REARRANGING THE DECK CHAIRS? A CRITICAL EXAMINATION OF CANADA'S SHIFTING (IM)MIGRATION POLICIES

ABSTRACT

This article explores the recent shifts in directions in immigration policy, from nation builders (permanent residents) to economic units (temporary workers), in response to the challenge of matching the selection process to the labour market and the labour market's failure to fully utilize many of Canada's more skilled immigrants. Through an exploration of some of the policy changes that have taken place in Canada over the past 10 years, and the reasons policies have shifted, this article concludes that (im)migration policies are being revised and changed to address problems that are not fully understood. Without proper evaluation of current and past policies, such policy changes blur our understanding of where the gaps and issues lie in the system and how to address the real needs.

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Immigrants as nation builders

Canada has often been described as a nation of immigrants. In 2007, nearly 20% of the country's population was born outside of Canada, and each year about 240,000 immigrants arrive with permanent residence status (0.72% of the population) (CIC 2007a). It is projected that by 2012, all of Canada's net labour market growth will come from immigration, and that by 2030, all of its population growth will be due to immigration (HRSDC 2007).

The original immigration points system of 1967 was revised in 2002 under the *Immigration and Refugee Protection Act* (IRPA), with the premise that in a knowledge-based economy, with a rapidly changing labour market, it would be too difficult to match people's skills with specific occupations in demand. The revised and current points system (which has changed again with Bill C-50) is based on the human capital model that assesses immigrants' potential ability to establish themselves successfully through high levels of education, training, experience and language skills. Essentially, it rewards immigrants with the generic skills expected to allow them to adapt in a changing labour market.

Immigrants to Canada come from all over the world, with top-source countries being China (14%), India (11.6%), Philippines (7%) and Pakistan (5.2%). Over 70% of all working age (15 to 65 years of age) immigrants in the recent past hold some post-secondary education (Statistics Canada 2007b, 2007a). Specifically, economic immigrants enter Canada based on their educational credentials, work experience and language abilities (Statistics Canada 2007a) 92% of which have a post-secondary education (CIC 2007a).[1] Expecting that the very education and skills that got them into Canada would be utilized, many immigrants are deeply disappointed once they arrive and face only limited prospects for success.

Poor employment outcomes

Despite the high education levels of immigrants to Canada, many immigrants are underemployed and unemployed, while highly skilled jobs remain vacant. In 2006, the unemployment rate of very recent university educated immigrants was four times that of the university educated Canadian born and in Ontario, the unemployment rate of all immigrants was 2.5 times higher than that of Canadian born Ontarians (11% vs. 4.4%) (Gilmore 2008). Further, very recent university educated immigrants had an unemployment rate similar to very recent immigrants holding only high school education (Zietsma 2007). Immigrant communities are facing greater incidences of poverty, despite having higher levels of education than Canadian-born; and labour market outcomes for immigrants are only improving marginally with time in Canada (Statistics Canada 2007b). Some of the major barriers faced by recent immigrants are lack of foreign credential recognition, language barriers, lack of Canadian experience and employment and racial discrimination (Statistics Canada 2005).

Immigrants and employers are disappointed, and labour market shortages persist. Frustrated employers, needing workers, have pressured government for new, more responsive policies. With this, and the growing concern over immigrant underemployment and poverty, immigration policy has been placing increasing emphasis on (im)migrants as economic units – not nation builders – and fixing selection criteria in the hope that immigrants will be better equipped to succeed more quickly in the economy.

The data sets being used to analyze the labour market success of immigrants do not necessarily reflect the impact of more recent (im)migration policies. This presents a major challenge, since Canada is trying to fix the selection criteria for immigrants without fully understanding what is going on in the current context. For example, the discrepancies in employment rates of immigrants and Canadian-born, published by Statistics Canada through the Labour Force Survey (2007), show that very recent immigrants (who landed in Canada between 2001 and 2006) have high unemployment rates, regardless of high levels of education. Unfortunately, this mixes immigration flows under the revised IRPA points system (2002) with those coming before 2002. This data has been used to critique Canada's 2002 IRPA and to recommend change to it without sufficient data to fully understand the impact of the 2002 changes.

Given that the backlog at the time of the 2002 IRPA changes was at least 3-4 years, it is unlikely that many (if any) immigrants who came to Canada by the 2006 Census would have applied after the changed system. In addition, the labour market outcomes that are analyzed are for *all* categories of immigrants, not simply the 17% of economic immigrants who come to Canada through the points system. Poor labour market outcomes have been identified for all immigrants, yet the debate that continues to emerge has been about the mismatch of Canada's points system, the failure of economic migrants and the need to change the system.

