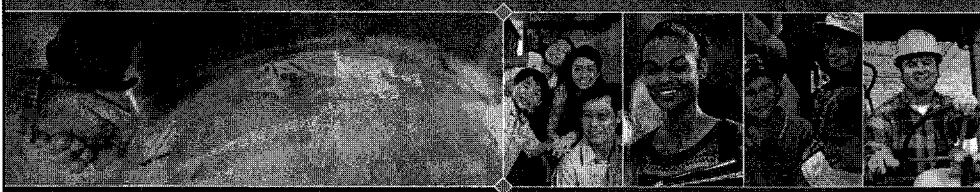


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Citizenship and Immigration Canada / Citoyenneté et Immigration Canada



Legislative & Policy Reforms

FPT Ministers Meeting
June 15, 2010

Citizenship and Immigration Canada
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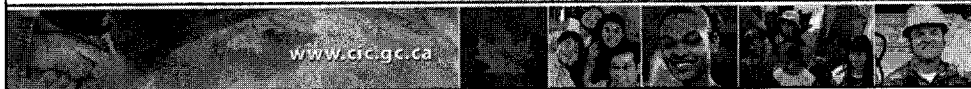
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Canada

Overview of Recent Legislative Reforms

- Legislative and regulatory amendments to *Immigration and Refugee Protection Act (IRPA)* and Regulations and the *Citizenship Act* and Regulations are intended to:
 - improve program integrity and transparency, protections and supports for new permanent residents, temporary residents working or providing care in Canada, refugees seeking asylum in Canada, permanent residents applying for Canadian citizenship and Canadian citizens.
- Reforms were developed in consultation with provinces/territories and reflect input from stakeholders.

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Legislative/Policy Reforms

Recently Introduced/Implemented:

- Temporary Foreign Workers
- Live-In Care Givers Program
- Refugee Reform
- Consultants
- Citizenship Revocation
- International Students
- Immigrant Investor Program

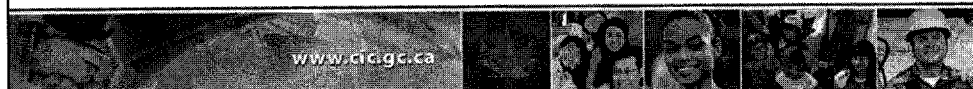
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Temporary Foreign Worker Program

- TFW regulatory proposals pre-published in October 2009:
 - Establish factors to guide the assessment of job offers;
 - Allow for the denial of service to employers who have not abided by commitments with respect to wages, working conditions, occupation in previous employment of TFW;
 - Limit cumulative duration of work for TFWs to 4 years; and,
 - Introduce a period of validity for Labour Market Opinions (LMO)
- Next steps: TFW regulatory changes final implementation in Summer 2010, with coming into force date in early 2011

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TFW Current Status – Changes to proposed regulatory amendments being considered to accommodate stakeholder concerns during pre-publication period. Working with Department of Justice to finalize wording. CIC, HRSDC and CBSA now working on the various operational aspects applicable to implementation.

The Government of Canada is supportive of P/T initiatives aimed at strengthening protections for TFWs within their jurisdictions and believes that these amendments strengthen and complement existing measures.

The TFW program is designed to address short-term labour market shortages and is not a solution to long-term labour needs. The use of appropriate programs and pathways to permanent residence are encouraged where available.

Live-In Caregivers - As changes to the Live-in Caregiver Program are still quite new, we are working closely with HRSDC to ensure a smooth implementation. Additional improvements to the LCP will result from the TFWP regulatory changes, which will further enhance protections for these vulnerable workers.

