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METROPOLIS Policy Brief

The Skilled Worker Class

Selection Criteria in the Immigration and Refugee Protection Act

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Immigrant Selection in Canada: Background

Declining birth rates and a rapidly aging population are depleting the size of Canada's workforce. Analysts predict that by 2020, one million Canadian jobs could go unfilled. As a result, immigration is being seen, increasingly, as necessary for economic growth and well-being.

More than 200,000 immigrants come to Canada each year, and the country has adopted a comprehensive immigration policy to process these applicants. The program contains provisions for several classes of immigrants: family, economic (which includes skilled workers, provincial nominees, self-employed persons, entrepreneurs, and investors), and refugees.

The new *Immigration and Refugee Protection Act* (IRPA) was implemented on June 28, 2002, and in the months preceding its enactment, the selection process, particularly for the Skilled Worker Class, was given considerable attention. The Skilled Worker Class is an economic entry category and the class, as defined by the regulations, covers those applicants "who may become permanent residents on the basis of their ability to become economically established in Canada." Under the 1991 Canada-Québec Accord, Québec may determine its own selection criteria; this brief looks only at the criteria for those skilled workers who are selected by the Government of Canada. In 2001, Canada admitted 137,000 skilled workers.

Under IRPA, the selection criteria for the Skilled Worker Class emphasize human capital attributes and flexible skills, rather than the specific intended occupations of applicants, as the previous selection system did. It is believed that the new macro approach offers greater flexibility and is more responsive to labour market realities. The new points system assesses education, language proficiency, employment experience, age, arranged employment and adaptability, to a

Summary

This policy brief examines research pertinent to the selection criteria for Skilled Workers, which were introduced in the *Immigration and Refugee Protection Act* (IRPA). Under the IRPA regulations, the selection criteria for Skilled Workers emphasize human capital attributes and flexible skills, which includes an applicant's education, official language proficiency, age, employment experience, and adaptability. This brief outlines the selection criteria for Skilled Workers and explores selected research. Research findings suggest that although some of the attributes evaluated under the selection system, such as official language proficiency and education, have clear impacts on economic success in Canada, the impact of other attributes is less certain. Moreover, research suggests that many visible minority immigrants face significant obstacles in the Canadian labour market, regardless of their level of official language proficiency or education. The brief concludes by discussing some of the policy implications of the research.

Policy Briefs

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maximum of 100 points. Presently, applicants qualify for landed immigrant status if they achieve 75 points or higher.[1]

This policy brief will examine the selection criteria for the Skilled Worker Class and explore some of the relevant research. It will then outline some of the policy implications of this research. The literature review is not exhaustive, but does provide a sample of some of the most pertinent research findings on the selection criteria. Most of the research used in this review has been undertaken by affiliates of the Metropolis Project.

Selection Criteria for Skilled Workers

a) Education

Under the points system for the Skilled Worker Class, applicants are awarded points based on their level of education, up to a maximum of 25 points for a PhD or Master's degree with at least 17 years of full-time study.

Research suggests that education obtained pre-immigration will have a smaller effect on earnings than education obtained post-immigration[2]; positive returns from education increase when the education is obtained in Canada (Gozalie 2002). However, Gozalie (2002) notes that negative returns from education that immigrants experience may be diminished when immigrants are selected from "elite" countries, such as the United States, the United Kingdom, Germany and Italy, which have labour market and education systems similar to Canada's. Nonetheless, even among elite immigrants, "earnings . . . rise at a slightly lower rate than that of their Canadian born counterparts over time in Canada and the impacts of schooling . . . prior to immigration are smaller than if these characteristics were obtained in Canada" (21).

Pendakur and Pendakur (1996) found that "among men and women, visible minority immigrants do worse than white immigrants, even if educated in Canada" (3). Even when they controlled for foreign schooling, the penalty to visible minority immigrants' earnings remained. Thus, for visible minority immigrants, achieving earnings comparable to Canadian-born counterparts is a significant challenge, whether they have been educated in Canada or not.

A further challenge is the recognition of foreign credentials and education. Whether overtly, through outright non-recognition, or covertly, through discrimination or underutilization, immigrants may find that foreign education and training are less valuable than comparable Canadian training and education, or that their education and training place them in significantly lower occupations than in their countries of origin. (see Reitz 2001). However, Hiebert (2002) notes that "while it is true that the education credentials of immigrants are frequently ignored in the Canadian labour market, participation rates and employment earnings rise steeply with higher levels of educational attainment" (34). In other words, while immigrants with foreign education and training may fare worse than the Canadian born, they will fare better than immigrants with less education and training. According to this view, while the non-recognition of foreign credentials and education is problematic and constitutes a waste of knowledge and talents, those immigrants with education and training are nonetheless better placed to succeed in the Canadian labour market than those without such credentials.

