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IMMIGRATION IN THE TIME OF COVID-19: ISSUES AND CHALLENGES

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

Salma Zahid, Chair

**MAY 2021
43rd PARLIAMENT, 2nd SESSION**

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**Salma Zahid
Chair**

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NOTICE TO READER

Reports from committees presented to the House of Commons

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

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THE STANDING COMMITTEE ON CITIZENSHIP AND IMMIGRATION

has the honour to present its

FIFTH REPORT

Pursuant to its mandate under Standing Order 108(2), the committee has studied the impact of COVID-19 on the immigration system and has agreed to report the following:

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SUMMARY

Travel restrictions aimed at curbing the spread of the virus that causes COVID-19 have led to the closure of borders in Canada and around the world. This has caused disruptions and delays throughout the Canadian immigration system.

Between October 2020 and May 2021, the House of Commons Standing Committee on Citizenship and Immigration undertook a study to examine the impact of the government's response to the COVID-19 pandemic, and its impact on the immigration system. The study focused on application backlogs and processing delays for family reunification streams and temporary resident visas. It also examined the use of a random selection system for the reunification of parents and grandparents.

Chapter 1 of this report develops the overarching challenges to family reunification and international student streams within the context of other immigration streams and of Immigration, Refugees and Citizenship Canada's overall response to the pandemic. It highlights inequalities of technology access and processing times – inequalities that, according to witnesses, often predate the pandemic. It also addresses challenges in transparency and communication.

Chapter 2 describes the impact that COVID-19 restrictions have had on family reunification, including for spousal reunification, dependent children, international adoption and the parent and grandparent program.

Chapter 3 outlines the impact of these pandemic measures on international students, the institutions that they attend and the Canadian communities in which they live. It examines online learning, in-person learning, post-graduate work permits, limits on work by students and discrepancies in acceptance rates for francophone and African students.

Chapter 4 details the impact of the pandemic on economic migrants. It delves into the implications of expired documents. It also looks at the Quebec Skilled Workers Program, the situation of caregivers and pathways to permanent residency for lower-skilled workers.

Chapter 5 looks at the situation facing refugees and asylum seekers attempting to come to Canada while the borders are essentially closed. It also examines the newly established Guardian Angel program and developments with respect to the Safe Third Country Agreement.

Finally, Chapter 6 explores the economic immigration incentives put in place by the Government of Canada to respond to the current situation in Hong Kong.

LIST OF RECOMMENDATIONS

As a result of their deliberations committees may make recommendations which they include in their reports for the consideration of the House of Commons or the Government. Recommendations related to this study are listed below.

Fully Digitizing Immigration and Asylum Systems

Recommendation 1

That Immigration, Refugees and Citizenship Canada and the Immigration and Refugee Board of Canada fully digitize immigration and asylum systems, while still retaining the option for paper applications to ensure broad access to these systems. This includes allowing applicants in all streams to:

- submit applications electronically;
- submit documents and signatures electronically, and follow up with paper documents in the event of application discrepancies;
- be interviewed virtually; and
- be issued visas electronically. 20

Issuing a Letter with a Scannable Barcode

Recommendation 2

That Immigration, Refugees and Citizenship Canada issue a letter with a scannable barcode for permanent resident visas, rather than affixing a visa to physical passports. 20

Increasing Settlement Funding for Digital Technology

Recommendation 3

That Immigration, Refugees and Citizenship Canada increase funding to settlement services to promote digital literacy and the availability of digital tools. 21

Recognizing Expired Permanent Resident Cards

Recommendation 4

That Immigration, Refugees and Citizenship Canada implement measures that enable permanent residents with expired permanent resident cards, whose card renewals have been impacted by COVID-19 processing complications, to be allowed to return to Canada for the duration of the pandemic period. 28

Extending the Validity of Medical Exams

Recommendation 5

That, during the pandemic period, Immigration, Refugees and Citizenship Canada extend the validity of medical exams beyond a year and undertake concurrent processing of biometrics, medicals, and criminality and security checks. 31

Obtaining Medical Exams in Canada under Exceptional Circumstances

Recommendation 6

That Immigration, Refugees and Citizenship Canada implement a temporary public policy allowing sponsored spouses with no access to a panel physician and medical exam in their own country to obtain the exam in Canada, on a visitor visa, during pandemic conditions. 31

Funding Visa Application Centre Staff in Francophone Africa

Recommendation 7

That Immigration, Refugees and Citizenship Canada encourage and fund Visa Application Centres in francophone Africa to increase staffing to accelerate the processing of student biometrics and permits. 35

Prioritizing Family Reunification Processing for Protected Persons

Recommendation 8

That Immigration, Refugees and Citizenship Canada prioritize the processing of family reunification applications where family members are classified as protected persons. 36

Adding Resources to Process Temporary Resident Extensions

Recommendation 9

That Immigration, Refugees and Citizenship Canada add resources to speed up the processing of extension applications for temporary resident status..... 36

Disaggregating Processing and Application Data

Recommendation 10

That Immigration, Refugees and Citizenship Canada collect and publish expanded anonymized processing and application data for all immigration streams, disaggregated by applicant race, religion, gender, age, source-country, and parental status inclusive of data not currently collected by Immigration, Refugees and Citizenship Canada. 36

Increasing Access to an International Student Helpline

Recommendation 11

That Immigration, Refugees and Citizenship Canada provide improved service to students and recruitment officers through a dedicated international student helpline, with officers who are appropriately trained and available..... 40

Tracking Applications in Real Time

Recommendation 12

That Immigration, Refugees and Citizenship Canada upgrade information technology infrastructure to make all applications transparent and trackable in real time, to provide a realistic processing time for individual applications and to prioritize the restoring of full application processing standards. 40

Strengthening Communication Protocols

Recommendation 13

That Immigration, Refugees and Citizenship Canada continue to improve the negotiation and articulation of clear protocols and policy communication among Immigration, Refugees and Citizenship Canada, visa offices, airlines, provincial and territorial governments and designated learning institutions..... 41

Releasing to Applicants a Full Justification of Refusals

Recommendation 14

That Immigration, Refugees and Citizenship Canada direct visa officers to release to applicants the full records of any information and the full reasons for the refusal of their application. 43

Creating an Immigration Ombudsperson

Recommendation 15

That the Government of Canada introduce legislation to create an Immigration Ombudsperson to oversee Immigration, Refugees and Citizenship Canada and to receive complaints. 43

Issuing Temporary Resident Visas to Spousal Sponsorship Applicants

Recommendation 16

That Immigration, Refugees and Citizenship Canada instruct visa officers to issue temporary resident visas to spousal sponsorship applicants, making section 179(b) of the *Immigration and Refugee Protection Regulations* inapplicable, if there are no concerns of inadmissibility. 47

Creating a Super Visa for Applicants in a Spousal Sponsorship

Recommendation 17

That Immigration, Refugees and Citizenship Canada develop a super visa with conditions similar to that of the parent and grandparent super visa that would allow spouses multiple entries into Canada while their sponsorship application is being processed. 48

Building Compassion into the System and Communicating Mistakes

Recommendation 18

That during the COVID-19 period, Immigration, Refugees and Citizenship Canada contact applicants to correct mistakes, including missing documents, and provide applicants with sufficient opportunity to respond before returning the entire file, and that files regain their place in the queue if re-submitted to the same stream. 49

Locking-in Age of Dependents

Recommendation 19

That Immigration, Refugees and Citizenship Canada adopt the policy that is used in refugee applications and lock-in the age of all dependent children as of 1 March 2020 until permanent resident applications are processed and there is no further risk that these dependents may be aged out because of processing backlogs due to COVID-19. 51

Prioritizing the Processing of Adoption Cases

Recommendation 20

That Immigration, Refugees and Citizenship Canada put additional resources to address the backlog of international adoption cases and that adoption applications be treated as a priority for expedited processing. 52

Developing Guidelines for Adoptive Children with Urgent Medical Needs

Recommendation 21

That Immigration, Refugees and Citizenship Canada develop clear rules and guidelines to ensure cases involving the urgent medical needs of adoptive children are expedited. 52

Creating a Weighted Parent and Grandparent Sponsorship Stream

Recommendation 22

That Immigration, Refugees and Citizenship Canada create a parent or grandparent sponsorship stream that properly weighs previous applications and looks to address the current backlog, and that there be a pre-screening of files. 55

Changing Financial Requirements for Parent and Grandparent Sponsorship

Recommendation 23

That Immigration, Refugees and Citizenship Canada allow the income requirements for the parent and grandparent sponsorship program to be the minimum necessary income equal to the low-income cut-off established by Statistics Canada for the years impacted by the economic consequences of the COVID-19 pandemic, conducting a yearly review to determine whether to

extend allowing the minimum necessary income to be equivalent to the low-income cut-off, all while respecting Quebec’s jurisdiction..... 57

Ensuring Safe In-person Learning for International Students

Recommendation 24

That Immigration, Refugees and Citizenship Canada and the Canada Border Services Agency continue to support international students and designated learning institutions to permit international students to safely enter Canada and study in-person. 61

Reducing Administrative Requirements for Co-op Work Terms

Recommendation 25

That Immigration, Refugees and Citizenship Canada expand the standard conditions of study permits to allow international students to work full-time for an internship or co-op placement that is part of an educational program without the need to complete any additional procedures..... 65

Assessing the Need to Expand Eligibility for Federal Settlement Funding

Recommendation 26

That Immigration, Refugees and Citizenship Canada, in partnership with provinces and territories, assess service needs in order to consider expanding eligibility for federal settlement support in order to include temporary residents on study or work permits..... 68

Examining Acceptance Rates for International Students

Recommendation 27

That Immigration, Refugees and Citizenship Canada examine acceptance rates for international students whose applications are processed in Africa, particularly francophone Africa, and develop a plan to address the lower acceptance rates of students from this region compared to other source countries such as Pakistan..... 74

Issuing the Authorization Letter Automatically

Recommendation 28

That Immigration, Refugees and Citizenship Canada issue authorization letters automatically to foreign nationals who have had their confirmation of permanent residence and permanent resident visas expire during the pandemic period, and that the need to renew expired supporting documents be waived for the duration of the pandemic. 76

Prioritizing the Issuing of the Standard Acknowledgement of Receipt

Recommendation 29

That Immigration, Refugees and Citizenship Canada prioritize issuing the usual acknowledgement of receipt..... 77

Issuing Bridging Open Work Permits in Quebec

Recommendation 30

That the government grant bridging open work permits to temporary residents who are waiting for permanent residency through Quebec’s Skilled Worker Program. 77

Providing Work Permits for Caregivers during COVID-19

Recommendation 31

That, concerning caregivers who do not possess occupation specific work permits, Immigration, Refugees and Citizenship Canada issue work permits to caregivers without the need for Labour Market Impact Assessments during the COVID-19 period; that hours interrupted due to the pandemic be counted towards their qualifying work experience under the pilot programs; and that the age of children be locked in for the consideration of qualifying work experience. 78

Developing a Pathway to Permanent Residence for Those Performing Essential Work

Recommendation 32

That Immigration, Refugees and Citizenship Canada develop a clear pathway for permanent residence for workers performing essential work during the pandemic period. 80

Permitting the Entry of Asylum Seekers

Recommendation 33

That Immigration, Refugees and Citizenship Canada and the Canada Border Services Agency, where possible and in partnership with all the relevant resettlement partners including the International Organization for Migration and the United Nations High Commissioner for Refugees, permit refugees and asylum seekers to enter Canada, regardless of their country of origin or nationality, while requiring them to comply with all public health requirements. 81

Using the Guardian Angel Program as a Model

Recommendation 34

That Immigration, Refugees and Citizenship Canada develop programs similar to the Guardian Angel program, especially considering the inclusion of foreign workers who contributed during the COVID-19 pandemic, regardless of status. 84

Creating a More Accessible Temporary Residence Option for Hong Kong Residents

Recommendation 35

That, in response to the increasingly dangerous situation in Hong Kong, Immigration, Refugees and Citizenship Canada create an open work permit, aimed at Hong Kong foreign nationals, with moderate language and education requirements. 89

Creating a Five-Year Post-Graduate Work Permit

Recommendation 36

That, in response to the increasingly dangerous situation in Hong Kong, Immigration, Refugees and Citizenship Canada create a five-year post-graduate work permit aimed at Hong Kong foreign nationals who study or have studied in Canada. 89

Creating a Hong Kong Extended Family Reunification Stream

Recommendation 37

That Immigration, Refugees and Citizenship Canada create a family reunification stream for Hong Kong family members, including extended family members of Canadian citizens and of pro-democracy activists living in Canada. 89

Developing a Hong Kong “Source-Country” Asylum Stream

Recommendation 38

That Immigration, Refugees and Citizenship Canada implement a temporary public policy to address Hong Kong refugee claims and grant asylum to pro-democracy activists within Hong Kong, using initiatives such as Rainbow Railroad as a model in order to discreetly identify and support asylum seekers..... 90



IMMIGRATION IN THE TIME OF COVID-19: ISSUES AND CHALLENGES

INTRODUCTION

The movement of people across international borders defines immigration. By greatly restricting this travel, policies to prevent the spread of the virus that causes COVID-19 have greatly delayed and altered the immigration system. Around the world, people have been left stranded, unable to return home. Many others have lost job offers in foreign countries, have been cut off from their families, have interrupted university study and have been forced to take extraordinary measures to pursue adoption.

On 18 March 2020, the Government of Canada closed its international borders to almost all but Canadian citizens and permanent residents.¹ On 21 and 22 March 2020, new Orders in Council banned non-essential travel to Canada, first across the Canada–United States border,² and then from other countries.³ Immigration, Refugees and Citizenship Canada (IRCC or the department) focused on providing documents to Canadians and permanent residents trying to return to Canada, and processing applications from vulnerable people, and people who perform or support essential services.⁴ Since then, IRCC has begun processing other immigration streams,⁵ and clarified and expanded the categories of workers and families eligible to enter Canada.⁶

On 20 October 2020, the House of Commons Standing Committee on Citizenship and Immigration (the Committee) agreed to study the impact of COVID-19 on the immigration system, focusing in particular on family reunification, the parent and grandparent program and the impact on international students and foreign nationals

- 1 Government of Canada, [*Aviation measures in response to COVID-19*](#).
- 2 Government of Canada, [*Minimizing the Risk of Exposure to COVID-19 in Canada Order \(Prohibition of Entry into Canada from the United States\)*](#), Order in Council P.C. 2020-0161, 20 March 2020.
- 3 Government of Canada, [*Minimizing the Risk of Exposure to COVID-19 in Canada Order \(Prohibition of Entry into Canada from any country other than the United States\)*](#), Order in Council P.C. 2020-0162, 22 March 2020.
- 4 Government of Canada, [*Check Processing Times*](#).
- 5 Government of Canada, [*Operational Processing – Monthly IRCC Updates*](#).
- 6 Government of Canada, [*Coronavirus disease \(COVID-19\): Foreign workers; IRCC, COVID-19 update: IRCC resuming processing of online applications for visitor visas and eTAs, but travel restrictions remain*](#), Notice, 30 June 2020; IRCC, [*Update on travel restriction exemptions for extended family members and for compassionate reasons*](#), Backgrounder, 2 October 2020.



with expired confirmation of permanent residence (PR) and other expired documents.⁷ Between 27 October 2020 and 7 December 2020 the Committee heard from 36 witnesses as well as from IRCC officials. The Committee also received several written submissions.

The Committee heard witness testimony describing how individuals across Canada and around the world saw their plans to visit, study, work or establish themselves in Canada altered by the pandemic. The first chapter looks at challenges common to applicants in both family reunification and temporary resident categories. These reoccurring challenges include the unavailability of information technology for processing; dependence on difficult-to-secure supporting documents; higher processing times; and poor transparency and communication among applicants, IRCC and its partner organizations. The middle chapters examine the challenge of border closures and other pandemic measures for particular immigration streams: spousal sponsorship, parent and grandparent, international students, economic migrants, and refugees and asylum seekers. The final chapter looks at testimony about the situation unfolding in Hong Kong and the measures that Canada could take in response.

COVID-19 AND IMMIGRATION: OVERARCHING CHALLENGES

When the pandemic hit in March 2020, IRCC was forced to adapt. As for many organizations, its measures to limit the effects of the pandemic on its immigration processes have depended on the increased use of information technology (IT). IRCC quickly trained and equipped staff – including operations staff – to work from home. It created an electronic signature tool to allow employees to continue to work with settlement services and newcomers.⁸ It simplified application streams and digitized many files to make processing easier.⁹ It also moved to virtual platforms for citizenship ceremonies, citizenship tests, and landing processes for permanent residence applicants already in Canada. In addition, IRCC changed policy to allow landing and asylum claims via email,¹⁰ and international students to start their studies in Canada remotely.¹¹

7 House of Commons, Standing Committee on Citizenship and Immigration [CIMM], *Minutes of Proceedings*, 2nd session, 43rd Parliament, 20 October 2020.

8 CIMM, *Evidence*, 7 December 2020, 1635 (Marian Campbell Jarvis, Assistant Deputy Minister, Strategic and Program Policy, Department of Citizenship and Immigration).

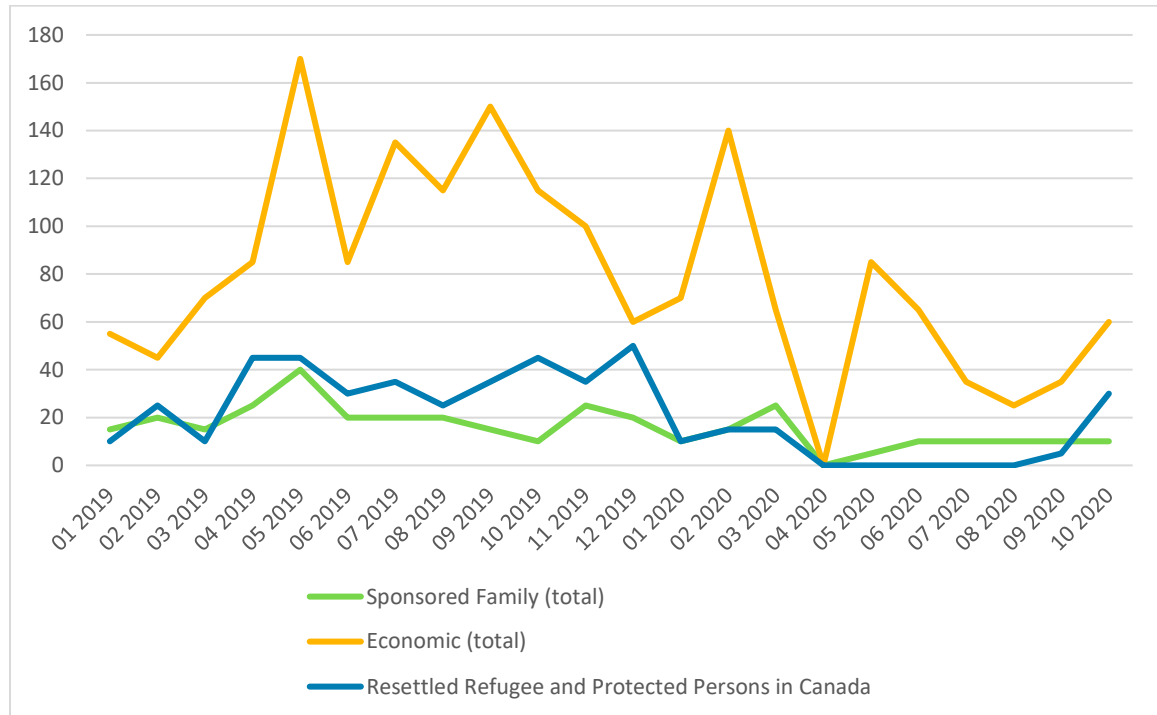
9 CIMM, *Evidence*, 7 December 2020, 1650 (Daniel Mills, Assistant Deputy Minister, Operations, Department of Citizenship and Immigration).

10 CIMM, *Evidence*, 7 December 2020, 1635-40 (Marian Campbell Jarvis).

11 CIMM, *Evidence*, 7 December 2020, 1715 (Daniel Mills).

Similarly, the Immigration and Refugee Board (IRB) allowed remote hearings and appeals.¹²

Figure 1—Admissions of Permanent Residents by Immigration Category, January 2019 to October 2020



Source: Government of Canada, [Canada - Admissions of Permanent Residents by Province/Territory of Intended Destination and Immigration Category, January 2015 – October 2020](#).

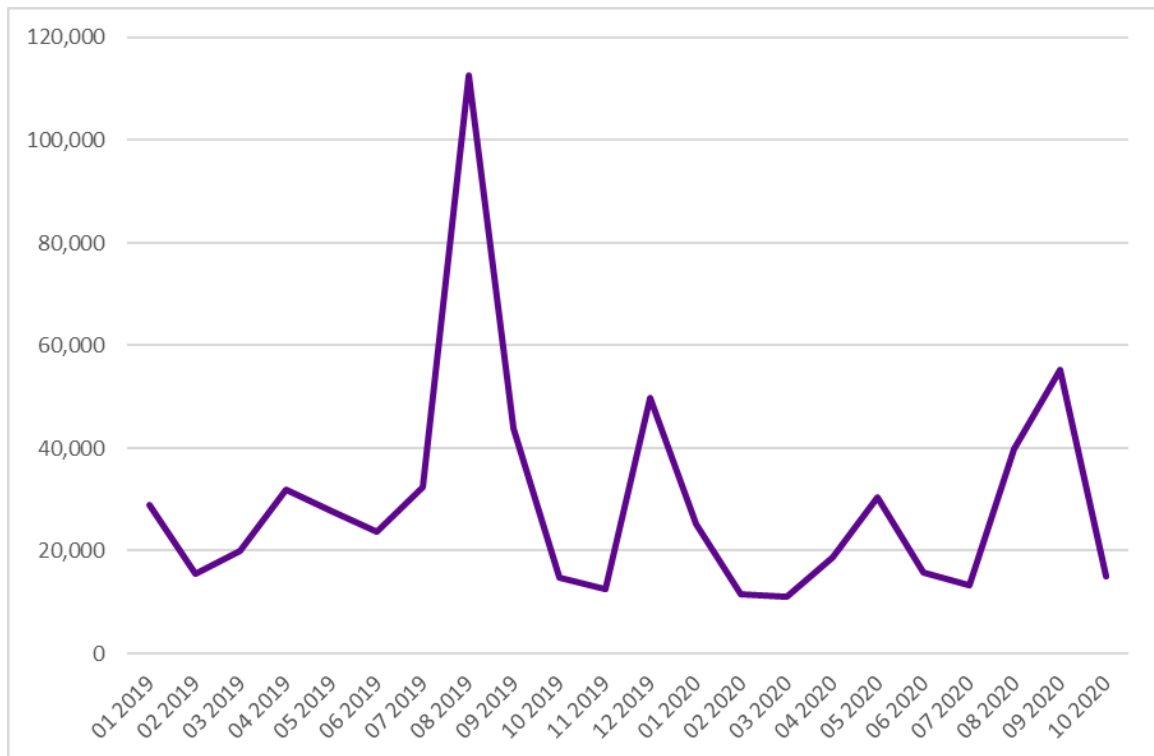
The pandemic, and the Government of Canada’s response to it, however, have not affected applicants equally. In cases deemed priorities and cases that are easier to administer, IRCC has allowed people to enter relatively easily. Other immigration processes have not recovered so easily. As Figure 1 highlights, family sponsorship admissions – always relatively low compared to other immigration streams – have recovered from the halting of admissions in April 2020 more than have economic admissions. And the government only started resettling refugees and protected persons in September 2020. While remaining steady throughout the pandemic period, the

12 CIMM, *Evidence*, 6 November 2020, 1500 (Raj Sharma, Managing Partner, Stewart Sharma Harsanyi, as an individual).



number of study permit holders, and of newly activated study permits, has dropped to well below usual fall numbers (see Figure 2).

Figure 2—Study Permit Holders by Month, January 2019 to October 2020



Source: Government of Canada, [*Study Permit Holders by Country of Citizenship and Year in which Permit\(s\) Became Effective, January 2015 – October 2020*](#).

