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News and media coverage in Canada on New Canadian Immigration Regulations:

(9) Liberals complain that tougher rules could cost party its bedrock immigrant support

Jack Aubry
National Post

Monday, January 14, 2002

OTTAWA - Elinor Caplan, the federal Immigration Minister, faces an uprising from Liberal backbenchers disturbed by Canada's new retroactive immigration policy, with one prominent Grit saying urban MPs have been politically "ambushed." Liberal MPs have been caught off guard by the tougher rules, especially a clause that would probably see the federal government disqualify thousands of immigration applicants on Canada's waiting list while pocketing millions of dollars in non-refundable application fees.

The Immigration Department released its detailed package of proposed regulations in late December to flesh out the new immigration law passed in November. The Canadian Bar Association has suggested the department is attempting to "cull" its backlog of more than 500,000 applications.

Mark Assad, Liberal MP for the Quebec riding of Gatineau, said the retroactive part of the bill caught him and other members of the Commons immigration committee off guard. "It seems to me that's something that would have gotten around. [Retroactive] is totally unfair and it will be the first thing the committee examines when we return to Ottawa in February," he said.

He predicts that he and other Liberal MPs who make up a majority of the committee will come out against retroactive clause.

Dennis Mills, Liberal MP for Toronto-Danforth, said the retro-active clause, which would apply the new rules to applicants who have been on the waiting list for as long as four years, goes against the values Jean Chrétien spoke about in speeches before Christmas. "The Prime Minister has to decide who is running the country. Is it his vision of Canada or some departmental official's?" Mr. Mills asked.

"I mean this is what you call a bureaucratic ambush and I think they ambushed the Prime Minister, the Minister and they ambushed every MP who deals on immigration issues."

Liberal MPs, especially those in big cities such as Toronto, Montreal and Vancouver, have historically enjoyed strong support from new Canadians in their ridings.

The new rules do not apply to Canada's family reunification immigration program. The retroactive clause would, however, have an impact on about 40% of the applicants on the waiting list -- an estimated 170,000 people applying as independent immigrants.

Mr. Mills said bureaucrats should not be making decisions about reducing the large backlog of applicants through legislative back doors and the matter "is a spike in the heart of the Liberal coalition in Toronto," where the government holds every seat.

"When people come into my office, who are not only Canadian citizens but who work for me, who vote for me, who are outstanding contributors to the fabric of this country, and they say they want to bring or help a relative or a nephew come from Greece, or Turkey, or God knows where, and we hurt those people in a crass way, we are spitting on ourselves," Mr. Mills said.

Derek Hodgson, Ms. Caplan's press secretary, said MPs had been told about how the new rules would be applied and the retroactivity of the rules has been posted on the department's Web site since September.

He said the Minister will discuss the matter with the committee when the House returns and said the retroactive clause is "not carved in stone."

Jim Karygiannis, the MP for the Toronto-area riding of Scarborough-Agincourt, said he and other members of the Liberal caucus were not told the new rules would apply retroactively and said Ms. Caplan has responded in a "callous" fashion to his inquiries on the matter.

He quotes Ms. Caplan as telling him that "these people are not our constituents" during a conversation he had with the Minister about the waiting applicants who qualified to enter the country under the old immigration rules.

Mr. Hodgson dismissed Mr. Karygiannis's comments: "You have to consider the source."

Although he was not privy to the private conversation, Mr. Hodgson said Mr. Karygiannis is likely misquoting the Minister and taking her "out of context," adding the comment does not sound like something Ms. Caplan would ever say.

For his part, Mr. Karygiannis said the Minister's response to a letter he sent her recently made no reference to the disputed quote and Ms. Caplan's office has not refuted news reports of the conversation.

John Cannis, the Liberal MP for Scarborough Centre, said he and other Liberal MPs will speak out against the retroactive clause but the matter should be worked out at caucus and the committee. He is confident the clause will be dropped after a proper discussion.

