FAMILY REUNIFICATION: THE KEY TO SUCCESSFUL INTEGRATION

ABSTRACT

This article describes how the family reunification process works, as well as examining the system's strengths and weaknesses and offering suggestions for more effectively meeting the needs of immigrants who wish to reunite with relatives.

Canada is one of the most culturally diverse nations in the world. Our diversity has grown over the past century as a direct result of our immigration policies, which have changed from being based on exclusion and discrimination to tolerance and inclusion. Policies regarding family reunification have similarly evolved from the arbitrary and often racist regulations of the early twentieth century, to the relatively fair and non-discriminatory process we have today. In the past three decades, family reunification has become a pillar of Canada's immigration program.

This article describes how the family reunification process works, examines the strengths and weaknesses in the system, and suggests how we might be more effective in meeting the needs of immigrants to reunite with their relatives. I will be looking at this issue from the perspective that all Canadians have the right to an extended family and, that to achieve this end, we must integrate family values into our family class immigration policies.

The Process

The *Immigration and Refugee Protection Act (2001)* states that one of the law's objectives with respect to immigrants is "to see that families are reunited in Canada." Canada's current immigration legislation allows Canadian citizens and permanent residents who are over the age of 18 to sponsor the following family members for permanent residence:

- spouses, common-law or conjugal partners 16 years of age or older;
- parents and grandparents;
- dependent children, including adopted children;
- children under 18 years of age being adopted; or
- brothers, sisters, nephews, nieces or grandchildren who are orphans, under the age of 18 and not married or in a commonlaw relationship.

People may also sponsor one relative of any age if they do not have an aunt, uncle, or a family member from the list above who could be sponsored or who is already in Canada. There are, of course, financial requirements for the sponsors, who must promise to support their relative and any accompanying family members for a period of three to ten years to help them settle in Canada.

The Strengths and Weaknesses of Family Unification Today

Our immigrant population has grown significantly over the past decade which has resulted in a steady increase in the number family reunification applications. During this time, the government instituted a quota system that limited the number of people accepted in this category, and there was an increase in the scrutiny of medical and security checks in light of 9/11. The result has been a growing backlog of family class applications and a dramatic increase in the processing times.

We have seen some significant and positive changes to the family class immigration policies in the current *Immigration and Refugee Protection Act* (2001) and in subsequent changes to regulations:

- Children under the age of 22 are now in the family class, as opposed to under 19 in the recent past.
- Individuals are able to sponsor at age 18 (down from 19).

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- Dependent children now include children under legal guardianships.
- Same- and opposite-sex common-law couples are now formally recognized and accorded rights, as are conjugal partners.
- Spouses, common-law partners, conjugal partners and dependent children are exempt from the health requirements related to excessive demand.
- Spouses and common-law partners with temporary status in Canada may be sponsored for landing in Canada as part of a defined class.
- Fiancés are no longer a separate group, but may be sponsored if they are conjugal partners.
- There are streamlined methods of recovering payments upon sponsorship default.
- There are more rules excluding people from sponsoring family, including those in default of court-ordered family support payments, and those convicted of specified family-related crimes.
- The duration of the sponsorship period for spouses and common-law partners is now three years, and varies for children depending on the age or situation of the child.
- Spouses and common-law partners of Canadian citizens and permanent residents, regardless of their status, will be allowed to remain in Canada while their immigration application is being considered.

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Despite these improvements, the current policies regarding family class immigration continue to have obvious flaws. That was why the Standing Committee on Citizenship and Immigration that I chaired found that issues related to family reunification required more study. The Committee heard evidence on this issue in Ottawa, and during its March and April 2005 cross-Canada hearings held in all the provincial capitals as well as Calgary, Montreal, Vancouver and Waterloo Ontario. Scores of individuals, representatives of agencies serving immigrants, legal and cultural associations, and officials from the Department of Citizenship and Immigration participated.

In their evidence and submissions, witnesses told us that family separation creates negative effects on all aspect of life, processing times are too long, and too many barriers to family reunification exist. Witnesses expressed dissatisfaction with the family unification process in Canada. We concluded that rectifying the current problems would require broad systematic changes to seriously reduce processing times, redirect immigration policy regarding who enters Canada, and eliminate other barriers to family reunification.

From an economic perspective, excessive delay will cost Canada in terms of the possible contributions of newcomers. Recent immigrants may have to turn to public authorities for support in the absence of their relatives, who either cannot be sponsored or who face lengthy overseas processing. The economic contribution to Canada of sponsored relatives is also delayed or, in many cases, never realized when years pass without result. Money also tends to flow from Canadians to their relatives outside of the country. Reuniting the family here would have direct financial benefits for all of Canada.

Family separation can have devastating emotional impact. Children separated from their parents for years, spouses kept apart, elderly parents facing a wait of five or more years to be able to join their children here; these situations cause extraordinary mental anguish. The suffering of the family members in Canada was palpable during the Committee's hearings. Many described the process as systemic cruelty.

The presence of family in Canada rather than language skills or work experience is the most telling indicator of likely success in Canada. Witnesses suggested that a family class immigrant earning $20,000 a year is likely to be happier and better adjusted than an immigrant earning double that amount who came as a skilled worker but is unable to work in their chosen field.