Another change is the recently passed Bill C-50, which allows the Immigration Minister to identify which applicants coming under the points system are given priority based on designated key shortages in the labour market. Bill C-50 has been promoted as a way to address the large backlog of applicants waiting abroad and make the immigration system more flexible and responsive to changing labour market needs. At the same time, the expansion of temporary migration programs and provincial nominee programs is further evidence of a rapidly changing policy climate reacting to the perceived "failings" of the current immigration system.

The "rapidity of policy developments reflects, above all, […]the importance of immigration to Canada as a nation-state. Immigration is constantly in the news, and there is a kind of permanent restlessness about improving both selection systems and settlement outcomes. Policies therefore sometimes evolve faster than their impacts can be fully appreciated" (Birrell, Hawthorne, Richardson 2006: 211). Again, it appears that we are trying to fix what is broken, without really understanding what parts need fixing.

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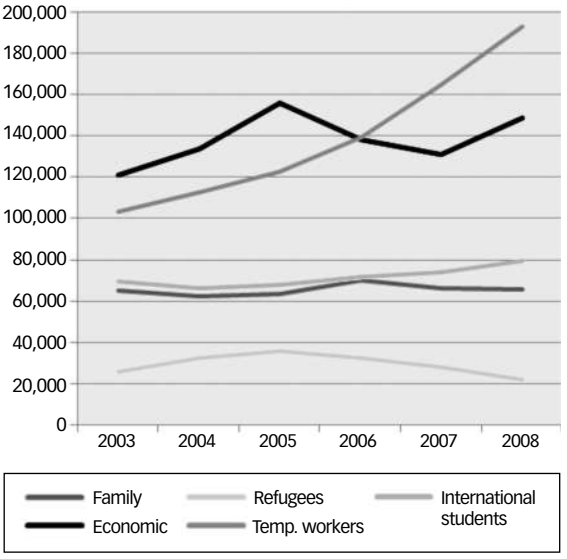
Rearranging the chairs

Temporary migration and "two-step" migration

Since skilled immigrants are not contributing to their full potential, and labour market shortages persist, new selection programs and procedures need to be considered. The structure of Canada's immigration program has been changing dramatically over the last few years, with increasing emphasis on a labour market driven immigration program. Recent immigration policy shifts may be seen as an indirect way of addressing Canada's problems in recognizing international credentials and experience. There has been greater uptake, expansion and support for employer-driven programs such as Provincial Nominee Programs (PNPs) and Temporary Foreign Worker Programs (TFWPs). Such programs expedite the processing of certain individuals in order to get workers to Canada quickly and directly employed in jobs. A facet of recent (im)migration changes is the push for "two-step" migration programs (Hawthorne 2008), where migrants enter with restricted privileges and must prove successful integration in order to gain access to permanent residency. Already, many of the recent (im)migration policy changes in Canada are having dramatic effects – with permanent immigrants decreasing in the past four years, while temporary migrants and two-step migrants to Canada are rapidly increasing (see Figure 1).

The most sought after 'two-step migrants' are international students, who are said to be a type of 'designer immigrant' in that they are able to avoid some of the hurdles faced by skilled immigrants – e.g. the non-recognition of international credentials and skills, and concerns over language and communication abilities (Simmons 1999). Canadian (im)migration policy has been changed to recruit and retain these ideal two-step migrants.

Figure 1
Temporary migrants and two-step migrants to Canada



Source: *Facts and Figures 2008*, Citizenship and Immigration Canada.

Changes allow international students more flexible employment privileges and make Canada a more desirable place to study and (it is hoped) to settle permanently. The introduction of the Off-Campus Work Program (OCWP), launched in 2006, makes Canada a more appealing study destination for international students as they are now authorized to work up to 20 hours per week during regular academic sessions and full-time during scheduled breaks (CIC 2007b). Even more recently, in April 2008, the Post-Graduation Work Permit (PGWP) Program changed and international students of two-year or longer degree programs can obtain an open work permit with no restrictions on the type of employment and no requirement for a job offer. In addition, the period of the work permit has been extended from one (sometimes two) to three years. The addition of the OCWP and the improvements to the PGWP represent changes that will no doubt make Canada a more attractive destination for international students (CIC 2008a).

These changes are expected to provide international graduates with the time and flexibility to gain Canadian work experience and the opportunity to apply under the newly launched (September 2008) Canadian Experience Class (CEC). The CEC allows those who have entered the country under temporary worker or international student categories to remain in Canada as permanent residents, so long as they meet certain education, language and skill requirements. To qualify for the CEC, international student graduates need to hold a post-secondary diploma or degree that required at least two years to complete, pass Canadian Language Benchmarks (level 5 or 7 depending on the job), and to have one year of recent (within two years before applying) full-time employment in Canada at the National Occupational Classification (NOC) skill level 0, A or B (management, professional, and skilled and technical jobs) (CIC 2008b). For temporary workers, there are similar criteria, which will restrict permanent residency through this route to those employed in highly skilled jobs who have demonstrated that they can succeed.

