



PERLEY-ROBERTSON,
HILL & MCDUGALL LLP/s.r.l.

Perley-Robertson, Hill &
McDougall LLP/s.r.l

1400-340 Rue Albert Street
Ottawa, ON
K1R 0A5

T: 613.238.2022
F: 613.238.8775

www.perlaw.ca



Warren L. Creates

Head of Immigration Law Group

wcreates@perlaw.ca

613.566.2839

Building the Bridge over Troubled Waters: Canada's Immigration Levels Plan in the wake of the United States Presidential Election

PUBLISHED ON: 16 NOVEMBER 2020

On 30 October 2020, the Honourable Marco Mendicino, the Canadian Minister of Immigration, Refugees and Citizenship announced the 2021-2023 Immigration Levels Plan.[1] Every year, the Government of Canada outlines the number of new permanent residents Canada aims to welcome over the coming years, and what numbers will be admitted under the economic, family, refugee, and humanitarian and compassionate grounds categories.

Canada aims to attract 401,000 new permanent residents in 2021, 411,000 in 2022 and 421,000 in 2023.[2] Prior to the coronavirus pandemic, the federal government sought to bring in 351,000 new immigrants per year.[3] This represents an increase of about 50,000 permanent residents for each year – an increase of 15% - to compensate for the shortfall created by the coronavirus pandemic and ensure that Canada has enough workers to fill labour market gaps and remain competitive globally.[4] Next year's Immigration Levels Plan is as follows:

- 232,500 immigrants in the economic class;
- 103,500 in the family class;
- 59,500 refugees and protected persons; and
- 5,500 on humanitarian, compassionate, and other grounds.[5]

[1] Government of Canada, "Government of Canada announces plan to support economic recovery through immigration" (30 October, 2020), online: <https://www.canada.ca/en/immigration-refugees-citizenship/news/2020/10/government-of-canada-announces-plan-to-support-economic-recovery-through-immigration.html> [Immigration Levels Plan Announcement]

[2] Ibid

[3] Government of Canada, "CIMM –Immigration Levels Plan 2020-2022" (12 March 2020), online: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/committees/march-12-2020/immigration-levels-plan.html>

[4] Immigration Levels Plan Announcement, supra note 1

[5] Government of Canada, "Supplementary Information for the 2021-2023 Immigration Levels Plan" (30 October 2020), online: <https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/supplementary-immigration-levels-2021-2023.html> [Immigration Levels Plan]



PERLEY-ROBERTSON,
HILL & MCDUGALL LLP/s.r.l.

Perley-Robertson, Hill &
McDougall LLP/s.r.l

1400-340 Rue Albert Street
Ottawa, ON
K1R 0A5

T: 613.238.2022
F: 613.238.8775

www.perlaw.ca

These numbers only account for permanent residents; they do not include the hundreds of thousands of both temporary foreign workers and international students expected to move to Canada annually.

The Immigration Levels Plan is the most ambitious in Canadian history. By comparison, in 1913, a Conservative government welcomed 401,000 new immigrants in the hopes of encouraging settlement in Western Canada.[6] This represented over 5 percent of Canada's population at the time in newcomers. The country has never crossed the 400,000 threshold again, until now. The Immigration Levels Plan represents encouraging news for immigration advocates who expressed concerns that the impacts of COVID-19 would lead to a reduction in Canada's immigration levels. Border closures, flight cancellations and vanished job opportunities have all had an impact on the immigration system: estimates suggest that as of August 2020, immigration levels were down 43.5 per cent versus last year and further that the government's plan to welcome 341,000 newcomers in 2020 will not be achieved.[7]

The Immigration Levels Plan's focus is on economic growth. About 60% of admissions are expected to come through economic pathways, which encompass a wide range of programs both at the federal and provincial levels: the Federal High-Skilled program, the Federal Business program, the Economic Agri-Food and Rural and Northern Immigration pilot programs, the Atlantic Immigration pilot program, the Provincial Nominee programs, and the Quebec Skilled Workers and Business programs.[8] This is in line with Canada's immigration levels plans for the past several years.