New immigrant rules will damage economy

DESPITE its huge importance to the economy, the auto industry is largely a branch plant industry, consisting mainly of subsidiaries controlled by head offices in the United States and elsewhere.

The people who head these subsidiaries, to a large extent, are middle management as far as their multinational parents are concerned. For example, witness the response of Alain Batty, CEO of Ford Motor Co. of Canada, when asked what the impact of the parent company's restructuring, to be announced Friday, will be on its Oakville operations. He didn't know.

The biggest Canadian success story in the auto industry is that of Frank Stronach, who has taken Magna International Inc. from a small parts producer to Canada's largest auto parts producer and a major multinational corporation. This week Magna was awarded a huge contract, estimated at \$500 million (U.S.) a year, to supply interiors for the next generation of General Motors Corp. trucks.

Yet if Canada's new immigration rules, sneakily announced by Immigration Minister Elinor Caplan just before Christmas, had been in effect when a young Stronach had applied to come here, he would not have been allowed into Canada. The Austrian-born graduate of his country's apprenticeship system would not have had adequate entry points. Yet Stronach has created thousands of jobs in Canada, as have other immigrants who would not be allowed in Canada today.

Under Caplan's misguided new rules, immigrants seeking to come to Canada now will need a postgraduate university degree and demonstrated fluency in English or French.

It's not just high-profile businesses started by immigrants whom Caplan would now bar from Canada that are important. Across this country there are thousands of small businesses started by immigrants lacking Caplan's elitist credentials but possessing what we expect most from immigrants, namely energy, hard work and determination. These are the ingredients that have allowed literally millions of people to come to Canada and build something valuable for our country.

Few of them have been the kind of people that Caplan now seeks, to the exclusion of others. Take Andy Theori, owner of the Cosburn Auto Centre in Toronto. Theori was featured in a Star profile last year by Hamida Ghafour on the opportunities for young Canadians in pursuing careers in the skilled trades. Theori was one of the businessmen providing the opportunity for young Canadians to apprentice to become auto mechanics. Now a successful businessman, he came to Canada from Cyprus in 1969 with \$200 in his pocket, a grade 12 education and a love of fixing cars.

Yet the Theoris of this world are no longer welcome under Caplan's new rules. Abandoning the Liberal party's traditional "liberal" role in promoting Canada as a land of opportunity for people from around the world willing to work hard, Caplan now wants to restrict entry to only the most highly educated.

This surely calls for a revolt by backbench Liberal MPs at their next caucus. So far, only one — Jim Karygiannis from Scarborough-Agincourt — has spoken out, but I have heard from others who are equally upset by Caplan's callous and misguided approach.

Human Resources Minister Jane Stewart also should speak to Caplan. Stewart repeatedly has raised the issue of shortages of a wide range of skills in Canada, with immigration one of the solutions.

She also has heard from her department's many sector councils, in industries such as construction, textiles, trucking, plastics, tourism, technicians, auto mechanics, clothing, aviation mechanics and mining, that are concerned about current and future shortages. While providing better education and training for Canadians must be a central part of meeting such needs, immigration also will be critical.

Indeed, immigrants now constitute 70 per cent of the net increase in the workforce and soon will contribute 100 per cent.

Business groups, such as the Canadian Manufacturers and Exporters Association, the Canadian Federation of Independent Business, the Conference Board of Canada and the Information Technology Association of Canada, along with unions and business organizations in the construction and other skilled trades, have all pointed to shortages of skilled workers. This is true for nursing, and x-ray and lab technicians in health care as well.

A shortage of workers means that Canada's economy will grow more slowly and companies will plan future investments in places where they can find these workers.

Caplan's new immigration policies make no economic sense and are an affront to the core values of this country. The first order of business in this New Year should be to roll them back, even if that means Caplan has to resign in the process.

David Crane is The Star's Economics editor. His column appears Tuesday to Thursday, Saturday and Sunday. He may be reached at crane@interlog.com by e-mail.