The Issues to be Addressed

The 60-40 Split

As a matter of policy, several years ago the government determined that 60% of newcomers should be from the economic category and 40% from the non-economic category (Family Class, Refugees, and Humanitarian and Compassionate cases). This policy was made in the belief that accepting people with educational credentials and professional qualifications is in the best economic interest of Canada. The fact is, there is nothing magical or scientific about the 60-40 split and no one can point to any studies that produced these numbers.

While there is an obvious benefit to have highly educated professional immigrants, the 60-40 split policy was ill-conceived and based on insufficient studies determining both the benefit and success rate of this class of immigrant. In fact, many immigrants that come in under the point system have had trouble finding work in already saturated fields. There may be no strong market demand for their skills or their qualifications cannot be certified. At the same time, applicants with skills in the trades we need cannot get in because they typically do not qualify under the points system.

I believe immigration policy needs to be guided by our real needs. The 60-40 arrangement limits the overall number of potential family class immigrants: in 2004, family members made up 52,000 of the 245,000 immigrants. The department and the government should be re-examining its policy balance with a view to increasing non-economic immigration and bringing in the skilled tradespeople that Canada really needs. As I mentioned above, family reunification has distinct and real economic benefits on many levels.

Processing Parents and Grandparents

Under current family reunification regulations, priority is given to spouses and dependent children, which limits the number of visas available to other family class members such as parents and grandparents. They must wait for years to be reunited with their children and grandchildren; the current backlog is estimated at 115,000 while the annual quota has only recently increased to approximately 18,000. Thus, anyone who applies now can expect a five-year processing time.

Some argue that increasing the numbers of older and elderly immigrants will tax an already stressed health system. The truth is that the relatively small number of immigrants in this category (7 percent of total annual immigration) will produce a very small increase in the use of the system. The improved economic and quality of life ramifications for the many Canadian families who will have live-in parents and grandparents balances, if not outweighs, this cost.

Parents and grandparents make a real contribution to immigrant families and communities. Some have financial resources that can help struggling relatives to establish themselves. Others have professional training they can contribute on a volunteer or professional basis. Still others provide daycare and take care of the household needs while both parents are working. Considering the limited life expectancy of elderly people and the hardship separation causes them and their families in Canada, the quota for this category must be increased and their applications expedited.

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The Definition of Family

Many people argue, and I agree, that we need a broader definition of the family unit. It is interesting to note that the nuclear family is not the functional model that is recognized in most societies. I think that we need to revisit Canada's immigration policies so that they better reflect the extended family relationships that are common in many areas of the world.

The fact that siblings are not considered to be members of the family class unless they are orphaned minors or dependants of sponsored parents is a sad situation. Siblings and cousins can help provide emotional and financial support to their family in Canada and may assist in retaining immigrants in areas of low immigration.

Length and Disparities in Processing Times

The length of the processing times for applications is excessive and causes hardship for all parties concerned. As mentioned above, the main reason for this is the increase in the number of applicants, quotas imposed for this class of immigration and more intense scrutiny of applications. While the government has instituted processed to expedite the process and cut down on waiting times in recent years, the problem still exists and must be addressed.

The different processing times at Canada's visa posts are also a subject of concern. For sponsorships of spouses and dependent children, for example, some posts process 80% of their cases in three months, while others take 20 or 30 months.

Final Thoughts

The mere existence of a policy does not make it right. We must change policies so they best serve the interests of the country at any particular time. In our history we passed discriminatory and racist immigration policies that created suffering we are still atoning for today.

We have also had immigration policies that fulfilled their purpose for a while, but more recently become counter-productive. For example, the point system brought in many highly educated immigrants but made the immigration of other skilled tradespeople difficult. To fill this vacuum, we brought in thousands of temporary workers who have stayed and ended up as undocumented workers (people who have no legal status and feed the labour needs of an underground economy). This example shows the pitfalls of keeping policies that no longer work.

The settlement of new Canadians is a real challenge and an issue that warrants our attention and focus. We need to change our perspective regarding immigration from seeing it as something that we allow because we are a humanitarian country or because it serves a short-term economic need. Rather, immigration represents the lifeblood of this country. One only has to look at Canadian demographics and see that growth in our workforce and our economic strength in the next decade will rely on immigration.

There are three or four centres in Canada that attract the majority of immigrants. However, all regions of the country are looking for immigrants to provide needed labour and skill sets. The most logical way to make less popular centers attractive to immigrants and ensure they stay is to create clusters of extended families. Family reunification is a key element in creating and maintaining the viability of smaller ethnic communities in these regions.

Family reunification serves the purpose of enabling the successful settlement of new immigrants and enhancing the quality of life of new Canadians by providing them with an extended family support network. We know that when people come to a country where they have ties with relatives they will have an easier time settling.

Changes are needed in the way we deal with the issuance of non-resident (visitors) visas. It is important that the visa regulations are humane and allow for family members to come to Canada to attend the mileposts such as births, marriages and funerals in the lives of their Canadian relatives.

Finally, we must understand that the relative importance of the various classes of immigration to our country's economic success, changes as our demographics and society changes. That is why we need to re-examine our quota-based immigration policies on a regular basis to ensure they provide the mix of immigrants that best serves Canadian interests. This means putting more resources into facilitating the settlement and integration of immigrants. Family reunification plays an integral and critical part in this and must be expedited and expanded.