In opposition to a global trend among developed countries, Canada also continues to present itself as a safe-haven for refugees and asylum-seekers. Around 60,500 such persons are planned to be granted permanent resident status annually.[9] For comparison, in the 2018-2020 Immigration Levels Plan, the government aimed to welcome on average only around 45,000 refugees per year.[10] This represents an increase in the number of refugees and asylum-seekers welcome to Canada of 35%. Around 40% of admitted refugees will be privately sponsored, with a similar number of protected persons in Canada and their family numbers to be granted permanent residence. Most of the remainder's path to permanent residence will be government assisted refugees.[11]

[6] Statistics Canada, "150 years of Immigration in Canada" (29 June 2016), online: <<https://www150.statcan.gc.ca/n1/pub/11-630-x/11-630-x2016006-eng.htm>>

[7] Stephanie Levitz, "US election results one factor that could impact immigration to Canada next year" (27 October 2020) Powell River Peak, online: <<https://www.prpeak.com/u-s-election-results-one-factor-that-could-impact-immigration-to-canada-next-year-1.24227876>>

[8] Immigration Levels Plan, supra note 5

[9] Immigration Levels Plan, supra note 5

[10] Government of Canada, "CIMM – Immigration Levels Plan 2020-2022" (12 March 2020), online: <<https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/committees/march-12-2020/immigration-levels-plan.html>>

[11] Immigration Levels Plan, supra note 5



PERLEY-ROBERTSON,
HILL & MCDUGALL LLP/s.r.l.

Perley-Robertson, Hill &
McDougall LLP/s.r.l

1400-340 Rue Albert Street
Ottawa, ON
K1R 0A5

T: 613.238.2022
F: 613.238.8775

www.perlaw.ca

The Immigration Levels Plan sets a path for increases to immigration to help the Canadian economy recover from COVID-19, while also trying to stimulate future business and employment growth. As said by Minister Marc Mendicino in the lead up to releasing the 2020-2023 Immigration Levels Plan:

“Immigration is essential to getting us through the pandemic, but also to our short-term economic recovery and our long-term economic growth. Canadians have seen how newcomers are playing an outsized role in our hospitals and care homes, and helping us to keep food on the table. As we look to recovery, newcomers create jobs not just by giving our businesses the skills they need to thrive, but also by starting businesses themselves. Our plan will help to address some of our most acute labour shortages and to grow our population to keep Canada competitive on the world stage.” [12]

The recognition of immigrants’ contributions to Canada’s recovery is not mere political lip service but is also exemplified in the Immigration Levels Plan through the creation of a pathway to permanent residency for eligible asylum claimants who were working on the front lines of the pandemic between March 13 and August 14, 2020, providing direct care to patients in health-care institutions.[13]

A recent study by the Environics Institute, a non-profit organization that promotes original social research on issues of public policy and social change, has found that Canadians have become more accepting and supportive of immigrants and refugees over the past year. The survey was based on telephone interviews with 2,000 Canadians in September 2020. The study concluded that most Canadians are comfortable with current immigration levels, that they see immigrants as good for the economy and not a threat to Canadian jobs, and further that they believe that immigration is essential to growing the country’s population. By a one-to-five margin, Canadians believe that immigration makes Canada a better country. More than 56% of the respondents agreed that Canada needs more immigration to increase its population. 84% of Canadians agree that the economic impact of immigration is positive.[14]

This narrative is particularly encouraging when looking South, as the United States presidential election unfolded. While there is a public consensus in Canada that the economy depends on making space for newcomers, measures taken by the Trump administration over the last four years have consistently sought a decrease in the number of immigrants. The number of permanent visas issued by the US administration has decreased by 13%; refugee admissions to the US were the fewest in 40 years in 2018, with the number of refugees admitted from a number of majority-Muslim countries,

[12] Immigration Levels Plan Announcement, supra note 1

[13] Ibid

[14] Environics Institute, “Canadian public opinion about immigration and refugees, Final Report” (2020), online (pdf):
<https://www.environicsinstitute.org/docs/default-source/project-documents/fc-fall-2020---immigration/focus-canada-fall-2020---public-opinion-on-immigration-refugees---final-report.pdf?sfvrsn=bd51588f_2>



PERLEY-ROBERTSON,
HILL & MCDUGALL LLP/s.r.l.

