visas](#),” in *2011 Fall Report of the Auditor General of Canada*, 22 November 2011.

9 CIC, [Evaluation of CIC’s Visitor Visa Program](#), Evaluation Division, August 2012.

10 *Ibid.*, p. 27.

11 *Ibid.* The findings of the August 2012 CIC evaluation follow those from the 2011 OAG study.

other, more effective methods of collecting data on irregular migration, such as overstays.”¹²

The Committee’s report on the TRVs for visitors system builds on the findings from the August 2012 CIC evaluation and other studies. The Committee observes that, although the Government of Canada has made much progress in improving the effectiveness of the TRVs for visitors system through recent efforts to streamline visa processing systems, integrate visa services, and improve monitoring and reporting systems, several key challenges remain that hinder the government’s ability to balance the goals of “facilitating legitimate travel while protecting the integrity of the immigration and asylum system and, in the longer term, protecting the health, safety and security of Canadians.”¹³

The report begins with an overview of the TRVs for visitors system which sets out the key legislated and regulatory elements, describes the visa process, and identifies the various types of TRVs for visitors that can be obtained by a foreign national wishing to visit Canada, including options available for short-term study or work. The overview includes a brief analysis of the trends and characteristics of visa applications received by visa posts abroad, including a regional comparison of approval rates, processing times, and immigration violations. The next section summarizes the testimony and submissions received by the Committee on the current state of the TRVs for visitors system in Canada, with a focus on the integrity of the system, and develops related recommendations to the government. Most notably, the report identifies issues related to application assessment and the fraud monitoring process, and notes various concerns about visa officers’ decision-making and communication processes. This section also describes how the current system affects tourism in Canada. The subsequent section discusses testimony received, and develops recommendations regarding the effectiveness and affordability of introducing an appeal mechanism. Finally, the report provides an overview of the TRVs for visitors systems in peer countries.

OVERVIEW OF THE TEMPORARY RESIDENT VISAS FOR VISITORS SYSTEM IN CANADA

A. Key Legislated and Regulatory Elements

The *Immigration and Refugee Protection Act*¹⁴ (IRPA) requires that every foreign national apply for and obtain a visa before entering Canada, except in cases prescribed in the *Immigration and Refugee Protection Regulations* (IRPR).¹⁵ The IRPR allows for

12 CIC, [Evaluation of CIC’s Visitor Visa Program](#), Evaluation Division, August 2012, pp. vii–viii.

13 Ibid., p. ii.

14 [Immigration and Refugee Protection Act](#) (IRPA), S.C. 2001, c. 27, s. 11(1).

15 *Immigration and Refugee Protection Regulations* (IRPR), [SOR/2002-227](#).

exemptions from the requirement for a temporary resident visa based on nationality, travel documents, and purpose of entry.¹⁶

B. Visa Process

Temporary resident visas for visitors may be issued to a foreign national upon application through visa offices outside Canada.¹⁷ Depending on the country of residence, an applicant — including accompanying family members — may be required to record biometric information (i.e., fingerprints and photograph) at a biometric collection service point located abroad, normally through a visa application centre (VAC).¹⁸ CIC visa officers assess applications with the assistance of federal security and health partners.¹⁹ The process of applying for a visa is considered as a pre-screening step, and does not guarantee admittance; the final decision to admit a foreign national into Canada is made by a reviewing officer with the CBSA at the port of entry.²⁰

A foreign national can apply for a TRV to visit Canada to engage in tourism, for visiting family or friends, or for short-term business trips. CIC's operations manual instructs visa officers not to issue a visa to an applicant if there is any doubt that the person is a bona fide visitor.²¹

All persons seeking to visit Canada on a temporary basis²² — whether or not they require a TRV²³ — must first meet some basic requirements for eligibility. A temporary visitor to Canada must have a valid travel document, be in good health, have enough funds for the duration of the visit, and be able to convince a visa officer of the lack of inadmissibility and of the intent to leave Canada at the end of the visit.²⁴ In particular, the following conditions must be satisfied:

16 IRPR, s. 190.

17 CIC, [Evaluation of CIC's Visitor Visa Program](#), Evaluation Division, August 2012, p. 18. Also see CIC, [Visa offices outside Canada: Countries / Territories and corresponding Canadian visa offices](#).

18 According to CIC, [Apply–Visit Canada as a tourist](#), the Government of Canada requires 29 countries and 1 territory to provide biometric information when they apply for a visa. For more information on the biometric requirements for visa applications, see CIC: [Backgrounder — Establishing Biometric Requirements in Canada's Temporary Resident Immigration Program](#), [Find out if you need to give biometrics](#), and [Steps in the biometric process as of 2013](#).

19 CIC, [Evaluation of CIC's Visitor Visa Program](#), Evaluation Division, August 2012, p. 21.

20 Ibid., p. 1.

21 CIC, [OP 11 Temporary Residents](#), p. 16.

22 Foreign nationals may be allowed to visit Canada on a temporary basis for up to six months in duration.

23 Foreign nationals visiting Canada from some countries are exempt from obtaining a temporary visitor visa. A complete list of visa exempt countries is available from the CIC website, [Find out if you need a visa](#).

24 CIC, [OP 11 Temporary Residents](#), pp. 12–15. Also see: IRPA, s. 22(1); and CIC, [Determine your eligibility–Visit Canada as a tourist](#).

- Valid travel documents — for all modes of entry to Canada, the CBSA requires that all travellers carry proof of citizenship, preferably through a valid passport.²⁵
- Health status — for visitors to Canada travelling for six or more consecutive months, a medical exam is required if the visitor has lived temporarily in identified countries or territories²⁶ in the year preceding the date of entry to Canada.
- Sufficient funds for the visit — the amount of money required can vary with the circumstances of the visit, duration of stay and whether accommodation will be in a hotel, or with friends or relatives.²⁷
- Intent to leave Canada — a visa officer may assess a visitor’s intent by considering factors such as the duration of stay, history of having contravened the conditions of prior visits to Canada, the means of support, and obligations and ties in the home country.²⁸
- Lack of inadmissibility — a visa officer may consider a visitor inadmissible to Canada for various reasons, such as: if a person is a security risk, has committed human or international rights violations, has committed a crime, or has a serious health or financial problem.²⁹ In exceptional circumstances, the Minister of Citizenship and Immigration may also declare that a foreign national is ineligible for a temporary resident visa due to public policy concerns, applicable for a period of up to three years.³⁰

C. Types of Temporary Resident Visitor Visas

The Government of Canada allows most visitors to remain in Canada for up to six months when they first enter Canada. Visitors who wish to stay longer must apply for

25 Other forms of proof of citizenship that may be accepted by the Canada Border Services Agency (CBSA) for international visitors include a birth certificate, a certificate of citizenship or naturalization, or a Certificate of Indian Status along with photo identification. For more information on the requirements for travel documents, see CBSA, [Visitors to Canada](#). Information on travel documents not considered reliable is also provided by CIC, [Determine your eligibility–Visit Canada as a tourist](#).

26 CIC, [Find out if you need a medical exam](#).

27 CIC, [Determine your eligibility–Visit Canada as a tourist](#).

28 More information on the factors considered by immigration officers in assessing an applicant’s intent for visiting Canada is provided through CIC, [Operational Bulletins 131 – July 6, 2009](#). In the case of dual applications for temporary and permanent residence by the same applicant, the CIC *Operational Bulletins 131 – July 6, 2009* states that “[a]n officer should distinguish between an applicant whose intentions are *bona fide* and an applicant who has no intention of leaving Canada at the end of their authorized stay if the application for permanent residence is refused.”

29 More information on reasons for inadmissibility to Canada is provided by CIC, [Determine if you are inadmissible](#).

30 See: IRPA, s. 22.1; and CIC, [Backgrounder — New authority for refusal guidelines](#), 24 October 2012.

an extension.³¹ In addition to single-entry TRVs, the Government of Canada also grants multiple-entry visas.³² Multiple-entry visas — which may be granted for up to ten years — allow a temporary resident to enter Canada, for a period of up to six months per visit, throughout the validity of the visa.³³

A special type of multiple-entry visa used for temporary family reunification purposes is available through the Parent and Grandparent Super Visa (the Super Visa).³⁴ The Super Visa allows visitor status for a period of up to two years, while a standard multiple-entry visa only provides visitor status over a six-month period for each entry.³⁵

D. Other Issues Related to Temporary Resident Visas for Visitors

1. Temporary Resident Permits

A temporary resident permit may be issued to a foreign national — even if that person is considered inadmissible or does not meet the requirements specified in the IRPA — if a visa officer determines that the need outweighs the health or safety risks to Canadian society.³⁶ A permit may be valid for up to three years in duration, and may be extended for an additional two years or cancelled by a visa officer.³⁷

2. Studying in Canada

A temporary resident may be eligible to study in Canada in a short-term program or course for up to six months without having to apply for a study permit.³⁸ As well, qualifying foreign representatives to Canada, for example, heads of diplomatic missions (including their family and staff members), and members of foreign armed forces do not need a permit to study in Canada.³⁹

31 A fee of \$100 is charged to applicants requesting an extension to their temporary visit. For more information, see CIC, [Apply – Extend your stay](#).

32 As of 6 February 2014, the fee for a single-entry visa or a multiple-entry visa is \$100. As well, the Government of Canada may allow a whole family to apply for a temporary resident visa at a fee of \$500. CIC, “[Travellers to benefit from Canada’s shift to multi-entry visas](#),” News release, 3 February 2014; [SOR/2014-19](#).

33 See the Government of Canada, [Visiting Canada: Who is Eligible](#). In addition to single- and multiple-entry visas, the federal government allows transit visas “for travel through Canada to another country by those persons who need a temporary resident visa and whose flight will stop in Canada for less than 48 hours.”

34 CIC, [Visiting Canada: Who is Eligible](#).

35 CIC, [How does the parent and grandparent super visa differ from a visitor visa?](#).

36 See IRPA, s. 24(1); and CIC, [Temporary Resident Permits](#).

37 CIC, [IP 1 Temporary Resident Permits](#). The fee for a temporary resident permit is \$200.

38 CIC, [OP 12 Students: Do I need a permit to study in Canada](#); and [Determine your eligibility – Study in Canada](#).

39 Ibid.

Foreign nationals seeking to study in an educational institution in Canada for longer than six months must apply for a study permit prior to travelling to Canada.⁴⁰ In addition to meeting the general conditions outlined above, a foreign national requires a letter of acceptance from the educational institution in order to be issued a study permit.⁴¹ As well, pursuant to the IRPR, the prospective student must prove that he or she can pay for his or her entire course of studies, without working in Canada, including living expenses and the cost of transportation to return to the country of origin.⁴²

3. Working While Enrolled in Full-time Studies

Although temporary residents visiting Canada are generally restricted from engaging in employment without the appropriate authorization from the Government of Canada, a foreign national holding a study permit to attend full-time studies at a post-secondary institution in Canada, i.e., an international student, may work on-campus without a work permit. International students may also be eligible to work off-campus — on a part-time basis (up to 20 hours per week) during their studies, and on a full-time basis during break periods, through the Off-Campus Work Permit Program (OCWPP).⁴³

Work permits may be issued to international students if the Minister of Citizenship and Immigration designates this work on the basis of the competitiveness of Canada's academic institutions.⁴⁴ As well, work permits may be issued to international students enrolled in a co-op program, where it is necessary for them to work to obtain academic credits.⁴⁵ A work permit may also be issued for work off-campus for humanitarian reasons, i.e., if a student becomes destitute for reasons beyond his or her control.⁴⁶

E. Statistical Trends and Characteristics of Visa Applications and Processing

The Government of Canada received about 1.49 million person-applications for temporary residence from overseas points of service in 2012, up from 1.25 million in 2008 (+4.5% average annual growth).⁴⁷ As shown in Figure 1, most applications were submitted by foreign nationals from the Asia & Pacific region — especially through points of service in China, India and the Philippines — and by foreign nationals in the Americas. Over the