(7) CBC NEWS

New immigration rules could disqualify thousands Web Posted Tue Dec 18 21:44:40 2001
VANCOUVER - It will soon be much tougher to immigrate to Canada. New regulations published by the federal government have raised the qualification standards and made them retroactive.

INDEPTH: Chinese Immigration

Immigration lawyers say hundreds of thousands of applicants all over the world will now be disqualified.

Sammi Liang is devastated. She came to Vancouver with her husband six years ago. Since then, her parents and her youngest sister have joined her. The family is waiting for the

last family member, sister Rinnee to join them from Canton, China. Rinnee has a job offer here. But she isn't fluent in English.

Under the old rules, she probably would have been accepted. Not anymore. "I just feel so sad," says Sammi. "This is unfair. We paid all the fees ahead. Now they just want to collect all the money. We cannot even get a penny back." That's \$1,500 the family paid knowing Rinnee would meet the old requirements. Because she doesn't meet the new standards, the immigration department gets to keep the cash. Rudolph Kischer is the immigration lawyer for the Liang family. He's horrified by the new regulations. Kischer says people who want to immigrate as skilled workers must now be be fluent in English, have at least a master's degree and have spent time in Canada. What's most shocking, he says, is that the new qualifications are retroactive. "People who have been waiting for five years to come to Canada will no longer qualify. This is unheard of in government policy." Kischer says the government has a backlog of about 500,000 people waiting to be processed. He believes these new qualifications have been put in place for no other reason than to clear the books.

(6) GLOBA & MAIL Tougher immigrant screening attacked

By DANIEL LEBLANC

Saturday, December 22, 2001 – Print Edition, Page A10

OTTAWA -- Ottawa will have to water down its proposed immigration rules to keep attracting its target of about 300,000 newcomers every year, the head of the Association of Immigration Counsels said yesterday.

"The minister [of immigration] will have no option but to move the bar down," John Ryan said.

Mr. Ryan was commenting on plans to change the system that screens independent immigrants to Canada. Proposed regulations, which will be finalized in two months, would put more emphasis on education, language skills and work experience, and less on having a specific occupation or trade.

Immigration lawyers complain that hundreds of thousands of people abroad made immigration requests under the old rules, but will be assessed under the more stringent new ones. Mr. Ryan said 80 per cent of his clients in China -- who he said would have been let in under the old rules -- will likely be disqualified.

Immigration lawyer Ben Trister said it seems obvious that the government is imposing the tougher rules to thin its backlog of 500,000 requests. He said the government will likely dilute the rules after reducing that backlog to a more acceptable level.

"You're not going to get 300,000 immigrants with [this new system], but I don't think that's the government's intention," he said.

The federal government and the Canadian Alliance are playing down those objections, saying that immigration lawyers are speaking out of self-interest. "The criticisms from those who have

a vested interest in always expanding the boundary of their own business is not credible," Alliance MP Paul Forseth said.

Immigration Minister Elinor Caplan has said that the new regulations are aimed at attracting "the best and the brightest" to Canada. The goal is to attract younger and more educated immigrants who will be able to quickly adapt to Canada's mobile work force.

Mr. Trister and Mr. Ryan said they doubt that the new system will allow Ottawa to attract a better type of immigrant.

Mr. Ryan said that Canada is part of a global competition for immigrants and that the best and the brightest will go elsewhere if the Canadian system is too stringent, slow and complicated.

Mr. Trister said the proposed regulations have some advantages. The new system would be more objective, and it would be easier for interested people to evaluate their chances of meeting the requirements.

However, he said the system is geared toward attracting people who already have ties to Canada, to the detriment of people who meet all the other requirements such as education and language standards.

(5) Second-rate procedures scare away first-rate newcomers

The Vancouver Sun

There are two ways for a government to deal with a politically sensitive issue. One is to make rigorous, thoughtful, fair decisions and remain faithful to them. The other is to flee. And for nearly a quarter century, our federal government has fled from pretty much every substantive question about immigration.

Now, its hand forced by public scrutiny of refugee-claimant terrorists and U.S. pressure to tighten Canadian borders, they're trying to get it right. But they're still getting it wrong. Three recent stories throw into relief what a mess Canadian immigration policy has been and continues to be.