However, it is contrary to the very goal of Canada's immigration and multiculturalism policies – to welcome and integrate new Canadians – if we compare immigrants' labour market performance only to that of other immigrants and not in relation to the performance of native-born Canadians with comparable education and experience. Although caution must be exercised when comparing the performance of immigrants and non-immigrants to ensure that differences in life experience and opportunities are taken into account, measuring success based only on immigrant's performance in relation to other immigrants may foster marginalization.

Research has also shown that positive returns from education depend, in large part, on official

1. Citizenship and Immigration Canada will phase in the new selection system and pass mark during a transition period that is outlined in the regulations. Applicants applying after the coming into force of IRPA will be assessed against the new criteria, with a pass mark of 75. Applicants who applied before January 1, 2002 will be assessed under the old system until March 31, 2003. Commencing April 1, 2003, any applicants who applied before January 1, 2002 and who have not yet received a selection decision will be assessed under the new criteria, but with the lower pass mark of 70 points.
2. "Post-immigration" education includes education received in Canada as an international student even if the studies were undertaken prior to formal immigration.

language proficiency. Hiebert's work (2002) indicates that in the absence of official language proficiency, immigrants with higher education will not experience a positive return on earnings, particularly if they are unable to access settlement services, such as language training (27). Similarly, Chiswick and Miller (2000) point out that education "may be of little, if any, value to an immigrant with no knowledge of the destination language" (4). In their view, official language proficiency and education are complements in the labour market.

b) Language proficiency

Applicants are awarded points based on their proficiency in Canada's two official languages, up to a maximum of 24 points. These points are determined according to standard language benchmark tests, which are administered by a designated language testing organization, and assess an applicant's ability to speak, listen, read and write. Applicants may also choose to submit other evidence of their language proficiency, in lieu of testing.

"Proficiency in one or both of Canada's official languages has a consistently positive effect on both immigrant earnings and employment opportunities".

DeVoretz et al., 2000

Research findings indicate that immigrants who arrive in Canada knowing an official language are more likely to succeed in the Canadian labour market. In a review of studies on the relationship between immigrant's second language acquisition and labour market performance, DeVoretz et al. (2000) found that "proficiency in one or both of Canada's official languages has a consistently positive effect on both immigrant earnings and employment opportunities" and, moreover, that "the rates of return from second language acquisition are large" (48). In addition, as Chiswick and Miller (2000) point out, "Destination language proficiency can have indirect impacts on labor market earnings through the effect on the productivity of other forms of human capital [such as] schooling and labor market experience" (4).

During consultations on the new Act, the Commissioner of Official Languages intervened to emphasize the importance of functional bilingualism, particularly for immigrants choosing to settle in official language minority communities. This intervention resulted in an increase in the number of points awarded for the second official language, from 4 to 8 (Quell, 2002).

However, research has found that the relationship between language proficiency and annual earnings is not strictly linear. For example, Chiswick and Miller (2000) note that there are differences in earnings even among those immigrants who can conduct a conversation in an official language. Specifically, immigrants who can conduct a conversation in an official language and generally use an official language at home earn more than those immigrants who can conduct a conversation in an official language, but generally use a non-official language at home (7). Still, most researchers support a selection system based primarily on official language proficiency as it is agreed that this is the single best predictor of future economic success in Canada. By setting the pass mark at 75 points, the selection criteria for the Skilled Worker Class virtually excludes those applicants with limited or no proficiency in an official language (see Hiebert, 2002).

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Nonetheless, Pendakur and Pendakur (1997b) have shown that knowledge of an official language is not always a guarantee of economic parity. Their research indicates that "knowledge of minority languages is correlated with lower earnings for men and women in Canada's three largest cities [Toronto, Montreal and Vancouver]" even when knowledge of an official language is held constant (16). In other words, immigrants who speak both an official and a non-official language tend to earn less than those who speak only an official language, although this negative return diminishes as the local linguistic population grows. Pendakur and Pendakur argue that the negative return on non-official language proficiency is a result of discrimination in the labour market, which may be based on culture as much as on colour, and that large

enclaves of linguistic groups may minimize this discrimination by sensitizing the population to accent and other cultural artifacts.