In a November 2007 Parliamentary Session on immigration issues, Diane Finley, Immigration Minister at the time, expressed how the CEC is a "two-way street […and] the prospect of eventual Canadian citizenship gives us a marketing advantage as our schools and our employers look to recruit the best and the brightest from around the world". This new immigration route, coupled with other (im)migration policy shifts may displace Canada's traditional permanent residency program. By placing more focus on decentralized two-step migration processes, migrants must prove successful integration in order to gain the prospect of remaining permanently in Canada. This may also have a significant impact on how settlement services are designed and delivered across Canada, with universities, colleges and employers playing a larger role in settlement support, without necessarily having the resources and expertise.

Despite the creation the CEC, the total number of permanent residents admitted will not increase – targets for those entering under the points system have been reduced by approximately 15% to make room for CEC applicants (Cohen 2007). This reduction will mean that 10,000 to 12,000 skilled worker applicants waiting abroad to be processed will not be admitted each year – and this will further extend their processing times. According to CIC projections, by 2012, an increase of 426% for the CEC applications may contribute to a 73% reduction in the number of Federal Skilled Workers entering Canada (CIC 2008 annual report, as cited in OAG, 2009). The results of a long backlog in our immigration system are not fully understood, but anecdotally, we know that by the time highly skilled immigrants with experience get to Canada, their technical skills may be diminished because they have been working at the managerial level for so long or they have been out of their profession waiting to come to Canada. Long immigration processing times can have severe impacts on Canada's long-term ability to recruit, retain and integrate highly skilled immigrants into the labour market.

Moreover, the criteria upon which potential immigrants are being evaluated for the CEC may result in a serious gap in Canada's ability to retain qualified immigrants. The NOC skill requirements for the CEC are based on the job the worker possesses, not the actual skills and qualifications migrants possess. Since there is no clear assessment and recognition system to ensure that temporary migrants are employed at their skill level, this may result in a serious mismatch between the level of employment and migrants actual qualifications. More concerning, an overqualified temporary migrant or international student working at the NOC C or D level will be ineligible to qualify as potential immigrants through the CEC.

(Im)migration changes not addressing systemic issues

The rapidly shifting (im)migration policies in Canada are an attempt to react to and overcome disconnects apparent in current policies and practices affecting immigrants. In essence, recent changes in (im)migration policy are an attempt to recruit and retain the 'right immigrants' with the underlying assumption that "only the immigrant needs to adapt and change" (Shakir 2008). Rather than looking at how institutional structures and societal attitudes and practices need to change, policies have reacted to what immigrants are

seen to lack – and this has been happening so quickly, that it is impossible to see the results of recent changes to (im)migration policies, and to identify where the remaining gaps lie and what still needs to change.

Rapidly shifting (im)migration policies to create new, and seemingly better categories of immigrants do not address the underlying issues plaguing the bulk of immigrants to Canada. These include lack of recognition of foreign credentials and experience for educational purpose and employment, unemployment and underemployment, employer attitudes, racism and discrimination. Furthermore, as a faster route to come to Canada, temporary migrants of all skill levels are filling permanent and necessary jobs and should be able to stay permanently as well. We need to re-conceptualize our immigration system as critical to nation building and see all immigrants as important contributors to the long-term well-being of the economy and society. Migrants of all skill levels should have access to simple permanent immigration routes, such as the CEC.

We know that early support for newcomers in the community has strong labour market integration outcomes, as evidenced by the extra service support and social networks that refugees and family class migrants have over other economic migrants. Due to this, refugees and family class migrants do better than other immigrants in the economic class (except principal applicants under the points system), especially in their first years in Canada (Zietsma, 2007). Temporary migrants are not eligible for many services available to immigrants to assist with settlement until they are actually granted permanent residence (or are approved in principle for permanent residency, but have not yet completed their processing). Looking at service provision in the early stages may have both short and long-term impacts on their success and integration into the labour market and society at large. Temporary workers who come in under the live-in caregiver program are eligible to receive settlement services, so a case can be made that those who come in under other temporary worker programs should also receive support.

Even with highly skilled two-step migrants coming to Canada temporarily and remaining, many systemic issues will persist and new issues will arise. We need to support long-term economic success and nation building though a strong permanent immigration program, and by addressing the more fundamental and systemic issues of non-recognition of foreign credentials, discrimination and unfair access. We have the tools, expertise and resources to address these systemic issues, and a few great programs and services already exist. By learning from other existing programs, supports and services, we need to ensure that the conditions exist for the full integration and participation of all (im)migrants in Canada.

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Note

[1] By comparison, 43% of Canadian adults have a post-secondary education.