Thursday, we learned that an Egyptian-born Canadian, Ahmad Said, al-Kadr has been named to the No. 9 spot on the U.S. most-wanted al-Qaeda terrorist list. In 1996, Prime Minister Jean Chretien blithely appealed to Pakistani Prime Minister Benazir Bhutto for "fair treatment" of Mr. al-Kadr after he was jailed in Pakistan in connection with a terrorist bombing.

On Boxing Day, an Ipsos Reid poll indicated that 69 per cent of Canadians say we don't scrutinize newcomers carefully enough, despite much-ballyhooed plans to spend more than \$100 million on new procedures.

Last week, lost in the pre-Christmas shuffle, was the news that qualification standards for independent immigrants -- the 60 per cent admitted based on their education, language and job skills -- will be raised.

On the surface, higher standards might sound positive. But few believe our requirements for independent applicants are a problem, and if they do it's usually because our regulations exclude capable, decent people. The new rules will exclude even more.

It will now be hard to gain admission without a university degree, fluency in French or English, a job offer and a relative in Canada. A tool-and-dye maker or welder with the last three qualifications, for example, would stand little chance of being admitted, even though we need their skills. Some estimate that 100,000 applicants who qualified under the rules at the time of their application will now be rejected.

Why raise the standards? Critics say it's simply to help to clear a backlog of more than 500,000 applicants, allowed to accumulate by an inefficient and understaffed bureaucracy. Potential immigrants applied in good faith on the government's advice that they'd qualify. They submitted \$500 application fees and put their lives on hold to wait for an answer. And they're now being told the rules have changed. Oh, and the government is keeping the application money, perhaps \$50 million, of those rejected because of the new standards.

Why not change the rules for so-called investor immigrants, who can buy citizenship for less than \$100,000, so they must actually be actively involved in Canadian business? Why not seek to reduce abuse of family-class immigration rules, which allow a sponsored parent to bring their children to Canada, then return home leaving the kids here?

Why not work harder to ensure that real refugees are provided for, rather than granting landed status to more than half of all claimants (compared to an international average of less than 20 per cent) and allowing most of the rest to disappear? Why not act to control welfare costs for refugee applicants, which hit an estimated \$700 million 1994 because the system was so clogged?

Why not provide the resources and rules required to make good decisions in a timely, effective manner, rather than erecting barriers that allow the system to merely disguise administrative incompetence?

If you're a potential immigrant capable of making a useful contribution to a new society, would you come to Canada, where a decision can take years and the rules might change in midstream? Or would you a more attractive country? The more capable you are, the more likely that you'd end up somewhere else.

Yet Canada is a nation of immigrants. And we continue to benefit from the right kind of immigration, culturally and economically. Diversity makes our communities richer, and as baby boomers retire, immigrants will help to pay their pensions.

However, our government's so afraid of offending those who rightly cherish our tolerance that it creates bad rules and makes bad decisions to solve problems created by other bad rules and decisions.

This cycle's hard to break, especially for a Liberal government so deeply tied to our generous immigration policy. There's little evidence that Prime Minister Jean Chretien or Citizenship and Immigration Minister Elinor Caplan -- she calls the new rules for independent applicants "inventory management" -- are capable of making the changes that our immigration system

requires. In fact, new immigration legislation recently passed by Parliament further entrenches many of the system's flaws. It even extends the rights of a Canadian citizen to immigration applicants in foreign countries.

The new legislation isn't adequate. Recent efforts to improve screening of and reduce waits for potential immigrants are only the beginning of the comprehensive reform we need to rules and practices for investor-immigrants, refugees and independent applicants.

After all, if Canadians don't believe in our immigration system -- and increasingly we don't -- there will come a time when we won't believe in our immigrants. For a country like Canada, that would be a monumental disaster.

(4) The Star - Jan. 4, 2002. Most of us would find we're not up to standard for Canada
Harald Bauder

The average Canadian would not qualify for Canadian residence based on proposed immigration standards, according to census data.