As many witnesses to the Committee highlighted, moreover, the experiences of groups and individuals within each larger stream have sometimes differed greatly. By digitizing files and processes, IRCC has sped up the processing of applications across the board. At the same time, many people have been left further delayed, not knowing the state of their application or the rules to follow, or prevented from physically arriving in the country. In some cases, COVID-19-era inequalities of technology access, processing times and transparency and communication amplify individual, racial, administrative and legal differences that predate the pandemic. In other cases, COVID-19 and IRCC’s administrative and technological response have created new gaps in service and new divisions between applicants.

Technology and Access

Numerous witnesses support IRCC's digitizing processing streams and use of virtual interviews and ceremonies, and support the IRB's use of virtual hearings. They advocated keeping these innovations in place after the pandemic is finished.¹³

Raj Sharma, Managing Partner, Stewart Sharma Harsanyi, commented on the IRB beginning to use remote refugee hearings and appeals after having delayed all cases:

At the beginning of this pandemic, eligibility determinations, refugee hearings and appeals were cancelled and delayed ... which added to the grief and anxiety of those affected by the pandemic. However, hearings have resumed, with health and safety protocols, at the refugee protection division, and most appeals at the immigration appeal division will be done remotely. ... Eliminating in-person attendance could lead to a cascade of savings and increase access to justice.¹⁴

While the IRB brought in remote hearings to allow refugee hearings and appeals during the pandemic, these same measures could increase savings and increase access to hearings in non-pandemic times. As Mr. Sharma stated more generally, “[c]rises can reveal not only existing shortcomings but also opportunities to accelerate change already in progress.”¹⁵

At the same time, several witnesses stated that IRCC has not applied this technology consistently to all streams – and that IRCC does not always have good reasons for withholding it. The department still demands in-person interviews for spousal sponsorship applicants; still requires paper filing and wet signatures for Permanent Resident (PR) cards, spousal sponsorship applications, humanitarian and compassionate applications and permanent residence applications that are not managed through Express Entry (including Quebec Skilled Worker permanent residence applications); and still requires permanent resident and temporary resident visas (PRVs and TRVs) to be

13 CIMM, *Evidence*, 6 November 2020, 1500 (Raj Sharma); CIMM, *Evidence*, 6 November 2020, 1550 (Lorne Waldman, Lawyer, Waldman & Associates, as an individual); CIMM, *Evidence*, 18 November 2020, 1715 (Mark Holthe, Lawyer, Holthe Immigration Law, as an individual); CIMM, *Evidence*, 18 November 2020, 1710 (Alastair Clarke, Lawyer, Clarke Immigration Law, as an individual); Colour of Poverty Colour of Change, Chinese & Southeast Asian Legal Clinic, Ontario Council of Agencies Serving Immigrants, South Asian Legal Clinic of Ontario, *Joint Submissions to the Standing Committee on Citizenship and Immigration on Immigration, Refugee, Citizenship Re: Study of the Impact of COVID-19 on the Immigration System*, November 2020.

14 CIMM, *Evidence*, 6 November 2020, 1500 (Raj Sharma).

15 CIMM, *Evidence*, 6 November 2020, 1500 (Raj Sharma).



physically affixed to passports.¹⁶ More broadly, Mark Holthe, lawyer, Holthe Immigration Law, noted that IRCC offices and third-party organizations administer applications in some streams outside of Canada and in relative isolation – applications that cannot be easily integrated into a digitized IRCC system that can otherwise deal with any application anywhere in the world.¹⁷ He and other witnesses pointed out the high cost in processing time associated with maintaining these older processes.¹⁸ These processing delays have been made particularly clear during the COVID-19 pandemic, which has exacerbated them, while other applications have gone through.

While witnesses acknowledged security and trackability concerns, they stated that these can be mitigated. Indeed, the government accepts greater security risks in other, more sensitive domains. As Chantal Desloges, Senior Partner, Desloges Law Group, noted:

If the Refugee Board can hold a refugee hearing online, it is beyond me why a visa officer cannot also interview a spousal sponsorship applicant or a visa applicant online. This technology is out there. It's available to everyone. It's as secure as it could possibly be. ... I think the government just has to accept that there's going to be a little bit of a risk that will have to be taken in order to bring the system into the 21st century.¹⁹

Some witnesses that addressed information technology recommended that the department should fully digitize the application, interview, and processing system. For instance, Ms. Desloges commented that, "I really think that the government of the day has to bite the bullet and just invest in upgrading that infrastructure."²⁰ A second group of witnesses advocated for digitizing particular streams and processes: Three witnesses argued that the department should accept spousal sponsorship applications online,

16 Government of Canada, *Sponsor your spouse, common-law partner, conjugal partner or dependent child – Complete Guide (IMM 5289)*; Government of Canada, *Applying for a Permanent Resident Card (PR Card) – First application, replacement, renewal or to change gender identifier (IMM 5445)*; Government of Canada, *Guide 5291 - Humanitarian and Compassionate Considerations*; Government of Canada, *Economic classes: Procedures at the Centralized Intake Office for paper-based (non-Express Entry) applications*; Government of Canada, *Quebec-selected skilled workers: About the process*.

17 CIMM, *Evidence*, 18 November 2020, 1715 (Mark Holthe).

18 CIMM, *Evidence*, 27 October 2020, 1735 (Chantal Desloges, Senior Partner, Desloges Law Group, as an individual); CIMM, *Evidence*, 6 November 2020, 1550 (Lorne Waldman); CIMM, *Evidence*, 18 November 2020, 1600 (Kelly Goldthorpe, Senior Associate, Green and Spiegel, as an individual); CIMM, *Evidence*, 18 November 2020, 1715 (Mark Holthe).

19 CIMM, *Evidence*, 27 October 2020, 1735 (Chantal Desloges).

20 CIMM, *Evidence*, 27 October 2020, 1735 (Chantal Desloges); CIMM, *Evidence*, 30 November 2020, 1735 (Roxane Hatem, Representative, Chercheuses de résidence permanente); CIMM, *Evidence*, 18 November 2020, 1715 (Mark Holthe); CIMM, *Evidence*, 30 November 2020, 1700 (Misha Pelletier, Representative, Spousal Sponsorship Advocates); CIMM, *Evidence*, 6 November 2020, 1500 (Raj Sharma).

rather than requiring paper applications that they then digitize.²¹ Alastair Clarke, lawyer, Clarke Immigration Law, argued that IRCC should accept permanent residency applications from temporary residents online,²² and Jatin Shory, lawyer, Shory Law, stated that IRCC should accept humanitarian and compassionate applications and applications for temporary resident permits online.²³ Kelly Goldthorpe, Senior Associate, Green and Spiegel, argued that IRCC should issue TRVs electronically, and not require a physical visa counterfoil to affix to a passport.²⁴ Mr. Holthe stated that IRCC should issue a letter with a scannable barcode for PRVs, rather than affixing PRVs to physical passports.²⁵ Misha Pelletier, representative of Spousal Sponsorship Advocates, stated that IRCC should create a single web portal for individuals and their representatives.²⁶

Two witnesses also called for IRCC to use virtual interviews for speeding up the processing of overseas spousal sponsorship applications,²⁷ a measure that IRCC has since committed to implement.²⁸ The joint written brief from Colour of Poverty Colour of Change, Chinese & Southeast Asian Legal Clinic, Ontario Council of Agencies Serving Immigrants and South Asian Legal Clinic of Ontario argued that IRCC should “land overseas applicants via email, as they are now doing for people in Canada, to allow them to come here as Permanent Residents, regardless of travel restrictions.”²⁹

A third group of witnesses stated that IRCC should digitize as much of the system as possible, taking into consideration security concerns. For instance, Mr. Clarke

21 CIMM, [Evidence](#), 18 November 2020, 1710 (Alastair Clarke); CIMM, [Evidence](#), 30 November 2020, 1720 (Misha Pelletier); CIMM, [Evidence](#), 16 November 2020, 1720 (Jatin Shory, Lawyer, Shory Law, as an individual).

22 CIMM, [Evidence](#), 18 November 2020, 1710 (Alastair Clarke).

23 CIMM, [Evidence](#), 16 November 2020, 1720 (Jatin Shory).

24 CIMM, [Evidence](#), 18 November 2020, 1600 (Kelly Goldthorpe).

25 CIMM, [Evidence](#), 18 November 2020, 1715 (Mark Holthe).

26 CIMM, [Evidence](#), 30 November 2020, 1700 (Misha Pelletier).

27 CIMM, [Evidence](#), 27 October 2020, 1735 (Chantal Desloges); CIMM, [Evidence](#), 16 November 2020, 1720 (Jatin Shory).

28 IRCC, [IRCC speeding up processing for spousal applications](#), News release, 24 September 2020.

29 Colour of Poverty Colour of Change, Chinese & Southeast Asian Legal Clinic, Ontario Council of Agencies Serving Immigrants, South Asian Legal Clinic of Ontario, [Joint Submissions to the Standing Committee on Citizenship and Immigration on Immigration, Refugee, Citizenship Re: Study of the Impact of COVID-19 on the Immigration System](#), November 2020, p. 6.



recommended that IRCC request original documents on an “as-needed basis,” only when officers note a discrepancy concerning a digital signature in an application.³⁰

In light of these comments, and with a view to improving processing and fairness, the Committee recommends:

Fully Digitizing Immigration and Asylum Systems

Recommendation 1

That Immigration, Refugees and Citizenship Canada and the Immigration and Refugee Board of Canada fully digitize immigration and asylum systems, while still retaining the option for paper applications to ensure broad access to these systems. This includes allowing applicants in all streams to:

- **submit applications electronically;**
- **submit documents and signatures electronically, and follow up with paper documents in the event of application discrepancies;**
- **be interviewed virtually; and**
- **be issued visas electronically.**

Issuing a Letter with a Scannable Barcode

Recommendation 2

That Immigration, Refugees and Citizenship Canada issue a letter with a scannable barcode for permanent resident visas, rather than affixing a visa to physical passports.

If comprehensive digital and virtual processes level the playing field between application streams, they also potentially exclude people. Several witnesses in settlement services noted that IRCC’s increased reliance on digital processes under COVID-19 conditions have meant that some clients in Canada – increasingly isolated – could not renew work permits or upload documents to applications because they have limited access to internet bandwidth, little digital knowledge to use the proper software and no computer to upload PDF forms. They noted that this “digital divide” was especially felt by foreign nationals living in rural areas, and settlement services had to intervene to help people to

30 CIMM, *Evidence*, 18 November 2020, 1740 (Alastair Clarke); CIMM, *Evidence*, 6 November 2020, 1505 (Lorne Waldman).

navigate the system.³¹ As Yannik Boucher, Director, Services for Immigrants of Accueil Liaison pour Arrivants, put it, “[w]e can’t criticize all this modernization—you can’t be opposed to virtue—but it does have the effect of doubling or tripling the time we spend working with every person we assist.”³² Jennifer Watts, with the Immigrant Services Association of Nova Scotia, recommended increasing access to broadband across Canada to allow everyone access to increasingly digital services.³³ The Committee recommends:

Increasing Settlement Funding for Digital Technology

Recommendation 3

That Immigration, Refugees and Citizenship Canada increase funding to settlement services to promote digital literacy and the availability of digital tools.

Processing Times

Overall, IRCC has simplified the application process and sped up the processing system — in part, by its IT modernization. In a press release dated 24 September 2020, IRCC also committed to reduce couples’ wait times by processing 6,000 spousal sponsorship applications a month, up to the end of 2020. IRCC stated that the department would achieve this goal by increasing the number of decision-makers for spousal applications in Canada by 66%, digitizing paper spousal sponsorship applications, using technology to interview candidates remotely and implementing facilitative biometrics measures.³⁴

At the same time, the extent to which IRCC measures have decreased processing times for different applicant streams and individual applicants across the immigration system is difficult to assess. As it has throughout the COVID-19 period, IRCC currently advises the public that it cannot estimate accurate processing times in any stream. The department also continues to state that it cannot process applications normally during this time, and

31 CIMM, [Evidence](#), 18 November 2020, 1645 (Helen Francis, President and Chief Executive Officer, YMCA of Northeastern Ontario); CIMM, [Evidence](#), 30 November 2020, 1600 (Yannick Boucher, Director, Services for Immigrants, Accueil Liaison pour Arrivants); CIMM, [Evidence](#), 7 December 2020, 1605 (Jennifer Watts, Chief Executive Officer, Immigrant Services Association of Nova Scotia).

32 CIMM, [Evidence](#), 30 November 2020, 1600 (Yannick Boucher).

33 CIMM, [Evidence](#), 7 December 2020, 1605 (Jennifer Watts).

34 IRCC, [IRCC speeding up processing for spousal applications](#), News release, 24 September 2020.



that it is prioritizing applications by and assistance to Canadians trying to return to Canada, vulnerable people, and people who perform or support essential services.³⁵

Applications Received and Approved

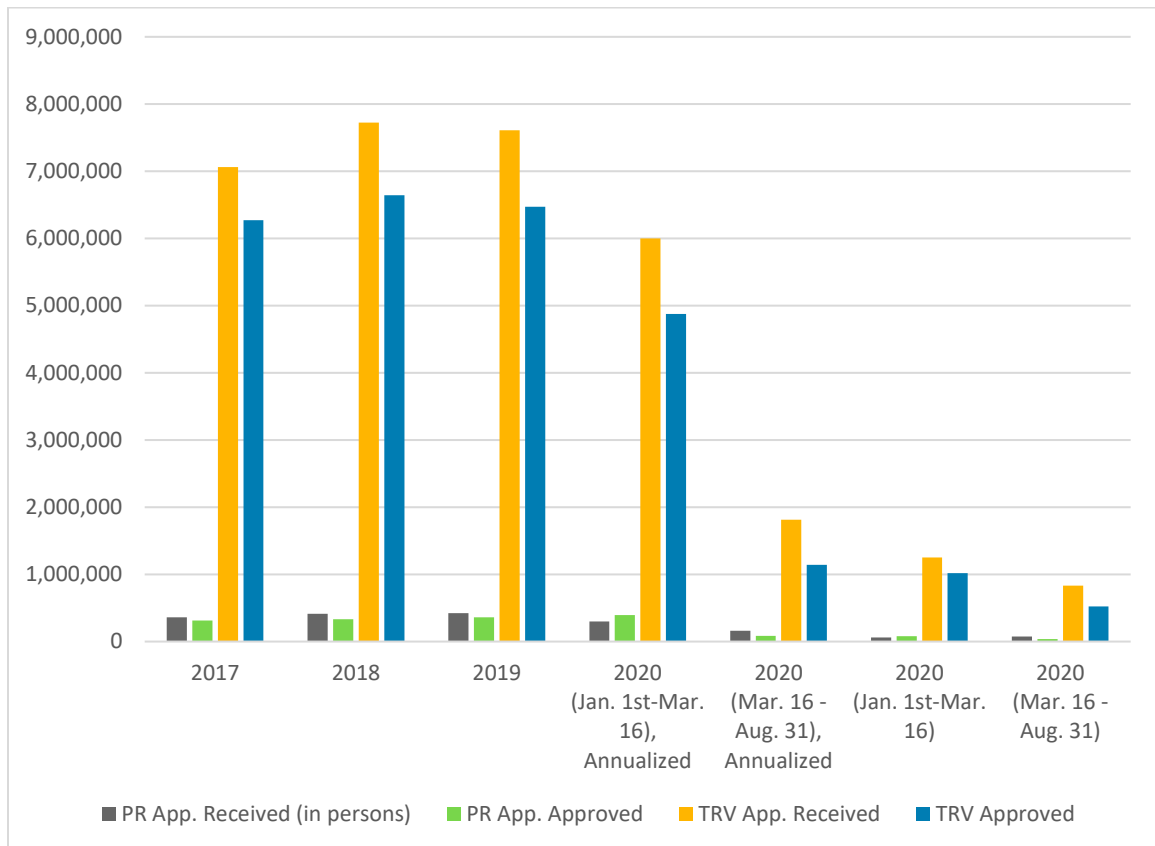
Publicly available data on all permanent and temporary residence applications received and approved offers useful context for the challenges that applicants face in different immigration streams, although such data is only available to the end of August 2020. This is especially true when comparing the number of applications received/approved before and after the beginning of the pandemic in Canada. First, COVID-19 slowed processing of temporary resident applications considerably. As Figure 3 highlights, the overall ratio of (a) PR applications “received,” (b) PR applications “approved,” (c) TRVs “received” and (d) TRVs “approved” is largely consistent from 1 January 2017 to 16 March 2020.³⁶ A similar pattern can be traced back to 2016.³⁷ But in mid-March 2020, the percentage of TRV applications received – as a proportion of total applications received and approved – increased by approximately 6% from the past average proportion. At the same time, the percentage of TRVs approved decreased by approximately 8% for its corresponding average proportion during the same period. To get a full picture, this data would have to be compared to the 2020 monthly inventory of applications, which is not yet available. In either case, temporary resident processing up to the end of August 2020 likely slowed more significantly than permanent resident processing.

35 Government of Canada, *Coronavirus disease (COVID-19): Immigration applicants, [Approved permanent resident applicants with expired COPR and permanent resident visa](#)*; and Government of Canada, *[Check Processing Times](#)*. In a sessional paper, IRCC specified further that it has been prioritizing processing the following streams: (1) Temporary Residence (including in-Canada extensions, seasonal agricultural workers, essential and vulnerable workers); (2) Permanent Residence, including Express Entry, Spousal (in-Canada and those who are travel ban-exempt), Permanent Resident Travel Documents and Humanitarian and Compassionate; (4) Refugee/Asylum, including asylum claims by email, Privately Sponsored Refugees and Urgent Protection Program; (6) Citizenship, including urgent proofs of citizenship and the implementation of virtual ceremonies; and (7) Passport including urgent travel documents. Sessional Paper No. 8555432-42, tabled in the House of Commons 16 November 2020, in response to a question by Ms. Jenny Kwan (Sessional Paper No. 8555-432-42).

36 Sessional Paper No. 8555-432-42.

37 Sessional Paper No. 8555-432-42.

Figure 3—Permanent and Temporary Residence Applications Received and Approved, January 2017 to August 2020



Source: Sessional Paper No. 8555-432-42, tabled in the House of Commons 16 November 2020.

IRCC processing of family class permanent residency applications and student TRVs was also likely particularly affected by the pandemic during this period. As Figure 4 highlights, IRCC approved only 1,900 family class applications and received only 30 applications in this category (while the overall inventory of applications only decreased from 111,591 in March 2020 to 107,005 by the end of August 2020).³⁸

38 Sessional Paper No. 8555-432-42.



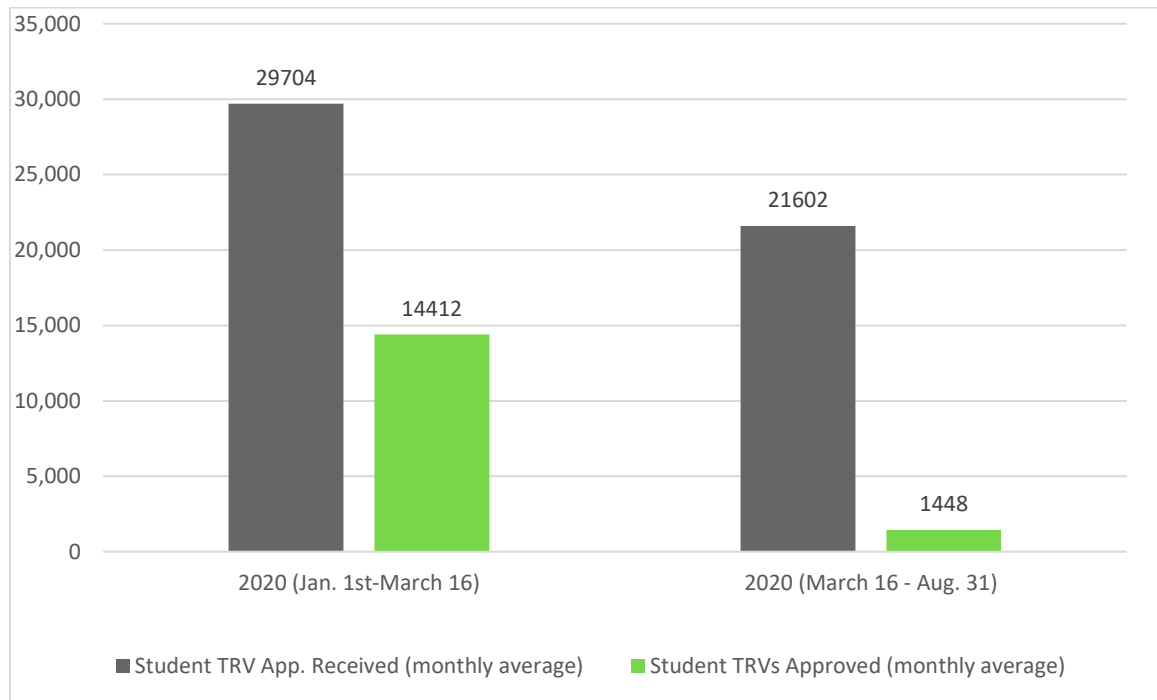
Figure 4—Family Class Permanent Residence Applications Received and Approved, Pre- and Post-COVID-19 Mitigation Measures, 2020



Source: Sessional Paper No. 8555-432-42, tabled in the House of Commons 16 November 2020.

As Figure 5 highlights, the ratio of student TRVs fell, from receiving a monthly average of almost 30,000 applications and granting approximately half that number (approximately 50%), to receiving a monthly average of approximately 21,500 applications and processing approximately 1,500 (approximately 14%).

Figure 5—Student Temporary Residence Applications Received and Approved, Pre- and Post-COVID-19 Mitigation Measures, 2020



Source: Sessional Paper No. 8555-432-42, tabled in the House of Commons 16 November 2020.

IRCC officials testified that digitizing files, and training and equipping staff, allowed the department to increase processing staff capacity from 38% of the operations workforce being able to work at the beginning of the pandemic to 90% of these employees working remotely or in the office.³⁹ IRCC specified in a sessional paper that these staffing and processing gains were made from the end of March 2020 to 26 September 2020.⁴⁰ At the same time, the data suggests that Family Class PRVs and TRVs – including student TRVs – have been particularly delayed or unprocessed during most of this same period of staff growth.

Delays by Immigration Stream

Notwithstanding recent and ongoing improvements in processing times, witness testimony to the Committee supports these conclusions that Family class PRVs and TRVs have been particularly delayed. Witnesses testified to mistakes, delays and exclusions in

39 CIMM, *Evidence*, 7 December 2020, 1650 (Daniel Mills).

40 Sessional Paper No. 8555-432-42.



family reunification and international student streams. As Chantale Munger, Pedagogical Advisor, Cégep de Jonquière, summarized in her testimony:

Immigration services and processes ... are plagued by a tremendous number of challenges; people report considerable wait times, closures, and mistakes. All of those have been exacerbated by COVID-19, which has led to the closure of post offices and biometrics collection centres, longer processing times, errors, and inconsistencies.⁴¹

Technology

Most simply, witnesses stated that the uneven rates of modernization of the IT system across immigration streams causes delays for people being processed in these streams. Lorne Waldman, lawyer, Waldman & Associates, noted that those applications that are done in person and through interviews are inevitably delayed.⁴² Ms. Pelletier noted that – despite the 24 September 2020 IRCC announcement on speeding up spousal sponsorship – wait times for spousal sponsorship interviews still exceed 18 months because videoconference interviews remain unavailable for this stream.⁴³ Similarly, Mr. Holthe stated that “some of the hardest hit cohorts over the course of this pandemic have been those in paper-based queues,” such as spousal sponsorship.⁴⁴ While IRCC is now digitizing these files, Ms. Pelletier noted that the department is still beginning with paper copies that it then converts to PDF – a process that she stated was unlikely to allow IRCC to meet its spousal sponsorship processing targets.⁴⁵ Addressing spousal sponsorship more generally, Dr. David Edward-Ooi Poon, Founder of Faces of Advocacy, stated to the Committee that “IRCC is using an antiquated, outdated and grossly ineffective IT structure that disproportionately affects Canadian families in a completely inconsistent manner.”⁴⁶

More globally, Manprit Aujla-Grewal, Immigration Consultant, Canadian Immigration Connections, noted that, pre-COVID, paper-based spousal sponsorship applications that IRCC processes in offices outside of Canada can take more than three times as long as

41 CIMM, [Evidence](#), 27 October 2020, 1610 (Chantale Munger, Pedagogical Advisor, Cégep de Jonquière, as an individual).