40 Ibid.

41 Ibid.

42 IRPR, s. 220.

43 CIC, [OP 12 Students](#), section 5.23.

44 IRPR, s. 205.

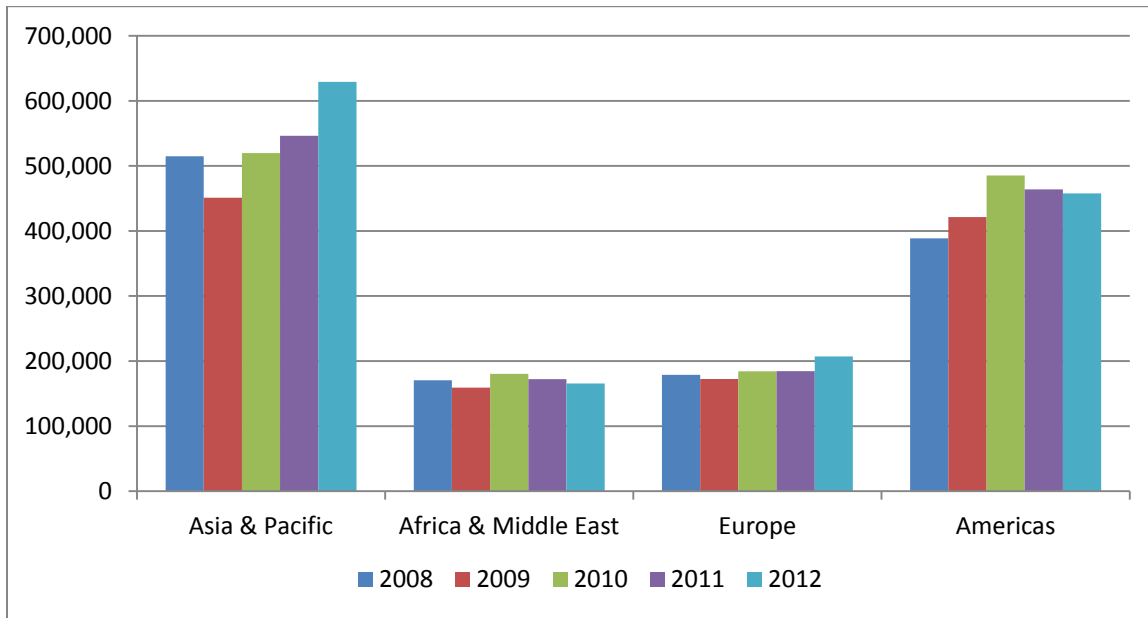
45 CIC, [Work as a co-op student or intern](#).

46 IRPR, s. 208.

47 Calculations prepared using data obtained from the Government of Canada, [Open Data](#) website, downloaded table [Point of Service – Applications Received for Temporary Residents \(in Persons\)](#). The calculation of “average annual growth” used in the text is based on the compound annual growth rate (CAGR) formula, a description of which is available from Industry Canada, [Canadian Industry Statistics \(CIS\)](#). Although the actual growth rate may differ from one year to the next, the use of a single estimate based on a CAGR facilitates the illustration of general trends over time.

2008–2012 period, applications grew more significantly from the Asia & Pacific region (5.2% average annual growth) than from the Americas (+4.2% average annual growth), from Europe (+3.7% average annual growth), or from the Africa & Middle East region (-0.7% average annual growth).

Figure 1: Temporary resident visa applications received overseas, by region (2008–2012), in number of persons



Note: Excludes the Case Processing Centre (CPC) Pilot in Ottawa, which became fully operational in 2012; temporary resident visa applicants related to the 2010 Vancouver Olympics/Paralympics; and unknown, missing and/or invalid data.

Source: Figure prepared using data obtained from the Government of Canada, [Open Data](#) website, downloaded table [Point of Service - Applications Received for Temporary Residents \(in Persons\)](#).

As shown in Table 1, the overall acceptance rate across all CIC visa offices was 82% in 2012, although these acceptance rates varied by region. For example, although the visa offices in Manila and Chandigarh had roughly equivalent caseloads in 2012, acceptance rates in Manila were much higher relative to Chandigarh, at 84% versus 53%, respectively.

Table 1: Temporary resident visas processed abroad (persons), Approval rates and processing times*: 2012 vs. 2007

Region	Passed 2012	Refused 2012	Approval rate** (%) 2012 (2007)	Processing time: days to complete 80% of cases: 2012 (2007)	Total finalized 2012
All Points of Service	951,441	208,032	82 (81)	18 (8)	1,159,473
Africa & Middle East	96,917	38,387	72 (71)	29 (14)	135,304
Asia & Pacific <i>of which</i>	387,590	89,746	81 (79)	12 (8)	477,336
Beijing (China)	153,518	25,596	86 (81)	11 (8)	179,114
Shanghai (China)	48,106	5,088	90 (88)	13 (6)	53,194
Chandigarh (India)	17,607	15,361	53 (40)	12 (15)	32,968
New Delhi (India)	69,680	19,994	78 (79)	3 (6)	89,674
Manila (Philippines)	31,790	6,222	84 (74)	10 (14)	38,012
Europe	101,148	27,861	78 (86)	34 (7)	129,009
Americas	333,295	52,035	86 (86)	16 (8)	385,330
Inland (CPC Ottawa)	32,491	3	100	23	32,494

Note: * All new applications and extensions processed in the Global Case Management System only.

** Approval Rate = Passed/Total Finalized.

Source: Table prepared using data obtained from Government of Canada, [Open Data](#) website, downloaded table [Temporary Residents Applications Processed Abroad and Processing Times — English Version](#), 9 July 2013.⁴⁸

As shown in Table 2, immigration violations — due mainly to inadmissibility under the IRPA for reasons of non-compliance or criminality⁴⁹ — were more significant for applicants from countries requiring a visa to enter Canada. In 2010, relative to the share of travellers, applicants from visa-required countries had 14 times more immigration violations than applicants from visa-exempt countries, although this ratio had decreased from about 18 times in 2006.

48 Within the source interactive table, among other options, the user can select the date range (e.g., last 12 months, calendar year 2012, etc.) and the type of temporary resident application (e.g., temporary visitor visas, temporary study permits, or temporary work permits).

49 CIC, [Evaluation of CIC's Visitor Visa Program](#), Evaluation Division, August 2012, Table 3-3, "Number of inadmissibility reports per year, by visa status and IRPA section," p. 30.

Table 2: Immigration violations for visa-exempt and visa-required countries

Visa Requirement	2006	2007	2008	2009	2010
Number of Travellers					
Exempt	32,290,184	29,229,676	26,206,439	23,417,882	23,382,569
Required	1,035,009	1,076,740	1,092,824	1,210,447	1,388,505
Total	33,325,193	30,306,416	27,299,263	24,628,329	24,771,074
Number of Immigration Violations					
Exempt	70,193	68,728	72,835	44,536	52,936
Required	39,376	40,771	47,694	57,239	44,521
Total	109,569	109,499	120,529	101,775	97,457
Immigration Violations as a Share of the Number of Travellers					
Exempt	0.22%	0.24%	0.28%	0.23%	0.23%
Required	3.80%	3.79%	4.36%	4.73%	3.21%
Total	0.33%	0.36%	0.44%	0.46%	0.39%
Ratio (Required to Exempt)	17.5	16.1	15.7	20.2	14.2

Source: Citizenship and Immigration Canada, [Evaluation of CIC's Visitor Visa Program](#), Evaluation Division, August 2012, Table 3-2: "Violation rates for visa-exempt and visa-required countries," p. 29.

INTEGRITY OF THE SYSTEM OF VISITOR AND STUDENT VISAS

The objective of the visitor visa program is to allow legitimate travellers into Canada for a short stay, whether for tourism, business or for family-related reasons. Student visas are issued with a similar intent, to allow foreign nationals to come to Canada as long as they leave at the end of their studies. CIC is tasked with balancing the facilitation of such visits with the need to deter non-genuine applicants and prevent irregular migration. The Committee heard from CIC officials how efficiencies were gained by the introduction of new online systems, the expansion of the visa application centre (VAC) network and the 10-year multiple-entry visa, making the system more user-friendly for visitors while allowing visa officers more time to analyse risk indicators. The officials also explained the various challenges the system faces — such as fraud — and how they are addressing them, including through cooperation with peer countries. Other witnesses spoke to some of the same issues, but also expressed further concerns, for example in regard to the lack of exit controls, the inconsistent use of discretion by visa officers in decision making, the lack of transparency in communicating refusals, and how the system was affecting Canada's competitiveness in the world market as a tourist destination of choice.

During another committee study, the Committee heard from Pierre Sabourin (Vice-President, Operations Branch, CBSA) who said that Canada does not "have a system

right now to track everybody who comes in or exits the country.”⁵⁰ However, he indicated that “[w]ith the ETA [*sic*] system, we will have the ability to inform the airline, before the flight has left, to not board that passenger. ... There are security advantages: people who would be deemed inadmissible would not be coming to the country. There are also advantages from a refugee perspective, which is that we will get fewer refugee claims.”⁵¹

A. Initiatives to Facilitate the Entry of Genuine Visitors and Students

The Committee heard that CIC had implemented a number of initiatives to facilitate the entry of genuine visitors and students, including online applications, a network of visa application centres, a 10-year multiple-entry visa and an approved destination status (ADS) agreement with China.

On the subject of the online submission of applications for temporary residence, Robert Orr (Assistant Deputy Minister of Operations, CIC) told the Committee that this initiative has both improved service to applicants and created processing efficiencies.⁵² Clients complete the forms online, scan in required documents, and they can retain their passport until the visa is ready for issuance.⁵³ Catherine Bailey (Immigration Program Manager, CIC Manila, Philippines) informed the Committee about the implementation of the e-Medical platform, used since early 2013, indicating it had improved processing times for temporary resident visas. She explained that “[t]his technology has facilitated the processing of medical examinations by not only sending results directly from the physician to CIC’s computer system, but also by automating portions of the assessment.”⁵⁴

Betsy Kane (Lawyer, Capelle Kane Immigration Lawyers) saw the possibility of further improvements in e-applications by allowing hosts to have their own portal for the letter of invitation to upload private financial information as well as establishing a template for the letter of invitation, “as there is for every other type of application or submission to CIC.”⁵⁵

In light of the positive impact of the e-application system, the Committee believes that additional benefits can be gained from further developing that system. It therefore recommends:

50 CIMM, [Evidence](#), 1st Session, 41st Parliament, 14 February 2012, 1550 (Pierre Sabourin, Vice-President, Operations Branch, CBSA).

51 Ibid., 1600.

52 CIMM, [Evidence](#), 1st Session, 41st Parliament, 4 June 2013, 0850 (Robert Orr, Assistant Deputy Minister, Operations, CIC).

53 Ibid., 0950.

54 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 26 November 2013, 1845 (Catherine Bailey, Immigration Program Manager, CIC Manila, Philippines).

55 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 3 December 2013, 1150 (Betsy R. Kane, Lawyer, Capelle Kane Immigration Lawyers, as an individual).

RECOMMENDATION 1

That the Government of Canada further develop its e-application system to prevent delivery delays for applications. That the Government of Canada make the visa application system more user friendly to allow hosts to enter information directly in an e-application that can be submitted for processing.

Another initiative to facilitate the processing of temporary resident visas is the establishment of the visa application centre (VAC)⁵⁶ network. Mr. Orr from CIC told the Committee that the use of VACs ensures that visa applications are complete when they reach the visa office. He also noted that VACs “offer more points of service to applicants around the world who no longer have to spend time and money travelling to a visa office if they choose to use a VAC closer to home.”⁵⁷ Angela Gawel (Director General, International Region, CIC) indicated there were more than 126 VACs in 91 countries.⁵⁸ She stated that VACs provide services in the local language. Visa application centres are also “the critical, on-the-ground location for the collection of biometric information from applicants.”⁵⁹ Mr. Orr explained the process to clarify that VACs do not store an individual’s biometrics:

... first of all, the biometric is collected, normally at the visa application centre. Once that has been submitted, it’s immediately deleted from the collection centre. In other words, they do not retain that information. The information is sent. The fingerprints and the tombstone data are sent electronically to the RCMP, and the photograph is electronically stored within our computerized [global] case management system, GCMS.⁶⁰

David Goldstein (President and Chief Executive Officer, Tourism Industry Association of Canada) explained that the association was “pleased with that roll-out, especially in markets like Brazil. ... We have a concern in a market like China, where the Chinese government will actually limit the number of visa application centres you can deploy in that market.”⁶¹ Richard Kurland (Policy Analyst and Lawyer) remarked that “[t]his visa application centre system, globally, is serving ... as the intake portal for tens of millions of private citizens who wish to go to places such as Canada, Germany, England, the U.K., and Australia. ... What we are designing in concert with other countries is a standardized, uniform, consistent intake of personal information. ... There is no reason that a visitor to the United States presents a greater immigration risk than a visitor to

56 [Visa application centres](#) are offices contracted to collect applications and provide information: they have no decision-making powers.