In a statistical exercise, the newly proposed selection guidelines were matched with data from the 1996 census to examine how many Canadians would actually qualify to immigrate to Canada as skilled workers. The results indicate the vast majority of Canadians are not good enough for Canada.

According to Immigration Minister Elinor Caplan, the new legislation seeks to attract skilled workers who can outperform the Canadian-born population in the labour market within a few years of their arrival. Caplan disclosed in an interview with The Star that "the hard working, blue-collar immigrants who built this country" are a relic from the past. Instead, she is "looking to bring people here that will integrate and succeed quickly" in the knowledge-based economy.

The higher bar for immigration candidates implies that Canadian workers are lacking the qualities needed in today's labour market. The stricter immigration policy ensures that Canada balances this lack with more desirable human capital from developing countries, whose skills far exceed those of the average Canadian. In fact, most Canadians would be denied entry to Canada under proposed legislation.

Such applicants would be knocked out in the first round. The "skilled worker" category applies only to managers, professionals, technical and skilled traders, and paraprofessionals. Canadians in all other occupations would not even be considered for immigration under the skilled-workers category. Those who do would be subjected to a rigorous point system.

The newly proposed point system awards points on the basis of education, official languages, work experience, arranged employment, age and adaptability. Of these criteria, education, official languages and experience comprise 70 points of a total of 100 points. The minister has suggested that anyone with fewer than 80 points will not be admitted to Canada.

Most people who grew up in Canada speak at least one of the two official languages and, since they are Canadians, they would certainly be considered highly adaptable to Canadian society.

They would score much higher in these categories than non-Canadians. In addition, many Canadians already have jobs in Canada and would obtain the 10 points for arranged employment. Canadians would have a large advantage over foreigners who apply for immigration from their countries of origin.

In spite of this advantage, only 26 per cent of Canadian-born men and 20 per cent of Canadian-born women over the age of 18 would qualify for immigration under the proposed skilled-workers program. Only 33 per cent of those in the desirable 21 to 44 age category, which gets the full 10-point age credit, would be eligible to land in Canada.

What do the high standards for immigration reveal about the agenda of our immigration policy? Caplan makes no bones about it: The skilled-workers program is designed to give Canada a leading edge in a competitive global economy. From a purely economic viewpoint, it would probably be most advantageous to strip all "unskilled" Canadians of their citizenship, expel them from Canada and replace them with the "best and brightest" immigrants the new policy seeks to attract.

Such a policy, however good for the economy, would likely be unpopular among Canadian voters.

The reality that most Canadians cannot live up to the standards of Canadian immigration policy raises some serious ethical issues. There is the fundamental problem of treating people differently simply because they were born in a different country. This differential treatment seems to contradict Canadians' keen sense for justice, equality and democracy.

Also, by tapping the world's "best and brightest," all Canadians can supposedly enjoy the economic benefits that economists predict will trickle down from the immigrants' labour. Whether this will actually happen or not, Canada's gain will be the other countries' loss, and this loss is felt most acutely in the developing world, which loses its best and brightest. This policy of luring skilled workers from poor countries contradicts efforts of the international community to assist these countries.

Much of Canadian immigrant regulation seems to be driven by the selfish pursuit of economic gain, rather than by motivations of democracy and equality. True, thousands of refugees are saved every year from political persecution and admitted to Canada based on humanitarian grounds, and tens of thousands more are happy to unite with their loved ones in Canada through the family-class immigration program. However, through the skilled-workers program Canada recruits the immigrants it deems most suitable for Canada. In this program the paradigm of economic gain overrides the objective of equality that we claim to embrace.

If we continue to drain poor countries of their human capital investments, the global divide between first and Third World will likely deepen. Moreover, if we do not change our perspective on immigration, our greed will render the equality of human beings mere rhetoric rather than a valued principle of our world.

Harald Bauder is assistant professor of geography at the University of Guelph.