c) Employment experience

Applicants are awarded points based on labour market experience, up to a maximum of 21 points for four or more years of experience. The relationship between experience and potential earnings exhibits many of the characteristics present in the relationship between education and potential earnings. Gozalie (2002) points out that while experience from source countries with labour market systems similar to Canada's pays a higher return than experience from other countries, returns on post-immigration experience are greater than those for pre-immigration experience. Employers in Canada may not recognize experience attained abroad, or may value it less than Canadian experience. However, Chiswick and Miller (2000) argue that "experience acquired abroad can be more profitably transformed into higher earnings where the immigrant has shifted fully to the use of an official language in everyday life in Canada. Where an immigrant cannot conduct a conversation in an official language, pre-immigration experience, like educational attainment, is not associated with higher earnings" (11). This demonstrates, once again, the centrality of official language proficiency to labour market success.

"Where an immigrant cannot conduct a conversation in an official language, pre-immigration experience, like educational attainment, is not associated with higher earnings".

Chiswick and Miller, 2000

d) Age

According to the age criteria, applicants between the ages of 21 and 49 are awarded a maximum of 10 points. Other applicants incur a penalty of 2 points for each year above or below this range.

Although doubtless most researchers would agree that immigrants in their "working years" are most able to contribute to the Canadian economy, there may be some disagreement over the age range outlined in the selection criteria and what precisely constitutes one's "working years."

Research by Joseph Schaafsma and Arthur Sweetman (1999) indicates that "age at immigration matters" because younger immigrants are more likely than older immigrants to receive education and acquire experience in Canada and are thus less susceptible to the devaluation that research suggests older immigrants experience. They also note that younger immigrants may acculturate more easily than older immigrants and suggest, as well, that younger immigrants are often highly motivated, which leads them to outperform other immigrants and, in some cases, the native born. Schaafsma and Sweetman's research suggests that immigrants who settled in Canada before the age of 10 experience the lowest earnings differential of all immigrants. Among visible minority immigrants, those who immigrated before the age of 10 do not experience a reduction in earnings relative to other immigrants, but visible minority immigrants who arrive later in life do. In contrast to Pendakur and Pendakur, Schaafsma and Sweetman suggest that earnings differentials for visible minority immigrants may be a result of age at immigration, rather than necessarily discrimination.

e) Arranged Employment

A maximum of 10 points is awarded to applicants who have a confirmed offer of employment in Canada.

Although research on the relationship between arranged employment and labour market success is scant, Gozalie (2002) has argued that some immigrants may be disadvantaged in the Canadian labour market, particularly in the period immediately following their arrival, because they lack the networks and knowledge about local conditions that would facilitate employment placement (6). Arranged employment, which may mitigate a newcomer's need for networks and other connections to obtain employment, therefore is likely a predictor of potential success in the Canadian labour market.

f) Adaptability

A maximum of 10 points is awarded based on an applicant's adaptability, which includes: the education of the Principle Applicant's spouse[3]; previous work

3. "Spouse" refers to the Principle Applicant's husband or wife or common-law partner.

or study in Canada by either the Principle Applicant or the spouse; a family relationship in Canada; and a maximum of 5 points based on those points received under the arranged employment criteria. This approach replaces the "personal suitability" factor that was previously used and, it is believed, is a more objective means of assessing an applicant's potential adaptability to Canada.

Under adaptability, Principle Applicants are awarded points according to an assessment of the spouse's education, where applicable. It is believed that spouses with higher levels of education will be capable of entering the labour force and augmenting the family's contribution to the economy. The gender-based analysis of Bill C-11 noted that recognition of the spouse's education would "have positive gender impacts" (Citizenship and Immigration Canada, undated).

However, the criteria do not assess where the education was obtained, and research suggests that there may be a tenuous relationship between education not obtained in Canada and potential earnings. In addition there is no assessment of spousal official language proficiency, which has been strongly linked to potential earnings and higher returns on immigrant education. In the absence of such an assessment and financial support for spousal language training, it may be more difficult for the spouse to be successful in the Canadian labour market, regardless of his or her level of education, and particularly if the education was not acquired in Canada.

Awarding points for previous work or study in Canada by the spouse or the Principle Applicant recognizes the positive benefits derived from prior Canadian experiences and the relationship between these experiences and more successful integration. Research indicates that immigrants with Canadian work or study experience are more likely to succeed in the labour market.