57 CIMM, [Evidence](#), 1st Session, 41st Parliament, 4 June 2013, 0850 (Robert Orr).

58 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 26 November 2013, 1830 (Angela Gawel, Director General, International Region, CIC).

59 CIMM, [Evidence](#), 1st Session, 41st Parliament, 4 June 2013, 0850 (Robert Orr).

60 *Ibid.*, 0900.

61 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 26 November 2013, 1130 (David F. Goldstein, President and Chief Executive Officer, Tourism Industry Association of Canada).

Canada.”⁶² Patti Tamara Lenard (Professor, Graduate School of Public Affairs, University of Ottawa) provided a dissenting opinion on the use of VACs, arguing that “[i]n the U.K. experience, the U.K. also this summer started to withdraw from the use of private companies to evaluate and collect various kinds of data. The reason is that those companies do a very poor job of protecting the privacy of applicants, especially when those applicants come from countries where they might be dissidents at risk of political persecution in the case that their documentation becomes public.”⁶³

The Business Express Program (BEP) offers rapid visa processing and simplifies application procedures for employees of pre-qualified businesses.⁶⁴

The Committee agrees that the introduction and increasing role of visa application centres have done much to improve the applications that visa officers receive, as well as provide more access for applicants. At the same time, in light of concerns expressed by some witnesses, it urges the government to ensure that the privacy and protection of personal applicant information collected at VACs around the world is ensured and that relevant practices used at VACs are monitored as needed. It therefore recommends:

RECOMMENDATION 2

That the Government of Canada continue to liaise with the Privacy Commissioner of Canada in order to enhance the protection and privacy of personal information collected at visa application centres abroad.

The Committee heard from Peter Re kai (Partner, REKAI LLP). He supported the idea that people would be willing to pay for expedited services: “[W]hen you need to be here on an urgent basis, almost all people would be willing to pay extra, as they do for passports when they need a passport overnight. We now have a passport service. We don’t have to call our MP, as we used to have to 10 years ago, to get a passport in 24 hours. We pay extra for it, and people do it gladly. I think overwhelmingly people would pay for that expedited service.”⁶⁵ In light of this, the Committee recommends:

RECOMMENDATION 3

That the Government of Canada explore the feasibility of an alternative fee structure for an express visa service that is timely and achieves business commerce needs.

62 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 3 December 2013, 1215 (Richard Kurland, Policy Analyst and Lawyer, as an individual).

63 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 3 December 2013, 1255 (Patti Tamara Lenard, Professor, Graduate School of Public and International Affairs, University of Ottawa, as an individual).

64 Government of Canada, “[Government of Canada introduces new program for business people from Mexico](#),” News release, 9 April 2010. A similar program was introduced in New Delhi, India, in June 2008.

65 CIMM, [Evidence](#), 1st Session, 41st Parliament, 6 June 2013, 1035 (Peter Re kai, Partner, REKAI LLP).

RECOMMENDATION 4

That the Government of Canada make publicly aware to applicants that, in many circumstances, they can retain their passports during the application process and that when passports are collected by the government, they are returned as promptly as possible.

B. Challenges Facing the System of Visitor and Student Visas

The system of visitor and student visas faces a number of challenges. These challenges range from various forms of immigration fraud, to possible trafficking in persons, unknown numbers of overstayers, inconsistencies due to visa officers' discretionary powers and lack of transparency in the refusal letters. Some witnesses also expressed that the system could be a barrier to Canada's competitiveness in attracting tourists, business visitors and international students in the global market, in part because of the wait times and the capacity of the system.

According to Mr. Orr from CIC, immigration fraud is an ongoing challenge to the integrity of Canada's temporary resident visa system. Canada's immigration officers must be vigilant about "fake bank statements, false letters of employment, and fraudulent letters of acceptance from Canadian schools, among many others."⁶⁶ Other fraudulent documentation, cited by Carol McKinney (Immigration Program Manager, CIC Chandigarh, India), includes invitations from non-existent Canadians or fraudulent funeral home letters for funerals that are not taking place, fraudulent language test certificates, academic records, reference letters and identity documents.⁶⁷ Mr. Orr told the Committee that "[i]n certain environments, it's a fact that there tends to be more fraud than in other environments, and certain offices are going to be more conscious of that."⁶⁸ He added, "In many offices around the world we now have officers who specialize in fraud and are dealing with program integrity."⁶⁹

In her testimony before the Committee, Ms. Gawel from CIC explained:

One example of our modernization strategy is a move towards centralized processing. With increased centralization, our visa offices overseas play a key role in informing the development and ongoing revalidation of risk indicators. These indicators are used to differentiate the lower-risk applications, processed centrally, from the more complex cases that are processed abroad, where there is the appropriate local knowledge and expertise.

In addition to achieving economies of scale, centralization allows visa offices overseas to concentrate their efforts on higher-value activities, such as intelligence gathering and

66 CIMM, [Evidence](#), 1st Session, 41st Parliament, 4 June 2013, 0855 (Robert Orr).

67 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 26 November 2013, 1840 (Carol McKinney, Immigration Program Manager, CIC Chandigarh, India).

68 CIMM, [Evidence](#), 1st Session, 41st Parliament, 4 June 2013, 0915 (Robert Orr).

69 *Ibid.*, 0920.

reporting, liaison with partners and stakeholders, the oversight of service providers, and anti-fraud and quality assurance activities that further enhance the integrity of our programs.⁷⁰

Martin Collacott from the Centre for Immigration Policy Reform explained, “On the question of checking fraudulent documents, though, the skills an immigration officer develops at one post are often relevant at another. If he has doubts about the validity of the document, then he should be able to check into it. One of the problems is that they usually don’t have time, because of all the other pressures.”⁷¹

In his testimony, Les Linklater (Assistant Deputy Minister, Strategic and Program Policy, CIC) explained that his department works in partnership with the CBSA, which is in charge of coordinating the in-depth checks referred by visa officers.⁷² He also informed the Committee that information sharing within the five-country conference (Canada, the United States, Australia, New Zealand and the United Kingdom) has “revealed significant cases of identity fraud, criminality and other information relevant to immigration security.”⁷³

To address the problem of fraud in immigration representation, legislation⁷⁴ amended the IRPA in 2011 in order to limit who can assist an individual in an immigration application for a fee. The objective of Bill C-35, in particular, was for consultants to become members of a new professional body designated by the Minister, and for “ghost consultants” and unscrupulous representatives to cease their activities. While these changes have generally been welcomed, concerns have been raised with respect to their impact on international students studying in Canada. For example, Feridun Hamdullahpur (President and Vice-Chancellor, University of Waterloo, Vice-Chair, U15 Group of Canadian Research Universities) told the Committee that the implementation of these new rules is interpreted in such a manner that university staff are considered by CIC as paid representatives, limiting their ability to assist foreign students if they do not have the required credentials.⁷⁵

CIC has proposed regulations designed to address fraud in the student sector, which seek to ensure that students come to Canada to institutions that can deliver a program and that students remain in good standing.⁷⁶ In his testimony, Mr. Hamdullahpur outlined the impact that the proposed regulations would have: institutions would need to

70 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 26 November 2013, 1830 (Angela Gawel).

71 CIMM, [Evidence](#), 1st Session, 41st Parliament, 28 February 2012, 1545 (Martin Collacott, Spokesperson, Centre for Immigration Policy Reform).

72 CIMM, [Evidence](#), 1st Session, 41st Parliament, 4 June 2013, 0925 (Les Linklater, Assistant Deputy Minister, Strategic and Program Policy, CIC).

73 Ibid., 0845 (Les Linklater).

74 *An Act to amend the Immigration and Refugee Protection Act*, S.C. 2011, c. 8.

75 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 26 November 2013, 1105 (Feridun Hamdullahpur, President and Vice-Chancellor, University of Waterloo, Vice-Chair, U15 Group of Canadian Research Universities).

76 *Canada Gazette*, [Regulations Amending the Immigration and Refugee Protection Regulations](#), Part I, Vol. 146, No 52, 29 December 2012. Regulations published in the *Canada Gazette* Part II on 12 February 2014 will come into force on 1 June 2014. [SOR/2014-14](#).

be designated, students would have to attend classes, and institutions would be “required to take on a reporting role to support these changes.”⁷⁷

The Committee fully supports CIC’s efforts to reduce fraud in student visa applications and recommends:

RECOMMENDATION 5

That the Government of Canada continue its efforts to reduce fraud in student visa applications by expediting its efforts to implement proposed regulations which seek to ensure that students come to Canada to designated institutions. In implementing these regulations, CIC should continue to work closely with the institutions affected.

Another issue addressed by witnesses in regard to the integrity of the visitor and student visa system is the difficulty of assessing the credibility of visa applications for larger groups of applicants, in particular with respect to Chinese delegations. In his testimony, Victor Wong (Executive Director, Chinese Canadian National Council) explained that:

Chinese tend to form delegations for study and travel, but it’s a very cumbersome process when it comes to the visa, because they have to prepare the visas in batches and they have to put together invitation letters. ... The rejection rate is high. ... We recognize that there are trafficking issues ... If there is an issue with trafficking, perhaps we could look at conducting in-person interviews, where warranted. That might be one way to discourage trafficking.⁷⁸

The Committee understands the challenge facing immigration officers tasked with assessing the credibility of larger batches of visa applications for delegations — and the related potential for trafficking — and that this may result in higher rejection rates. To ensure the fair treatment of applicants travelling as part of delegations, while at the same time safeguarding the integrity of the visa system by reducing the risk of non-bona fide travellers obtaining visas in this manner, the Committee recommends:

RECOMMENDATION 6

That the Government of Canada explore the feasibility of conducting in-person interviews in situations where there is a possible risk of trafficking in persons seeking entry to Canada as part of larger groups.

With respect to addressing immigration fraud as it relates to non-bona fide visitors using the student and visitor visa system to enter and remain in Canada, one of the general challenges is the lack of data on how many foreign nationals are in Canada

77 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 26 November 2013, 1110 (Feridun Hamdullahpur).

78 CIMM, [Evidence](#), 1st Session, 41st Parliament, 6 June 2013, 0900 (Victor Wong, Executive Director, Chinese Canadian National Council).

illegally. In this context, witnesses expressed concerns over the lack of exit controls. The Beyond the Border Action Plan will, through information sharing with the United States, provide such controls at the land border crossings. James Bissett, speaking from personal experience, argued that “unless we have an exit control system, the integrity of our temporary visa program is compromised very seriously. You have to find out who has left.”⁷⁹ Mr. Collacott pointed out that, while exit checks “won’t keep people from overstaying or claiming refugee status,” they would provide the needed data on foreign nationals remaining in Canada illegally. He added that this could become “a huge problem ... It’s predicted that in 2015, there will be a mass increase because the temporary foreign worker contracts will start to run out. A lot are expected to stay here.” In his view, therefore, a system of exit checks would be “expensive, but ... entirely necessary.”⁸⁰

The Committee agrees that more data is needed to assess and monitor the extent of the problem of visitors overstaying their visas and to deal with specific cases that may pose a risk to Canada’s security. It therefore recommends:

RECOMMENDATION 7

That the Government of Canada consider establishing exit controls for border crossings by air and water, in addition to the existing exit controls at land border crossings, and to ensure that CBSA and CIC officers have the information they need to target high-risk passengers efficiently.

RECOMMENDATION 8

That the Government of Canada equip CIC and CBSA officers with the tools they need to monitor immigration lookouts on all intercepted lookouts.