(3) Dec. 18, 06:37 EDT Jolt to immigration hopes New rules likely to count

Out many applicants Allan Thompson OTTAWA BUREAU RELATED LINKS OTTAWA — Thousands of immigration applicants may find themselves disqualified under new rules that come into effect next June.

The new rules will apply retroactively, disqualifying some applicants who would have made it under the old rules, a senior immigration official confirmed yesterday.

The immigration department yesterday released its detailed package of proposed regulations to flesh out the new immigration law that was passed last month.

The Canadian Bar Association, the national organization representing Canada's lawyers, reacted with horror.

"The government is basically going to wipe out hundreds of thousands of applications and keep the money," said lawyer Ben Trister, head of the immigration section of the bar association. "Under the new point system, unless you have very, very close family here and a job offer, you're not getting in."

Trister said it looks as if the immigration department is trying to "cull" its backlog of more than 500,000 applications by rejecting many of them. Fellow immigration lawyer Robin Seligman, who heads the coalition Canadians for Fairness in Immigration Policy, called the proposed changes "a bloodbath."

"They have just basically shut the front door on people in spite of all this talk of closing the back door so that we can let legitimate immigrants in the front," said Seligman. "No matter how you work out the points, you will have to have a Bachelor's degree to get into Canada. This will cut out most blue-collar workers. How many tool and dye makers or welders have that education?"

The main bone of contention is the new point system for independent immigrants and the fact the new grid will be applied retroactively to many files already in the system.

"The basic rule is that once we proclaim the act, then the new rules will apply to everyone," an immigration official told reporters yesterday during a briefing on the new rules.

It is important to distinguish between immigrants and refugees. Refugees, who come here seeking protection because they fear persecution, are put through a separate screening process. Refugees are not affected by the point system.

Immigrants, people who apply to come here to live — not because of fear of persecution — fall into two broad categories: independent immigrants who are selected for their skills according to a point system (about 60 per cent of immigrants) and family-class immigrants who are sponsored by family members already living here and who don't have to go through the point grid to get in (about 40 per cent.)

The new point system puts much more emphasis on education, language skills, work experience and such ties to Canada as having family here or a job offer. It eliminates the old practice of giving points for certain occupations. `This will cut out most blue-collar workers'

Under the new system, the pass mark will be 80 points out of 100, up from 70 out of 100 in the old system.

Critics argue the 80-point threshold is so high it will screen out many good applicants. And for most cases, the new rules will be retroactive. In the past, when major changes in immigration rules have been brought in, prospective immigrants who already had applications in the system had their files processed under the old regulations. In administrative circles, that is called "grandfathering," or allowing existing applications to go forward under the old criteria when the rules change.

But the immigration official said the department doesn't want to have two systems operating in parallel and opted instead to limit the grandfathering of old provisions. "We have applied a principle of grandfathering in the past, we took a different approach with this legislation," the official said.

There are more than 500,000 immigration applications in the pipeline right now and about 60 per cent of those involve independent applicants who want to come to Canada in the skilled-worker category and must go through the point system. The other 40 per cent involve family-class applicants who are chosen for their family ties, not their skills, so they will not be impacted by the point system changes.

But the 300,000 or so applications under the skilled-worker category many of those filed months or even years ago at posts around the world — will be directly affected. Only those applicants who have been approved in principle or have had an interview before the new law comes into effect next June will be judged according to the old criteria.

All other applicants will have their files transferred to the new system. The only accommodation will be for applicants who had their files in the system before the formal introduction of the regulatory package yesterday. Those people will get a five-point bonus in the scoring system as a sort of compromise for forcing their files through the new grid.

"There will be some negative impact on individuals and there will be some positive impact on individuals," the immigration official said. The bar association contends the new grid sets a much higher threshold that will reject a great number of applicants who would have qualified under the old system.

"There are hundreds of thousands in the backlog who aren't going to make it here and the government is just going to keep their fees," Trister said. Applicants now in the system paid non-refundable processing fees of \$500 per adult and \$250 per dependent child.