Finally, it is likely that a family relationship in Canada would enhance immigrants' ability to integrate and, as a result, on their potential economic contribution to Canada. Research on "network capital" has found that contacts in the host country do make a significant difference in integrating, particularly for lower-status ethnic immigrants. Some researches (Ooka and Wellman , for example) argue, however, that it is heterogeneous networks, rather than networks composed only of members from an immigrant's own ethnic group, that are of the greatest benefit.

Skilled Workers vs. Other Newcomers

Although the intent of the selection process in Canada's immigration system is to select those immigrants who are most likely to succeed in Canada, some newcomers will nonetheless fare better than others and, indeed, better than some native-born Canadians. This is a result of a complex set of factors, including discriminatory experiences, the ability to form networks in Canada and access to support services that facilitate integration. As such, the selection process is only a predictor of future success and not a determinant.

Indeed, some newcomers have fared surprisingly well, in spite of lower levels of education and language proficiency (Hiebert 2002). Others have not fared as well, in spite of official language proficiency and higher levels of education (Pendakur and Pendakur 1997a, 1997b). Hiebert's study shows the utility and benefit of offering a full range of settlement services, such as welfare and language training, to newcomers. He found that refugees who arrived in British Columbia with no proficiency in an official language nonetheless were faring quite well in the labour market and hypothesizes that the wide range of settlement services offered to refugees facilitates official language acquisition and offsets their initial lack of proficiency. He therefore recommends "increasing settlement services [to immigrants], especially in the area of social support and language training, in an effort to better prepare immigrants for the work force" (35).

Another reason for increasing settlement services is that even within the Skilled Worker Class, only the Principle Applicant must achieve the minimum pass mark of 75; the Principle Applicant's dependants need not. Dependants may lack official language skills, and any language training required would be the financial responsibility of the family. For the spouses of Principle Applicants, who are assessed based on their education, but not on language ability, low-level official language proficiency may

have detrimental effects on long-term earnings because economic success is generally predicated on official language proficiency (see, for example, Pendakur and Pendakur 1997a).

Similar conclusions can be reached from David Ley's study (2000) of business immigrants to British Columbia. He notes that, contrary to media reports and some scholarly research, business immigrants, who include investors, entrepreneurs and self-employed applicants, may have not fared very well in the province. Available evidence suggests that many were unemployed and living off savings or investments in their countries of origin, some had spouses who had returned without their families to their countries of origin, and most were discouraged about their economic prospects in Canada. Ley points out that one of the central problems was the lax selection criteria, including only limited requirements for official language proficiency, education and experience. Because business immigrants are viewed as self-supporting, they are expected to finance their own language training, which is often not feasible, given their minimal earnings and, when employed, the need to work long hours in order to achieve a degree of success (Ley 2000; Hiebert 2002).

Criticisms of the Selection System

Critics of the selection system for Skilled Workers argue that it is too restrictive and that too few immigrants will be admitted as a result. This is seen as especially problematic given concerns over the "brain drain" and the shortage of skilled workers in Canada; researchers have argued that immigration is one way to offset the loss of native-born Canadian skilled workers, particularly if immigrants' skills and credentials are recognized and utilized (see Reitz 2001). In the prepublished regulations for IRPA, the Department of Citizenship and Immigration recommended raising the pass mark for Skilled Workers from 70 points to 80 points, but in the final regulations, the pass mark was set at 75 to respond to concerns that anything higher could prevent the immigration of many skilled workers to Canada. In spite of this change, the criticisms have persisted.

In addition, a gender-based analysis of Bill C-11, the legislation that preceded IRPA, noted that "awarding points on the basis of formal education, training and patterns of paid labour force participation does not always take into account barriers that women face in accessing those opportunities in source countries" (Citizenship and Immigration Canada, undated). Gender stratification, unpaid domestic labour and interruptions in paid employment to bear and raise children may all have disadvantageous effects on female applicants under the Skilled Worker Class. On the other hand, the emphasis that the selection system places on education, rather than paid labour force experience, will likely have a positive effect on female applicants.

Other observers criticize the criteria, arguing that points should be awarded for additional or different criteria, such as the existence of a settlement plan and support from community organizations or intended future study in Canada. According to this view, other attributes, which are not assessed by the current selection criteria, may contribute to an immigrant's economic success in Canada.

The Australian Example

Australia's Skilled Stream, like Canada's, assesses applicants based on several human capital attributes, including English language skills (20 points), age at immigration (up to 30 points) and work experience (up to 10 points with bonus points for Australian work experience).

However, under the Australian system, while these attributes are assessed and count toward an applicant's overall score, the emphasis is on occupation, not human capital.

Australia's selection criteria for skilled workers emphasize intended occupation.