Visa officers play a central role in ensuring the integrity of the temporary resident visas (TRVs) for visitors system. They often deal with significant case loads and a broad range of situations. In making their decision whether to issue a visa, officers exercise a substantial amount of discretion. Several witnesses appearing before the Committee expressed concern over the visa officers’ use of that discretion. For example, Elizabeth Long (Barrister and Solicitor, Long Mangalji LLP) argued that:

It is extremely unclear ... in the criteria what exactly they should be looking at. As a result, the way they apply the criteria and what they use to determine whether or not a person should be issued a temporary resident visa is often wrong. For example, officers

79 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 3 December 2013, 1230 (James Bissett, as an individual).

80 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 3 December 2013, 1250. (Martin Collacott).

often look at whether or not someone has strong ties in Canada as a reason for rejection.⁸¹

As one important example of the use of discretion leading to possibly incorrect decisions, the same witness and Avvy Yao-Yao Go (Clinic Director, Metro Toronto Chinese and Southeast Asian Legal Clinic) noted in their respective testimony that the IRPA specifically provides for dual intent.⁸² As defined in the Act at section 22(2), “[a]n intention by a foreign national to become a permanent resident does not preclude them from becoming a temporary resident if the officer is satisfied that they will leave Canada by the end of the period authorized for their stay.”⁸³ That is, it is not because an individual may intend to come to reside in Canada permanently in the future that he/she will not leave at the end of the period allotted by a temporary resident visa. They informed the Committee that officers often do not apply this provision correctly.⁸⁴

Mel Cappe (Professor, University of Toronto, School of Public Policy and Governance), who also noted that the visa officers exercise significant discretion and authority, suggested that “the solution is ... probably in providing the visa officers with administratively clear instructions and good training on how to administer their discretion and how to deliver the program. In that context, research will help in providing indicia [*sic*] of future performance and indications of what works and what does not.”⁸⁵ In response to a question about visa officers’ discretionary powers and direction they are given by the department in exercising that discretion and training, Mr. Orr from CIC told the Committee:

A number of things would be in place to direct these officers. First of all, they are very highly trained before they go into the field. They would have a very good understanding of what the parameters are in which to operate. Second, they would be clearly managed and supervised in a very proactive way. With that there would be a monitoring of some decisions and so on, to make sure that the decisions are appropriately made. The third thing I would add is that there are active quality assurance measures in place as well.⁸⁶

The Committee recognizes the challenges visa officers face in exercising their discretion, but also recognizes the need to ensure consistency and clarity in this area. It therefore recommends:

81 CIMM, [Evidence](#), 1st Session, 41st Parliament, 6 June 2013, 0945 (Elizabeth Long, Barrister and Solicitor, Long Mangalji LLP, as an individual).

82 CIMM, [Evidence](#), 1st Session, 41st Parliament, 6 June 2013, 0945 (Elizabeth Long), and 0845 (Avvy Yao-Yao Go, Clinic Director, Metro Toronto Chinese and Southeast Asian Legal Clinic).

83 CIMM, [Evidence](#), 1st Session, 41st Parliament, 6 June 2013, 0945 (Elizabeth Long).

84 CIMM, [Evidence](#), 1st Session, 41st Parliament, 6 June 2013, 0845 (Avvy Yao-Yao Go) and 0945 (Elizabeth Long).

85 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 26 November 2013, 1115 (Mel Cappe, Professor, University of Toronto - School of Public Policy and Governance, as an individual).

86 CIMM, [Evidence](#), 1st Session, 41st Parliament, 4 June 2013, 0925 (Robert Orr).

RECOMMENDATION 9

That the Government of Canada review existing training and guidelines with a view to ensuring that administratively clear instructions and appropriate training and quality assurance measures are in place to improve the consistency and clarity of decisions made by visa officers. Particular attention should be given to the meaning and application of dual intent provisions in the *Immigration and Refugee Protection Act*.

Once a visa officer makes his/her decision, the refusal is communicated in writing. Witnesses raised the issue that these letters of refusal lack transparency and details. In relation to the letter of refusal, Mr. Orr from CIC told the Committee:

I think we would all prefer to be able to give far more precise information, but that would be an extraordinarily time-consuming process. Given the volumes that we have, we've had to go to a generic letter, which tries to give as good an idea as possible of the reasons and the reasoning behind the decision. But I grant you it's not specific enough often for an individual to know exactly what the score is.⁸⁷

However, Ms. Kane argued, “[t]he information is already in Immigration’s electronic database ... so to simply cut and paste and put it on a letter is not a problem.”⁸⁸ Mr. Reikai noted that the use of the template letter does not give the actual reasons for the refusal, and that “[t]hese types of arbitrary check-offs — and they’re done all the time — lead to an enormous amount of work and are basically a waste of resources. Typically, the second application comes back with different boxes checked for the refusal.”⁸⁹

The Committee heard from Ms. Bailey (Immigration Program Manager, CIC Manila), who explained that it is vital for more information to be available to applicants about what to include on their applications. It therefore recommends:

RECOMMENDATION 10

That the Government of Canada review the visa application guide in order to give applicants a better understanding of the information required to fill in a complete visa application.

Some observers have raised concerns that the current temporary resident visitor visa system, while ensuring a high level of integrity, does not ensure that Canada benefits from legitimate visitors to the greatest extent possible. In particular, some have argued that the system may represent a barrier to the competitiveness of Canada as a destination for students, tourists and business visitors. On this topic, witnesses suggested a number of initiatives to improve the system, such as offering expedited processing for a fee, building

87 CIMM, [Evidence](#), 1st Session, 41st Parliament, 4 June 2013, 0945 (Robert Orr).

88 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 3 December 2013, 1215 (Betsy Kane).

89 CIMM, [Evidence](#), 1st Session, 41st Parliament, 6 June 2013, 0950 (Peter Reikai).

capacity and lifting visa requirements, as well as accepting screening from the United States or like-minded countries.

The current standard processing time for visitor visas is 14 days, although testimony indicated that there are considerable differences between visa offices. For example, for Super Visas for parents and grandparents, in Chandigarh the processing time was eight weeks, although if the application is presented with medicals upfront, the application is processed in 14 days.⁹⁰ In Manila, “If they do an e-application and an e-med and are not found to have any medical problems, such as pulmonary tuberculosis, the processing time is six to eight weeks at the moment for a super visa.”⁹¹ Another source of differences in processing times is the decision to obtain a more in-depth security check. As Mr. Linklater from CIC explained, if a visa officer refers an application to the CBSA for a more in-depth security check, a response is expected within one to two weeks in a case with no particular issues,⁹² which is added to the standard processing times.

Speaking about student permits, Mr. Hamdullahpur indicated that “[a]mong the top 15 source countries for international students, study permit processing times vary from as low as two weeks, for example, for India, to as many as 18 weeks in the case of students from Nigeria. ... That’s a lot of time when we hear that Australians can get a student visa turned around in 20 days and the U.K. even less.”⁹³ When asked for his views on putting in place “a list of countries where an expedited student visa is allowed and others where we have to do more due diligence to make sure those are legitimate student visas,”⁹⁴ Mr. Hamdullahpur expressed support for such a list.⁹⁵

On the topic of expediting visa applications, Mr. Rekai told the Committee that “when you need to be here on an urgent basis, almost all people would be willing to pay extra.”⁹⁶ At the time of the hearings for this study, the fee structure had not changed in 15 years. Mr. Orr from CIC told the Committee that “[t]he fee for a multi-entry visa is \$150, and a single-entry is \$75.”⁹⁷ Mr. Linklater, from CIC, provided to the Committee the costs of a regular visa to peer countries: “For the U.S.A., it’s \$164 plus a local issuance fee, which depends on the local market. For the U.K., it’s \$126; for Australia \$120; and for New Zealand, \$143.”⁹⁸ He stated, “[C]omparatively speaking our costs are very competitive and

90 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 26 November 2013, 1920 (Carol McKinney).

91 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 26 November 2013, 1920 (Catherine Bailey).

92 CIMM, [Evidence](#), 1st Session, 41st Parliament, 4 June 2013, 0925 (Les Linklater).

93 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 26 November 2013, 1110 (Feridun Hamdullahpur).

94 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 26 November 2013, 1220 (Mike Wallace, Member of Parliament for Burlington).

95 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 26 November 2013, 1220 (Feridun Hamdullahpur).

96 CIMM, [Evidence](#), 1st Session, 41st Parliament, 6 June 2013, 1035 (Peter Rekai).

97 CIMM, [Evidence](#), 1st Session, 41st Parliament, 4 June 2013, 0900 (Robert Orr). As of 6 February 2014 the fee for a single-entry visa or a multiple-entry visa is \$100. As well, the Government of Canada may allow a whole family to apply for a temporary resident visa at a fee of \$500. CIC, “[Travellers to benefit from Canada’s shift to multi-entry visas](#)”, News release, 3 February 2014; [SOR/2014-19](#).

98 CIMM, [Evidence](#), 1st Session, 41st Parliament, 4 June 2013, 0945 (Les Linklater).

in fact on the low side ... There is a question of commitment to the program in the degree of subsidization that the government provides. ... we recover a good portion of the cost of processing applications.”⁹⁹

Mr. Goldstein stated that “TIAC [Tourism Industry Association of Canada] was encouraged, in last year’s federal budget, with the announcement of a two-year investment of \$42 million to increase visa capacity. But this will barely keep up with demand, especially in markets like China.”¹⁰⁰ He told the Committee that TIAC “recommend[s] that a small percentage of the revenues earned by visas, upwards of \$400 million per year, be reinvested in building visa capacity in the system.”¹⁰¹ Mr. Goldstein also encouraged CIC “to look at various levels of risk and various levels of accessibility, because not all markets are built the same.”¹⁰² He told the Committee that “the fastest-growing markets are the ones that do require visas ... In fact, China alone has become the fourth largest inbound source market for Canada ... reaching 288,000 visitors in 2012.”¹⁰³ He also argued that Canada should waive “visa requirements for Mexico and Brazil,”¹⁰⁴ which “present less of a threat or risk.”¹⁰⁵

Mr. Collacott told the Committee that foreign nationals applying in countries that are not their country of origin pose added difficulties: “We do have a lot of people coming in from the States, though, and one of the problems we face is that we get a lot of what are called offshore applications, where somebody, let’s say from China, applies in Buffalo, and we may not have the expertise at those posts that our staff would have in China.”¹⁰⁶ On the same issue, Daniel-Robert Gooch (President, Canadian Airports Council) stated that “long-term residency ... to the United States or the European Union demonstrates a certain amount of pre-screening. We think that should be a consideration for a less complicated entry into Canada.”¹⁰⁷

The Committee agrees that options for expediting visitor visas for low-risk foreign nationals and business travellers should be considered and that it may be feasible to streamline applications of foreign nationals who have already been screened in by the United States or other like-minded countries. The Committee therefore recommends:

99 Ibid., 0930.

100 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 26 November 2013, 1120 (David Goldstein).

101 Ibid.

102 Ibid., 1205.

103 Ibid., 1120.

104 Ibid.

105 Ibid., 1130.

106 CIMM, [Evidence](#), 1st Session, 41st Parliament, 28 February 2012, 1610 (Martin Collacott).

107 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 3 December 2013, 1205 (Daniel-Robert Gooch, President, Canadian Airports Council).

RECOMMENDATION 11

That the Government of Canada consider establishing a list of countries whose nationals may be eligible for expedited visitor and student visas. That it also establish an appropriate fee structure that would better recover the costs of processing applications, including those for expedited visitor visas.

RECOMMENDATION 12

That the Government of Canada establish a program that streamlines applications from foreign nationals who have already been screened by the United States and examine the feasibility to include those screened by the European Union.

COST AND PRACTICAL IMPLICATIONS OF INTRODUCING AN APPEAL MECHANISM

Currently, there is no appeal mechanism for a visitor visa: a person may submit a new application or apply for leave to the Federal Court for a judicial review of the refusal.¹⁰⁸ One witness informed the Committee that a successful judicial review takes over a year.¹⁰⁹ Another witness explained that “the criterion ... for a Federal Court review is that there was an error in law or in the way the decision was approached. Most courts give a fair amount of latitude ... to visa offices’ expertise in analyzing the facts before them. They are not going to review the facts.”¹¹⁰ The Committee heard testimony regarding the cost and practical implications of introducing an appeal mechanism, as well as alternative proposals for dealing with family-related visitor visa applications that may be refused because the risk of applicants remaining in Canada after their visa expires is deemed high.