Live-In Caregivers

- Regulatory changes and administrative changes made to improve protections for Live-in Caregivers and make it easier for them to gain permanent resident status. Most changes implemented April 1, 2010.
 - Up to 4 years to gain work experience, ability to calculate work experience in hours, removal of mandatory second medical examination at PR stage
 - Improved employment contracts, emergency processing of LMOs and work permits, and information resources (i.e. a new LCP Hotline/special call queue)
- Next steps: Anticipated fall implementation of special call queue and revised information resources (e.g. website, pamphlet, etc)

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Live-In Caregivers - As changes to the Live-in Caregiver Program are still quite new, we are working closely with HRSDC to ensure a smooth implementation. Additional improvements to the LCP will result from the TFWP regulatory changes, which will further enhance protections for these vulnerable workers.

Refugee Reform

- Tabled in the House of Commons on March 30, 2010 and received second reading on April 29th. Referred to Standing Committee on Citizenship and Immigration for further study.
- Initial response has been positive but some concerns raised regarding particular elements of the legislation, including:
 - timelines for information gathering interview and first level hearing
 - the "safe country of origin" designation criteria and process
 - quality and independence of first-level public servant decision makers
 - the limitations around humanitarian and compassionate consideration.
- Minister Kenney proposed amendments on May 31 to improve the bill
- Next Steps: Parliament to vote on C-11 & amendments; new system expected to be implemented 18 months from the date of Royal Assent

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Current Status:

•Currently before Standing Committee on Citizenship and Immigration for study. Other stakeholders, including the Fraser Institute, the Canadian Council for Refugees and Amnesty International, have also been invited to appear. Anticipate UNHCR will appear during later sessions.

•Expect Bill will be referred back to the House for third reading in early June.

Amendments proposed from Minister Kenney are:

- To transfer the responsibility for pre-removal risk assessment to the Immigration and Refugee Board (but not CIC employees). The exception to this are 112(3) cases which will remain at CIC; and
- To allow refugee claimants who withdraw their claim prior to a hearing before the Refugee Protection Division of the Immigration and Refugee Board to apply for permanent residence on Humanitarian & Compassionate grounds.
- To provide for greater clarity around the criteria that will have to be met to designate a safe country of origin.

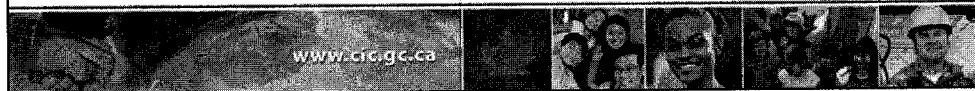
It is important to note that at this stage these changes are only proposed. The final package will be confirmed only after Parliament votes on Bill C-11 and its amendments and the Bill receives Royal Assent.

Next Steps - CIC will continue to update FPT partners on the progress of the legislative process. The new system is expected to be implemented 18 months from the date of Royal Assent.

Immigration Consultants

- On June 8th, legislation introduced in line with the 2010 SFT commitment to take steps to shut down unscrupulous immigration consultants to better protect would-be immigrants.
- The Bill
 - addresses the issue of undisclosed or 'ghost' consultants by regulating the provision of representation or advice at all stages of an application or proceeding
 - introduces measures which will enhance the government's oversight of designated bodies
 - provides for the disclosure of information concerning the unethical or unprofessional conduct of immigration representatives to the responsible governing body
- Next steps: Post royal assent, regulations will be developed in line with new statutory authorities

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This legislation is part of a broader strategy to address unscrupulous immigration consultants – will also include a proposal to establish a public selection process to identify a governing body for immigration consultants under existing regulations. The Bill also provides for the disclosure of information concerning unethical or unprofessional conduct to the responsible governing body, allowing for appropriate disciplinary action.

Same concerns exist in the citizenship stream and CIC is exploring directions to address the actions of citizenship consultants. These initiatives are in line with steps the government is taking to improve program integrity within immigration and refugee protection system.

Quebec is pursuing changes that include recognition of CSIC. Despite the federal government's intention to initiate a process to identify a new body, CSIC will continue to be recognized as the federal governing body until a new body is named. Changes to IRPR will not be sought until a new body is identified.

Under existing authorities, public selection process to identify a governing body for immigration consultants will be undertaken over the summer.