42 CIMM, [Evidence](#), 6 November 2020, 1505 (Lorne Waldman).

43 CIMM, [Evidence](#), 30 November 2020, 1700 (Misha Pelletier).

44 CIMM, [Evidence](#), 18 November 2020, 1715 (Mark Holthe).

45 CIMM, [Evidence](#), 30 November 2020, 1700 (Misha Pelletier).

46 CIMM, [Evidence](#), 27 October 2020, 1645 (Dr. David Edward-Ooi Poon, Founder, Faces of Advocacy).

those processed in Canada. She recommended processing them in Canada within a dedicated and specifically trained business unit.⁴⁷

Ms. Goldthorpe also stated that applicants from countries that require TRVs wait weeks for the physical visa counterfoil to be affixed to their passport, while applicants from visa-exempt countries obtain an electronic travel authorization (eTA-), which is linked to a passport in mere minutes.⁴⁸ This technological and processing inequality exacerbates a pre-COVID-19 disparity in processing times between PRV and TRV applicants from visa-required countries and those from visa-exempt countries.⁴⁹

Renewing Documents Abroad

In addition to its own processing in Canada, IRCC relies on a network of visa offices and third-party institutions to conduct interviews and issue supporting documents. Spousal sponsorship applications require interviews. PRVs and TRVs, including permits for international students, require biometrics and medical exams. Biometrics are an applicant's photograph and fingerprints. As Ms. Goldthorpe told the Committee, biometrics are "an important tool for IRCC to establish identity."⁵⁰ Outside Canada, they are usually captured at a visa application centre (VAC), a private company with a contract to provide this service for IRCC, or in the United States at an application support centre (ASC). There are individuals who do not need to provide biometrics: for example, when coming to Canada as tourists, visa-exempt travellers with an eTA, or citizens and green card holders of the United States.⁵¹ Medical exams are performed by panel physicians designated by the department.⁵² Such exams are valid for a period of one year.

Visa offices, VACs, physician offices and biometric collection centres have been periodically closed for much of the pandemic period, and – in the case of visa offices,

47 CIMM, *Evidence*, 23 November 2020, 1610 (Manprit Aujla-Grewal, Immigration Consultant, Canadian Immigration Connections).

48 CIMM, *Evidence*, 18 November 2020, 1610 (Kelly Goldthorpe).

49 CIMM, *Evidence*, 18 November 2020, 1610, 1640 (Kelly Goldthorpe); CIMM, *Evidence*, 18 November 2020, 1615, 1650 (Elizabeth Long, Barrister and Solicitor, Partner, Long Mangalji, LLP, as an individual); Dr. David Edward-Ooi Poon and Emma Holme, *Faces of Advocacy: Love is Not Tourism*, 27 October 2020, p 6.

50 CIMM, *Evidence*, 18 November 2020, 1640 (Kelly Goldthorpe).

51 *Regulations amending the Immigration and Refugee Protection Regulations*, SOR/2013-73, 26 April 2013, in *Canada Gazette*, Part II, 8 May 2013; *Regulations amending the Immigration and Refugee Protection Regulations*, SOR/2018-128, 21 June 2018, in *Canada Gazette*, Part II, 22 June 2018.

52 Government of Canada, *Medical exams*.



physician offices and VACs collecting biometrics – conduct their services only in-person. Witnesses highlighted that the pandemic thus further delayed processing for those foreign nationals applying from both inside and outside of Canada, because – through no fault of their own – their credentials and supporting documents expired. These applicants experience delays, because they must rely on a network of third-party institutions, the operations of which IRCC does not directly control.

This is most clear with in-process or expiring credentials. Debbie Douglas, Executive Director of the Ontario Council of Agencies Serving Immigrants, told the Committee that permanent resident card renewals are delayed, and, with the closure of visa offices, some permanent residents are stuck outside Canada. She recommended that IRCC issue a temporary policy that the permanent residence of foreign nationals with expired permanent resident cards continue to be recognized.⁵³

Two witnesses also highlighted that the pandemic has greatly increased the processing time for spousal sponsorship PRVs because immigration offices overseas are either closed or officers are working at limited capacity.⁵⁴ In addition, in a written brief, the organization Voices4Families recommends a special policy for spousal sponsorship applications where the sponsor is eligible, the applicant has a clean police certificate and the application processing has passed the 12-month standard: after review of the criminal check, the sponsor’s eligibility and the legal marriage certificate, the visa should be granted.⁵⁵

To allow permanent residents with expired PR cards to come back to Canada, the Committee recommends:

Recognizing Expired Permanent Resident Cards

Recommendation 4

That Immigration, Refugees and Citizenship Canada implement measures that enable permanent residents with expired permanent resident cards, whose card renewals have been impacted by COVID-19 processing complications, to be allowed to return to Canada for the duration of the pandemic period.

53 CIMM, *Evidence*, 16 November 2020, 1615 (Debbie Douglas, Executive Director, Ontario Council of Agencies Serving Immigrants).

54 Voices4Families, *Re: Spousal Sponsorship Impact on Canadians*, 30 November 2020; CIMM, *Evidence*, 6 November 2020, 1505 (Lorne Waldman).

55 Voices4Families, *Re: Spousal Sponsorship Impact on Canadians*, 30 November 2020, pp. 1-2.

The need to obtain biometrics abroad is similarly creating delays. Ms. Desloges told the Committee that many family reunification “applications submitted after March [2020] are being held up because the biometrics can’t be done because visa application centres are closed.”⁵⁶ Denise Amyot, President and CEO of Colleges and Institutes Canada, stated to the Committee that “it was impossible for students to provide their biometrics and obtain study permits” from particular regions in which VACs were still closed.⁵⁷ A number of other witnesses told the Committee that international students from certain regions have already experienced long processing times because of pre-pandemic difficulties for obtaining biometrics, because the travel was expensive and dangerous,⁵⁸ and because processing was only possible in certain relatively distant cities and countries.⁵⁹

Medical exams are also difficult to obtain, because – and even as physician offices start to re-open for in-person exams – most offices are fully booked into the future, new exams are expensive and obtaining exams requires traveling and potential exposure to COVID-19.⁶⁰ These difficulties in obtaining medical exams are compounded by medicals expiring after only one year.

Many witnesses recommended changing how IRCC handles expired documents, notwithstanding different extensions that IRCC has provided since March 2020. On 5 June 2020, a temporary public policy was put in place to exempt essential workers from the requirement to provide biometrics overseas if the collection site they would normally go to is closed. Foreign workers covered by this policy can provide biometrics upon entry into Canada. These essential workers are in the agriculture and agri-food sectors, in the healthcare sector and truck drivers.⁶¹ Starting in July 2020, IRCC suspended the requirement for biometrics for new temporary resident applications

56 CIMM, [Evidence](#), 27 October 2020, 1640 (Chantal Desloges).

57 CIMM, [Evidence](#), 16 November 2020, 1610 (Denise Amyot, President and Chief Executive Officer, Colleges and Institutes Canada).

58 CIMM, [Evidence](#), 23 November 2020, 1750 (Marc Despatie, Director, Communications, Strategic Planning, and Government Relations, Collège Boréal).

59 CIMM, [Evidence](#), 27 October 2020, 1610 (Chantale Munger); CIMM, [Evidence](#), 16 November 2020, 1645 (Denise Amyot).

60 CIMM, [Evidence](#), 16 November 2020, 1715 (Emmanuelle Bergeron, as an individual); David Ojo, [Additional Remarks – Written Submission to the Standing Committee on Citizenship and Immigration on the Impact of COVID-19 on the Immigration System](#), 30 October 2020, p. 2.

61 IRCC, [Temporary public policy exempting essential workers from giving biometrics overseas](#), Notice, 5 June 2020.



when individuals were already in Canada.⁶² In September 2020, applicants for permanent residence saw IRCC reuse biometrics that had been given in the last ten years, regardless of the stream the previous application was in and where they were located when they submitted their application.⁶³ For applicants outside Canada who had never provided biometrics, the deadline to comply was automatically extended until the re-opening of VACs and ASCs.⁶⁴ But a number of witnesses told the Committee that collecting biometrics at the beginning of an application caused delays. Multiple witnesses wished that biometrics could be collected upon entry⁶⁵ or waived for a limited time, either because the VACs were closed⁶⁶ or because there was no VAC in the applicant's country.⁶⁷ As Ms. Goldthorpe told the Committee, "it doesn't need to be done at the beginning of the application process, because it can be done—there's equipment, there's personnel, and there's capacity to do it—at the end of the process as well."⁶⁸

Witnesses also recommended that IRCC change how it treats medical exams. IRCC has extended the deadline for medical exams by 90 days for people whose applications are in process, and could not complete the medical on time due to COVID-19.⁶⁹ Addressing immigrants working with temporary status, however, one witness argued that IRCC should extend the validity of medical exams for more than a year.⁷⁰ Another witness stated to the Committee that sponsored spouses with no access to a panel physician and medical exam in their own country should be able to do their medical exam in

62 Government of Canada, [Biometric exemption for in-Canada temporary residence applicants](#), in effect starting 15 July 2020.

63 Government of Canada, [Biometric exemption for permanent residence applicants with previous biometrics on file: COVID-19 program delivery](#), in effect starting 10 September 2020.

64 Government of Canada, [Coronavirus disease \(COVID-19\): Biometrics](#).

65 CIMM, [Evidence](#), 18 November 2020, 1715 (Mark Holthe); CIMM, [Evidence](#), 30 November 2020, 1700 (Misha Pelletier).

66 CIMM, [Evidence](#), 16 November 2020, 1615 (Denise Amyot); CIMM, [Evidence](#), 27 October 2020, 1605 (Santa J. Ono, President and Vice-Chancellor, University of British Columbia, as an individual).

67 Chantale Munger, Cégep de Jonquière, [Brief Submitted to the Standing Committee on Citizenship and Immigration on the Impact of COVID-19 on the Immigration System](#), 2 November 2020, p. 4; CIMM, [Evidence](#), 23 November 2020, 1750 (Marc Despatie).

68 CIMM, [Evidence](#), 18 November 2020, 1640 (Kelly Goldthorpe).

69 Government of Canada, [Medical exams](#).

70 CIMM, [Evidence](#), 30 November 2020, 1645 (Roxane Hatem).

Canada, on a visitor visa, rather than travel to another country, especially in pandemic conditions.⁷¹

The Committee recommends:

Extending the Validity of Medical Exams

Recommendation 5

That, during the pandemic period, Immigration, Refugees and Citizenship Canada extend the validity of medical exams beyond a year and undertake concurrent processing of biometrics, medicals, and criminality and security checks.

Obtaining Medical Exams in Canada under Exceptional Circumstances

Recommendation 6

That Immigration, Refugees and Citizenship Canada implement a temporary public policy allowing sponsored spouses with no access to a panel physician and medical exam in their own country to obtain the exam in Canada, on a visitor visa, during pandemic conditions.

Nicole Guthrie, lawyer, Don Valley Community Legal Services, also recommended to the Committee that IRCC allow applications to be processed, in part, with some current supporting documents, even if other documents are outstanding. Otherwise, one set of documents may expire before another set is available.⁷² Similarly, Ms. Pelletier suggested that IRCC should use the documents already in an application to run criminal checks for spousal sponsorship applications during the pandemic.⁷³

COVID-19 Delays and Persistent Inequalities

A point repeatedly highlighted by a great number of witnesses was that the uneven processing times for different application streams and individuals during the pandemic also exacerbate persisting unfairness in processing delays for some populations.

71 CIMM, *Evidence*, 30 November 2020, 1700 (Misha Pelletier).

72 CIMM, *Evidence*, 30 November 2020, 1650 (Nicole Guthrie, Lawyer, Immigration, Don Valley Community Legal Services).

73 CIMM, *Evidence*, 30 November 2020, 1700 (Misha Pelletier).



This is most clear with combined pre-pandemic and pandemic delays. Witnesses noted that the lack of biometric centres in francophone Africa disproportionately delays the processing of student permits from French-speaking international students for Quebec universities and colleges, because a significant portion of these students come from this underserved region.⁷⁴ The challenges of the pandemic for processing biometrics exaggerate an already persistent problem for French-speaking international students and the universities and colleges to which they apply.

More directly, unequal levels of visa officer scrutiny delay the processing of family reunification applications for some groups more than others – a delay that has been further exacerbated by COVID-19. The Spousal Sponsorship Advocates’ written brief to the Committee highlights significant inequalities in processing times caused by the increased attention from visa officers for non-typical couples. For spousal sponsorships, Chantal Dubé, the author of the brief and representative for Spousal Sponsorship Advocates, writes, “anyone having a relationship that is not considered to be very ordinary is flagged as suspicious” – most likely because officers are trying to prevent marriage fraud.⁷⁵ These couples include mixed religion couples, mixed race couples, couples with an age gap between them, couples judged to be mismatched in terms of physical attractiveness, couples who met online and couples where the applicant comes from a comparatively poor nation.⁷⁶ These couples experience “higher up-front cost for the preparation of applications” and “significantly longer processing times.”⁷⁷ Similarly, the joint written brief from Colour of Poverty Colour of Change, Chinese & Southeast Asian Legal Clinic, Ontario Council of Agencies Serving Immigrants and South Asian Legal Clinic of Ontario stated that “applications from racialized sponsors seem to be subject to more scrutiny and requirements, for example more proof of family connections, such as DNA testing [which] can be expensive, time-consuming, and sometimes impossible to

74 CIMM, [Evidence](#), 27 October 2020, 1610 (Chantale Munger); CIMM, [Evidence](#), 23 November 2020, 1750 (Marc Despatie).

75 Chantal Dubé, [Information Brief: Understanding the Reasons for and the Consequences of Lengthy Processing Times and Rejections of Genuine Couples Applying for Spousal Sponsorship](#), 26 October 2020, pp. 2-3.

76 Chantal Dubé, [Information Brief: Understanding the Reasons for and the Consequences of Lengthy Processing Times and Rejections of Genuine Couples Applying for Spousal Sponsorship](#), 26 October 2020, pp. 2-3.

77 Chantal Dubé, [Information Brief: Understanding the Reasons for and the Consequences of Lengthy Processing Times and Rejections of Genuine Couples Applying for Spousal Sponsorship](#), 26 October 2020, pp. 2-3.

obtain ... due to the pandemic.”⁷⁸ The effects of COVID-19 extend already difficult application preparation and long processing times for non-average and racialized couples.

Finally, the harm of pandemic-related expired documents and processing delays is especially acute for foreign nationals with restrictive and precarious immigration status, such as migrant workers, international students and refugees. The joint written brief from Colour of Poverty Colour of Change, Chinese & Southeast Asian Legal Clinic, Ontario Council of Agencies Serving Immigrants and South Asian Legal Clinic of Ontario states that family reunification delays “have a particular impact on refugee families that typically face far more rigorous restrictions and barriers to travel, and entry and exit into countries where family members may be in temporary residence or asylum.”⁷⁹ These organizations argue that COVID-19 will make often isolated refugees wait even longer for family reunification.

Several witnesses also stated that the high cost and frequency of annual medical exams slows and sometimes halts the processing of the applications and visa renewals for temporary foreign workers and international students even under non-pandemic conditions.⁸⁰ As Mr. Boucher testified about foreign national workers already in Canada, “[w]hen documents expire, newcomers must refile applications, particularly for medical examinations. Depending on the size of family units, these costs may be increasingly costly.”⁸¹

Similarly, processing delays during COVID-19 for work permit applications from inside Canada are difficult for temporary foreign workers and international students because they can lose their job while waiting for IRCC to renew their status. IRCC allows temporary residents on a work permit to remain working in Canada while IRCC processes their extension or new work permit. If they apply before the end of their first work permit, and do not leave the country, they may stay and live in Canada under

78 Colour of Poverty Colour of Change, Chinese & Southeast Asian Legal Clinic, Ontario Council of Agencies Serving Immigrants, and South Asian Legal Clinic of Ontario, [*Joint Submissions to the Standing Committee on Citizenship and Immigration on Immigration, Refugee, Citizenship Re: Study of the Impact of COVID-19 on the Immigration System*](#), November 2020, p. 3.

79 Colour of Poverty Colour of Change, Chinese & Southeast Asian Legal Clinic, Ontario Council of Agencies Serving Immigrants, and South Asian Legal Clinic of Ontario, [*Joint Submissions to the Standing Committee on Citizenship and Immigration on Immigration, Refugee, Citizenship Re: Study of the Impact of COVID-19 on the Immigration System*](#), November 2020, p. 4.

80 CIMM, [*Evidence*](#), 30 November 2020, 1540 (Yannick Boucher); CIMM, [*Evidence*](#), 30 November 2020, 1645 (Roxane Hatem).

81 CIMM, [*Evidence*](#), 30 November 2020, 1540 (Yannick Boucher).



“implied status” while the application is processed.⁸² On 12 March 2020, IRCC also implemented a temporary public policy that allows flexibility for workers changing to jobs that require new work permits. Individuals with job offers – whether with jobs, work permits or implied status – can begin working under the conditions of a new work permit while they wait for IRCC to process the change.⁸³

At the same time, several witnesses stated that these rights are poorly understood by employers, because IRCC does not offer applicants explicit documentation of their implied status.⁸⁴ Waiting for an average of six months for renewed status, applicants often lose jobs. Several witnesses also testified, in person or in writing, that the delay and lack of documentation caused hardships in getting housing and extended health care, because Service Canada will not renew a social insurance number without a valid work permit.⁸⁵ Ms. Goldthorpe noted that being unable to leave Canada was also “very problematic for people who are basically stuck ... until their work permit can be processed.”⁸⁶ While IRCC has issued some letters to individuals that make their implied status explicit, these letters expire after four months.⁸⁷ People on temporary work permits are vulnerable to COVID-19 processing delays because their status and income are already precarious.

To address systemic processing delays and the systemic effects of these delays, witnesses recommended expediting processing in areas of persistent and harmful delay. Three witnesses testified to the Committee that VACs should add staff in francophone Africa, such as in Dakar, Senegal, to process student biometrics and permits.⁸⁸

Daniel Giroux, the President of Collège Boréal, also stated that IRCC should create a

82 Government of Canada, *Temporary resident: Implied status (extending a stay)*.

83 Government of Canada, *Public policy on exemptions to work permit conditions when changing employment: COVID-19 program delivery*.

84 CIMM, *Evidence*, 16 November 2020, 1805 (Robert Falconer, Research Associate, Immigration and Refugee Policy, School of Public Policy, University of Calgary); CIMM, *Evidence*, 18 November 2020, 1645 (Kelly Goldthorpe); CIMM, *Evidence*, 6 November 2020, 1550 (Guillaume Cliche-Rivard, President, Association québécoise des avocats et avocates en droit de l’immigration).

85 CIMM, *Evidence*, 18 November 2020, 1645 (Kelly Goldthorpe); Colour of Poverty Colour of Change, Chinese & Southeast Asian Legal Clinic, Ontario Council of Agencies Serving Immigrants, South Asian Legal Clinic of Ontario, *Joint Submissions to the Standing Committee on Citizenship and Immigration on Immigration, Refugee, Citizenship Re: Study of the Impact of COVID-19 on the Immigration System*, November 2020, p. 6.

86 CIMM, *Evidence*, 18 November 2020, 1645 (Kelly Goldthorpe).

87 CIMM, *Evidence*, 18 November 2020, 1645 (Kelly Goldthorpe).

88 CIMM, *Evidence*, 16 November 2020, 1645 (Denise Amyot); CIMM, *Evidence*, 23 November 2020, 1730 (Daniel Giroux, President, Collège Boréal); Chantale Munger, Cégep de Jonquière, *Brief Submitted to the Standing Committee on Citizenship and Immigration on the Impact of COVID-19 on the Immigration System*, 2 November 2020.

direct processing stream for students that would target the processing of study permit applications filed by people from specific countries, such as countries in francophone Africa.⁸⁹

To prevent the systematic discouragement of applicants from francophone Africa, the Committee recommends:

Funding Visa Application Centre Staff in Francophone Africa

Recommendation 7

That Immigration, Refugees and Citizenship Canada encourage and fund Visa Application Centres in francophone Africa to increase staffing to accelerate the processing of student biometrics and permits.

Other witnesses recommended “rebalancing” the immigration system by prioritizing family reunification with more inclusive criteria,⁹⁰ parents and grandparents sponsorships⁹¹ or the family reunification of protected persons.⁹² Witnesses also recommended protecting individuals with precarious status by prioritizing extension applications for temporary residents, including extension applications for study and work permits.⁹³ Avvy Yao-Yao Go, the Clinic Director for the Chinese and Southeast Asian Legal Clinic, argued for extending the deadline for restoration of temporary resident status from 90 days to at least 30 June 2021.⁹⁴

To help process applications from underserved and vulnerable populations, the Committee recommends:

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- 89 CIMM, [Evidence](#), 23 November 2020, 1730 (Daniel Giroux).
- 90 CIMM, [Evidence](#), 30 November 2020, 1545 (Avvy Yao-Yao Go, Clinic Director, Chinese and Southeast Asian Legal Clinic).
- 91 CIMM, [Evidence](#), 16 November 2020, 1625 (Debbie Douglas).
- 92 CIMM, [Evidence](#), 30 November 2020, 1650 (Nicole Guthrie).
- 93 CIMM, [Evidence](#), 27 October 2020, 1545 (Santa J. Ono); CIMM, [Evidence](#), 30 November 2020, 1545 (Avvy Yao-Yao Go).
- 94 CIMM, [Evidence](#), 30 November 2020, 1545 (Avvy Yao-Yao Go).



Prioritizing Family Reunification Processing for Protected Persons

Recommendation 8

That Immigration, Refugees and Citizenship Canada prioritize the processing of family reunification applications where family members are classified as protected persons.

Adding Resources to Process Temporary Resident Extensions

Recommendation 9

That Immigration, Refugees and Citizenship Canada add resources to speed up the processing of extension applications for temporary resident status.

More broadly, several witnesses argued that addressing systemic inequalities in wait times and other parts of the immigration system requires more data that is disaggregated by race, gender, country of origin and other potential system classifications. Addressing spousal sponsorship delays and exclusions, one witness asked the Committee to query records comparing spousal sponsorship processing times, refusals and extended scrutiny, with records of spousal sponsorship applications broken down by race, gender, age, parent status, risk, visa office and timing with respect to the pandemic.⁹⁵ Addressing all classes of immigration, several witnesses suggested that IRCC collect and publish disaggregated race-based data or gender-based data.⁹⁶

Considering these suggestions, the Committee recommends:

Disaggregating Processing and Application Data

Recommendation 10

That Immigration, Refugees and Citizenship Canada collect and publish expanded anonymized processing and application data for all immigration streams, disaggregated by applicant race, religion, gender, age, source-country, and parental status inclusive of data not currently collected by Immigration, Refugees and Citizenship Canada.

95 Chantal Dubé, *Information Brief: Understanding the Reasons for and the Consequences of Lengthy Processing Times and Rejections of Genuine Couples Applying for Spousal Sponsorship*, 26 October 2020, p. 7.

96 CIMM, *Evidence*, 30 November 2020, 1545 (Avvy Yao-Yao Go); CIMM, *Evidence*, 16 November 2020, 1640 (Debbie Douglas); Edris Arib, Lou Janssen Dangzalan, Will Tao and Karen Jantzen, Arenous Foundation, *Brief to House of Commons on Impact of On-Going COVID-19 Pandemic on Canada's Immigration System*, 11 December 2020, p 4.

Communication and Transparency

Applicants and their representatives also face practical communication and transparency challenges with IRCC and its partners.