A. An Appeal Mechanism

Mr. Linklater from CIC told the Committee that the department has looked at the appeal mechanisms available in the United Kingdom (U.K.) and in Australia:

In terms of their applicability to the Canadian context, based on our review and conversations with our colleagues, we find that these processes are expensive, time-consuming, and not responsive to the timeliness of a decision based on an event like a wedding or a funeral. I think in the Australian case it takes about 250 days for the appeal to be heard, and in the U.K., it also takes an extensive period of time. In the Australian case, it costs \$1,400 to lodge an appeal, and that fee is returned only if the appeal board

108 CIC’s response to a request for information made by the Standing Committee on Citizenship and Immigration on 4 June 2013 indicates that, in 2011, 41 of 63 applications for leave and judicial review of TRV decisions were either denied by the Court or discontinued without settlement.

109 CIMM, [Evidence](#), 1st Session, 41st Parliament, 6 June 2013, 1020 (Elizabeth Long).

110 CIMM, [Evidence](#), 1st Session, 41st Parliament, 6 June 2013, 1020 (Peter Rekai).

overturns the visa officer's decision. So it is not a process that's entered into lightly. ... from our perspective, the simple fact that an individual can reapply or seek a temporary resident permit in exceptional circumstances seems to be a more viable option.¹¹¹

There was no consensus from witnesses on whether to implement an appeal mechanism. Ms. Kane stated:

One of the things I've been asked to discuss is whether it is practical and effective to introduce a full appeal mechanism. The answer, in my opinion, is no.

Our current appeal mechanism is already bogged down with delays and is under-resourced at the [I]mmigration [A]ppeal [D]ivision and the [R]efugee [A]ppeal [D]ivision at the Immigration and Refugee Board. I do not think adding to that bureaucracy will assist.

The U.K. had a family class appeal mechanism with a full appeal, and it has been terminated as of June 2013. Obviously it wasn't working; otherwise they would have maintained that appeal process.¹¹²

While Mr. Collacott thought the current option of re-applying was sufficient,¹¹³ Ms. Go argued that the Federal Court process is simply too expensive and that “[a]n appeal process for a visitor visa that is easy to access and does not carry a high processing fee”¹¹⁴ would therefore be welcomed. In her view, the right to appeal should be granted to those who are coming to visit family members, and she indicated that the appeal should be determined by an independent body and heard in a timely fashion.¹¹⁵ The importance of establishing an appeal mechanism that could deliver decisions quickly was also highlighted by other witnesses.¹¹⁶ Mr. Rekai shared the view that an appeal process should exist for visitors who are hosted by relatives in Canada. He stated, “When you reject a Canadian’s relative, the Canadian often takes it incredibly personally. The person takes it as a rejection of his or her own status in Canada and assumes that it reflects a lack of trust or respect for his own standing in the country, or worse, it communicates that to the relative abroad.”¹¹⁷ Ms. Long told the Committee that she “truly believe[s] in an appeal system, because ... there is guidance afterwards to the officers of what is reasonable and what is unreasonable, and right now there is no such guidance.”¹¹⁸ Several witnesses recommended that the appeal mechanism be an administrative review, most likely processed in a dedicated unit in Canada. Mr. Rekai indicated why it was preferable than having the decision reviewed a second time in the same visa office that refused the initial application:

111 CIMM, [Evidence](#), 1st Session, 41st Parliament, 4 June 2013, 0920 (Les Linklater).

112 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 3 December 2013, 1155 (Betsy Kane).

113 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 3 December 2013, 1245 (Martin Collacott).

114 CIMM, [Evidence](#), 1st Session, 41st Parliament, 6 June 2013, 0850 (Avvy Yao-Yao Go).

115 Ibid.

116 CIMM, [Evidence](#), 1st Session, 41st Parliament, 6 June 2013 0910 (Mr. Victor Wong) and 1040 (Peter Rekai); CIMM, [Evidence](#), 2nd Session, 41st Parliament, 3 December 2013, 1230 (Patti Tamara Lenard).

117 CIMM, [Evidence](#), 1st Session, 41st Parliament, 6 June 2013, 0950 (Peter Rekai).

118 CIMM, [Evidence](#), 1st Session, 41st Parliament, 6 June 2013, 0950 (Elizabeth Long).

What we can do is have an in-house review of family supported applications, accepting the usual profiles and accepting personal circumstances and reviewing them. It could be done within the visa office that refused the applicant, but frankly, in my experience, visa officers are never comfortable reviewing a decision made by an office mate or office colleague. It just doesn't work very well. Thus an inland unit—it could be based anywhere in Canada—would be preferable. The knowledge that a decision is reviewable ... will itself make for better and more transparent initial decisions.¹¹⁹

Mr. Kurland expanded the description of the administrative review by stating that the reviewing officer would have “the authority to send back for redetermination or to approve a TRV application, and importantly be allowed to request, for a finite visit to Canada of 90 days’ or less duration, something that already exists and is contemplated in our statute: a sponsorship bond or cash bond payable by credit card.”¹²⁰ Ms. Kane suggested that it should be an online process and that the fee should be substantial so that it “is actually exercised by someone who has meritorious reasons for seeking the review.”¹²¹ Ms. Lenard added that the fee should be returned where the case was overturned.¹²²

B. Alternatives to an Appeal Mechanism

Witnesses identified four alternatives to an appeal mechanism, which could be used in cases where family-related applications would otherwise be refused and which would be designed to reduce the risk of visitors not returning to their home country: bond mechanisms, an undertaking or sponsorship by the host, an interview before a final refusal, and reporting requirements. The first three would be used prior to the issuance of the visitor visa.

A bond mechanism is an amount of money that is usually collected to ensure compliance with terms and conditions. In the immigration context, it is often used when a person is released from detention into the care of a responsible adult (bondsperson) until that person is removed, or the terms and conditions cease to have any relevance, at which time the money is reimbursed to the bondsperson by the CBSA. Witnesses suggested that a bond mechanism be created for certain circumstances. For example, Julie Taub (Immigration and Refugee Lawyer) thought that in family emergencies, there should be more latitude. She said, “[T]he Canadian family could be requested to post a bond that would be repaid once their visiting family member leaves. Then there would be more certainty of compliance.”¹²³ Rajesh Randev (Immigration Consultant) put forward the concept of a bond to overcome the issue of weak or strong ties: “The good faith bond’s value could be determined based on the applicant’s financial grounds. ... the bond would

119 CIMM, [Evidence](#), 1st Session, 41st Parliament, 6 June 2013, 0950 (Peter Reka).

120 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 3 December 2013, 1145 (Richard Kurland).

121 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 3 December 2013, 1215 (Betsy Kane).

122 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 3 December 2013, 1230 (Patti Tamara Lenard).

123 CIMM, [Evidence](#), 1st Session, 41st Parliament, 6 June 2013, 1035 (Julie Taub, Immigration and Refugee Lawyer, as an individual).

remain [as] collateral for his or her lawful visit.”¹²⁴ However, Mr. Linklater from CIC told the Committee:

Our initial assessment of a bond is that it’s fairly administratively challenging to administer. What we’ve seen in terms of previous experience is that it hasn’t really acted as a deterrent in a number of cases where bonds have been used by other countries. People still go underground or forfeit the bond, simply for the opportunity to gain access to another country. The handling of monies, getting into that sort of degree of complexity, adds to our risk in terms of handling of public monies ... From our early assessment, it doesn’t look like a particularly viable approach.¹²⁵

Another argument against the bond mechanism was presented by Ms. Lenard who argued that bond mechanisms “impose costs on those least able to afford them.”¹²⁶ Ms. Kane suggested that undertakings, which are used for sponsorship in permanent migration, could be used for visitor visas as a possible alternative to bonds. In an undertaking, the sponsor commits to supporting the individual coming to Canada for a number of years if the person uses public funds. She explained that if CIC had a complete picture, it would not be necessary for applicants to re-apply.¹²⁷

Several witnesses proposed yet another option for cases where family-related applications are likely to be refused, arguing that, before an applicant is rejected, an in-person interview should be conducted. Mr. Wong suggested that it would have to be referred to another officer.¹²⁸ Joe Greenholtz argued that:

A procedurally fair and useful system would require a much closer examination of the application. And if there were concerns, under the conditions of procedural fairness, that system should include an interview in order to give the applicant a chance to refute or to satisfy whatever concerns the officer had.¹²⁹

Finally, Mr. Randev suggested that the Committee consider the imposition of reporting requirements in certain cases. He stated that “if an applicant arrives in Canada, at the port of entry a visa officer may impose conditions such as monthly monitoring or attendance at the visa office if they find it is a necessity for a particular case.”¹³⁰

The Committee appreciates the suggestions made by witnesses about possible options for dealing with family-related visitor visa applications that may be refused because the risk of applicants remaining in Canada after their visa expires is deemed high.

124 CIMM, [Evidence](#), 1st Session, 41st Parliament, 1 March 2012, 1635 (Rajesh Randev, Immigration Consultant, as an individual).

125 CIMM, [Evidence](#), 1st Session, 41st Parliament, 4 June 2013, 1010 (Les Linklater).

126 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 3 December 2013, 1230 (Patti Tamara Lenard).

127 CIMM, [Evidence](#), 2nd Session, 41st Parliament, 3 December 2013, 1150 (Betsy Kane).

128 CIMM [Evidence](#), 1st Session, 41st Parliament, 6 June 2013, 0930 (Victor Wong).

129 CIMM, [Evidence](#), 1st Session, 41st Parliament, 1 March 2012, 1700 (Joe Greenholtz, as an individual).

130 CIMM, [Evidence](#), 1st Session, 41st Parliament, 1 March 2012, 1635 (Rajesh Randev, Immigration Consultant, as an individual).

At the same time, it recognizes that bonds and other mechanisms may not be an effective deterrent when an individual's primary concern is entry into the country.

INFORMATION ON VISITOR VISA SYSTEMS IN SELECT PEER COUNTRIES

Australia, New Zealand, the United Kingdom and the United States, like Canada, operate temporary visitor visa systems to manage the temporary immigration of different categories of visitors. This is done with a view to ensuring, on one hand, an appropriate balance between the social, cultural and economic benefits from temporary migration, and on the other, the need to ensure, as much as possible, that non-bona fide travellers are deterred from applying and that irregular migration and application violations are prevented. This section provides a brief overview of the temporary visitor visa systems in these peer countries. Because the Committee received little testimony on this subject in the course of its hearings, this overview is based on publicly available information.

A. Australia¹³¹

Australia applies a universal visa system in which all non-citizens are required to possess a valid visa to travel to Australia, thus allowing for tracking of entries and exits of visitors.¹³² There are four main types of visitor visas in Australia: Tourist, Sponsored Family Visitor (SFV), Business Visitor, and Approved Destination Schemes (ADS – for tour groups from China). To be eligible for a visitor visa, applicants are screened for factors such as: their intention to stay for tourism or short-term business purposes; their health status, which may be determined by a health examination; and the security risk they may present, which may include the review of police certificates. Evidence of funds to cover the costs of travel may also be required.

An immigration officer may refuse a visitor visa application if screening requirements are not met. If an application is refused, the Australian Government provides the applicant with a written explanation for refusal and any review rights. The Australian Minister of Immigration and Citizenship also has the authority to overturn an immigration officer's decision; a ministerial decision is not subject to administrative or judicial review.

There are two tribunals in Australia mandated to review immigration officer decisions related to visitor visas: the Migration Review Tribunal (MRT)¹³³ as a first level, followed by an Administrative Appeals Tribunal (AAT), if required. A decision made by the

131 Information for Australia is based on: CIC, "Annex V: Literature Review of Comparative Visa Regimes", *Evaluation of CIC's Visitor Visa Program*, Research and Evaluation Division, 18 June 2012; and Australian Government: [Visitor visa \(subclass 600\)](#), Department of Immigration and Border Protection; and [Visitor visa program quarterly report: Quarter ending at 30 June 2013](#), Department of Immigration and Citizenship, 2013.