Trister accused Citizenship and Immigration Minister Elinor Caplan of misleading Parliament by giving a Senate committee an assurance there was no need to worry about retroactivity provisions because the new system would be so much more generous that applicants would benefit.

The immigration official conceded that if there is a great hue and cry, the department could reconsider.

"We do have some flexibility in terms of the regulatory-making power," the official said.

The immigration department also expects to face a legal challenge to the retroactivity from applicants who could argue they were treated unfairly because they would have been accepted under the old system but have been disqualified by the new rules.

(2)Attention News Editors:

Association of Immigration Counsel of Canada - Media Release

TORONTO, Dec. 18 /CNW/ - The Association of Immigration Counsels of Canada (AICC) reacted today with grave concern over the effect of the proposed Regulations for Bill C-11, The Refugee and Protection Act, pre-published in the Canada Gazette over the weekend. The Regulations constitute the detailed rules that will be used to implement The Immigration and Refugee Protection Act due to come into effect on June 28, 2002.

AICC is a federally chartered non-profit organization whose membership includes former Canadian Government Officers, Diplomats, Lawyers and professional Immigration Counsel. "The Minister of Citizenship and Immigration has said repeatedly over the last year and a half that she wants to 'open the door wider' to legal immigrants," noted AICC National President, John Ryan. "Well, these Regulations will have exactly the opposite effect, slamming the door in the face of tens -- if not hundreds -- of thousands of skilled immigrants who have been waiting patiently to have their applications for permanent residence processed."

The Association is especially concerned that the new Regulations, which modify substantially the "points system" used to determine who is able to qualify to immigrate to Canada under economic class categories, will be applied retroactively to applications submitted years before the implementation of the new law. The processing fees paid by applicants (\$500 per adult applicant; \$100 for minor dependents) will not be returned to those whose applications are refused under new rules. "These applicants are not only having the door slammed in their face, but having their pockets picked at the same time," Ryan added.

"This action on the part of the Minister of Citizenship and Immigration will have a long-term impact on the reputation of Canada as a country that deals fairly with potential immigrants. It is, in our view, simply un-Canadian." "Citizenship and Immigration Canada (CIC) has, over the last several years, allowed huge backlogs to pile up, mostly in visa posts in Asian countries," said Joe Kenney, National Vice-President of AICC. "Now the Department is using these new rules to systematically wipe out this backlog.

This is a denial of basic fairness to applicants and will result in expensive legal challenges that the government will have to defend against. And given that most of the backlog exists in Asia, the Government's actions will have a profound, disproportionate impact on Asian applicants." AICC is urging the federal government to re-consider its position on the issue of the retroactive application of the Regulations before the 60-day consultation period ends on February 13, 2002. "The Minister and CIC still have time to correct what is, in our view, a grave mistake that will have a long-term impact on the ability of Canada to attract the best and brightest of the world's skilled workers," noted Mr. Ryan.

ASSOCIATION OF IMMIGRATION COUNSEL OF CANADA has 1 release in this database.

(1) Montreal Gazette Sunday, December 23, 2001

After a brief upward blip in the early 1990s, Quebec's birth rate continues to fall. Last week, the Institute de la Statistique du Québec reported only 73,600 babies were born in the province last year, the lowest absolute number since 1910 and only half the number of annual births in the late 1950s. Birth rates are also falling in the rest of Canada, notably in Ontario, where the fertility rate is now almost identical to the Quebec rate of 1.4 children per woman.

More than ever, Canada is dependent on immigrants for economic growth. But the proposed new federal immigrant-selection grid, unveiled Dec. 14, is blind to this political reality. Instead of making it easier for immigrants to come to this country, the new grid will make it harder.

All Western countries use grid systems to aid in the selection of so-called "independent" immigrants, skilled workers who are distinct from refugees or family-reunification migrants. These grids award points for various qualifying criteria, such as education and work experience.