Communication with Immigration, Refugees and Citizenship Canada

This is most clear with IRCC website communication about services, regulations and processes. With the sudden onset of the pandemic, applicants relied on the IRCC site to navigate the many resulting policy changes to immigration processing and rules – a website that is not always up to date and consistent. The written brief submitted by Alliance Canada Hong Kong comments that the IRCC site is “often difficult to navigate and the information is not presented clearly.”⁹⁷ Ms. Douglas noted, with respect to settlement services, that:

The only information is what is being posted on the [IRCC] website. That is sometimes unclear and doesn’t speak to the specific situations people are facing because of COVID. We appreciate that IRCC has tried to keep the public informed of most measures, but there is still a need for consistent, clear and more comprehensive information about migration offices overseas, as well as local offices here, as to exactly what is available and what is not.⁹⁸

Similarly, Elizabeth Long, barrister and solicitor, Partner, Long Mangalji, commented that the IRCC website sometimes makes conflicting claims. Addressing the question of whether international students could study online if they had already applied for study permits but had not obtained “approval in principle,” for instance, she recounted that “[w]e had the instance where one IRCC website page was saying yes, and the other was saying no.”⁹⁹

Similarly, David Ojo, who was prevented from travelling to Canada and ended up with an expired Confirmation of Permanent Residence (COPR) due to the pandemic, writes that many people in his position repeatedly received inconsistent advice from the IRCC call

97 Alliance Canada Hong Kong (ACHK), ACHK Government Relations Team and Robert Falconer, *The Impact of COVID-19 on Canada’s Immigration and Asylum Systems: Policy Brief*, 20 November 2020, p. 2.

98 CIMM, *Evidence*, 16 November 2020, 1615 (Debbie Douglas); CIMM, *Evidence*, 18 November 2020, 1620 (Elizabeth Long).

99 CIMM, *Evidence*, 18 November 2020, 1620 (Elizabeth Long).



centre,¹⁰⁰ which applicants can access via a toll-free number.¹⁰¹ Addressing newcomers in Northeastern Ontario¹⁰² and international students,¹⁰³ respectively, two witnesses stated that clients often cannot contact anyone at IRCC with questions. In addition, Helen Francis, President and Chief Executive Officer, YMCA of Northeastern Ontario, commented that settlement services employees experience “a breakdown in the partnership” with IRCC, and have no contact at the department to understand where a breakdown in communication occurred. These representatives “end up as helpless as the clients themselves.”¹⁰⁴ Ms. Munger recommended increasing access to an existing student helpline, the reinstatement of a direct phone line for student recruitment officers to IRCC and better training for IRCC call centre officials.¹⁰⁵

In the absence of communication, applicants and their representatives have trouble interpreting complex or unknown application criteria. In his written brief, Mr. Ojo commented that criteria for receiving a letter of authorization to travel with an expired COPR remains unknown.¹⁰⁶ The written brief for Migrant Students United noted that lack of clarity of rules about international students and their family members has prevented these family members from being allowed to enter Canada.¹⁰⁷ Ms. Long stated that “convoluted rules and contradicting information makes our [immigration] system seem unfair and ultimately unattractive to potential students.”¹⁰⁸ Starus Chan, representative from Alliance Canada Hong Kong, stated that the Government of Canada’s specific measures¹⁰⁹ to help Hong Kong students and refugees to obtain work permits are unclear and have prompted many questions.¹¹⁰ Similarly, Mimi Lee, a representative of the Torontonians HongKongers Action Group, compiles, in the written submission for this

100 David Ojo, [Written Submission to the Standing Committee on Citizenship and Immigration on the Impact of COVID-19 on the Immigration System](#), 27 October 2020, p 3, Appendix.

101 Government of Canada, [Client Support Centre services](#).

102 CIMM, [Evidence](#), 18 November 2020, 1635 (Helen Francis).

103 CIMM, [Evidence](#), 27 October 2020, 1610 (Chantale Munger).

104 CIMM, [Evidence](#), 18 November 2020, 1635 (Helen Francis).

105 CIMM, [Evidence](#), 27 October 2020, 1610 (Chantale Munger).

106 David Ojo, [Written Submission to the Standing Committee on Citizenship and Immigration on the Impact of COVID-19 on the Immigration System](#), 27 October 2020, p 3, Appendix.

107 Sarom Rho, Migrant Students United, [Re: Impact of COVID-19 on the immigration System](#), 27 November 2020, p. 3.

108 CIMM, [Evidence](#), 18 November 2020, 1620 (Elizabeth Long).

109 IRCC, [Canada announces immigration measures supporting Hong Kong residents and Canadians in Hong Kong](#), News release, 12 November 2020.

110 CIMM, [Evidence](#), 16 November 2020, 1735 (Starus Chan, Representative, Alliance Canada Hong Kong).

organization, multiple accounts of discrepancies between “information from the [IRCC] web site verses [sic] information/replies from immigration staff.”¹¹¹

Witnesses also stated that foreign nationals are sometimes left for long periods with no way to track their applications to be sure that they were received.¹¹² For instance, witnesses testified that individuals who applied in 2019 and 2020 to the Quebec Skilled Worker Program – a program discussed below in more detail – had yet to receive acknowledgement of receipt of their permanent resident application.¹¹³ In the worst cases, applications may be lost without the applicant’s knowledge. Dr. Poon testified that his organization, Faces of Advocacy, estimates that the first 100 to 200 applications for extended family exceptions were processed slower than later applications.¹¹⁴ The Faces of Advocacy February 2021 written brief also claims that IRCC failed to contact some applicants in this stream within the 14 days of application standard that the department lists on its website.¹¹⁵ Two witnesses advocated for a comprehensive digitized application and processing system that would aid applicants, representatives and officials to track applications in real time: Dr. Poon argued that this technology would decrease the anxiety of applicants in all streams and prevent applications from getting lost.¹¹⁶ Ms. Desloges argued that it would also reduce the need for contacting call centres and receiving potentially contradictory and inaccurate application information.¹¹⁷

In order to increase communication and transparency in the immigration system, and reduce applicant confusion and anxiety, the Committee recommends:

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- 111 Mimi Lee, Torontonians HongKongers Action Group, [Policy Brief](#), March 2021, p. 2.
- 112 CIMM, [Evidence](#), 27 October 2020, 1700 (Dr. David Edward-Ooi Poon); CIMM, [Evidence](#), 30 November 2020, 1540 (Yannick Boucher); CIMM, [Evidence](#), 30 November 2020, 1645 (Roxane Hatem); *L'interminable attente des AR par les demandeurs de RP via TQQ* by Group and the facebook page, [Proposal for a public policy on the no-return of permanent residence applications in the Quebec Skilled Worker \(QSW\) program](#), 17 December 2020, p. 2.
- 113 CIMM, [Evidence](#), 30 November 2020, 1540 (Yannick Boucher); CIMM, [Evidence](#), 30 November 2020, 1645 (Roxane Hatem); *L'interminable attente des AR par les demandeurs de RP via TQQ* by Group and the facebook page, [Proposal for a public policy on the no-return of permanent residence applications in the Quebec Skilled Worker \(QSW\) program](#), 17 December 2020, p. 2.
- 114 CIMM, [Evidence](#), 27 October 2020, 1650 (Dr. David Edward-Ooi Poon).
- 115 Nathalie Picard, Kate Less, Justin Griffith, Dr. David Edward-Ooi Poon, [Faces of Advocacy: Authorization Index](#), Report on the Processing of Extended Family Travel Exemption Authorization Applications in the First Two Weeks, 16 February 2021, p. 1.
- 116 CIMM, [Evidence](#), 27 October 2020, 1650, 1700 (Dr. David Edward-Ooi Poon).
- 117 CIMM, [Evidence](#), 27 October 2020, 1735 (Chantal Desloges); Dileep Jose, [Written Brief](#), 19 February 2021.



Increasing Access to an International Student Helpline

Recommendation 11

That Immigration, Refugees and Citizenship Canada provide improved service to students and recruitment officers through a dedicated international student helpline, with officers who are appropriately trained and available.

Tracking Applications in Real Time

Recommendation 12

That Immigration, Refugees and Citizenship Canada upgrade information technology infrastructure to make all applications transparent and trackable in real time, to provide a realistic processing time for individual applications and to prioritize the restoring of full application processing standards.

Communication Between the Department and Partner Organizations

Communication and consistency also break down among IRCC and other government and partner institutions and services. Several witnesses stated that applicants and their representatives received inconsistent answers between sources ranging from IRCC officers, to Canada Border Services Agency (CBSA) officers, to visa offices, to Members of Parliament, to universities, to settlement services, to airlines.¹¹⁸

This inconsistent advice has led to applications being refused or delayed. Mr. Holthe stated that:

We can look at just about any line of business within immigration. We're dealing with not only immigration. We're dealing with the airlines, with people who are refused boarding. We're dealing with the border officers and their determination of what's non-essential and non-discretionary. People can do everything right from an immigration perspective and still get shot down.¹¹⁹

Given their discretionary powers, the judgement of visa officers is especially significant – and does not always seem to align with IRCC directives. For instance, Mr. Ojo noted that

118 CIMM, *Evidence*, 18 November 2020, 1635 (Helen Francis); CIMM, *Evidence*, 18 November 2020, 1740 (Mark Holthe); CIMM, *Evidence*, 27 October 2020, 1645 (Dr. David Edward-Ooi Poon); Chantale Munger, Cégep de Jonquière, *Brief Submitted to the Standing Committee on Citizenship and Immigration on the Impact of COVID-19 on the Immigration System*, 2 November 2020.

119 CIMM, *Evidence*, 18 November 2020, 1740 (Mark Holthe).

COPR applications were understood differently by IRCC and visa officers concerning the need for new medical exams, a difference that sometimes depended on the location of the visa office.¹²⁰ Similarly, Ms. Munger states in her written brief that the visa office in Paris and the IRCC website have different understandings of the need for a Certificat d'acceptation du Québec (CAQ),¹²¹ the letter of approval to accompany student permit applications for Québec – a difference that has led to at least one application being rejected in Paris.¹²²

While visa officers have discretionary powers, two witnesses stated that IRCC and related agencies and services should create clear lines of communication between IRCC, visa offices, CBSA and other immigration partners.¹²³ Mr. Holthe argued that a “structured chain of communication” is particularly important during a crisis, such as the COVID-19 pandemic.¹²⁴ Santa J. Ono, President and Vice-Chancellor, University of British Columbia, suggested that creating a channel between designated learning institutions and IRCC for universities and colleges could help to address permit processing issues and specific, challenging, individual cases.¹²⁵

As such, the Committee recommends:

Strengthening Communication Protocols

Recommendation 13

That Immigration, Refugees and Citizenship Canada continue to improve the negotiation and articulation of clear protocols and policy communication among Immigration, Refugees and Citizenship Canada, visa offices, airlines, provincial and territorial governments and designated learning institutions.

120 David Ojo, *Written Submission to the Standing Committee on Citizenship and Immigration on the Impact of COVID-19 on the Immigration System*, 27 October 2020, Appendix; *Additional Remarks – Written Submission to the Standing Committee on Citizenship and Immigration on the Impact of COVID-19 on the Immigration System*, 30 October 2020, p. 2.

121 Government of Canada, *Glossary*, “Certificat d'acceptation du Québec (CAQ).”

122 Chantale Munger, Cégep de Jonquière, *Brief Submitted to the Standing Committee on Citizenship and Immigration on the Impact of COVID-19 on the Immigration System*, 2 November 2020.

123 CIMM, *Evidence*, 18 November 2020, 1740 (Mark Holthe); CIMM, *Evidence*, 27 October 2020, 1645 (Dr. David Edward-Ooi Poon).

124 CIMM, *Evidence*, 18 November 2020, 1740 (Mark Holthe).

125 CIMM, *Evidence*, 27 October 2020, 1620 (Santa J. Ono).



Accountability Mechanisms

In some cases, inconsistencies between agencies and institutions are legally defensible differences of legal or policy interpretation. In other cases, officials make errors and misunderstand policy, even within IRCC. Several witnesses told the Committee that errors by IRCC staff and visa officials are often difficult to get fixed.¹²⁶ Visa officers may reopen a closed application if they discover the fault lies with an error by IRCC staff. Applicants may also apply for a judicial review of a visa officer's decision by the Federal Court, which examines the officer's records of their reasons for making a decision.¹²⁷ Mr. Clarke testified that both solutions are difficult:

In my view, the request for reconsideration system is broken and MPs are far too often put in the difficult position to act as intermediaries. ... Bad decisions by visa officers are often easy to appeal to Federal Court—as I have experienced doing recently—but judicial reviews expend a huge amount of time and resources for both the applicants and the government.¹²⁸

To address minor issues, Mr. Clarke instead recommended creating a technological mechanism to facilitate communication between immigration lawyers and visa officers.¹²⁹ More generally, Guillaume Cliche-Rivard, President of the Association québécoise des avocats et avocates en droit de l'immigration, told the Committee that visa officers should release to applicants the full reasoning behind a decision, rather than “standard forms in which boxes are checked off,” to give applicants a sense of justice and due process. He notes that, legally, visa officers already must record these reasons.¹³⁰

Several witnesses also argued that the Government of Canada should create an immigration ombudsperson. Witnesses emphasized that such an office could address status checks,¹³¹ disputes or errors in visa officer decisions,¹³² persistent processing errors and delays in certain classes of applications¹³³ and overall oversight of IRCC and

126 CIMM, [Evidence](#), 27 October 2020, 1720 (David Edward-Ooi Poon); CIMM, [Evidence](#), 16 November 2020, 1715 (Emmanuelle Bergeron); CIMM, [Evidence](#), 18 November 2020, 1710 (Alastair Clarke).

127 [Immigration and Refugee Protection Act](#) (IRPA), S.C. 2001 c. 27, s. 72.

128 CIMM, [Evidence](#), 18 November 2020, 1710 (Alastair Clarke).

129 CIMM, [Evidence](#), 18 November 2020, 1710 (Alastair Clarke).

130 CIMM, [Evidence](#), 6 November 2020, 1530 (Guillaume Cliche-Rivard).

131 CIMM, [Evidence](#), 6 November 2020, 1545 (Raj Sharma).

132 CIMM, [Evidence](#), 18 November 2020, 1710 (Alastair Clarke).

133 CIMM, [Evidence](#), 23 November 2020, 1800 (Robert Thiessen, as an individual).

CBSA issues.¹³⁴ This type of ombudsperson could give applicants a means to address problems without the expense of going to court. At the same time, the ombudsperson would lessen the load on Members of Parliament intervening in immigration cases.

To increase transparency and accountability in the immigration system, the Committee recommends:

Releasing to Applicants a Full Justification of Refusals

Recommendation 14

That Immigration, Refugees and Citizenship Canada direct visa officers to release to applicants the full records of any information and the full reasons for the refusal of their application.

Creating an Immigration Ombudsperson

Recommendation 15

That the Government of Canada introduce legislation to create an Immigration Ombudsperson to oversee Immigration, Refugees and Citizenship Canada and to receive complaints.

FAMILIES: IMMEDIATE AND EXTENDED FAMILY MEMBERS

This chapter discusses family reunification, an objective of the *Immigration and Refugee Protection Act* (IRPA), and the significant impact that COVID-19 has had on separated spouses, dependent children, parents and grandparents. Starting with an overview of the legal framework, each section describes different aspects of these relationships.

Relationships in Immigration: The Legal Framework

Family reunification occurs when select individuals are granted permanent residence in Canada through sponsorship by family members already living in the country. IRPA lists the members of the family class that can be sponsored by a Canadian citizen or a permanent resident: a spouse, a common-law partner or a conjugal partner, dependent

134 CIMM, *Evidence*, 27 October 2020, 1705 (Dr. David Edward-Ooi Poon).



children under 22 years of age, and parents and grandparents.¹³⁵ IRPA also provides for the concept of “dual intent”: an individual may legitimately plan to visit for a short time, on a TRV, while their permanent residence application is in process.¹³⁶

The Orders in Council have established border restrictions during the COVID-19 pandemic, halting non-essential travel to Canada, and creating new groups of family members— immediate and extended family members. The CBSA has strictly enforced these Orders in Council, which initially determined that no foreign national could enter Canada for non-essential purposes, including immediate family members, as defined in the Orders in Council. The first Order in Council, dated 18 March 2020, entitled *Minimizing the Risk of Exposure to COVID-19 Coronavirus Disease in Canada Order (Prohibition of Entry into Canada)*,¹³⁷ originally defined “immediate family members” of a person (Canadian citizen or permanent resident) as: the person’s spouse or common-law partner, the dependent child of that person or of their spouse or common-law partner and the dependent child of that dependent child. This definition was expanded four days later to include the parent or step-parent of the person or of the person’s spouse or common-law partner as well as the guardian or tutor of the person.¹³⁸ Beginning on 9 June 2020, immediate family members could enter Canada if they were coming for 15 or more days and had a quarantine plan, without having to prove the essential nature of their trip.¹³⁹

On 7 October 2020, the definition of “extended family member” was established by an Order in Council.¹⁴⁰ This has allowed more foreign nationals the possibility to enter

135 IRPA, s. 12 (1); [Immigration and Refugee Protection Regulations](#) (IRPR), SOR/2002-227, s. 117.

136 IRPA, s. 22; IRPR, s. 179.

137 Government of Canada, [Minimizing the Risk of Exposure to COVID-19 Coronavirus Disease in Canada Order \(Prohibition of Entry into Canada\)](#), Order in Council P.C. 2020-0157, 18 March 2020.

138 Government of Canada, [Minimizing the Risk of Exposure to COVID-19 in Canada Order \(Prohibition of Entry into Canada from any country other than the United States\)](#), Order in Council P.C. 2020-0162, 22 March 2020. This Order in Council, valid until 30 June 2020, repealed the one from 18 March 2020. Government of Canada, [Minimizing the Risk of Exposure to COVID-19 in Canada Order \(Prohibition of Entry into Canada from the United States\)](#), Order in Council P.C. 2020-0161, came into effect the 21 March 2020. It was valid for one month. It allowed persons who had been in the United States for 14 days to enter Canada. The next iteration of the order no longer had that provision. The border remains restricted on a monthly basis since that first order. The latest is Government of Canada, [Minimizing the Risk of Exposure to COVID-19 in Canada Order \(Prohibition of Entry into Canada from the United States\)](#), Order in Council PC.2020-1128.

139 Government of Canada, [Minimizing the Risk of Exposure to COVID-19 in Canada Order \(Prohibition of Entry into Canada from the United States\)](#), Order in Council P.C. 2020-0161, came into effect 9 June 2020.

140 Government of Canada, [Minimizing the Risk of Exposure to COVID-19 in Canada Order \(Prohibition of Entry into Canada from any Country Other than the United States\)](#), Order in Council P.C. 2020-0796, 7 October 2020.

Canada if they are planning to stay for more than 15 days, respecting the 14-day quarantine. The definition of extended family member includes adult children, siblings, grandparents, an individual in an exclusive dating relationship that has lasted at least a year with time spent physically together, and the latter individual's dependent child. This Order in Council also created a "compassionate exemption" so that the CBSA would allow foreign nationals to enter Canada to attend the death of or provide support to an individual in Canada who is critically ill.

Being Apart in Times of COVID-19

Ms. Dubé, representative for Spousal Sponsorship Advocates, highlighted to the Committee how the border closures and quarantine measures have rendered travel to visit foreign spouses impossible. She told the Committee that many couples and families have suffered from being isolated from immediate family members who form their primary support network.¹⁴¹ Dr. Poon pointed out in his remarks that "[t]here were seven months of miscarriages left unsupported ... of births held in solitary ... of cancers fought alone and ... of deaths without a final embrace."¹⁴²

Mr. Waldman described the impact of lengthy separation of spouses at a time when emotional support is needed:

Foreign nationals in Canada are often facing lengthy delays and separations from their family members. Canadian citizens who are in relationships with foreign nationals find themselves separated from their partners at a time when they need their emotional support. IRCC must protect the safety of its employees and of Canadians by ensuring that the people who enter Canada do not pose a risk of bringing COVID into the country, but they must at the same time take into account the emotional needs of the Canadian citizens and foreign nationals who are in the country.¹⁴³

Visiting Spouses in Canada

Ms. Desloges told the Committee that "sponsored spouses have a very difficult time getting visas to visit their spouses in Canada." This was described as "the kiss of death" as visa officers will not issue a TRV when a sponsorship application is pending, since they do not believe the sponsored spouse will leave at the end of the authorized period – the criteria for issuance established in section 179(b) of the *Immigration and Refugee*

141 CIMM, *Evidence*, 27 October 2020, 1550 (Chantal Dubé, Research and Content Writer, Spousal Sponsorship Advocates).

142 CIMM, *Evidence*, 27 October 2020, 1645 (Dr. David Edward-Ooi Poon).

143 CIMM, *Evidence*, 6 November 2020, 1505 (Lorne Waldman).



Protection Regulations (IRPR).¹⁴⁴ Witnesses also highlighted that, in their experience, officers appeared more likely to accept the concept of dual intent¹⁴⁵ – a visit for a short time, on a TRV, while a permanent residence application is in process – from a person who is from a visa-exempt country than from a person who requires a visa.¹⁴⁶

On 30 October 2020, IRCC issued guidelines for visa officers when considering applications involving dual intent and section 179(b) of the IRPR.¹⁴⁷ Mr. Shory told the Committee that the guidelines are “a clarification of something that has existed for a long time.”¹⁴⁸ However, Mr. Waldman said the guidelines leave “a lot of discretion in the hands of these officers to refuse visas.”¹⁴⁹ He told the Committee that the Minister should send a clearer directive:¹⁵⁰

Visa officers should be instructed to issue visas to spouses or partners of Canadian citizens or permanent residents who are seeking to be reunited with their spouses in Canada unless there are concerns that the person applying might be inadmissible.¹⁵¹

Mr. Sharma agreed that the issuance of a TRV should occur in the context of a spousal sponsorship application where a permanent resident or Canadian citizen wishes to reunite with their spouse in Canada, although he emphasized that this should not be extended to international students or temporary foreign workers.¹⁵² By contrast, Faces of Advocacy suggested that temporary residents on work or study visas be afforded the same family reunification rights for the duration of their permit.¹⁵³ Mr. Holthe recommended that “the application of paragraph 179(b) should be exempt for any

144 CIMM, [Evidence](#), 27 October 2020, 1640 (Chantal Desloges); CIMM, [Evidence](#), 18 November 2020, 1610 (Kelly Goldthorpe); CIMM, [Evidence](#), 18 November 2020, 1620 (Elizabeth Long); CIMM, [Evidence](#), 18 November 2020, 1720 (Fadia Mahmoud, Representative, Centre social d’aide aux immigrants).

145 IRPA, section 22(2).

146 CIMM, [Evidence](#), 27 October 2020, 1710 (Chantal Desloges); CIMM, [Evidence](#), 18 November 2020, 1650 (Elizabeth Long); CIMM, [Evidence](#), 18 November 2020, 1800 (Fadia Mahmoud).

147 Government of Canada, [Temporary residents: Dual intent](#).

148 CIMM, [Evidence](#), 16 November 2020, 1810 (Jatin Shory).

149 CIMM, [Evidence](#), 6 November 2020, 1505 (Lorne Waldman).

150 CIMM, [Evidence](#), 6 November 2020, 1525 (Lorne Waldman).

151 CIMM, [Evidence](#), 6 November 2020, 1505 (Lorne Waldman); CIMM, [Evidence](#), 6 November 2020, 1525 (Stéphanie Valois, Administrator, Association québécoise des avocats et avocates en droit de l’immigration).

152 CIMM, [Evidence](#), 6 November 2020, 1540 (Raj Sharma).

153 Dr. David Edward-Ooi Poon and Emma Holmes, [Faces of Advocacy: Love is Not Tourism](#), p. 7.

family member seeking to be reunited with immediate family members.”¹⁵⁴ He added that IRCC should create “clear, unequivocal program delivery instructions confirming that paragraph 179(b) just doesn’t apply and, instead, put an emphasis on the generous application by officers of subsection 22(2), the dual intent provision.”¹⁵⁵

This testimony has confirmed for the Committee how difficult it currently is for foreign nationals being sponsored by their spouse to be issued a TRV. In light of the long waiting time that COVID-19 has added to the processing of these sponsorship files, the Committee recommends the following:

Issuing Temporary Resident Visas to Spousal Sponsorship Applicants

Recommendation 16

That Immigration, Refugees and Citizenship Canada instruct visa officers to issue temporary resident visas to spousal sponsorship applicants, making section 179(b) of the *Immigration and Refugee Protection Regulations* inapplicable, if there are no concerns of inadmissibility.