132 In most circumstances, New Zealand citizens are automatically granted a residence visa at the Australian border.

133 An application fee of AUS\$1,604 is payable, with some exceptions, half of which would be refunded in the case that the decision is favourable to the applicant, or if such a fee would cause the applicant undue financial hardship. For more information, see Migration Review Tribunal (Australia), [Apply for review – Application fees](#).

MRT or AAT in favour of the applicant would overturn a decision made by an immigration officer; the AAT could rule its decision as final, and not subject to judicial review.¹³⁴ For cases in which a judicial review from a higher court occurs following a decision by the AAT, a decision favourable to the applicant through judicial review would result in the application being referred back to the AAT for reconsideration.¹³⁵

A Tourist visa can include single or multiple entries for periods of up to 12 months, and these visitors may study for up to 3 months without having to apply for a study visa. Business Visitor visa holders can stay for up to 3 months, while Sponsored Family Visitor visa holders can stay for up to 12 months.

Visitor visa holders cannot extend their stay using the same visa, but may apply for a different visa. Bridging visas are also available to on-shore visitors who stay beyond their authorized period.

In the case of Sponsored Family Visitor visa holders, the sponsor must cover the financial obligations of the visitor and ensure that the visitor will leave before the visa expires. The sponsor may also submit a security bond, ranging from AUS\$5,000 to AUS\$15,000, when there is some question as to the intent of the visitor to comply with the terms of the visa.¹³⁶

In 1996, an electronic visa processing system was introduced for some low-risk visa posts. Over time, this system has been expanded, and has focused on improving operational “efficiency,” increasing “border integrity” through enhanced traveller tracking, and better “integration of the verification process” with air travel industry systems.¹³⁷ For similar purposes, Australia has expanded the collection of biometric information over the last several years.¹³⁸

During fiscal year 2012–2013, about 3.4 million visitor visa applications were made — mainly by foreign nationals from the United Kingdom and countries in the Asia & Pacific region — with an approval rate of about 97% in that year, about the same as in fiscal year 2011–2012.

134 An application fee of AUS\$816 may be payable, but could be reduced to AUS\$100 if the decision is favourable to the applicant, or if such a fee would cause the applicant undue financial hardship. For more information, see Administrative Appeals Tribunal (Australia), [Information about application fees](#).

135 Australian Government, [Fact Sheet 9 - Litigation Involving Migration and Citizenship Decisions](#), Department of Immigration and Border Protection. Also see [Migration Act 1958](#), Australia: Part 5—Review of Decisions, s.337–379G; Division 9: Administrative Appeals Tribunal s. 380-393; and Part 8—Judicial Review, s.474–484.

136 Australian Government, [Fact Sheet 54 – Sponsored Family Stream](#), Department of Immigration and Border Protection.

137 CIC, “Annex V: Literature Review of Comparative Visa Regimes,” *Evaluation of CIC’s Visitor Visa Program*, Research and Evaluation Division, 18 June 2012, pp. 25 and 32.

138 *Ibid.*, pp. 27–28.

The Australian Government's goal is to process 75% of non-sponsored applications within the following timeframes, assuming that applications have complete information: 1 day for on-shore applications from low-risk, non-sponsored visitors; 1 week for on-shore applications from high-risk, non-sponsored visitors; and 1 month for off-shore, high-risk visitors. For sponsored visitors, which are processed onshore, the goal is to process applications within 1.5 months.

From April to June 2013, processing times were, on average, 12 days for Tourist visas (including ADS), 15 days for Sponsored Family Visitor visas, and 7 days for Business Visitor visas.

B. New Zealand¹³⁹

New Zealand applies a near-universal visa system similar to Australia's, except for foreign nationals from select countries who are allowed to visit without a visa for 3 months (or 6 months if from the United Kingdom) in any 12-month period.¹⁴⁰ New Zealand also applies screening criteria similar to Australia's in relation to intent of stay, evidence of sufficient funds, health status, and assessment of security risk. A bond may be imposed, up to NZ\$5,000 for single applicants and NZ\$10,000 for multiple applicants, "only to manage an identified risk that the applicant may remain in New Zealand after their visa expires."¹⁴¹

Similar to Australia, an immigration officer in New Zealand may refuse a visitor visa application if screening requirements are not met. If an application is refused, the applicant is provided a written explanation for refusal and any review rights. The New Zealand Minister of Immigration also has the authority to overturn an immigration officer's decision; a ministerial decision is not subject to review. Appeals can be submitted to the Immigration and Protection Tribunal (IPT), which could overturn the decision of an immigration officer, or can be submitted for judicial review, which could send the matter back to the IPT for reconsideration.

In general, the maximum stay under a visitor visa is 9 months within an 18-month period.¹⁴² Under special circumstances, a further 3-month extension can be granted if, for example, an application for permanent residency has been submitted, or if an applicant has sufficient funds and has not worked, studied, or been sponsored during the visit. Most applicants will be granted a multiple-entry visa, as long as the applicant has not stayed in New Zealand for more than 9 months in the last 18 months. Visitors in New Zealand who have applied for a subsequent visitor visa may be automatically eligible for

139 This description of the visitor visa system for New Zealand is based on information from Immigration New Zealand: [Visitors to New Zealand](#), [Visitor Visa Guide](#) and [Operational Manual: Temporary Entry](#).

140 A list of visa-exempt countries is available from Immigration New Zealand, [Visitor Visa Guide](#).

141 Immigration New Zealand, [Operational Manual: Temporary Entry](#), section E4.55.30, "Amount of bond," and section E4.55.15, "When bond may be imposed."

142 Australian citizens are automatically granted a residence visa at the New Zealand border, and vice versa, and are thus eligible for public health services through reciprocal health agreements; as are citizens from the United Kingdom.

an interim visa for a maximum period of 6 months, or when a decision has been made as to the subsequent visa application, whichever is earlier.

Special visitor categories are also provided for: business visitors who can travel for business purposes without gain or reward for up to 3 months in any year; for group visas for those travelling together as a group for the same purpose; for medical treatment; or for cultural arranged marriages. Legal guardians of international students are also allowed to travel with and care for a student for renewable 12-month periods, up until the student reaches the age of 18. Parents and grandparents of New Zealand citizens or permanent residents are eligible to be sponsored for a 3-year, multiple-entry visitor visa allowing visits for up to 6 months at a time.

The electronic visa processing system, SmartGate, allows New Zealand and Australian ePassport holders to bypass the traditional visa and passport control process.¹⁴³

During the fiscal year 2012–2013, 206,366 visitor visa applications were processed — mainly by foreign nationals from the Asia & Pacific region — with an approval rate of about 93% in that year, about the same as the previous year.¹⁴⁴ On average, between September and November 2013, about 80% of temporary visitor visa applications were processed within 25 days.¹⁴⁵

C. United Kingdom¹⁴⁶

Contrary to Australia and New Zealand, visa requirements to visit the United Kingdom (U.K.) vary depending on the circumstances of a foreign national. There are 4 types of entry clearance required for travel to the U.K.: Visas for foreign nationals from over 100 countries; Entry Certificates for foreign nationals from non-visa countries outside of the European Economic Area (EEA)¹⁴⁷ and Switzerland; EEA Family Permits for family members of EEA nationals; and Exempt Vignettes for people such as diplomats. Those from non-visa countries — other than EEA and Swiss nationals — may need to obtain a visa if they want to visit the U.K. to get married, to study in a course that includes a work placement, for paid employment, or for producing goods or services. Nationals from EEA countries and Switzerland generally do not need to apply for a visa to live, work, or study in the U.K..

143 New Zealand Customs Service, [SmartGate](#).

144 Immigration New Zealand, *V1 – Visitor applications decided*.

145 Immigration New Zealand, *Processing times: Temporary Visas*.

146 Unless otherwise noted, information for the United Kingdom is based on the Home Office's UK Border Agency: *Visas and Immigration, Visiting the UK, Entering the UK, Sponsoring general visitor, Visitors' rights and responsibilities, Information for non-visa nationals, European Nationals, Can you come to the UK as a family visitor?, What documents should you provide to support a general visitor's application?*, and [Appeals - visas and entry clearance](#).

147 The European Economic Area (EEA) consists of the 28 member states of the European Union, Norway, Iceland and Liechtenstein.

For those requiring visas or entry certificates, there are several application categories, including most notably: General Visitor (or child visitor for those under the age of 18); Approved Destination Status (ADS) visitor, for tour groups from China; Family visitor; Business visitor; Sports visitor; Entertainer visitor; and Student visitor.

Visitors to the U.K. are generally allowed to stay for up to 6 months. Those wishing to stay longer must apply for another type of visa (e.g., as a Tier 4 child or adult student, skilled worker, etc.), except for a parent of a child under the age of 12 attending school — who may apply to visit to care for their child for up to 12 months. General visitors may also apply for a multiple-entry visa, which may be valid for up to 10 years, allowing stays for up to 6 months at a time during the visa's validity.

To enter the U.K. as a visitor, an applicant needs to prove to an immigration officer his or her intention to stay only for tourism, short-term business or study, and leave the U.K. at the end of the scheduled stay. Evidence of funds to cover the costs of travel or staying in the U.K. may also be required. Visitor applicants are screened for potential security risks, which may include in-person interviews. The applicant's health status will also be verified, which may include a health examination. Visitors requiring medical treatment during their stay in the U.K. will be charged applicable fees, which may be covered if the applicant purchases medical insurance prior to arrival in the U.K.. Biometric information is required from most applicants, normally provided in person through visa application centres, and e-passport gates are available at major airport terminals in the U.K., which facilitate the processing of visas and passports at the port of entry.

If an application is refused, the U.K. Government provides the applicant with a written explanation for refusal. The right of appeal for visitors, which had been limited to those under the family-visitor category, was removed as of 25 June 2013, unless the appeal is on human rights or race discrimination grounds.¹⁴⁸ The First-tier Tribunal of the Immigration and Asylum Chamber — an agency of the Ministry of Justice — is an independent tribunal dealing with immigration appeals.¹⁴⁹

Prospective family visitors must intend to visit an eligible relative and must meet other eligibility requirements. A sponsor of a foreign national is required to provide financial support, including travel expenses and accommodation. The sponsor will also need to provide the following: evidence of the visitor's immigration status in the U.K.; a letter explaining the sponsor's relationship to the visitor; the purpose of the visit; the location of stay during the visit; and bank statements and payslips for the last six months, or a copy of a savings account book.

148 UK Border Agency, *Removal of appeals for family visitors*. According to the UK Border Agency, the fee for an appeal is £140 for an oral hearing and £80 for a paper review (see UK Border Agency, *Appeals - visas and entry clearance*).

149 UK Ministry of Justice, [Immigration and Asylum Tribunal guidance](#), HM Courts & Tribunals Service.

During the 2012 calendar year, about 1.7 million entry clearance visitor visa applications were made — mainly by foreign nationals from Asia, Africa, and non-EEA Europe — with an approval rate of about 86% in that year, about the same as in calendar year 2011.¹⁵⁰

The U.K. Government's goal is to process 90% of non-settlement applications within 3 weeks, 98% within 6 weeks and 100% within 12 weeks of the application date.¹⁵¹ Although comprehensive information on visitor visa processing times is not readily available, the U.K. Government notes that, during fiscal year 2011–2012, 95% of family visitor applications were decided within 15 business days (i.e., 3 weeks).¹⁵²

D. United States¹⁵³

Foreign nationals who wish to visit the United States (U.S.) temporarily must obtain a non-immigrant visa prior to their arrival. The process includes an online application, coupled with an interview at an embassy or a consulate, preferably in their home country. The main types of visitor visas to the U.S. are for the purpose of doing business (visa type B1), for tourism, holidays or visiting relatives (visa B2), or a combination of both. To be eligible for a visitor visa, applicants are screened for their intentions to visit for the stated purpose and depart; they are assessed in relation to security risks and they must provide evidence of funds to cover the costs of their stay.