The applicant's nominated occupation must appear on the Skilled Occupations List, which includes most occupations that require a degree, diploma, or trade qualifications. Occupations that require specific training are awarded 60 points, while 50 points are awarded for more general professional occupation and 40 points for other general skilled occupations. With 150 possible points and a current pass mark of 115 points for independent

migrants, the nominated occupation is a significant component of the selection system.

The emphasis on occupation is evident in other aspects of Australia's selection system. For example, points are awarded to applicants with an occupation that has been identified as "in demand" (10 points for applicants with a job offer for an occupation in demand; 5 points for those with such an occupation, but no job offer). Canada's Skilled Worker selection system has purposefully turned away from using occupation-based criteria.

Other differences exist. For example, although the Australian program awards points for education, applicants obtain these points only if the degree is from an Australian institution because it is believed that applications with Australian qualifications are more likely to find employment in Australia. In addition, whereas Canada's adaptability criterion assesses only the spouse's education, Australia assesses the spouse using the same criteria as is used for the Principle Applicant. Given the research findings on education, which are noted above, these features of the Australian system should be examined in the Canadian context.

In addition, there is little research that directly compares Canada's new selection system for skilled workers, which emphasizes human capital exclusively, with Australia's occupation-based system. This is no doubt due, in part, to the infancy of Canada's selection system under IRPA. Research on labour market outcomes and earnings of immigrants selected under human capital- and occupation-based schemes could shed light on the utility of the different approaches, as well as on the relationship between selection criteria and immigrant success. The Australian case could be treated as a "natural experiment" – a rare opportunity for Canadian researchers and policy practitioners to test policy inputs, such as selection criteria, against real policy outcomes.

Policy Implications

The relationship between selection criteria and eventual outcomes is complex, but the research does show that certain attributes are more plausible predictors of immigrants' potential economic contributions and well-being than others.

Official language proficiency appears to be one of the key determinants of labour market success in Canada. Given the emphasis on language proficiency in the selection criteria, it is likely that Skilled Workers will fare well in the Canadian labour market, particularly if their education and experience are obtained in Canada or in source countries with systems similar to Canada's. However, this does not mitigate the challenges that Skilled Workers face in terms of the valuing and utilization of their skills or the differential earnings of visible minority immigrants versus non-visible minority immigrants and native-born Canadians, nor does it mitigate the challenges faced by the spouses and dependants of Principle Applicants, who are not assessed on the basis of their language proficiency and may have difficulty accessing language training.

At the same time, given that the adaptability criteria reward those applicants with educated spouses because it is believed that they will be capable of contributing to the Canadian economy, spousal official language proficiency should be assessed. Spouses who lack official language proficiency, regardless of their education, may be unable to succeed in the labour force. In addition, research has found that earnings are highest among immigrants who generally speak an official language at home. Thus, it would perhaps be beneficial to award points to spouses who can conduct a conversation in the official language of the Principle Applicant as this increases the probability that this language will be used at home. However, increasing the number of points that spouses can contribute favours married and cohabiting couples over single applicants and may effectively permit immigration by weaker Principle Applicants with applications that are supplemented by points from their spouses.

Given that immigrants experience higher positive returns from education attained in Canada, the selection system could award additional points for Canadian education, or for intended future study in Canada. In addition, a promotional campaign aimed at foreign students studying at Canadian institutions may attract applicants with existing Canadian education. Further, research (Reitz 1997, for example) suggests that more should be done to encourage Canadian industries to recognize, value and utilize the education and training that immigrants bring to Canada.

Research on the relationship between earnings and age at immigration suggests that the age criterion should perhaps be revisited. Achieving income parity with established Canadians takes time and thus, younger immigrants are more likely than older immigrants to eventually earn incomes that are comparable to native-born Canadians. The age range could be revised to recognize that immigrants who arrive in Canada before the age of 35 tend to achieve the greatest returns in earnings.

The research also raises questions about how we evaluate immigrants' success. We may need to rethink the benchmarks that have been used and revisit the ways that success is measured. The research of Schaafsma and Sweetman suggests that immigrant integration takes time. We would likely observe more positive outcomes in our integration programs if evaluations focussed on second-generation immigrants and those who immigrated at a younger age.

Finally, it is worth considering whether the selection system does in fact matter. Do skilled workers selected under one system do better than those selected under another system? Research to compare the economic outcomes of immigrants selected under previous systems and those selected under the new human capital system, as well as on the experiences skilled workers in other countries, such as Australia, would be instructive. ■

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