Two witnesses told the Committee that IRCC should consider the posting of a financial bond to ensure that a foreign national leaves after the period authorized.¹⁵⁶ Mr. Clarke added that he did not want bonds to become a requirement for all temporary visa applications because that was likely to create a barrier for low-income applicants.¹⁵⁷

Mr. Holthe told the Committee that, as an alternative, IRCC could create another super visa program for those spouses.¹⁵⁸ Currently, IRCC has a super visa for parents and grandparents: it is valid for ten years and applicants must have Canadian private health

154 CIMM, [Evidence](#), 18 November 2020, 1715 (Mark Holthe); CIMM, [Evidence](#), 27 October 2020, 1615 (Chantal Dubé); CIMM, [Evidence](#), 18 November 2020, 1650 (Kelly Goldthorpe); Dr. David Edward-Ooi Poon and Emma Holmes, *Faces of Advocacy: Love is Not Tourism*, p. 7; Edris Arib, Lou Janssen Dangzalan, Will Tao and Karen Jantzen, Arenous Foundation, *Brief to House of Commons on Impact of On-Going COVID-19 Pandemic on Canada’s Immigration System*, 11 December 2020, p. 5.

155 CIMM, [Evidence](#), 18 November 2020, 1715 (Mark Holthe).

156 CIMM, [Evidence](#), 27 October 2020, 1710 (Chantal Desloges); [Evidence](#), 18 November 2020, 1710 (Alastair Clarke).

157 CIMM, [Evidence](#), 18 November 2020, 1710 (Alastair Clarke).

158 CIMM, [Evidence](#), 18 November 2020, 1715 (Mark Holthe); [Evidence](#), 6 November 2020, 1535 (Lorne Waldman).



insurance.¹⁵⁹ Ms. Desloges explained to the Committee how a super visa could be created for spouses:

A super visa itself, actually, is not a special type of visa. It really is just a temporary resident visa with specific conditions and extra leniency attached to it.

Something like that could be developed for spouses as well. If the minister were to say to officers that he wants a little bit of extra consideration for spouses, and to take X, Y and Z into account the way they do with super visas, that could be a very good solution, in fact.¹⁶⁰

In his written brief, Carlos Miranda recommended that when officers review TRV applications for the criteria set out in section 179(b) of the IRPR, they should take into consideration the purpose of the visit, and the assets of the spouse and immediate family in Canada.¹⁶¹

Hearing that a number of witnesses considered the creation of a super visa – similar to the one that exists for parents and grandparents – as a possible solution to the difficulty in obtaining a TRV, the Committee recommends:

Creating a Super Visa for Applicants in a Spousal Sponsorship

Recommendation 17

That Immigration, Refugees and Citizenship Canada develop a super visa with conditions similar to that of the parent and grandparent super visa that would allow spouses multiple entries into Canada while their sponsorship application is being processed.

Family Reunification Applications

Complete Applications

Certainly, as noted in the chapter above, processing times are a real issue. Chantal Desloges described how it took more than four months for IRCC to issue an acknowledgement of receipt when processing family reunification applications. This acknowledgement is proof that an application is complete and has been entered into processing. Witnesses told the Committee how incomplete files are returned with the

159 Government of Canada, *Super visa (parents and grandparents): Who can apply*.

160 CIMM, *Evidence*, 27 October 2020, 1715 (Chantal Desloges).

161 Carlos Miranda, *Written Submission to review ongoing efforts to reunite families during COVID times*, 2020.

consequence of applicants having to start again at the back of the queue, sometimes for “a small thing like no wet signature.”¹⁶² Mark Holthe explained that, in the past, IRCC would send efficiency letters to indicate what is missing, but that this did not allow the department to meet high processing standards. He suggested that today, “a little compassion has to be built in” and that once the file is complete, if it was a minor mistake, the file should regain its place in the queue.¹⁶³

Given these frustrations, the Committee recommends:

Building Compassion into the System and Communicating Mistakes

Recommendation 18

That during the COVID-19 period, Immigration, Refugees and Citizenship Canada contact applicants to correct mistakes, including missing documents, and provide applicants with sufficient opportunity to respond before returning the entire file, and that files regain their place in the queue if re-submitted to the same stream.

Processing Permanent Resident Applications in Canada

Some spouses are already sponsored while residing in Canada. However, Ms. Desloges explained that these sponsored spouses in Canada, and their children, do not have health coverage while they are waiting.¹⁶⁴ Mr. Waldman told the Committee that, in the current circumstances, if sponsorship applications cannot be processed quickly with spouses apart, then the processing should occur in Canada, with spouses reunited, unless there are any admissibility concerns.¹⁶⁵

Expediting Reunification for Protected Persons

Ms. Guthrie also recommended that IRCC expedite applications for overseas family members waiting for permanent residence and who are protected persons. She suggested that the criteria for expedited processing should be established upfront and gave the examples of “severe mental health issues or physical risks to family members

162 CIMM, [Evidence](#), 18 November 2020, 1800 (Mark Holthe); CIMM, [Evidence](#), 27 October 2020, 1640 (Chantal Desloges); CIMM, [Evidence](#), 23 November 2020, 1635 (Manprit Aujla-Grewal); CIMM, [Evidence](#), 18 November 2020, 1805 (Alastair Clarke).

163 CIMM, [Evidence](#), 18 November 2020, 1805 (Mark Holthe).

164 CIMM, [Evidence](#), 27 October 2020, 1640 (Chantal Desloges).

165 CIMM, [Evidence](#), 6 November 2020, 1525 (Lorne Waldman).



overseas.”¹⁶⁶ Ms. Douglas told the Committee that the number of family members of refugees accepted in Canada is far lower than the number of people who are awaiting family reunification:

The combination of low numbers, existing processing delays and COVID-related delays will only make people wait longer for family reunification. We recommend that the total number of refugee family reunifications be increased.¹⁶⁷

Stéphanie Valois, of the Association québécoise des avocats et avocates en droit de l’immigration, argued that the concept of family reunification should be broadened to allow those who obtain protected status in Canada to reunite with their family members, although it is not technically a sponsorship.¹⁶⁸

Dependent Children

Ms. Douglas highlighted to the Committee that due to delays created by the pandemic “[a] big concern for all streams is dependent children would age out and become ineligible to be sponsored.”¹⁶⁹ Currently, section 2 of the IRPR defines a dependent child that can be sponsored as being less than 22 years of age, unless that child continues to be financially dependent due to a physical or mental condition. Ms. Guthrie reminded the Committee that an exception already exists in immigration law:

It would be helpful if the age of children is locked in from March [2020] for applicants. Ideally ... as with the refugee protection program, once someone applies to the program, the age of children is locked in on that date.¹⁷⁰

Witnesses recommended that the age of dependent children be locked in¹⁷¹ as of 1 March 2020, so that regardless of when the application is reopened, these children are included in the application.¹⁷² As an alternative, Mr. Sharma suggested that IRCC should

166 CIMM, [Evidence](#), 30 November 2020, 1650 (Nicole Guthrie).

167 CIMM, [Evidence](#), 16 November 2020, 1615 (Debbie Douglas).

168 CIMM, [Evidence](#), 6 November 2020, 1540 (Stéphanie Valois).

169 CIMM, [Evidence](#), 16 November 2020, 1615 (Debbie Douglas).

170 CIMM, [Evidence](#), 30 November 2020, 1730 (Nicole Guthrie).

171 CIMM, [Evidence](#), 23 November 2020, 1645 (Manprit Aujla-Grewal).

172 CIMM, [Evidence](#), 16 November 2020, 1615 (Debbie Douglas); CIMM, [Evidence](#), 30 November 2020, 1545 (Avvy Yao-Yao Go).

consider increasing the age limit of accompanying dependents in the context of reaching planned immigration targets.¹⁷³

In order to avoid the separation of families, the Committee recommends:

Locking-in Age of Dependents

Recommendation 19

That Immigration, Refugees and Citizenship Canada adopt the policy that is used in refugee applications and lock-in the age of all dependent children as of 1 March 2020 until permanent resident applications are processed and there is no further risk that these dependents may be aged out because of processing backlogs due to COVID-19.

International Adoption

The Committee also heard about delays and complications due to COVID-19 that have arisen in the context of adoption. The Committee heard about the cases of two families that left Canada for the purpose of uniting with an adopted child. Mr. Holthe told the Committee about his clients, the Muth family. The girl they adopted in Nigeria has a medical condition. The adoptive parents had completed the necessary adoption paperwork by 20 October 2019 and, while they were waiting for the child's grant of citizenship to travel to Canada, she became ill. In December 2019, the family moved to Barbados where the child could have access to medical care. The grant of citizenship was finally approved on 16 November 2020.¹⁷⁴

In describing another situation of delay and hardship, Robert Thiessen explained that his family's first adopted son's application to come to Canada had taken three months to be processed in Kenya. This time, for the adoption of their second son, the family travelled to Nigeria on 3 July 2019. They submitted an application for their son's facilitation visa to the High Commission of Canada to Ghana on 29 August 2019 when the adoption was finalized. They moved to Ghana while waiting for his visa when the borders closed. On 24 March 2020, the immigration office contacted them for additional information and, two days later, they received the facilitation visa they had been waiting for. The Thiessen family was on a repatriation flight back to Canada on 30 March 2020.¹⁷⁵

173 CIMM, *Evidence*, 6 November 2020, 1500 (Raj Sharma).

174 CIMM, *Evidence*, 18 November 2020, 1725 (Mark Holthe).

175 CIMM, *Evidence*, 23 November 2020, 1720 (Robert Thiessen).



Both families launched email campaigns and were in the media. Mr. Thiessen told the Committee that other adoptive families still require assistance to have their applications processed in a timely manner. He suggested that they should be treated as a priority.

Prioritizing the Processing of Adoption Cases

Recommendation 20

That Immigration, Refugees and Citizenship Canada put additional resources to address the backlog of international adoption cases and that adoption applications be treated as a priority for expedited processing.

Developing Guidelines for Adoptive Children with Urgent Medical Needs

Recommendation 21

That Immigration, Refugees and Citizenship Canada develop clear rules and guidelines to ensure cases involving the urgent medical needs of adoptive children are expedited.

Parents and Grandparents

Family reunification can also mean sponsoring a parent or a grandparent to live permanently in Canada. Ms. Long told the Committee how the parent and grandparent program “serves not just a humanitarian purpose but also an important economic one.”¹⁷⁶ Ms. Douglas said, “[g]randparents ... are not only cultural bridges but they also support the families in terms of unpaid childcare. ... This is especially important for women, who are then better able to participate in the labour market.”¹⁷⁷

On 1 January 2020, IRCC was not accepting new sponsorship applications or permanent resident applications in the parent and grandparent program because the department was developing a new intake procedure.¹⁷⁸ Then, in late March 2020, IRCC postponed the launch of its new intake of applications in the parent and grandparent program because of the COVID-19 pandemic.¹⁷⁹ On 5 October 2020, IRCC announced that the

176 CIMM, *Evidence*, 18 November 2020, 1615 (Elizabeth Long).

177 CIMM, *Evidence*, 16 November 2020, 1655 (Debbie Douglas).

178 *Ministerial Instructions with respect to the processing of applications for a permanent resident visa made by parents or grandparents of a sponsor as members of the family class and the processing of sponsorship applications made in relation to those applications*, 20 December 2019, in *Canada Gazette*, Part I, 11 January 2020.

179 IRCC, *Update on 2020 Parents and Grandparents Program*, Notice, 27 March 2020.

process of inviting new applications would start under a system based on random selection:¹⁸⁰ between 13 October 2020 and 3 November 2020, sponsors could fill in an “interest to sponsor form” online. IRCC would then draw 10,000 eligible, non-duplicate names, and invite these successful individuals to apply to sponsor their parents or grandparents.¹⁸¹

The 2020 Intake System for the Parent and Grandparent Program

The parent and grandparent sponsorship program has always exceeded its targets in the department’s annual admissions plan. By 2011, IRCC had a backlog of 160,000 applications for sponsorship of a parent or grandparent, leading to very long delays. The department decided to pause the intake of new applications until 2014 and redesign the program. When the program re-opened, it had a cap of 5,000 applications, higher financial requirements and a longer period where the sponsor undertakes to ensure the basic necessities of life.¹⁸² Although the cap was increased over time, the process still did not allow many sponsors to apply, the spots being filled in a very short time. IRCC tried a random selection process in 2017 and in 2018.¹⁸³ IRCC went back to the “first-come, first-served” approach in 2019.¹⁸⁴

180 IRCC, *Government of Canada announces details for opening of 2020 Parents and Grandparents Program*, News release, 5 October 2020.

181 *Ministerial Instructions with respect to the processing of applications for a permanent resident visa made by parents or grandparents of a sponsor as members of the family class and the processing of sponsorship applications made in relation to those applications*, 20 December 2019, in *Canada Gazette*, Part I, 11 January 2020.

182 This is described in the *Regulatory Impact Analysis Statement* that accompanies these regulations: *Regulations amending the Immigration and Refugee Protection Regulations*, SOR/2013-246, 13 December 2013, in *Canada Gazette*, Part II, 1 January 2014.

183 *Ministerial Instructions with respect to the processing of applications for a permanent resident visa made by parents or grandparents of a sponsor as members of the family class and the processing of sponsorship applications made in relation to those applications*, 23 December 2016, in *Canada Gazette*, Part I, 7 January 2017; *Ministerial Instructions with respect to the processing of applications for a permanent resident visa made by parents or grandparents of a sponsor as members of the family class and the processing of sponsorship applications made in relation to those applications*, 20 December 2017, in *Canada Gazette*, Part I, 30 December 2017. The cap was increased for the year 2018 to 17 000 applications in *Ministerial Instructions with respect to the processing of applications for a permanent resident visa made by parents or grandparents of a sponsor as members of the family class and the processing of sponsorship applications made in relation to those applications*, 26 July 2018, in *Canada Gazette*, Part I, 11 August 2018.

184 *Ministerial Instructions with respect to the processing of applications for a permanent resident visa made by parents or grandparents of a sponsor as members of the family class and the processing of sponsorship applications made in relation to those applications*, 21 December 2018, in *Canada Gazette*, Part I, 12 January 2019.



The Committee heard a range of opinions regarding the random selection intake process, the intake method for the 2020 version of the parent and grandparent program. Some witnesses told the Committee that a weighted draw would be fairer for those sponsors who applied year after year.¹⁸⁵ Ms. Aujla-Grewal thought that other variables might be useful to add such as the age of the sponsored individual or how much time the sponsor and the applicant had been apart.¹⁸⁶ Ms. Goldthorpe informed the Committee that the 2020 intake of expression of interest could screen for income eligibility, which it does not do currently, and that this could be easily achieved by requesting the sponsor's social insurance number and verifying the information with the Canada Revenue Agency.¹⁸⁷ Ms. Long also recommended that parents and grandparents who have already lived in Canada for over a year be processed on a priority basis as they have shown that they can adapt to life in Canada.¹⁸⁸

Ms. Goldthorpe suggested a waitlist as an alternative to the random selection intake:

An alternative to the lottery may be potentially for pre-screened eligible sponsors to be put on a wait list for sponsorship, which then could provide predictable timelines and better-managed expectations.¹⁸⁹

As another option, Usman Mahmood, barrister and solicitor, suggested a return to the "first-come, first-served" approach from 2014 because the current intake system is opaque about how the selection is made.¹⁹⁰ Ms. Long also suggested that the previous system should be reinstated, but with increased numbers, so that sponsors could submit an application and know that they will eventually reunite with their parents.¹⁹¹ Ms. Douglas and Ms. Go told the Committee that IRCC should process parent and grandparent applications like other family reunification streams, adding sufficient resources to avoid backlogs.¹⁹²

185 CIMM, [Evidence](#), 27 October 2020, 1640 (Chantal Desloges); CIMM, [Evidence](#), 6 November 2020, 1500 (Raj Sharma); CIMM, [Evidence](#), 6 November 2020, 1600 (Lorne Waldman); CIMM, [Evidence](#), 16 November 2020, 1740 (Jatin Shory); CIMM, [Evidence](#), 18 November 2020, 1630 (Kelly Goldthorpe); CIMM, [Evidence](#), 23 November 2020, 1610 (Manprit Aujla-Grewal).

186 CIMM, [Evidence](#), 23 November 2020, 1655 (Manprit Aujla-Grewal).

187 CIMM, [Evidence](#), 18 November 2020, 1610 (Kelly Goldthorpe).

188 CIMM, [Evidence](#), 18 November 2020, 1615 (Elizabeth Long).

189 CIMM, [Evidence](#), 18 November 2020, 1615 (Kelly Goldthorpe).

190 CIMM, [Evidence](#), 7 December 2020, 1535 (Usman Mahmood, Barrister and Solicitor, as an individual).

191 CIMM, [Evidence](#), 18 November 2020, 1630 (Elizabeth Long).

192 CIMM, [Evidence](#), 16 November 2020, 1655 (Debbie Douglas); CIMM, [Evidence](#), 30 November 2020, 1630 (Avvy Yao-Yao Go).

Mr. Mahmood simply urged IRCC to come up with a faster way to triage applications and to have parents and grandparents reunite with their family in Canada. He spoke of long wait times and their impact:

I know of circumstances or incidents where applicants passed away whilst they were waiting for their applications to be processed. That is very sad, and we must take this upon ourselves as a country. We could have done better than processing parents and grandparents visa applications in years. In some cases people were waiting for their applications for a decade.¹⁹³

Mr. Waldman told the Committee that, for parents and grandparents, it was important to find creative solutions. He recommended a TRV or new work-type visa for grandparents that come to take care of their grandchildren that would allow them to access the Canadian health care system.¹⁹⁴

The Committee heard from a number of witnesses that described how the random intake selection process for the parent and grandparent program should be improved by implementing a weighted draw and providing clear selection criteria. Other intake systems were put forward, and if IRCC were to adopt these, it would have to develop an efficient way to triage applications and process them. To this end, the Committee recommends:

Creating a Weighted Parent and Grandparent Sponsorship Stream

Recommendation 22

That Immigration, Refugees and Citizenship Canada create a parent or grandparent sponsorship stream that properly weighs previous applications and looks to address the current backlog, and that there be a pre-screening of files.

Other Aspects of the Parent and Grandparent Program

Witnesses spoke about the minimum necessary income (MNI) to sponsor a parent and the fact that there is an established quota on applications.

193 CIMM, *Evidence*, 7 December 2020, 1555 (Usman Mahmood).

194 CIMM, *Evidence*, 6 November 2020, 1600 (Lorne Waldman); *Evidence*, 6 November 2020, 1605 (Raj Sharma).



The Minimum Necessary Income

The MNI is the low-income cut-off (LICO) established by Statistics Canada. The sponsor must prove that they have the income to support the sponsored relative: IRCC has established the required income at the MNI plus 30% for three years.¹⁹⁵ In response to the pandemic, IRCC indicated that, for the year 2020, the income requirement would simply be the MNI, although the full income requirement must be met for the two previous years.¹⁹⁶ Mr. Mahmood indicated that IRCC may need to plan for the income requirement to be the simple LICO for 2021 and 2022 since COVID-19 has led to significant job losses.¹⁹⁷

Ms. Long explained that “those who are most in need of parents to be here and take [care] of the children because the family can’t afford childcare are not able to meet the LICO plus 30% financial eligibility line.”¹⁹⁸ She recommended a permanent return to the simple MNI requirement from pre-2014. The Arenous Foundation also suggested that the IRPR be amended for siblings to be able to co-sponsor parents to share the cost of the financial requirements.¹⁹⁹ Ms. Douglas went further to recommend that the MNI be eliminated completely, as it disproportionately excludes racialized immigrant women from family reunification.²⁰⁰

The Parent and Grandparent Program Quota

Within family reunification, Ms. Go told the Committee that the parent and grandparent program is the only program subject to a quota, which she called arbitrary.²⁰¹ Ms. Douglas recommended that the cap be removed and that IRCC add resources for processing:

195 [*Regulations amending the Immigration and Refugee Protection Regulations*](#), SOR/2013-246, 13 December 2013, in *Canada Gazette*, Part II, 1 January 2014.

196 Government of Canada, [*Temporary public policy concerning applications for permanent residence as a member of the family class whose sponsor must meet a minimum income requirement in 2020*](#), 2 October 2020.

197 CIMM, [*Evidence*](#), 7 December 2020, 1535 (Usman Mahmood).

198 CIMM, [*Evidence*](#), 18 November 2020, 1615 (Elizabeth Long).

199 Edris Arib, Lou Janssen Dangzalan, Will Tao and Karen Jantzen, Arenous Foundation, [*Brief to House of Commons on Impact of On-Going COVID-19 Pandemic on Canada’s Immigration System*](#), 11 December 2020, p. 6.

200 CIMM, [*Evidence*](#), 16 November 2020, 1615 (Debbie Douglas); CIMM, [*Evidence*](#), 30 November 2020, 1545 (Avvy Yao-Yao Go).

201 CIMM, [*Evidence*](#), 30 November 2020, 1545 and 1555 (Avvy Yao-Yao Go).

What we are saying is to lift the cap and have people who want to sponsor put in an application. Let's invest the resources to be able to process those applications in a timely manner, because, after all, parents and grandparents do contribute economically and socially.²⁰²

In the context of the COVID-19 pandemic, given that parents and grandparents contribute economically by providing childcare, and that, for parents with lower incomes, the financial requirements of sponsorship are currently out of reach, IRCC may need to demonstrate continued flexibility in the short term. As such, the Committee recommends:

Changing Financial Requirements for Parent and Grandparent Sponsorship

Recommendation 23

That Immigration, Refugees and Citizenship Canada allow the income requirements for the parent and grandparent sponsorship program to be the minimum necessary income equal to the low-income cut-off established by Statistics Canada for the years impacted by the economic consequences of the COVID-19 pandemic, conducting a yearly review to determine whether to extend allowing the minimum necessary income to be equivalent to the low-income cut-off, all while respecting Quebec's jurisdiction.

INTERNATIONAL STUDENTS

International students are a group that has been particularly affected by travel restrictions since they were imposed in March 2020. Those who were out of the country were not, for a period, able to enter Canada. Since October 2020, international students have been allowed to enter in order to study at a designated learning institution (DLI) – an IRCC-approved college or university²⁰³ – that has an approved COVID-19 readiness plan, but are required to comply with all public health measures.

In 2019, approximately 830,000 international students studied in Canada.²⁰⁴ In 2018, similarly, 721,000 studied here and contributed \$21.6 billion to the country's gross domestic product.²⁰⁵ As a result of the pandemic and associated travel restrictions,

202 CIMM, *Evidence*, 16 November 2020, 1655 (Debbie Douglas).

203 Government of Canada, *Glossary*, "Designated Learning Institution."

204 Government of Canada, *2020 Annual Report to Parliament on Immigration*.

205 Government of Canada, *2019 Annual Report to Parliament on Immigration*; Government of Canada, *2020 Annual Report to Parliament on Immigration*.



however, academic institutions have had difficulty recruiting international students.²⁰⁶ Bryn de Chastelain, President of the Saint Mary’s University Student Association and Chair of the Canadian Alliance of Student Associations, testified that it was clear that international students “have been overlooked during this unprecedented crisis.”²⁰⁷ This has had an impact not only on the students, but also on academic institutions and communities. According to Paul Davidson, President and Chief Executive Officer of Universities Canada:

[A]fter five years of an average of 10% growth annually, international student enrolment at universities this year was down 2%. While these aggregate numbers might not seem so bad, given the circumstances, it’s important to note that 51 universities saw a decline in international students compared to last year. Of these universities, 26 saw a decline of over 10% and 14 saw a decline of over 20%.²⁰⁸

According to Ms. Amyot, the decrease of international students in the post-secondary institutions that she represents is even greater than 2%.²⁰⁹ She predicted that the global mobility of students will take two years to return to pre-pandemic levels.²¹⁰ According to Ms. Long, the treatment of international students during the pandemic “is an area that is currently filled with chaos and confusion, especially as it pertains to those students who have applied from abroad.”²¹¹

Impact on International Students

Online Learning

As a result of the pandemic, a large amount of learning at post-secondary institutions moved online beginning in March 2020. Mr. Davidson testified that “Canada’s universities moved 1.4 million learners online in 10 days.”²¹² This has created

206 CIMM, [Evidence](#), 16 November 2020, 1625 (Paul Davidson, President and Chief Executive Officer, Universities Canada).