Some foreign nationals do not need a visitor visa if they are citizens of one of the 37 countries part of the Visa Waiver Program. They can visit for a stay of 90 days or less as long as they are eligible to use the program and have an electronic system travel authorization.

After completing the online application and uploading the required photograph, the foreign national books an interview, at which time a digital scan of his/her fingerprints will be taken. It is possible to obtain an expedited date for an interview and issuance of a visa. All persons between the ages of 14 and 79 must attend an interview for which there is a non-refundable fee. The consular officer will inform the applicant at the end of the interview if administrative processing is required, which can take up to 60 days. Administrative processing times are not included in the overall times listed on local websites, so the U.S. Department of State encourages travellers to apply for a visa early on. If the visa is denied,

150 UK Home Office, "[Before entry data tables Immigration Statistics January to March 2013 volume 2](#)," *Tables for 'Immigration Statistics, January to March 2013*,' 23 May 2013.

151 UK Border Agency, [Guide to visa processing times](#). A week is defined as 5 working days.

152 Ibid., *Change to family visitor appeals*.

153 U.S. Department of State, [Visitor Visa](#); U.S. Department of State, [Visa Waiver Program](#); U.S. Department of Homeland Security, Custom Border Patrol, [Electronic System for Travel Authorization](#); U.S. Department of State, [Visa Denials](#); U.S. Department of State, [Ineligibilities and Waivers: Laws](#); U.S. Department of Homeland Security, Custom Border Patrol, [I-94 Goes Electronic](#); U.S. Department of Homeland Security, U.S. Citizen and Immigration Services, [Extend your stay](#); U.S. Department of State, [Visa Appointment & Processing Wait Times](#); U.S. Department of State, [Nonimmigrant Visa Statistics, Report of the Visa Office 2012, "Table XVII \(Part I\)- Nonimmigrant Visas Issued-Fiscal Year 2012"](#): Number (6,955,760) was obtained by adding the grand totals for the B-1, B-2, B-1,2, and B-1,2,BCC.

the officer will give the reason for the refusal verbally and in writing. There is no appeal mechanism; a person may re-apply with a new application. Some reasons for refusal require a waiver from the U.S. Department of Homeland Security to be overcome before a new application can be successful.

A visitor visa remains valid until its expiry date, unless it is cancelled or revoked. A person can use a valid visa to enter the U.S. in an expired passport as long as it is presented with the new valid passport. The visa allows travel to a U.S. port of entry where an officer of U.S. Department of Homeland Security, Custom Border Patrol, determines if entry into the country is granted. Since May 2013, the Form I-94 used to record entry and exits became electronic for air and sea modes of travel. Custom Border Patrol officers are instructed to stamp the visitor's passport upon admission and indicate how long he/she is allowed to stay in the United States. When a paper Form I-94 is still used, the visitor must keep it carefully and return it upon exiting the country or he/she will be considered as an overstay, which will jeopardize chances of obtaining further visas.

Visitors who wish to extend their stay are recommended to apply to the U.S. Citizen and Immigration Services at least 45 days before the expiry of their authorized stay. This does not apply to visitors who came to the U.S. under the Visa Waiver Program.

Wait times for an appointment for an interview and for processing vary depending on the country and they are posted on the U.S. Department of State website. To compare with the data provided by our witnesses during the study, it takes 8 days in Manila to obtain an appointment for an interview and 2 days for the visa to be processed.

During the fiscal year 2011–2012, nearly 7 million visitor visa applications were issued abroad.

E. A Comparative Table of Key Characteristics for Canada and Peer Countries

Table 3 provides a summary of Canada's TRV system in relation to the peer countries described above. In general, Canada's TRV system is most similar to that of the United Kingdom. Australia and New Zealand, on the other hand, have more universal visa requirements, tighter border security controls, include appeal rights, allow longer visits, and have shorter processing times and higher approval rates. Relative to Canada, the United States applies tighter border security controls and allows for shorter visits.

Table 3: Key characteristics of the temporary visitor visa systems in Canada and its peer countries

Key characteristics	Canada	Australia	New Zealand	United Kingdom	United States
Visa exemptions for countries of origin	64	1 (New Zealand)	59	100+	37
Tracking of entries/exits	Entries only	Entries and exits	n.a.	Entries only	Entries and exits
In-person interview	Yes, as required	n.a.	n.a.	Yes, as required	All
Appeal mechanism (other than re-application or judicial review)	None	Tribunal	Tribunal	None, for most applicants	None
Maximum duration of visa (initial)	6 months	12 months	9 months	6 months	3 months
Security bond prior to visa issuance	No	Yes	Yes	No	n.a.
Visitor visa processing times (goal)	80% within 2 weeks	75% of non-sponsored applications within 1 week for on-shore, 1 month for offshore	n.a.	90% within 3 weeks 98% within 6 weeks 100% within 12 weeks	n.a.
Visitor visa processing times (actual), in average calendar days	2012: 80% within 18 days	April-June 2013: Tourist: 12 days Business Visitor: 7 days Sponsored Family Visitor: 15 days	Sept.-Dec. 2013, Auckland region: 80% within 25 days	Fiscal year 2011–2012: 95% of family visitor applications within 21 days	n.a.
Application approval rates	82% in 2012	97% in fiscal year 2012–2013	93% in fiscal year 2012–2013	86% in 2012	n.a.

Note: “n.a.” denotes information not available.

Source: Table prepared using information from the websites of the governments of Canada, Australia, New Zealand, the United Kingdom and the United States; as cited within the main text of this report.

LIST OF RECOMMENDATIONS

RECOMMENDATION 1

That the Government of Canada further develop its e-application system to prevent delivery delays for applications. That the Government of Canada make the visa application system more user friendly to allow hosts to enter information directly in an e-application that can be submitted for processing..... 12

RECOMMENDATION 2

That the Government of Canada continue to liaise with the Privacy Commissioner of Canada in order to enhance the protection and privacy of personal information collected at visa application centres abroad. 13

RECOMMENDATION 3

That the Government of Canada explore the feasibility of an alternative fee structure for an express visa service that is timely and achieves business commerce needs..... 13

RECOMMENDATION 4

That the Government of Canada make publicly aware to applicants that, in many circumstances, they can retain their passports during the application process and that when passports are collected by the government, they are returned as promptly as possible. 14

RECOMMENDATION 5

That the Government of Canada continue its efforts to reduce fraud in student visa applications by expediting its efforts to implement proposed regulations which seek to ensure that students come to Canada to designated institutions. In implementing these regulations, CIC should continue to work closely with the institutions affected..... 16

RECOMMENDATION 6

That the Government of Canada explore the feasibility of conducting in-person interviews in situations where there is a possible risk of trafficking in persons seeking entry to Canada as part of larger groups. 16

RECOMMENDATION 7

That the Government of Canada consider establishing exit controls for border crossings by air and water, in addition to the existing exit controls at land border crossings, and to ensure that CBSA and CIC officers have the information they need to target high-risk passengers efficiently..... 17

RECOMMENDATION 8

That the Government of Canada equip CIC and CBSA officers with the tools they need to monitor immigration lookouts on all intercepted lookouts..... 17

RECOMMENDATION 9

That the Government of Canada review existing training and guidelines with a view to ensuring that administratively clear instructions and appropriate training and quality assurance measures are in place to improve the consistency and clarity of decisions made by visa officers. Particular attention should be given to the meaning and application of dual intent provisions in the *Immigration and Refugee Protection Act*. 19

RECOMMENDATION 10

That the Government of Canada review the visa application guide in order to give applicants a better understanding of the information required to fill in a complete visa application..... 19

RECOMMENDATION 11

That the Government of Canada consider establishing a list of countries whose nationals may be eligible for expedited visitor and student visas. That it also establish an appropriate fee structure that would better recover the costs of processing applications, including those for expedited visitor visas..... 22

RECOMMENDATION 12

That the Government of Canada establish a program that streamlines applications from foreign nationals who have already been screened by the United States and examine the feasibility to include those screened by the European Union..... 22

APPENDIX A LIST OF WITNESSES

41st Parliament – Second Session		
Organizations and Individuals	Date	Meeting
<p>As an individual</p> <p>Mel Cappe, Professor, University of Toronto - School of Public Policy and Governance</p> <p>Tourism Industry Association of Canada</p> <p>David F. Goldstein, President and Chief Executive Officer</p> <p>University of Waterloo</p> <p>Feridun Hamdullahpur, President and Vice-Chancellor, Vice-Chair, U15 Group of Canadian Research Universities</p>	2013/11/26	5
<p>Department of Citizenship and Immigration</p> <p>Catherine Bailey, Immigration Program Manager, Manila, Philippines</p> <p>Angela Gawel, Director General, International Region</p> <p>Barry Irvine, Liaison Officer, Canada Border Services Agency, Chandigarh, India</p> <p>Carol McKinney, Immigration Program Manager, Chandigarh, India</p> <p>Patricia Nicoll, Deputy Program Manager, Manila, Philippines</p>	2013/11/26	6
<p>As individuals</p> <p>James Bissett</p> <p>Betsy R. Kane, Lawyer, Capelle Kane Immigration Lawyers</p> <p>Richard Kurland, Policy Analyst and Lawyer</p> <p>Patti Tamara Lenard, Professor, Graduate School of Public and International Affairs, University of Ottawa</p> <p>Canadian Airports Council</p> <p>Daniel-Robert Gooch, President</p> <p>Centre for Immigration Policy Reform</p> <p>Martin Collacott, Spokesperson</p>	2013/12/03	8

APPENDIX B LIST OF WITNESSES

41st Parliament – First Session		
Organizations and Individuals	Date	Meeting
<p>Department of Citizenship and Immigration</p> <p>Les Linklater, Assistant Deputy Minister, Strategic and Program Policy</p> <p>Robert Orr, Assistant Deputy Minister, Operations</p>	2013/06/04	80
<p>As individuals</p> <p>Elizabeth Long, Barrister and Solicitor, Long Mangalji LLP</p> <p>Peter Rekai, Partner, REKAI LLP</p> <p>Julie Taub, Immigration and Refugee Lawyer</p> <p>Chinese Canadian National Council</p> <p>Alice Choy, National Director</p> <p>Victor Wong, Executive Director</p> <p>Metro Toronto Chinese and Southeast Asian Legal Clinic</p> <p>Avvy Yao-Yao Go, Clinic Director</p>	2013/06/06	81

APPENDIX C LIST OF BRIEFS

41st Parliament – Second Session

Organizations and Individuals

Canadian Chamber of Commerce

APPENDIX D LIST OF BRIEFS

41st Parliament – First Session

Organizations and Individuals

Centre for Immigration Policy Reform

Grubel, Herbert

Metro Toronto Chinese and Southeast Asian Legal Clinic

REQUEST FOR GOVERNMENT RESPONSE

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

A copy of the relevant *Minutes of Proceedings* ([Meetings Nos. 5, 6, 8, 9, 11, 12 and 13](#) from the 41st Parliament, Second Session and [Meetings Nos. 80, 81 and 82](#) from the 41st Parliament, First Session) is tabled.

Respectfully submitted,

David Tilson

Chair

NDP Supplementary Report on the CIMM Study on TEMPORARY RESIDENT VISAS FOR VISITORS

Lysane Blanchette-Lamothe, MP for Pierrefonds-Dollard
Rathika Sitsabaiesan, MP for Scarborough—Rouge River
Jasbir Sandhu, MP for Surrey North

Over the course of several meetings and after having listened to the testimony of various CIC officials and dozens of witnesses, the Standing Committee on Citizenship and Immigration (CIMM) studied issues surrounding around the integrity of the system of temporary resident visas for visitors, the cost and practical implications of introducing an appeal mechanism as well as comparisons of Canada's visitor visa system with programs in peer countries. While witnesses presented relatively balanced views on the subject, regrettably the final report does not reflect this.

Letters of Invitation

The report largely ignored by the report is witness testimony that suggested that "CIC create two new forms to accompany the TRV application; one would be an actual letter of invitation that sets out all the information that CIC is looking for to assess these applications, as well as the accompanying documents that may or must be included"¹.