Under the existing federal grid, applicants need to score at least 70 out of 110 points. But under the proposed new grid, they'll have to score at least 80 out of 100 points. Unless they have a validated job offer (worth 10 points) or can speak fluent English or French (16 points), most applicants will have difficulty scoring the minimum 80 points.

The proposed grid is subject to a 60-day revision period under the regulations passed last week. If it isn't amended before mid-February as a result of public input to the minister of immigration's office, it will take effect as is.

The potential impact of the new policy is clear. If the proposed grid had been in place over the past two generations, Jews from eastern Europe wouldn't have been able to settle in Montreal. Similarly shut out would have been many Italian, Portuguese and Greek immigrants who learned their English and French after arriving in Montreal, and who raised trilingual children who have contributed to the economic and social vitality of this city.

At the moment, there are 140,000 independent-immigrant applications in the processing backlog. Under new regulations, these 140,000 will be processed under the terms of the new grid if their files aren't finalized by next June 28. This kind of retroactivity goes against the principles of law-making. The federal government should treat the 140,000 - representing 500,000 people, once their families are taken into consideration - according to the rules in place when they first applied.

The new grid makes no strategic sense, given Canada's need for more immigrants to help maintain economic growth and tax revenues sufficient to support an aging population. What's more, the new election process lacks transparency. Many of the people who fail to score high enough will still be able to gain immigrant status if they pass a subjective assessment by an immigration officer. As the new system increases the discretionary power of immigration officers, critics are rightly worried that this power might be used to close doors to certain immigrant groups.

As it is, most of the 140,000 in the backlog are from South Asia, China and the Middle East, where demand for immigration to Canada is high but where Canada keeps fewer immigration officers than it does in European countries. The inequitable distribution raises questions about Canada's immigration priorities.

The proposed new grid would only apply to immigrants seeking entry to a province other than Quebec, as Quebec has been choosing its own independent-class immigrants since 1978. Quebec's own new grid, adopted in September, is more welcoming than the new federal one, but it, too, places an unreasonably high priority on French-language abilities, to the detriment of other skills. This province, like the others, is suffering a brain drain to the U.S., and any move that makes it difficult for immigrants to enter reduces the potential pool of skilled labor. Both Ottawa and Quebec need to take corrective action.

GLOBE & MAIL

Immigration plans unjust, lawyers say by DANIEL LEBLANC

Wednesday, December 19, 2001 – Print Edition, Page A6

OTTAWA -- The federal government is set to adopt unjust, retroactive immigration rules to get rid of its backlog of 500,000 applications quickly, an immigration lawyer said yesterday.

Ben Trister of the Canadian Bar Association, and other immigration lawyers, blasted Ottawa's plan to change mid-course the way it will handle tens of thousands of applications from would-be immigrants.

They charge that the proposed regulations, which would raise the bar for immigrating to Canada starting in June, should not apply to people who have already paid a \$500 fee to process their applications under the old set of rules.

Under proposed regulations released on the weekend, the federal government would change the way it evaluates immigration requests. In the case of independent immigrants who do not have family in Canada, the new rules would put more emphasis on education, language skills and work experience, and less emphasis on having a specific occupation.

The government said this will improve the quality of immigrants to Canada, and dismissed worries of lawyers who are paid to help people come to the country.

"Canada needs immigrants, and these are new regulations aimed at bringing the best and the brightest in Canada," said Derik Hodgson, a spokesman for Immigration Minister Elinor Caplan. He rejected the call to process the applications already in the system under the old rules.

(0) Foreigners face 2 sets of rules

GLOBE & Mail

Tuesday, December 18, 2001

Tens of thousands of people waiting to learn whether they will get into Canada under a skilled-worker immigration program may face new, retroactive selection rules that put more stress on education and less on occupation.

The government's proposed immigration regulations, issued for public comment on the weekend, offer two sets of rules for the 500,000 foreigners who have already applied, depending on whether their cases are handled in the next six months or so.

The existing rules would apply to immigrants selected or rejected before the new Immigration and Refugee Protection Act, Bill C-11, comes into force, possibly in June. A new point system for education, work experience and language skills would apply to the others.

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