207 CIMM, [Evidence](#), 7 December 2020, 1540 (Bryn de Chastelain, President of the Saint Mary’s University Student Association and Chair of the Canadian Alliance of Student Associations).

208 CIMM, [Evidence](#), 16 November 2020, 1625 (Paul Davidson).

209 CIMM, [Evidence](#), 16 November 2020, 1645 (Denise Amyot).

210 CIMM, [Evidence](#), 16 November 2020, 1610 (Denise Amyot).

211 CIMM, [Evidence](#), 18 November 2020, 1615 (Elizabeth Long).

212 CIMM, [Evidence](#), 16 November 2020, 1645 (Paul Davidson).

opportunity for both domestic and international students. Witnesses highlighted both advantages and challenges that have come from the move to online learning.

In order to facilitate the move to online learning for international students, IRCC introduced measures that would allow international students to maintain their student visa while completing all or a portion of their program online, often from their home country. Currently, these measures include:

- Students in a short-term program that started between May and September 2020 may complete 100% of their program online.
- Students in a program that is 12 months or longer or who started a short-term program before May 2020 may complete up to 50% of their program online until 30 April 2021. The remaining 50% of the program must be completed in Canada.
- Students who are completing two study programs may complete 50% of their total studies online.²¹³

Mr. de Chastelain testified that this modification to allow international students to complete a portion of their academic program online has “definitely been well received” and has “alleviated some of the immediate concerns that we've been hearing about from international students.”²¹⁴ According to Mr. Giroux, President of Collège Boréal: “[i]t is certain that the decision to allow students to complete 50% of their studies online or remotely has had a very positive impact at Collège Boréal.”²¹⁵ However, he highlighted the challenges posed by lack of network access and lack of access to technology, which can be major issues in certain countries.

Robert Haché, President and Vice Chancellor of Laurentian University, agreed that the decision to allow international students to complete a portion of their studies online has been helpful.²¹⁶ However, Mr. Haché did identify problems associated with students being in different time zones around the world.²¹⁷

213 Government of Canada, [Coronavirus disease \(COVID-19\): International students](#).

214 CIMM, [Evidence](#), 7 December 2020, 1625 (Bryn de Chastelain).

215 CIMM, [Evidence](#), 23 November 2020, 1745 (Daniel Giroux).

216 CIMM, [Evidence](#), 30 November 2020, 1715 (Robert Haché, President and Vice-Chancellor, Laurentian University).

217 CIMM, [Evidence](#), 30 November 2020, 1715 (Robert Haché).



In-Person Learning

Since 20 October 2020, international students have been allowed to come to Canada as long as their DLI is on the list of institutions with an approved COVID-19 readiness plan, and they have a valid study permit or have been approved for a study permit.²¹⁸ International students entering Canada are also required to follow all public health measures, including a 14-day quarantine period.

Mr. de Chastelain testified that the return to in-person learning has been difficult for some students:

More recently, students returning to Canada under a designated learning institution's COVID-19 readiness plan have been misinformed and relegated to substandard housing where they are forced to quarantine for 14 days. I'm thinking specifically about what has been happening around Cape Breton University [CBU] in Sydney, Nova Scotia. International students attending CBU have been slowly returning to the community and are being faced with an inadequate housing supply at a time when they are also being forced to stay inside and quarantine. Similarly, students returning to institutions in Halifax are having to pay up to \$2,000 out of pocket to quarantine in university overseen accommodations, in addition to their rent for housing that they are unable to use.²¹⁹

According to Mr. de Chastelain, “[t]hese situations are tragic and have led many international students to believe their well-being is not a priority for the government.”²²⁰ He further added that “it’s possible that some international students may choose to return home or attend post-secondary in another country rather than commit to Canada as their new home.”²²¹

From an institutional perspective, Santa J. Ono, President and Vice Chancellor of the University of British Columbia, urged the government to continue to give the responsibility to manage and support the quarantine of international students to academic institutions, which he said they have been doing “very successfully.”²²²

As DLIs have successfully and safely welcomed international students for in-person studies during the COVID-19 pandemic, and given the need to continue welcoming international students to Canada, the Committee recommends:

218 Government of Canada, *Coronavirus disease (COVID-19): International Students*.

219 CIMM, *Evidence*, 7 December 2020, 1540 (Bryn de Chastelain).

220 CIMM, *Evidence*, 7 December 2020, 1540 (Bryn de Chastelain).

221 CIMM, *Evidence*, 7 December 2020, 1540 (Bryn de Chastelain).

222 CIMM, *Evidence*, 27 October 2020, 1545 (Santa J. Ono).

Ensuring Safe In-person Learning for International Students

Recommendation 24

That Immigration, Refugees and Citizenship Canada and the Canada Border Services Agency continue to support international students and designated learning institutions to permit international students to safely enter Canada and study in-person.

Work

Many of the international students who come to Canada to study also work, or intend to work, while they are here. This work can range from jobs during the school year to help pay tuition, to an internship as part of their academic program, to taking a job after graduation with the goal of eventually settling in Canada as a permanent resident. Mr. de Chastelain testified to the desire of international students to remain in Canada following graduation: “[a]ccording to a 2018 survey conducted by the Canadian Bureau for International Education, 60% of international students said they plan to remain and work in Canada once they graduate.”²²³

Witnesses described a variety of challenges related to work encountered by international students both before and as a result of the pandemic.

Postgraduate Work Permits

International students who complete their program of study in Canada are eligible to apply for a Post-Graduation Work Permit (PGWP).²²⁴ A PGWP is a one-time, open work permit that can be for a period ranging from eight months to three years depending on the length of the program of study.²²⁵ Canadian work experience gained through the program in certain skilled occupational categories can be used to apply for permanent residency through the Canadian Experience Class of the Express Entry program, which requires one year of skilled work experience in Canada.²²⁶

In response to the pandemic, the government modified eligibility requirements for obtaining a PGWP. International students will still be eligible for a PGWP if they were forced to study online or had to study part-time or put their studies on hold during the

223 CIMM, *Evidence*, 7 December 2020, 1540 (Bryn de Chastelain).

224 Government of Canada, *Post-Graduation Work Permit Program (PGWPP)*.

225 Government of Canada, *Post-graduation work permit (PGWP) validity and application*.

226 Government of Canada, *Eligibility to apply for the Canadian Experience Class (Express Entry)*.



Spring, Summer or Fall 2020 semesters because of the pandemic.²²⁷ Additionally, time spent studying online from Spring 2020 to 30 April 2021 will count toward the length of a PGWP.²²⁸

Numerous witnesses also expressed concern that, as a result of job losses related to the COVID-19 pandemic, many former international students on PGWPs would not be able to get the required one year of skilled work experience before the expiry of their PGWP. They thus would be ineligible to apply for permanent residency under the Canadian Experience Class. Many witnesses suggested that IRCC should extend the validity period of PGWPs in order to accommodate individuals who may not have been able to complete one year of skilled work experience.²²⁹ Mr. de Chastelain testified to the benefit of extending PGWPs:

I think an extension would go a long way in terms of providing some flexibility for international students, especially at a time when we have to consider that the primary concern for most students right now is the health of themselves and their families, and ensuring that they can start to set up their lives and their careers. I think an extension could go a long way towards supporting that.²³⁰

A number of witnesses provided further suggestions for improving the PGWP process. Amit Kumar Verna, lawyer with Hope Welfare Society recommended that individuals be allowed to apply online and IRCC be allowed to get transcripts directly from DLIs,²³¹ while Robert Falconer, a Research Associate with the School of Public Policy at the University of Calgary, recommended that Canada implement a five-year PGWP similar to the system in place in Australia for residents of Hong Kong.²³² Additionally, Mr. Clarke recommended that individuals should not be limited to one PGWP in a lifetime²³³ and Migrant Students United recommended that PGWPs be renewable.²³⁴

227 Government of Canada, [Coronavirus disease \(COVID-19\): International students](#).

228 Government of Canada, [Coronavirus disease \(COVID-19\): International students](#).

229 CIMM, [Evidence](#), 18 November 2020, 1705 (Elizabeth Long); CIMM, [Evidence](#), 18 November 2020, 1705 (Kelly Goldthorpe); CIMM, [Evidence](#), 23 November 2020, 1625 (Manprit Aujla-Grewal); CIMM, [Evidence](#), 16 November 2020, 1710 (Paul Davidson).

230 CIMM, [Evidence](#), 7 December 2020, 1610 (Bryn de Chastelain).

231 CIMM, [Evidence](#), 23 November 2020, 1730 (Amit Kumar Verma, Lawyer, Hope Welfare Society).

232 CIMM, [Evidence](#), 16 November 2020, 1725 (Robert Falconer).

233 CIMM, [Evidence](#), 18 November 2020, 1710 (Alastair Clarke).

234 Sarom Rho, Migrant Students United [Brief Submitted to the Standing Committee on Citizenship and Immigration on the Impact of COVID-19 on the Immigration System](#), 27 November 2020.

In addition to the PGWP, which may allow a former international student to apply for permanent residency through Express Entry, Ms. Long recommended that the government develop a new path to permanent residency for international students, similar to what the government has announced for students from Hong Kong.²³⁵

For their part, IRCC officials identified a variety of options for individuals who have or will have their PGWP expire, such as “applying as a visitor, as a temporary foreign worker. That could be under the international mobility program or the temporary foreign worker program.”²³⁶ IRCC officials added that “flexibilit[y]” had been introduced that “would allow somebody a bit more time to reapply to have status and to perhaps pursue other options.”²³⁷

On 8 January 2021, IRCC announced a temporary public policy to allow former international students who have had a post-graduate work permit that has recently expired, or that will expire soon to apply for an open work permit.²³⁸ The work permit will be valid for a period of 18 months. In order to be eligible for the program, the former international student must:

- Have a PGWP that expired on or after 30 January 2020, or a PGWP that expires in 4 months or less from the date that they apply;
- Be in Canada; and
- Have a valid temporary status, or be applying to restore their status.²³⁹

Limits on Work by Students

Another area of concern identified by witnesses are the limits put on international students who wish to work, especially those who wish to, or are required to, participate in internship or co-op placements as part of their academic program.

235 CIMM, [Evidence](#), 18 November 2020, 1705 (Elizabeth Long).

236 CIMM, [Evidence](#), 7 December 2020, 1720 (Marian Campbell Jarvis).

237 CIMM, [Evidence](#), 7 December 2020, 1720 (Marian Campbell Jarvis).

238 IRCC, [Government of Canada announces new policy to help former international students live in, work in and continue contributing to Canada](#), News release, 8 January 2021.

239 IRCC, [Government of Canada announces new policy to help former international students live in, work in and continue contributing to Canada](#), News release, 8 January 2021.



Currently, students are permitted to work 20 hours per week off campus and full-time during scheduled breaks in the academic year. Students in an essential service or function were temporarily allowed to work more than 20 hours per week during an academic session between 22 April 2020 and 31 August 2020.²⁴⁰ In order to work for a co-op placement or internship that is a required component of an international student's program of study in Canada, the international student must apply for and be granted a co-op or intern work permit.²⁴¹ Students who are studying online from abroad as a result of the COVID-19 pandemic may accept a Canadian work placement and begin working from abroad, or work for a company in their home country.²⁴² Students may work online from abroad for a Canadian company while their study and work permits are being processed.²⁴³

Multiple witnesses testified that the need to obtain a work permit for a paid co-op placement or internship added a level of complexity for academic institutions and international students.²⁴⁴ Ms. Munger described requirements to obtain a work permit in order to complete an internship as being "disproportionate."²⁴⁵ It was recommended to the Committee that international students be able to complete co-op placements or internships as part of their academic program without having to go through the separate process of applying for a work permit, including the need to obtain a Labour Market Impact Assessment (LMIA).²⁴⁶ According to Mr. de Chastelain:

Increasing the opportunities for international students to engage in co-op or work-integrated learning programs is going to be critical, as will be expanding things like the Canada summer jobs program to include international students. That will, I think, go a long way toward international students' [sic] being able to see their lives and careers taking place in Canada.²⁴⁷

240 Government of Canada, [*Coronavirus disease \(COVID-19\): International students*](#).

241 Government of Canada, [*Work as a co-op student or intern*](#).

242 Government of Canada, [*Work as a co-op student or intern*](#).

243 Government of Canada, [*Work as a co-op student or intern*](#).

244 CIMM, [*Evidence*](#), 23 November 2020, 1755 (Daniel Giroux).

245 CIMM, [*Evidence*](#), 27 October 2020, 1535 (Chantale Munger).

246 Chantale Munger, Cégep de Jonquière, [*Brief Submitted to the Standing Committee on Citizenship and Immigration on the Impact of COVID-19 on the Immigration System*](#), 2 November 2020; CIMM, [*Evidence*](#), 7 December 2020, 1625 (Bryn de Chastelain); Alliance Canada Hong Kong (ACHK), ACHK Government Relations Team and Robert Falconer, [*The Impact of COVID-19 on Canada's Immigration and Asylum Systems: Policy Brief*](#), 20 November 2020.

247 CIMM, [*Evidence*](#), 7 December 2020, 1625 (Bryn de Chastelain).

On 19 January 2021, IRCC updated its COVID-19 program delivery to allow international students who are in Canada and have applied for a co-op work permit to begin a co-op work placement using their on-campus and off-campus work authorization.²⁴⁸ The same limits that apply to this authorization, including the limit of working 20 hours a week off-campus, apply to the co-op work. If a student’s co-op work permit is denied, they must stop working immediately.

In its brief, Migrant Students United recommends that “time-limits and industry restrictions on work” by international students be removed.²⁴⁹ Mr. de Chastelain also testified that limiting students to 20 hours of work per week during the academic session limits the future employment possibilities for international students:

[T]here have been a number of concerns relating to the number of hours that international students are able to work under their study visas or study permits, which limits their ability to develop connections with employers and really develop important networks that will allow them to start careers.²⁵⁰

Mr. de Chastelain testified that IRCC’s temporary public policy to allow students to work in essential positions has been “extremely helpful.”²⁵¹ He further added that opportunities for international students to work and develop connections in Canada should be expanded, for example through allowing them to participate in the Canada Summer Jobs program and providing additional funding.²⁵²

Given the importance of work for international students, and the contribution that this work can make to Canada, the Committee recommends:

Reducing Administrative Requirements for Co-op Work Terms

Recommendation 25

That Immigration, Refugees and Citizenship Canada expand the standard conditions of study permits to allow international students to work full-time for an internship or co-op

248 Government of Canada, *Students – Work: COVID-19 program delivery*.

249 Sarom Rho, Migrant Students United *Brief Submitted to the Standing Committee on Citizenship and Immigration on the Impact of COVID-19 on the Immigration System*, 27 November 2020.

250 CIMM, *Evidence*, 7 December 2020, 1620 (Bryn de Chastelain).

251 CIMM, *Evidence*, 7 December 2020, 1625 (Bryn de Chastelain).

252 CIMM, *Evidence*, 7 December 2020, 1625 (Bryn de Chastelain).



placement that is part of an educational program without the need to complete any additional procedures.

Settlement Services

In addition to problems surrounding online and in-person learning and work by current and former students, witnesses emphasized that international students are not eligible for federal settlement services.²⁵³ Multiple witnesses suggested that this is a gap that needs to be addressed.

According to Ms. Francis, President and Chief Executive Officer of the YMCA of Northeastern Ontario, “[t]he current funding model does not reflect this demographic, and the provincial funding is insufficient to adequately serve this growing population.”²⁵⁴ Ms. Francis testified that international students and institutions that welcome them need a lot of support, and that the current funding model must be expanded in order to

253 Government of Canada, *Settlement Program: Terms and conditions*, s. 3.7. Only the following groups are eligible for federally-funded settlement services:

- Permanent Residents of Canada.
- Protected Persons as defined in Section 95 of IRPA.
- Individuals who have been selected, inside or outside Canada, to become permanent residents (pending verifications) and who have been informed, by a letter from Citizenship and Immigration Canada;
- Convention refugees and protected persons outside Canada who have been selected for resettlement in Canada by Citizenship and Immigration Canada; and,
- Temporary foreign workers who hold or received approval of a work permit under section 112 of the *Immigration and Refugee Protection Regulations* (IRPR) or received initial approval for permanent residence under section 113 of the IRPR.
- Non-permanent residents and foreign nationals who have been selected by employers under the Atlantic Immigration Pilot Program (and their spouses and dependants) are deemed eligible persons for needs assessment and referrals and information and orientation program components [3.3 b) and c)], as authorized by Ministerial Instructions [14.1 IRPA] for the duration of the pilot.
- Non-permanent residents who have received confirmation of a complete Application for Permanent Residence under the Rural and Northern Immigration Pilot (and their spouses and dependants) are deemed eligible to receive needs assessment and referrals, information and orientation, and community connections program components [3.3 b), c) and f)], as authorized by Ministerial Instructions [14.1 IRPA] for the duration of the pilot.

254 CIMM, *Evidence*, 18 November 2020, 1625 (Helen Francis).

allow settlement services agencies, such as the YMCA of Northeastern Ontario, to provide such support.²⁵⁵

Ms. Watts, Chief Executive Officer of the Immigrant Services Association of Nova Scotia, testified that if organizations such as the Immigrant Services Association of Nova Scotia were funded to work with international students, as well as with refugee claimants and migrant workers, then it “would open up a huge opportunity for [international students, refugee claimants and migrant workers] to access the considerable services, expertise and staff that we have to support them.”²⁵⁶ As such, the Committee recommends:

Assessing the Need to Expand Eligibility for Federal Settlement Funding

Recommendation 26

That Immigration, Refugees and Citizenship Canada, in partnership with provinces and territories, assess service needs in order to consider expanding eligibility for federal settlement support in order to include temporary residents on study or work permits.

Impact on Communities

Witnesses testified that the disruption to the Canadian immigration system caused by the COVID-19 pandemic has affected not only international students, but also the academic institutions and the communities where international students normally study and live, especially smaller and rural communities. Mr. Ono highlighted the importance of international students to Canadian society:

Canadians have long understood that our open, multicultural society is a major competitive differentiator and a major key to our long-term prosperity as a nation. The current moment offers an opportunity for Canada to be more competitive for international talent and to bring more economic value and more skilled immigrants to Canada. Our population is aging. These new skilled immigrants will be crucial to guaranteeing the long-term quality of life for all Canadians in our post-pandemic recovery. Other jurisdictions, such as Germany and the United Kingdom, have prioritized attracting and retaining international students. Canada needs to ensure that we aren't placing ourselves in the position where we can't compete and attract this much needed talent.²⁵⁷

255 CIMM, *Evidence*, 18 November 2020, 1635 (Helen Francis).

256 CIMM, *Evidence*, 7 December 2020, 1625 (Jennifer Watts).

257 CIMM, *Evidence*, 27 October 2020, 1545 (Santa J. Ono).



Institutions

According to witnesses, international students bring a variety of advantages for post-secondary institutions across the country. Both Mr. Ono and Gideon Christian, an Associate Professor at the Faculty of Law at the University of Calgary, emphasized the importance of diversity in the classroom.²⁵⁸ Mr. Ono added that international students are “a major contributor to Canada's research enterprise.”²⁵⁹ Mr. Ono also explained that international students provide a valuable source of funding that allows universities to offer more spots for Canadian students who do not pay as high fees.²⁶⁰ They play a significant role in Canadian postsecondary revenue. Last year, at UBC alone, of the \$650 million in undergraduate tuition revenue, more than 60% came from international undergraduate students.²⁶¹

Small, Rural and Northern Communities

While the public often hears about the benefit of international student tuition for urban areas, international students are also important to rural and northern communities for their skills and labour, because these areas often face labour shortages. According to World Education Services, “[s]ettlement and immigration patterns reveal that the majority of immigrants and their families settle in large cities, such as Toronto, Montreal, and Vancouver. However, local municipalities and smaller communities face major challenges to fill local labour shortages.”²⁶²

With the decrease in international students due to the COVID-19 pandemic, rural areas are experiencing even greater difficulty relative to urban centres in finding qualified workers. According to Ms. Francis, the recent loss of international student workers during the pandemic “can be more detrimental to regions such as northeastern Ontario, where the [skills] gap is widening at an alarming rate.”²⁶³ Meredith Armstrong, Acting Director, Economic Development from the City of Greater Sudbury, told the Committee that, presently, in Sudbury:

258 CIMM, [Evidence](#), 27 October 2020, 1545 (Santa J. Ono); CIMM, [Evidence](#), 30 November 2020, 1535 (Gideon Christian, Assistant Professor, Faculty of Law, University of Calgary, as an individual).

259 CIMM, [Evidence](#), 27 October 2020, 1545 (Santa J. Ono).

260 CIMM, [Evidence](#), 27 October 2020, 1545 (Santa J. Ono).

261 CIMM, [Evidence](#), 27 October 2020, 1545 (Santa J. Ono).

262 World Education Services, [Brief Submitted to the Standing Committee on Citizenship and Immigration on the Impact of COVID-19 on the Immigration System](#), 24 November 2020.

263 CIMM, [Evidence](#), 18 November 2020, 1625 (Helen Francis).

[O]ur labour shortage ... [is] across all sectors and at all different levels of skills and experience. Our hospitality sector, hotel work ... We're desperate for personal support workers as well as all kinds of welders. We have a mining supply and service sector with hundreds and hundreds of companies and entrepreneurs who are looking for almost all of those ranges of experiences.²⁶⁴

Ms. Munger also spoke about the important role that international students play in sustaining academic programs in rural colleges and CEGEPs, and the negative effects of their temporary decrease. She stated that “international students help to alleviate the labour shortage and to keep at-risk [academic] programs alive. A number of programs have to shut down for want of students.”²⁶⁵

Witnesses testified that rural areas need the assistance of the Government of Canada to keep the international students that they have, and to encourage international students to return after the pandemic has ended. Bela Ravi, President of the Sudbury Multicultural and Folk Arts Association, stated about the more general importance of her organization for immigrants in Sudbury, that the organization “need[s] the funding and the personnel to have that relationship to retain and provide the services these people need.”²⁶⁶ More broadly, Mr. Haché argued that academic institutions must work with the federal government to gain the maximum benefit from international students in the economic recovery for small and rural communities:

Many international students, and in particular francophone African students, feel at home in Sudbury and in Ontario's north. They will play a critical role in the economic recovery of our region. Working together, universities can help the federal government to leverage an expedited return of international students in a safe manner to help drive economic recovery.²⁶⁷

Visa Processing

As noted in the first chapter, witnesses testified that the processing of student visas has been delayed during the pandemic. On 14 July 2020, IRCC officials announced a new process for approving student visas:

264 CIMM, *Evidence*, 23 November 2020, 1640 (Meredith Armstrong, Acting Director, Economic Development, City of Greater Sudbury).

265 CIMM, *Evidence*, 27 October 2020, 1610 (Chantale Munger).

266 CIMM, *Evidence*, 23 November 2020, 1630 (Bela Ravi, President, Sudbury Multicultural and Folk Arts Association).

267 CIMM, *Evidence*, 30 November 2020, 1700 (Robert Haché).



As we got close to September, for example, we established a two-stage process for students, so that they could start their studies remotely. So the approval process was done in two stages. The first stage was to establish their eligibility to come to Canada. We sent more than 62,000 applications or letters to students so that they could [sic] start their studies in Canada remotely. After that, processing those applications proceeded normally.²⁶⁸

Ms. Amyot recommended that this two-stage process should be extended to the end of 2021.²⁶⁹ But other witnesses stated that the student and work permit application processes remain too slow and complex. Ms. Munger testified that:

International students must go through a maze of requirements from the federal government, the provincial government and the department of education. They must apply for a Quebec acceptance certificate, or CAQ, a study permit and an internship permit. They must provide their biometric data—which is very complex—and they must sometimes undergo medical tests.²⁷⁰

Similarly, Mr. Ono stated that, “[o]btaining these permits continue[s] to be a little bit of a struggle for our students and our post-secondary institutions.”²⁷¹

For these and other witnesses, colleges and universities could recruit international students more easily if IRCC simplified and sped up student study and work permit processing. Three witnesses testified that efficient visa processing is essential because Canada is in competition with other countries to attract top international talent.²⁷² Mr. Ono commented that IRCC should also have a more flexible process for these applications in a way that reflects “these unique times.”²⁷³ Two witnesses suggested that a more direct line of communication should be established between IRCC and academic institutions in order to facilitate the processing of student visas.²⁷⁴ Ms. Munger also recommended that DLIs share information about student letters of acceptance with

268 CIMM, [Evidence](#), 7 December 2020, 1715 (Daniel Mills); IRCC, [Minister Mendicino announces changes to facilitate online learning for international students](#), News release, 14 July 2020.