RECOMMENDATION

That the Government of Canada consider conceiving a template letter of invitation, in a PDF fillable format that can be uploaded within the system and set out all of the required details for a letter of invitation.

Visa requirements

The NDP agrees that managing the flow of visitors to Canada is important but also recognizes that the way it is done by the Canadian government at the moment comes at a cost to Canadian families and Canadian businesses.

Pr. Lenard concurs: "I will only say about security that when the security of Canadians is at risk, we must err on the side of mistrust. The consequences of mistakes in this domain are too high. The visa is a symbol of trust, and where security is at risk, we cannot make a mistake. But where the concern is overstaying, we must err on the side of trust. Although we currently lack data about the number of overstayers, as many people who have been before this committee have said, I believe nevertheless that we have reasons to conclude that the cost of these lost migrants is small, and that the harm to Canadians is minimal. [...] The harm we cause in denying visas is to Canadians who want to associate with them. Those who are calling their MPs and wondering why their families and friends are being prevented from visiting are Canadians. It is Canadians who are owed explanations when their visitors are denied leave to enter."²

Both Richard Kurland and Betsy Kane have suggested that a sponsorship bond or cash bond be requested as an alternative to solely refusing temporary resident visa applications.³

¹ CIMM, [Evidence](#), 2nd Session, 41st Parliament, 3 December 2013, 1150 (Ms. Betsy R. Kane, Lawyer, Capelle Kane Immigration Lawyers, as an individual).

² CIMM, [Evidence](#), 2nd Session, 41st Parliament, 3 December 2013, 1255 (Ms. Patti Tamara Lenard, Professor, Graduate School of Public and International Affairs, University of Ottawa, as an individual).

³ CIMM, [Evidence](#), 2nd Session, 41st Parliament, 3 December 2013, 1145 and 1150

RECOMMENDATION

That the Government of Canada study the effectiveness and costs of introducing bond requirements and other options for meritorious family-related cases with a view to ensuring that bona fide visitors with family in Canada have the opportunity to visit while maintaining the integrity of the visitor visa system.

Business travelling

Mr. Daniel-Robert Gooch, President of the Canadian Airport Council, testified, before this committee that “The application process today is cumbersome, as my learned colleagues have outlined. It asks for a lot of information; is paper based in many cases; requires a traveller in many cases to surrender their passport, and I'll speak to this; and may entail long-distance travel for interviews, if they have to take place in person. Delays are an issue, particularly for business travellers. Business travel often needs to be arranged within days, not weeks or months. That's the speed in which business operates. We like to say that a visa delayed is essentially a visa denied, particularly when it comes to business travel. Surrendering of passports can be a non-starter, especially for frequent travellers.”⁴

Tourism

Similarly, processing times and rejection rates continue to be cited as one of the biggest challenges for business and leisure travellers coming to Canada according to the Tourism Industry Association of Canada (TIAC).⁵ As a result, in the fall of 2011, the National Round Table on Travel and Tourism (NRTT) made six specific recommendations to CIC to address key challenges with the visa process, including that of “transferring visas from an expired passport to a new passport to bring [Canada] in line with the UK, US and NZ”⁶ More recently, TIAC has made other recommendations to facilitate TRV application process and obtainment, among them: reducing red tape by simplifying the visa application process in a number of areas and reinvesting visa administration revenues into ongoing and sustainable CIC funding.⁷ It is the opinion of the Official Opposition that these recommendations, at a minimum, warrant discussion and study, particularly given that the Greater Niagara Chamber of Commerce, in preparation to the 2015 Pan Am/Parapan American Games, also recommends that “the government reinvests some of the \$400 million it collects annually from visa administration fees and reinvest a portion in Canada’s visa processing capacity[...].”⁸

Professor Mel Cappe of the University of Toronto, School of Public Policy and Governance has noted, while discussing the discretion and authority of visa officers that one of the solutions to reducing processing times and deciphering rejection rates would be to provide these visa officers: “with administratively clear instructions and good training on how to administer their discretion and how to deliver the program. In that context, research will help in providing indicia of future performance and indications of what works and what does not. Relying on

⁴ CIMM, *Evidence*, 2nd Session, 41st Parliament, 3 December 2013, 1155 (Mr. Daniel-Robert Gooch President, Canadian Airports Council, as an individual).

⁵ Gateway to Growth: Progress Report On Canadian Visitor Visa Process, Tourism Industry Association of Canada, 2013, p.13

⁶ Ibid, p.18

⁷ Ibid., p.20

⁸ Greater Niagara Chamber of Commerce, Document of information, 2014, p.4.

evidence to design a system is highly desirable. Evidence is not always used in policy development, and it should be in this case.”⁹

RECOMMENDATION

That the Government of Canada use evidence based policy when introducing new regulations and systems for the visa application system.

Letters of denials of visa applications

In March 2012, Don Davies (Vancouver-Kingsway) introduced a bill requiring the government to provide a detailed explanation when applicants are denied a temporary resident visa or visitor visa. When moving for leave to introduce the bill, Mr. Davies stated: “Every day in this country Canadians learn that their friends or family members have been denied a visa to come to Canada. This disappointment is often compounded by bewilderment because they are not given detailed reasons for the denial. The very least we could do when denying a visa to visit Canada is tell people why the application was denied. This initiative would help Canadians and people around the world understand our immigration system better, provide transparency and greater accountability.”¹⁰

Applicants who have had their visitor visa applications rejected do not often receive many details as to why their application was terminated. This makes it difficult for applicants to understand what went wrong during the process, making it almost impossible to fix the issue for when they reapply. Citizenship and Immigration Canada in most cases has the information needed to explain why an applicant was rejected. Providing this to rejected applicants would help make the reapplication process faster and cut down on the intake of incorrect applications for CIC staff and officers. Nevertheless, here we are, in 2014, and experts are still pressing the government to include more information in refusal letters to visa applicants. Ms. Betsy Kane, testified, on December 3rd, 2013, that “We all are tired of seeing those boilerplate letters, which are completely useless. We all know that the only real way to find out why the visa was refused is to either do an access to information request or to go to our members of Parliament. If CIC were more transparent on the front end and either had a larger boilerplate letter or had the opportunity to put in a few lines similar to what they're already putting in the GCMS, at least the applicant would have knowledge as to why they were refused [...]”¹¹

⁹ CIMM, *Evidence*, 1st Session, 41st Parliament, 26 November 2013, 1110 (Professor Mel Cappe, University of Toronto, School of Public Policy and Governance, as an individual).

¹⁰ <http://openparliament.ca/debates/2012/3/6/don-davies-2/only/>

¹¹ CIMM, *Evidence*, 2nd Session, 41st Parliament, 3 December 2013, 1150 (Ms. Betsy R. Kane, Lawyer, Capelle Kane Immigration Lawyers, as an individual).

RECOMMENDATION

That the Government of Canada review its use of template letters of refusal for visitor visa applications in order to give the actual reasons to failed applicants.

Supplementary Report of the Liberal Party of Canada

The Liberal Party of Canada has serious reservations about the focus of the Standing Committee's report on the Temporary Resident Visa (TRV) system. Sadly, the Committee's report focuses on a number of smaller issues, rather than tackling some of the major systemic problems that witnesses at the Committee identified.

The Immigration and Refugee Protection Act requires that visitors to the country must have a TRV unless they are from a country on the visa exemption list. In 2009, the Canadian Government removed Mexico from the visa exemption list. In light of the changes that have been made to Canada's refugee system, the Liberal Party feel that there may no longer be a justification for this policy and recommends:

That the Government of Canada re-examine its decision to remove Mexico from the visa exemption list.

The Liberal Party feels that the Committee chose not to deal with problem of ever increasing wait times for Canadian TRVs. Table 1 of the report shows a clear increase in waiting time from an average of 8 days in 2007 to 18 days in 2012. These delays will have a negative effect on the Canadian economy. International business and tourism are both hindered by these wait times. Therefore, the Liberal Party recommends:

That the Government invest the necessary resources to reduce waiting times for TRVs to at least 2007 levels.

Witnesses at the Committee also raised a number of concerns about the Visa application process. Anecdotally, many Liberal MPs have heard from their constituents that the TRV application is onerous and requests more information than many other countries. The Department of Citizenship and Immigration itself has concluded, in a review of TRV applications from the American, Australian, French and British

governments, that the “Canada collected more information than the other countries reviewed.”¹

Betsy Kane, from Capelle Kane Immigration Lawyers, suggested that it is not terribly clear what is required of an applicant when they are applying for a TRV, ““It always has struck me that with the TRV application, CIC is not transparent and forthcoming as to what is required to get over the hurdle of a TRV application. The CIC website gives guidance as to what is involved in a letter of invitation, but there is no form, no template, as there is for every other type of application or submission to CIC.”²

David Goldstein, President of the Travel Industry Association of Canada, identified the wait times and the ambiguity of the process: “There's nothing more frustrating for applicants than to go to a visa application centre or to a consulate and leave all of their personal documents, without any idea of what the process is or when they're going to get an answer.”³

Many witnesses also had concerns about the ambiguity of the department's scoring system and the standardized rejection letters that applicants receive when they are unsuccessful. Betsy Kane stated:

“The other thing I've been asked to discuss is the way CIC communicates its refusal letters. We all are tired of seeing those boilerplate letters, which are completely useless. We all know that the only real way to find out why the visa was refused is to either do an access to information request or to go to our members of Parliament. If CIC were more transparent on the front end and either had a larger boilerplate letter or had the opportunity to put in a few lines similar to what they're already putting in the GCMS, at least the applicant would have knowledge as to

¹ Citizenship and Immigration Canada (CIC), [Evaluation of CIC's Visitor Visa Program](#), Evaluation Division, August 2012, p. 34

² CIMM, Evidence, 2nd Session, 41st Parliament, 3 December 2013, 11:50 (Ms. Betsy Kane, Capelle Kane Immigration Lawyers).

³ CIMM, Evidence, 2nd Session, 41st Parliament, 26 November 2013, 11:30 (Mr. David Goldstein, President, Travel Industry Association of Canada).

why they were refused and would stop burdening members of Parliament with requests just to verify why they were refused.”⁴

It is clear that there is a significant amount of ambiguity in the TRV application process. This lack of clarity impacts all travellers to Canada, whether they are visiting family, business associates or our vast, beautiful country. This, in turn, is a drag on the Canadian economy, costing jobs from coast to coast to coast. Therefore, the Liberal Party recommends:

That the Government of Canada establishes and makes public a clear scoring system for TRV applications

That the Government of Canada review TRV applications to ensure that they are as simple and clear as possible and only request information clearly required under the Government’s scoring system for TRV applications.

Finally, there is one more concern that the Liberal Party does not feel was adequately covered by the Committee’s report. In many cases, TRV applicants have been required to surrender their passports to Immigration officials while their applications are processed. As Daniel-Robert Gooch, President of the Canadian Airports Council said:

“Surrendering a passport for weeks, as I mentioned, is a non-starter for frequent travellers. It’s all rather inconsistent and confusing, and it can leave a really negative impression of Canada with the individuals we want to come here, have a great time, and hopefully come back. Travellers will choose other markets, and instead of Canada those other markets will get the economic benefits and jobs that result from the increased tourism and trade opportunities.”⁵

⁴ CIMM, Evidence, 2nd Session, 41st Parliament, 3 December 2013, 11:55 (Ms. Betsy Kane, Capelle Kane Immigration Lawyers).

⁵ CIMM, Evidence, 2nd Session, 41st Parliament, 3 December 2013, 12:00 (Mr. Daniel-Robert Gooch, President, Canadian Airports Council)

The Committee has suggested that CIC do their best to educate applicants as to when they do not have to surrender their passport. In order to remain competitive with other countries the Liberal Party recommends:

That the Government of Canada review the TRV application process and ensure that applicants do not have to surrender their passport to CIC for an extended period of time.

Canada's TRV system is crucial to our competitiveness internationally. Canada is a small country by population, but that disadvantage can be overcome by being more nimble and responsive to emerging global trends. We must keep our national security front of mind, however a TRV system that allows visitors, regardless of whether their purpose is family, business or tourism, to quickly apply and receive their visa will make Canada a more desirable destination for investment and tourism.