Perley-Robertson, Hill &
McDougall LLP/s.r.l

1400-340 Rue Albert Street
Ottawa, ON
K1R 0A5

T: 613.238.2022
F: 613.238.8775

www.perlaw.ca

, including Iraq, Somalia, Iran and Syria falling almost to zero soon after Trump took office.[15] The Trump administration's immigration policy eventually led to the July 2020 landmark Canadian Federal Court decision in *Canadian Council for Refugees v Canada*, in which Justice Ann Marie McDonald determined that the Safe Third Country Agreement between Canada and the US was unconstitutional as the US could no longer be designated a "safe third country" in light of the compelling evidence of appalling conditions in US detention centres.[16]

Furthermore, the US debate surrounding migration has become increasingly polarized through Trump's presidency. Pew Research polls showed that Democrats and Republicans are growing further apart on subjects on which they once agreed, including the need for border security. Around 70% of Republicans and Republican-leaning independents said that increasing border security is very important, whereas only 15% of Democrats and Democrat-leaning independents hold similar views.[17] While Trump fought to build a wall, senators like Elizabeth Warren and Kirsten Gillebrand called for abolishing the US customs enforcement agency. Meanwhile, Canadian politicians rarely disagree on immigration and on whether to maintain a high rate of newcomers. The few politicians recommending reducing immigration totals are Maxine Bernier of the newly formed Peoples Party of Canada and Quebec Premier Francois Legault.[18]

The fractures in American society regarding immigration are not limited to politicians; and are not going to be healed through the presidential election and the election of Democrat Joe Biden as president. As communities become increasingly polarized, US residents and citizens are looking to their welcoming Northern neighbour as a place of solace. A look at Google Trend for the search "move to Canada" shows that the number of searches spiked after the 2016 election and surged a second time on the night of 3 November 2020 as the results of the presidential election appeared more and more unsure.[19] When Canada's Express Entry immigration program was launched in 2015, only 600 US residents obtained invitations to apply for permanent residence. In 2019, this figure stood at over 10,000. The number of US citizens arriving as economic class immigrants has also increased on an absolute basis since 2016: 4,800 individuals did so in 2019 compared

[15] Ed Lowther, "US elections 2020: Trump's impact on immigration – in seven charts" (21 October 2020), online: <https://www.bbc.com/news/election-us-2020-54638643>

[16] *Canadian Council for Refugees v Canada*, 2020 FC 770

[17] Andrew Daniller, "Americans' immigration policy priorities: Divisions between – and within – the two parties" (Pew Research Centre, 12 November 2019), online: <https://www.pewresearch.org/fact-tank/2019/11/12/americans-immigration-policy-priorities-divisions-between-and-within-the-two-parties/>

[18] Douglas Todd, "Canada vs U.S. on immigration: Five differences, five similarities" (Vancouver Sun, 1 June 2019), online: <https://vancouversun.com/opinion/columnists/douglas-todd-whats-different-and-similar-in-canada-and-u-s-immigration-policy>

[19] Google Trends search for "move to Canada" (1 November 2020 – 5 November 2020), online: <https://trends.google.com/trends/explore?date=2020-11-01%202020-11-05&geo=US&q=move%20to%20canada>; Google Trends search for "move to Canada" (5 November 2020 – 10 November 2020), online: <https://trends.google.com/trends/explore?date=2016-11-05%202016-11-10&geo=US&q=move%20to%20canada>



PERLEY-ROBERTSON,
HILL & McDougall LLP/s.r.l.

with 3,300 in 2015.[20] Canada, through its Immigration Levels Plan, is moving forward with open arms in recognition of the contribution of immigration to the country, while the US appears to retreat further into protectionist ideas. While the election of Democrat president-elect Joe Biden feels like a breath of fresh air after four strenuous years, it is not enough to heal the ideological fractures within American society. For US citizens and residents seeking to escape these fractures, Canada's openness to immigration is a bridge over troubled waters.

.....

Are you looking to make the move? Do you have any questions about immigrating to Canada? Please contact **Warren Creates**, head of immigration at Perley-Robertson, Hill & McDougall LLP/srl at **(613)238-2022** and/or **wcreates@perlaw.ca**.

.....

Perley-Robertson, Hill &
McDougall LLP/s.r.l

1400-340 Rue Albert Street
Ottawa, ON
K1R 0A5

T: 613.238.2022
F: 613.238.8775

www.perlaw.ca

[20] Kareem El-Assal, "Has Trump increased U.S. immigration to Canada?" (1 October 2020), online: <<https://www.cicnews.com/2020/10/has-trump-increased-u-s-immigration-to-canada-1015930.html#gs.ksuwu4>>