269 CIMM, [Evidence](#), 16 November 2020, 1615 (Denise Amyot).

270 CIMM, [Evidence](#), 27 October 2020, 1535 (Chantale Munger).

271 CIMM, [Evidence](#), 27 October 2020, 1605 (Santa J. Ono).

272 CIMM, [Evidence](#), 27 October 2020, 1605 (Santa J. Ono); CIMM, [Evidence](#), 18 November 2020, 1615 (Elizabeth Long); CIMM, [Evidence](#), 7 December 2020, 1605 (Bryn de Chastelain).

273 CIMM, [Evidence](#), 27 October 2020, 1545 (Santa J. Ono).

274 CIMM, [Evidence](#), 27 October 2020, 1545 (Santa J. Ono); CIMM, [Evidence](#), 30 November 2020, 1700 (Robert Haché).

visa officers so visa officers can plan for upcoming fluctuations in student permit processing demands.²⁷⁵

African and Francophone Students

As noted in the chapter on overarching challenges, international student applicants from francophone Africa face delays in applications, because of a lack of VACs in their region. Witnesses from a variety of organizations and post-secondary institutions also spoke of the difficulty of bringing in students from Africa and francophone students due to visa officers accepting student visa applications from Africa at lower rates than in other areas. According to Ms. Munger:

In our view, the dichotomy lies in the fact that students from countries such as India and Pakistan benefit from timely processing, whereas the students who make up our particular pool, those from French-speaking Africa, do not.²⁷⁶

According to Mr. Christian, it is difficult to recruit African students, because:

Study permit applications are routinely denied by visa officers relying on subsection 216(1) of the IRPR, a provision similar to paragraph 179(b) of the IRPR. The study permit applications are routinely refused because the visa officers are not satisfied that the applicants will leave Canada at the end of their studies.²⁷⁷

Mr. Christian testified that the visa office in Nairobi, Kenya, is particularly “infamous” for denying study permit applications.²⁷⁸ Mr. Haché attributed the processing challenges faced by student visa applicants in Africa to the centralization of visa processing in Africa.²⁷⁹

Mr. Christian described the negative impact that a lower acceptance rate of student visa applications from African countries has on academic institutions:

Speaking as a law professor, intellectual debate in my classroom is exceedingly informed when there is a diversity of opinions among my students. However, achieving such diversity becomes problematic when you have an immigration system that almost always approves study permit applications for students from countries located

275 Chantale Munger, Cégep de Jonquière, *Brief Submitted to the Standing Committee on Citizenship and Immigration on the Impact of COVID-19 on the Immigration System*, 2 November 2020.

276 CIMM, *Evidence*, 27 October 2020, 1605 (Chantale Munger).

277 CIMM, *Evidence*, 30 November 2020, 1535 (Gideon Christian).

278 CIMM, *Evidence*, 30 November 2020, 1535 (Gideon Christian).

279 CIMM, *Evidence*, 30 November 2020, 1700 (Robert Haché).



predominantly in Europe and which at the same time almost always refuses study permit applications for students from countries located predominantly in Africa.²⁸⁰

Ms. Munger described her institution's frustrations with recruiting students from francophone Africa:

We manage to attract and retain students from the Ivory Coast, Guinea and the like. These are high-achieving students who receive merit scholarships. Once they've gone through the whole process, however, they're denied study permits. Insufficient funding is usually the reason that's given, but they're receiving annual scholarships of \$16,000. Either no checks are being done or the different departments don't communicate with one another.²⁸¹

Mr. Giroux went into further detail about the discrepancies in the acceptance rate of students from francophone countries, primarily in Africa:

According to data from the Democratic Republic of Congo, from January to May 2019, the applications for study permits from non-francophone countries had an approval rate of approximately 63%. That rate goes up to 68% for India and China. Applications for study permits from francophone countries had a rate as low as 36%. That rate goes down to only 26% if France is excluded.²⁸²

Ms. Munger recommended that study permits be granted to "students from French-speaking countries who have received scholarships" and that more staff should be assigned to review student visa files in order to reduce "excessively long processing times."²⁸³ Mr. Giroux recommended that there should be an investment in francophone students and that quotas for the acceptance of students from francophone countries should be increased.²⁸⁴ Mr. Boucher also recommended providing scholarships to francophone international students, particularly francophone students from Africa.²⁸⁵

280 CIMM, [Evidence](#), 30 November 2020, 1535 (Gideon Christian).

281 CIMM, [Evidence](#), 27 October 2020, 1605 (Chantale Munger).

282 CIMM, [Evidence](#), 23 November 2020, 1730 (Daniel Giroux).

283 CIMM, [Evidence](#), 27 October 2020, 1605 (Chantale Munger); CIMM, [Evidence](#), 27 October 2020, 1610 (Chantale Munger).

284 CIMM, [Evidence](#), 23 November 2020, 1730 (Daniel Giroux).

285 CIMM, [Evidence](#), 30 November 2020, 1630 (Yannick Boucher).

Marc Despatie, Director of Communications, Strategic Planning and Government Relations with Collège Boréal, commented that francophone institutions are at a disadvantage in student recruitment compared to anglophone institutions.²⁸⁶

Mr. Cliche-Rivard testified that the lower acceptance rate for francophone students from Africa is having a disproportionate impact on Quebec:

In March 2020, it was reported that only 10% of those who obtain a study permit go to Quebec, even though Quebec represents about 25% of the Canadian population. We are losing out and this situation must be remedied as quickly as possible so that Quebec receives its fair share of student immigration.²⁸⁷

Mr. Cliche-Rivard spoke further about the discrepancies between the immigration processes of the Quebec and Canadian governments:

As you know, many of these students are considering coming to Quebec and must first obtain a certificate of acceptance from that province. The Quebec immigration authorities, namely the Quebec department of immigration, francization and integration, have chosen to accept these future students in the province. In 100% of the cases, these students were chosen by Quebec. However, subsequently, a very large proportion of these applications for study permits are rejected by Immigration, Refugees and Citizenship Canada or by embassies abroad.²⁸⁸

Ms. Munger recommended that the acceptance procedures of the federal and provincial governments, as well as various departments, be streamlined.²⁸⁹

Acknowledging the lower acceptance rates of students from Africa, particularly francophone Africa, the Committee recommends:

Examining Acceptance Rates for International Students

Recommendation 27

That Immigration, Refugees and Citizenship Canada examine acceptance rates for international students whose applications are processed in Africa, particularly

286 CIMM, *Evidence*, 23 November 2020, 1750 (Marc Despatie).

287 CIMM, *Evidence*, 6 November 2020, 1510 (Guillaume Cliche-Rivard).

288 CIMM, *Evidence*, 6 November 2020, 1510 (Guillaume Cliche-Rivard).

289 Chantale Munger, Cégep de Jonquière, *Brief Submitted to the Standing Committee on Citizenship and Immigration on the Impact of COVID-19 on the Immigration System*, 2 November 2020.



francophone Africa, and develop a plan to address the lower acceptance rates of students from this region compared to other source countries such as Pakistan.

ECONOMIC IMMIGRATION

The Committee heard how COVID-19 left individuals abroad who were selected for permanent residence unable to travel, and stalled the processing of permanent resident applications from candidates of the Quebec Skilled Worker Program. Caregivers and other low-skill workers were also the subject of remarks.

Selected for Permanent Residence Abroad: Expired Documents

As noted in the chapter on overarching challenges, the Committee heard witnesses speak about expired documents during COVID-19 and how this impacted their plans to land in Canada. Instructions on IRCC’s website indicate that an individual with an expired COPR and PRV that were issued on or before 18 March 2020 is not subject to the travel restrictions in the Order in Council. However, if the individual plans to travel to Canada, the reason for travel must be non-discretionary and the individual must have a quarantine plan so that IRCC may issue an authorization letter.²⁹⁰

For example, Mr. Ojo, who was selected for permanent residence before 18 March 2020, told the Committee how the border closures had left him stranded with a COPR document and PRV that had expired. He explained that he was speaking on behalf of many who had left their jobs, sold their houses and taken their children out of school in preparation for the move to Canada.²⁹¹ An individual is not yet a permanent resident with just a COPR and PRV, but must “land” in Canada, a procedure that normally involves a final interview.²⁹² Airlines are instructed not to allow a person with an expired COPR to board an aircraft for Canada.

Daniel Mills, Assistant Deputy Minister, Operations, IRCC, told the Committee that IRCC officials communicate with individuals with expired COPRs and PRVs to make sure that their various documents, such as medical exams and passports, are still valid.²⁹³ He explained that, in April and May 2020, IRCC “proactively extended the validity period of

290 Government of Canada, *Permanent residence: COVID-19 program delivery*. In his brief to the Committee, Dennis Meres asks that permanent residents accepted after March 2020 be allowed to enter and land in Canada: Dennis Meres, *Written Brief*, 8 March 2021.

291 CIMM, *Evidence*, 27 October 2020, 1650 (David Ojo).

292 Government of Canada, *Glossary*, “Landing.”

293 CIMM, *Evidence*, 7 December 2020, 1710 (Daniel Mills).

some medical exams by 6 to 12 months, so that those permanent residents could travel to Canada.”²⁹⁴ Mr. Mills provided the Committee with an idea of the task at hand:

[S]ince April, almost 14,000 Confirmations of Permanent Residence have reached their expiry date. Of that number, we have contacted 6,000 people to explain to them that they are still able to come to Canada because we have proactively extended the validity period of the medical exams. We still have to communicate with approximately another 4,000 people. We are doing that in a rigorous manner. Last week, we reached 500 people and we will do the same this week.²⁹⁵

Ms. Goldthorpe thought that the process of renewing all of the expired COPR documents was a waste of resources:

If the COPR has expired, it has expired now because of COVID; it’s nothing that the applicant has done. If the COPR has expired, some of them are being requested to redo a security clearance or redo their medical checks, which means they have to go out into the community, go to the police department to do their security check and go to do a medical, wait for the results and then wait for a new COPR to be issued. ... [I]t’s a waste of resources.²⁹⁶

Ms. Long put it succinctly: “People were already eligible ... to be in Canada. I don’t see any reason at all for us to spend any more resources on trying to get them to be requalified for this.”²⁹⁷ Mr. Holthe told the Committee that “PR applicants trapped outside with expired COPRs ... must be landed in 2020.” He added that IRCC should “just issue the travel letters.”²⁹⁸

Mr. Ojo recommended that the authorization letter should be automatic, not conditional. He also recommended that IRCC waive the need for new medical exams as well as any other document that may have expired.²⁹⁹

Having heard how the COVID-19 pandemic left persons selected for permanent residence stranded in their country of origin due to expired COPRs and PRVs, the Committee recommends:

294 CIMM, *Evidence*, 7 December 2020, 1715 (Daniel Mills).

295 CIMM, *Evidence*, 7 December 2020, 1715 (Daniel Mills).

296 CIMM, *Evidence*, 18 November 2020, 1650 (Kelly Goldthorpe).

297 CIMM, *Evidence*, 18 November 2020, 1705 (Elizabeth Long).

298 CIMM, *Evidence*, 18 November 2020, 1715 (Mark Holthe).

299 CIMM, *Evidence*, 27 October 2020, 1650 (David Ojo); David Ojo, *Written Brief*, 17 March 2021.



Issuing the Authorization Letter Automatically

Recommendation 28

That Immigration, Refugees and Citizenship Canada issue authorization letters automatically to foreign nationals who have had their confirmation of permanent residence and permanent resident visas expire during the pandemic period, and that the need to renew expired supporting documents be waived for the duration of the pandemic.

Quebec Skilled Worker Program

COVID-19 and the delays at IRCC have had an impact on a specific group of workers in Quebec: those who applied for permanent residence under the Quebec Skilled Worker Program. As noted in the chapter on overarching challenges, permanent resident applications are delayed and difficult to track, because they are paper-based. Applicants in these streams are often anxious, because they cannot track the reception and processing of their application. Indeed, as mentioned in the first chapter, individuals have not received acknowledgments of receipt for applications submitted in 2019 and 2020. In Quebec, workers waiting for processing worry particularly about their Quebec selection document expiring. Roxane Hatem, representative from Chercheuses de résidence permanente, also explained that – unlike what happens in the rest of Canada – workers waiting for permanent residence in Quebec are not eligible for a bridging open work permit when they are waiting to change status from temporary foreign worker to permanent resident.³⁰⁰ An open work permit is not tied to a specific employer and allows the worker to change employers without needing a new work permit. Workers in Quebec can only have a closed work permit that ties them to an employer and for which both the worker and the employer pay fees. Mr. Boucher suggested that the permanent resident applications of those already in Quebec should be prioritized.³⁰¹

After hearing the impact that long delays have had on permanent residence applicants in Quebec, the Committee recommends:

300 CIMM, [Evidence](#), 30 November 2020, 1645 (Roxane Hatem).

301 CIMM, [Evidence](#), 30 November 2020, 1610 (Yannick Boucher).

Prioritizing the Issuing of the Standard Acknowledgement of Receipt

Recommendation 29

That Immigration, Refugees and Citizenship Canada prioritize issuing the usual acknowledgement of receipt.

Issuing Bridging Open Work Permits in Quebec

Recommendation 30

That the government grant bridging open work permits to temporary residents who are waiting for permanent residency through Quebec’s Skilled Worker Program.

Caregivers

The caregiver program has a pathway to permanent residence after 24 months of employment in households caring for children or adults with special needs.³⁰²

Ms. Guthrie highlighted that the caregiver program “is an important program, not just for immigrants, but also for women who are working in Canada, who have to work full time.”³⁰³

She said that “[t]emporary foreign workers are very much impacted by COVID-19.”³⁰⁴ She explained that her organization serves many caregivers in her area, many of whom have applied for permanent residence. Ms. Guthrie said that many caregivers have been in Canada on work permits for years. However, the process of obtaining an LMIA, critical to obtaining work permits, has been impacted by COVID-19. She suggested that IRCC should issue work permits without the need for an LMIA during the COVID-19 pandemic “so these employees can support themselves and find work.”³⁰⁵ She also commented that IRCC should count the time that caregivers were interrupted from working due to COVID-19 as part of the 24-month requirement to obtain permanent resident status.³⁰⁶

302 Government of Canada, *Caregivers*.

303 CIMM, *Evidence*, 30 November 2020, 1745 (Nicole Guthrie).

304 CIMM, *Evidence*, 30 November 2020, 1650 (Nicole Guthrie).

305 CIMM, *Evidence*, 30 November 2020, 1650 (Nicole Guthrie); Diana Da Silva, Caregivers’ Action Centre, *RE: Impact of COVID-19 on the Immigration System*, 26 November 2020, p. 3.

306 CIMM, *Evidence*, 30 November 2020, 1730 (Nicole Guthrie).



Recognizing the role that caregivers play and how COVID-19 has impacted them, the Committee recommends:

Providing Work Permits for Caregivers during COVID-19

Recommendation 31

That, concerning caregivers who do not possess occupation specific work permits, Immigration, Refugees and Citizenship Canada issue work permits to caregivers without the need for Labour Market Impact Assessments during the COVID-19 period; that hours interrupted due to the pandemic be counted towards their qualifying work experience under the pilot programs; and that the age of children be locked in for the consideration of qualifying work experience.

Pathways for Low-Skill Workers

A number of witnesses spoke about the need for IRCC to provide permanent residence to those who are working in Canada but do not currently fit in the high-skilled economic immigration programs, particularly during the COVID-19 pandemic.³⁰⁷ One of the reasons pertained to the announcement that IRCC's immigration targets would remain high,³⁰⁸ when travel is still impacted by COVID-19. Witnesses provided several suggestions.

Mr. Holthe told the Committee that foreign workers on the front lines are an extremely vulnerable population. He suggested the creation of a program:

They've been exploited long enough, and a program must be created that targets them. ... This program would be similar to the guardian angel program. We could call it the "Canadian frontline experience class", the CFEC.³⁰⁹

Mr. Sharma suggested that there should be changes in the Express Entry system to accommodate low-skill workers:

Persons of colour and new immigrants are disproportionately affected by COVID-19 because they are also disproportionately on the front lines as health care workers and essential workers in transit and in meat and agricultural processing. These workers are

307 IRCC, [*New pathway to permanent residence for over 90,000 essential temporary workers and international graduates*](#), News release, 14 April 2021.

308 Government of Canada, *2020 Annual Report to Parliament*, [*Canada's next permanent resident Immigration Levels Plan*](#).

309 CIMM, [*Evidence*](#), 18 November 2020, 1715 (Mark Holthe).

not disposable. There should be greater employment mobility and a clear pathway to permanent residency for all essential and front-line workers irrespective of whether they are in so-called low-skill jobs. This change can be made easily through expanding the existing express entry system.³¹⁰

Mr. Waldman reminded the Committee that Minister Mendicino has indicated that he would consider programs to facilitate immigration for people already in Canada.³¹¹ He recommended, given the contribution that foreign nationals are making now as front-line workers, that IRCC allow for an adjustment of status program:

There are many non-immigrants in Canada who have the skills to be able to contribute to the economy. ... We should welcome these people who are contributing, regardless of their immigration status. I am well aware that officials in the past have resisted any kind of program that would allow for adjustment of status of asylum seekers or people without status, but given the current situation, given the contribution that foreign nationals are making now as many front-line workers, it is in the best interest of Canada, and would be a humane response, to give a pathway to permanent residence to people already in Canada who have shown that they are able to successfully establish themselves regardless of their status.³¹²

Ms. Douglas also highlighted that there are many individuals who are undocumented or with precarious immigration status in Canada, especially migrant workers.³¹³ She noted that Canada has experience with regularization programs, also known as adjustment of status programs, that could help resolve this situation.³¹⁴

The Committee heard that many foreign nationals are employed in jobs that do not have a clear path to permanent residence. This would include unsuccessful asylum claimants and undocumented workers. The COVID-19 pandemic has shown how important they are regardless of their skill-level or status.

310 CIMM, [Evidence](#), 6 November 2020, 1500 (Raj Sharma).

311 CIMM, [Evidence](#), 6 November 2020, 1505 (Lorne Waldman).

312 CIMM, [Evidence](#), 6 November 2020, 1505 (Lorne Waldman).

313 CIMM, [Evidence](#), 16 November 2020, 1655 (Debbie Douglas); CIMM, [Evidence](#), 16 November 2020, 1745 (Jatin Shory); Karen Cocq, Migrant Workers Alliance for Change, [RE: Impact of COVID-19 on the Immigration System](#), 26 November 2020, p. 4; Diana Da Silva, Caregivers' Action Centre, [RE: Impact of COVID-19 on the Immigration System](#), 26 November 2020, p. 2.

314 CIMM, [Evidence](#), 16 November 2020, 1705 (Debbie Douglas).



Developing a Pathway to Permanent Residence for Those Performing Essential Work

Recommendation 32

That Immigration, Refugees and Citizenship Canada develop a clear pathway for permanent residence for workers performing essential work during the pandemic period.

REFUGEES AND ASYLUM SEEKERS

Restrictions

The travel restrictions imposed in response to the COVID-19 pandemic have had a large impact on individuals seeking to claim asylum or refugee status in Canada. According to Ms. Go, “the travel ban has meant a complete shutdown of our borders to asylum seekers.”³¹⁵ In its brief, Alliance Canada Hong Kong stated that “[d]ue to the travel restrictions, non-conventional refugees cannot enter Canada.”³¹⁶

Since March 2020, individuals entering Canada from the U.S. in order to make an asylum claim have been temporarily sent back to the U.S.³¹⁷ This applies at all air and marine ports of entry, as well as between land ports of entry. The Safe Third Country Agreement³¹⁸ continues to apply at all official land points of entry.³¹⁹

Multiple witnesses testified that the government should continue to allow refugees and asylum seekers to enter Canada despite restrictions imposed as a result of the pandemic, while acknowledging that public health measures, such as the mandatory

315 CIMM, *Evidence*, 30 November 2020, 1545 (Avvy Yao-Yao Go).

316 Alliance Canada Hong Kong, *Brief Submitted to the Standing Committee on Citizenship and Immigration on the Impact of COVID-19 on the Immigration System*, 8 December 2020.

317 Government of Canada, *Coronavirus disease (COVID-19): Refugees, asylum claimants, sponsors and PRRA applicants*.

318 The Safe Third-Country Agreement between Canada and the U.S. under which “refugee claimants are required to request refugee protection in the first safe country they arrive in, unless they qualify for an exception to the Agreement.” IRCC, *Canada-U.S. Safe Third Country Agreement*.

319 Government of Canada, *Coronavirus disease (COVID-19): Refugees, asylum claimants, sponsors and PRRA applicants*.

14-day quarantine period, should continue to apply.³²⁰ Mr. Clarke highlighted that Canada has “a strong humanitarian tradition that needs to be protected.”³²¹

Given Canada’s legal and moral obligation to accept asylum seekers and refugees, the Committee recommends:

Permitting the Entry of Asylum Seekers

Recommendation 33

That Immigration, Refugees and Citizenship Canada and the Canada Border Services Agency, where possible and in partnership with all the relevant resettlement partners including the International Organization for Migration and the United Nations High Commissioner for Refugees, permit refugees and asylum seekers to enter Canada, regardless of their country of origin or nationality, while requiring them to comply with all public health requirements.

Processing of Claims

The pandemic has had a significant impact on the operations of IRCC. As offices were closed, employees moved to working from home, and a variety of activities related to the processing of refugee claims were put on hold or moved to virtual mode. This has had a particular impact on the processing of refugee claims, and on the existing backlog.

As of 21 December 2020, IRCC was not conducting in-person interviews with refugee claimants or processing refugee protection claimant document renewals.³²² However, IRCC did implement “a public policy to allow in-Canada asylum claims via email, which removes the need to apply in person.”³²³

Despite these initiatives to facilitate the process, Alliance Canada Hong Kong, in its brief submitted to the Committee, emphasized that the pandemic has increased the existing backlog in the processing of refugee claims:

320 CIMM, *Evidence*, 16 November 2020, 1710 (Debbie Douglas); CIMM, *Evidence*, 18 November 2020, 1750 (Alastair Clarke).

321 CIMM, *Evidence*, 18 November 2020, 1750 (Alastair Clarke).

322 Government of Canada, *Coronavirus disease (COVID-19): Refugees, asylum claimants, sponsors and PRRA applicants*.

323 CIMM, *Evidence*, 7 December 2020, 1640 (Marian Campbell Jarvis).



While data on current IRB decisions has shown a drop in the recent backlog of pending refugee claims, this does not tell the whole story. IRB does not record new refugee claims until they are referred to them by IRCC or the Canada Border Services Agency (CBSA). Since the start of the pandemic, the timeliness of IRCC and CBSA referrals has slowed to a crawl, creating its own backlog of new refugee claims that has not yet made it to the IRB.³²⁴

Alliance Canada Hong Kong recommends that this issue be dealt with by addressing the backlog in the referral process from IRCC and by overstaffing the IRB.³²⁵

Resettlement

A particular area of concern raised by Ms. Watts was sponsored refugees. Sponsored refugees may still enter Canada in certain circumstances provided that they have an acceptable 14-day quarantine plan.³²⁶

Ms. Watts testified that her organization, the Immigrant Services Association of Nova Scotia, is a sponsorship agreement holder and that it typically receives spots to sponsor about 100 refugees per year.³²⁷ She shared some of the difficulties currently being encountered by refugee sponsors:

We have heard from co-sponsors of the many painful impacts that have resulted from the closures of visa posts overseas, from the difficulties of people in refugee camps receiving documentation who sometimes have to travel long distances and are unable to get back to camps to people here who are co-sponsors and have been holding apartments for months on end, anticipating that people will arrive, but they have not been able to travel.³²⁸

Ms. Watts urged the government to continue to support the private sponsorship of refugees, and to work with stakeholders to resolve current problems, while stressing the importance of continuing to support government-sponsored refugee resettlement.³²⁹

324 ACHK, ACHK Government Relations Team and Robert Falconer, *The Impact of COVID-19 on Canada's Immigration and Asylum Systems: Policy Brief*, 20 November 2020.