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Citizenship Revocation

- Amendments to *Citizenship Act* introduced on June 10 would streamline the citizenship revocation process
- Changes would increase efficiency & transparency by making Federal Court the decision-maker & would streamline removal process
- Bill would also strengthen citizenship by making other changes to:
 - Modify the residence requirement for citizenship grants to require physical presence in Canada for 3 out of 4 years immediately before the application;
 - Improve the ability to bar foreign criminals from becoming citizens;
 - Enable the Government to regulate citizenship consultants and strengthen fraud offences and penalties in the *Citizenship Act* in line with IRPA; and
 - Address gaps in recent Bill C-37 changes to ensure that the law supports implementation of the first generation limit to citizenship, that it does not bar access to eligible applicants, and to expand the exception to the first generation limit so that children of Crown servants can pass on citizenship.
- Next steps: Following bill passage, officials will work on preparing for implementation, including developing regulations to support the new authorities

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Changes are being made in keeping with recent SFT commitment.
Likely to have been tabled on June 10.

Citizenship revocation - – process for taking away citizenship obtained by fraud

International Student Program

- In 2008, CIC completed a Review of the International Student Program (ISP) in consultation with PTs and stakeholders, made recommendations to improve program integrity in entry and stay of international students to Canada.
- Intent of future FPT collaboration is to improve program integrity of the ISP and clarify federal and PT roles via bilateral arrangement with PTs.
- Next steps: CIC officials will contact counterparts to begin discussion

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International Students – CIC has been given a mandate to negotiate bilateral arrangements with a view to in working with provinces and territories to increase the number of top international students entering Canada and maintaining program integrity of the immigration system.

• In 2008, CIC completed a Review of the International Student Program (ISP) in consultation with P/Ts and stakeholders and made recommendations to improve program integrity in the entry and stay of international students to Canada. My officials will be re-engaging PTs in the near future with regard to the work conducted as part of the ISP review and management of this program.

Immigrant Investor Program

- Two phases of IIP regulatory reforms:
 - 1) Increase investment levels, unchanged since the program began in 1999; currently seeking TB consideration of amended levels;
 - 2) Work with PTs to improve operational processes, relationships with intermediaries and determine the most beneficial use of funds.
- Regulatory changes will double the investment and Personal Net Worth amounts to \$800K and \$1.6M respectively.
- Next steps: Further changes in 2011 will focus on operational processes, strengthening relationships with intermediaries, and examining the best use of program funds

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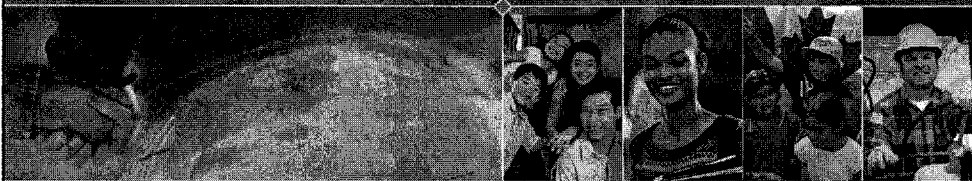
IIP - Two phases of IIP regulatory reforms: 1) increase investment levels, unchanged since the program began in 1999; currently seeking TB consideration of amended levels; and, 2) work with PTs to improve operational processes, relationships with intermediaries and determine the most beneficial use of funds.

CIC recognizes the importance of the IIP to provinces and territories as an economic development tool and is working to further strengthen the program and its economic impact. Officials have been consulting with PTs on a proposed increase to the Investment and Personal Net Worth requirements and commission rates for the IIP, and CIC appreciates their support.

•We are confident that such changes will serve to strengthen the IIP and will not threaten the position of Canada as a world leader in attracting immigrant investors.

•We are also considering long-term changes to the IIP to improve operations and enhance the IIP's economic impact. We will continue to consult with PTs throughout this process.

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Thank You · Merci

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