325 ACHK, ACHK Government Relations Team and Robert Falconer, *The Impact of COVID-19 on Canada's Immigration and Asylum Systems: Policy Brief*, 20 November 2020.

326 Government of Canada, *Coronavirus disease (COVID-19): Refugees, asylum claimants, sponsors and PRRA applicants*.

327 CIMM, *Evidence*, 7 December 2020, 1545 (Jennifer Watts).

328 CIMM, *Evidence*, 7 December 2020, 1545 (Jennifer Watts).

329 CIMM, *Evidence*, 7 December 2020, 1545 (Jennifer Watts).

Guardian Angel Program

On 14 August 2020, IRCC announced a program to allow applications for permanent residence from refugee claimants who have worked in the health-care sector providing direct care to patients during the COVID-19 pandemic.³³⁰ This program has been referred to as the “Guardian Angel” program. IRCC began accepting applications for this program on 14 December 2020.³³¹ There are two separate streams for this program, one for refugee claimants living in Quebec and one for those living in the rest of Canada.³³²

In order to be accepted through this program, applicants must meet all of the following criteria:

- have claimed asylum before 13 March 2020;
- have been issued a work permit after they made a claim for asylum;
- have worked in the health-care sector, in health institutions (for example, hospitals, long-term care homes, homecare through an organization or agency, assisted living facilities);
- have worked in a designated occupation for no less than 120 hours between 13 March 2020 and 14 August 2020. The designated occupations that are included in this special measure are orderlies, nurses, nurses’ aides and patient service associates, assistant orderlies and certain home support workers;
- demonstrate six months of experience in the designated occupation before being granted permanent residence. Applicants will have until 31 August 2021 to acquire this experience;
- have a Certificat de sélection du Québec if wishing to reside in Quebec; and

330 IRCC, *Pathway to permanent residency recognizes exceptional service of asylum claimants on front lines of COVID-19 pandemic*, News release, 14 August 2020.

331 IRCC, *IRCC announces opening date of special measures for refugee claimants working in health care during the pandemic*, News release, 9 December 2020.

332 IRCC, *IRCC announces opening date of special measures for refugee claimants working in health care during the pandemic*, News release, 9 December 2020.



- meet existing admissibility requirements, including those related to criminality, security and health.³³³

Mr. Waldman testified that the program should be expanded to include other categories of migrants who have been working in Canada during the pandemic.³³⁴ Mr. Cliche-Rivard stated that he would like to see the program expanded to include a variety of occupational categories and more individuals.³³⁵

In recognition of the service of all essential foreign workers during the pandemic and in acknowledgement of Canada's immigration targets, the Committee recommends:

Using the Guardian Angel Program as a Model

Recommendation 34

That Immigration, Refugees and Citizenship Canada develop programs similar to the Guardian Angel program, especially considering the inclusion of foreign workers who contributed during the COVID-19 pandemic, regardless of status.

Safe Third Country Agreement

The Safe Third Country Agreement between Canada and the U.S. requires refugee claimants to claim refugee protection in the first of the two countries that they enter, with a few exceptions.³³⁶ The Safe Third Country Agreement, in general, only applies at designated land border crossings. However, it does not apply to citizens of the U.S., stateless persons who are habitual residents of the U.S., individuals who have family members in Canada, unaccompanied minors, holders of specified Canadian immigration documents and individuals who may face the death penalty in the U.S.³³⁷ Individuals who are travelling from the U.S. through a designated land port of entry, and who do not meet the eligibility requirements for an exception, will not be allowed to make a refugee protection claim and will be returned to the U.S.³³⁸ The Safe Third Country Agreement

333 IRCC, [Pathway to permanent residency recognizes exceptional service of asylum claimants on front lines of COVID-19 pandemic](#), News release, 14 August 2020.

334 CIMM, [Evidence](#), 6 November 2020, 1545 (Lorne Waldman).

335 CIMM, [Evidence](#), 6 November 2020, 1600 (Guillaume Cliche-Rivard).

336 Government of Canada, IRCC, [Canada-U.S. Safe Third Country Agreement](#).

337 Government of Canada, IRCC, [Canada-U.S. Safe Third Country Agreement](#).

338 Government of Canada, Canada Border Services Agency, [Canada-U.S. Safe Third Country Agreement](#).

remains in effect in addition to the additional travel restrictions imposed in response to the COVID-19 pandemic.³³⁹

On 22 July 2020, the Federal Court declared that the domestic legislative provisions that implement the Safe Third Country Agreement in Canada were of no force and effect because they violated section 7 of the *Canadian Charter of Rights and Freedoms*, which protects the right to life, liberty and security of the person.³⁴⁰ In order to allow time for Parliament to respond, the judge suspended the declaration of invalidity for a period of six months.³⁴¹

On 21 August 2020, the Government of Canada announced that it was appealing the decision to the Federal Court of Appeal.³⁴² On 26 October 2020, the Federal Court of Appeal ruled that the Safe Third Country Agreement should remain in effect until a final decision could be made on the appeal.³⁴³ On 15 April 2021, the Federal Court of Appeal released its decision overturning the decision of the Federal Court.³⁴⁴ As a result, the Safe Third Country Agreement remains in effect.

Mr. Clarke testified that the Safe Third Country Agreement should be suspended and renegotiated, while Ms. Go suggested that it should be repealed.³⁴⁵

HONG KONG INITIATIVE

The Government of Canada has expressed serious concerns about the National Security Law (the law) that the government of the People's Republic of China (PRC) passed concerning Hong Kong on 30 June 2020. The law introduces strict punishments for the broadly defined crimes of secession, subversion, terrorism and collusion with foreign or external forces. Among other measures, the law allows the PRC to establish a national security agency in Hong Kong that will operate outside of the jurisdiction of local

339 Government of Canada, *Coronavirus disease (COVID-19): Refugees, asylum claimants, sponsors and PRRA applicants*.

340 *Canadian Council for Refugees v. Canada (Immigration, Refugees and Citizenship)*, 2020 FC 770, para. 162.

341 *Canadian Council for Refugees v. Canada (Immigration, Refugees and Citizenship)*, 2020 FC 770, para. 163.

342 Public Safety Canada, *Government of Canada to appeal the Federal Court decision on the Safe Third Country Agreement*, News release, 21 August 2020.

343 *Canada (Citizenship and Immigration) v. Canadian Council for Refugees*, 2020 FCA 181, para. 61.

344 2021 FCA 72., 2021 FCA 72.

345 CIMM, *Evidence*, 18 November 2020, 1800 (Alastair Clarke); CIMM, *Evidence*, 30 November 2020, 1545 (Avvy Yao-Yao Go).



authorities. Chinese officials have defended the law as an important measure to curtail protests against the PRC in Hong Kong – such as those that sprung up in June 2019.

At the same time, many activists and governments – such as those of Canada, the United Kingdom and Australia – argue that the law violates the “one country, two systems” framework between China, Hong Kong and the United Kingdom. They charge that the law is the most recent violation in a series of escalating measures that China has implemented to erode Hong Kong’s autonomy and democracy.³⁴⁶ Critics of the law also argue that it potentially infringes on the rights of Hong Kong residents – including on the rights of the estimated 300,000 Canadian citizens living in Hong Kong.³⁴⁷

On 3 July 2020, the Government of Canada condemned the national security law as a “violation of international obligations,”³⁴⁸ and updated its travel advisory for Hong Kong to warn that activities considered to be violations under the national security law are broadly and vaguely defined. It warns that these “could include activities that are not considered illegal in Canada and that occurred outside of Hong Kong.” Canadian travellers also “risk being arbitrarily detained on national security grounds, even while ... transiting through Hong Kong.”³⁴⁹

In Canada, Hong Kong pro-democracy activists on Canadian study permits are also facing increased short- and medium-term risks. In the short term, Ms. Go told the Committee that the Chinese Communist Party is intimidating Hong Kong activists in Canada.³⁵⁰ In the medium-term, the study permits of many of these student activists will expire, and they will go back to Hong Kong and its potential risks – risks potentially already being faced by their family members still in Hong Kong. As Ms. Chan, an international student from Hong Kong and pro-democracy student activist, commented, “[i]t’s stressful for international students and their families to tackle COVID-19, Canada’s immigration system, and also worry about their safety at the same time.”³⁵¹

346 See, for instance, Global Affairs Canada, [“Foreign Ministers’ joint statement on arrests in Hong Kong,”](#) News release, 9 January 2021; Global Affairs Canada, [“Statement on the Erosion of Rights in Hong Kong,”](#) News release, 9 August 2020.

347 See, for instance, [“China: National security law for Hong Kong risks turning city into police state,”](#) *Amnesty International*, 28 June 2020; [“China: New Hong Kong Law a Roadmap for Repression,”](#) *Human Rights Watch*, 29 July 2020.

348 Global Affairs Canada, [“Canada takes action following passage of National Security Legislation for Hong Kong,”](#) News release, 3 July 2020.

349 Government of Canada, [“Official Global Travel Advisories: Hong Kong.”](#)

350 CIMM, [“Evidence,”](#) 30 November 2020, 1635 (Avvy Yao-Yao Go).

351 CIMM, [“Evidence,”](#) 16 November 2020, 1730 (Starus Chan).

The Hong Kong Initiative

In response to this situation, on 12 November 2020, Minister Mendicino announced new economic measures to help residents of Hong Kong come to or stay in Canada.³⁵² Among other benefits, the economic measures offer Hong Kong post-secondary students expedited processing to come to Canada, and Hong Kong post-secondary students and recent graduates already in Canada a way to stay longer – and ultimately a way to gain the work experience needed to apply for permanent residence. They also help Hong Kong nationals who would already qualify for Canada’s economic immigration streams. Additionally, IRCC announced that the normal 12-month ineligibility period to apply for a pre-removal risk assessment following a failed refugee claim was being waived for some individuals from Hong Kong.³⁵³ The three-year open work permit was launched on 8 February 2021, but other measures, including permanent residence pathways, have yet to be made available.³⁵⁴

Among those commenting on the Hong Kong situation, the majority of the witnesses welcomed the economic and refugee measures as a good first step.³⁵⁵ However, they argued that the measures have significant gaps, and fail to protect several groups of Hong Kong nationals in both Canada and Hong Kong.

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- 352 IRCC, [*Canada announces immigration measures supporting Hong Kong residents and Canadians in Hong Kong*](#), News release, 12 November 2020. The measures include:
1. permitting eligible Hong Kong residents, who have recently completed post-secondary studies, to apply for an open work period that could be valid for up to three years;
 2. expediting study permit applications from Hong Kong residents;
 3. a new pathway to permanent residency in 2021 for residents of Hong Kong who have one year of eligible Canadian work experience;
 4. a new pathway to permanent residency for Hong Kong residents who complete their studies in Canada;
 5. measures to expedite documents for Canadians and Canadian permanent residents in Hong Kong;
 6. a temporary waiver of application fees for Hong Kong residents in Canada who apply to have their status renewed in order to extend their stay; and
 7. increased promotion of existing immigration options from Hong Kong to Canada.
- 353 IRCC, [*Changes to the pre-removal risk assessment for Hong Kong*](#), Notice, 12 November 2020.
- 354 IRCC, [*Canada Launches Hong Kong Pathway that will Attract Recent Graduates and Skilled Workers with Faster Permanent Residency*](#), News release, 4 February 2021.
- 355 CIMM, [*Evidence*](#), 16 November 2020, 1755 (Robert Falconer); CIMM, [*Evidence*](#), 30 November 2020, 1620 (Avvy Yao-Yao Go).



Gaps in the Economic Measures

With respect to the economic measures, Mr. Falconer and Ms. Go told the Committee that these measures leave out young Hong Kong activists who lack high school or post-secondary education in Hong Kong or Canada and are ineligible,³⁵⁶ or who are still in high school in Hong Kong, and are both ineligible and cannot afford to travel to Canada.³⁵⁷ Ms. Go asked, “if they do expedite student permits from Hong Kong ... the question is who will actually qualify and how many will have the means to take advantage of that opportunity.”³⁵⁸

It was pointed out that the measures also leave out those who are past the five-year period after graduation in which IRCC understands an applicant as having “recently completed post-secondary studies.”³⁵⁹ They also leave out the extended family members of student activists and Canadian citizens in Hong Kong – extended family members who may also be threatened in Hong Kong and could potentially help to financially and emotionally support their relatives in Canada.³⁶⁰

Two witnesses to the Committee argued that IRCC should address these gaps by creating expedited pathways for Hong Kong residents to come to Canada as temporary workers,³⁶¹ potentially on a temporary work permit with no, or fewer, education or language restrictions.³⁶² Mr. Falconer argued that IRCC should create a five-year post-graduate work permit for Hong Kongers that would allow them more time to gain work experience and become eligible for permanent residence.³⁶³ Mr. Falconer and Ms. Go also recommended that IRCC allow extended families to come to Canada as well, either

356 CIMM, [Evidence](#), 16 November 2020, 1755 (Robert Falconer); CIMM, [Evidence](#), 30 November 2020, 1610 (Avvy Yao-Yao Go).

357 CIMM, [Evidence](#), 30 November 2020, 1620 (Avvy Yao-Yao Go).

358 CIMM, [Evidence](#), 30 November 2020, 1555 (Avvy Yao-Yao Go).

359 IRCC, [Changes to the pre-removal risk assessment for Hong Kong](#), Notice, 12 November 2020.

360 CIMM, [Evidence](#), 16 November 2020, 1755 (Robert Falconer).

361 CIMM, [Evidence](#), 30 November 2020, 1620 (Avvy Yao-Yao Go); CIMM, [Evidence](#), 30 November 2020, 1625 (Gideon Christian).

362 CIMM, [Evidence](#), 30 November 2020, 1625 (Avvy Yao-Yao Go).

363 CIMM, [Evidence](#), 16 November 2020, 1725 (Robert Falconer).

those of Hong Kong nationals in Canada,³⁶⁴ or those of Canadian citizens in Hong Kong.³⁶⁵

In response to these concerns, and in order to broaden the pool of Hong Kong residents and international students eligible for economic pathways in Canada, the Committee recommends:

Creating a More Accessible Temporary Residence Option for Hong Kong Residents

Recommendation 35

That, in response to the increasingly dangerous situation in Hong Kong, Immigration, Refugees and Citizenship Canada create an open work permit, aimed at Hong Kong foreign nationals, with moderate language and education requirements.

Creating a Five-Year Post-Graduate Work Permit

Recommendation 36

That, in response to the increasingly dangerous situation in Hong Kong, Immigration, Refugees and Citizenship Canada create a five-year post-graduate work permit aimed at Hong Kong foreign nationals who study or have studied in Canada.

Creating a Hong Kong Extended Family Reunification Stream

Recommendation 37

That Immigration, Refugees and Citizenship Canada create a family reunification stream for Hong Kong family members, including extended family members of Canadian citizens and of pro-democracy activists living in Canada.

Gaps in the Refugee Measures

While promoting its new economic measures, IRCC continues to highlight traditional refugee pathways for Hong Kong activists. However, Mr. Falconer and Ms. Go argued that these streams are largely blocked for activists caught in a country with strict exit visa and COVID-19 restrictions, because they can neither make an in-land claim from within Canada, nor make a refugee claim to Canada from a third country. As Ms. Go

364 CIMM, *Evidence*, 16 November 2020, 1755 (Robert Falconer).

365 CIMM, *Evidence*, 30 November 2020, 1615 (Avvy Yao-Yao Go).



explained to the Committee, “the possibility of government sponsorship or private sponsorship ... cannot be done with people in Hong Kong. They have to be in another country.”³⁶⁶ For activists to become asylum claimants, they must exit Hong Kong, a task that is currently highly difficult. Ms. Go suggested to the Committee that the government may be able, unofficially, to help vulnerable pro-democracy activists leave the country. She cited the precedent of the Government of Canada’s unofficial efforts to get threatened students out of China in the wake of the PRC’s 1989 crackdown on student activists following the Tiananmen Square protests and massacre.³⁶⁷

As an alternative, Mr. Falconer argued that Canada should use temporary public policy. He suggested to the Committee that Canada recognize refugee claims from within a given source country, or “in-country asylum,” and officially aid such individuals in their departure from Hong Kong. He explained that Canada had experience with this type of measure when LGBTQ individuals were given safe haven from Chechnya and Iran through the “Rainbow Railroad Program.”³⁶⁸ To prioritize the processing of Hong Kong refugees who do find a way to leave Hong Kong, Alliance Canada Hong Kong’s written brief also recommends that IRCC pre-emptively classify claims from Hong Kong as “less complex” so that they move faster through the refugee system.³⁶⁹

With the goal of expediting refugee claims from Hong Kong pro-democracy activists, the Committee recommends:

Developing a Hong Kong “Source-Country” Asylum Stream

Recommendation 38

That Immigration, Refugees and Citizenship Canada implement a temporary public policy to address Hong Kong refugee claims and grant asylum to pro-democracy activists within Hong Kong, using initiatives such as Rainbow Railroad as a model in order to discreetly identify and support asylum seekers.

366 CIMM, [Evidence](#), 30 November 2020, 1610 (Avvy Yao-Yao Go).

367 CIMM, [Evidence](#), 30 November 2020, 1555 (Avvy Yao-Yao Go).

368 CIMM, [Evidence](#), 16 November 2020, 1750 (Robert Falconer).

369 ACHK, ACHK Government Relations Team and Robert Falconer, [The Impact of COVID-19 on Canada’s Immigration and Asylum Systems: Policy Brief](#), 20 November 2020, p. 6.

CONCLUSION

All of Canada's immigration programs have been impacted by the COVID-19 pandemic. This report highlights the challenges of technology access, processing delays, communication and legal exclusions to applicants in family reunification and international student streams. It also examines economic immigration, refugees and the Government of Canada's efforts to address growing risks for Hong Kong pro-democracy activists in Hong Kong and in Canada. The witnesses for this study emphasized the sometimes unequal effects of Canadian pandemic measures on different applicant populations, and recommended reforms to aid applicants during this time. Some witnesses to the Committee also traced these COVID-19-era problems and inequalities to pre-pandemic challenges. They supported and proposed changes that they argued would improve Canadian immigration policy even after the pandemic has ended.

The Committee would like to thank all the witnesses who contributed to this study, providing insights and recommendations.

APPENDIX A LIST OF WITNESSES

The following table lists the witnesses who appeared before the committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the committee’s [webpage for this study](#).

Organizations and Individuals	Date	Meeting
As an individual Chantal Desloges, Senior Partner Desloges Law Group Chantale Munger, Pedagogical Advisor Cégep de Jonquière David Ojo Santa J. Ono, President and Vice-Chancellor University of British Columbia	2020/10/27	3
Faces of Advocacy David Edward-Ooi Poon, Medical Doctor and Founder	2020/10/27	3
Spousal Sponsorship Advocates Chantal Dubé, Research and Content Writer Syed Farhan Ali, Associate	2020/10/27	3
As an individual Raj Sharma, Managing Partner Stewart Sharma Harsanyi Lorne Waldman, Lawyer Waldman & Associates	2020/11/06	4
Quebec Immigration Lawyers Association Guillaume Cliche-Rivard, President Stéphanie Valois, Administrator	2020/11/06	4
As an individual Emmanuelle Bergeron Jatin Shory, Lawyer Shory Law	2020/11/16	5

Organizations and Individuals	Date	Meeting
Alliance Canada Hong Kong Starus Chan Robert Falconer, Research Associate Immigration and Refugee Policy, School of Public Policy, University of Calgary	2020/11/16	5
Colleges and Institutes Canada Denise Amyot, President and Chief Executive Officer	2020/11/16	5
Ontario Council of Agencies Serving Immigrants Debbie Douglas, Executive Director	2020/11/16	5
Universities Canada Paul Davidson, President and Chief Executive Officer Wendy Therrien, Director External Relations and Research	2020/11/16	5
As an individual Alastair Clarke, Lawyer Clarke Immigration Law Kelly Goldthorpe, Senior Associate Green and Spiegel Mark Holthe, Lawyer Holthe Immigration Law Elizabeth Long, Barrister and Solicitor, Partner Long Mangalji, LLP	2020/11/18	6
Centre social d'aide aux immigrants Fadia Mahmoud, Representative	2020/11/18	6
YMCA of Northeastern Ontario Helen Francis, President and Chief Executive Officer	2020/11/18	6
As an individual Robert Thiessen	2020/11/23	7
Canadian Immigration Connections Manprit Aujla-Grewal, Immigration Consultant	2020/11/23	7
City of Greater Sudbury Meredith Armstrong, Acting Director Economic Development	2020/11/23	7

Organizations and Individuals	Date	Meeting
Collège Boréal Baptiste Alain Bourquardez, Director Immigration Programs and Services Marc Despatie, Director Communications, Strategic Planning, and Government Relations Daniel Giroux, President	2020/11/23	7
Hope Welfare Society Amit Kumar Verma, Lawyer	2020/11/23	7
Sudbury Multicultural and Folk Arts Association Bela Ravi, President	2020/11/23	7
As an individual Gideon Christian, Assistant Professor Faculty of Law, University of Calgary	2020/11/30	9
Accueil liaison pour arrivants Yannick Boucher, Director Services for Immigrants Marie-Laure Konan, Director Occupational Integration	2020/11/30	9
Chercheuses de résidence permanente Roxane Hatem, Representative Armelle Mara, Representative	2020/11/30	9
Chinese and Southeast Asian Legal Clinic Avvy Yao-Yao Go, Clinic Director	2020/11/30	9
Don Valley Community Legal Services Nicole Guthrie, Lawyer Immigration	2020/11/30	9
Laurentian University Robert Haché, President and Vice-Chancellor	2020/11/30	9
Spousal Sponsorship Advocates Misha Pelletier, Representative	2020/11/30	9
As an individual Usman Mahmood, Barrister and Solicitor	2020/12/07	11

Organizations and Individuals	Date	Meeting
Department of Citizenship and Immigration Marian Campbell Jarvis, Assistant Deputy Minister Strategic and Program Policy Daniel Mills, Assistant Deputy Minister Operations Fraser Valentine, Assistant Deputy Minister Settlement and Integration	2020/12/07	11
Immigrant Services Association of Nova Scotia Jennifer Watts, Chief Executive Officer	2020/12/07	11
Saint Mary's University Student Association Bryn de Chastelain, President	2020/12/07	11

APPENDIX B LIST OF BRIEFS

The following is an alphabetical list of organizations and individuals who submitted briefs to the committee related to this report. For more information, please consult the committee's [webpage for this study](#).

Alliance Canada Hong Kong

Arenous Foundation

Bousaleh, Akram

Caregivers' Action Centre

Cégep de Jonquière

Chinese and Southeast Asian Legal Clinic

Christian, Gideon

Colour of Poverty Colour of Change

Faces of Advocacy

Families Awaiting Interview

Harman, Paul

Hope Welfare Society

In-Canada Express Entry

Interminable attente des AR par les demandeurs de RP via TQQ

Jose, Dileep

Meres, Dennis

Migrant Students United

Migrant Workers Alliance for Change

Miranda, Carlos

Ojo, David

Ontario Council of Agencies Serving Immigrants

South Asian Legal Clinic of Ontario

Spousal Sponsorship Advocates

Torontonian HongKongers Action Group

Verma, Kavita

Voices4Families

World Education Services

REQUEST FOR GOVERNMENT RESPONSE

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

A copy of the relevant *Minutes of Proceedings* ([Meetings Nos. 3 to 7, 9, 11, 12, 20, 21, 23, 26 and 28](#)) is tabled.

Respectfully submitted,

Salma Zahid
Chair

