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## Navigating Canada's Immigration System During COVID-19

Canadian Immigration Summit

Conference Board of Canada

*Panelist/Presenter*

DATE: 26 MAY 2021

*Research has determined that Canada has had challenges growing its GDP through productivity increases. Immigrants drive economic growth. Accordingly, greater levels of immigration present a single robust opportunity for Canada to increase its long-term economic growth.*

### CHAPTER A: FRAMING QUESTIONS

#### **1. What unique challenges have potential immigrants faced while navigating the immigration system during COVID?**

##### *Processing Times*

Previously, IRCC was able to provide generally accurate predictions for how long it would take to process all streams of immigrations applications. During the COVID-19 pandemic, however, they are unable to provide accurate processing times. We are experiencing significant delays in processing times of varying degrees. This causes both uncertainty and anxiety, as we cannot provide clients with any realistic expectation of when the processing of their application will likely be complete.

##### *Permanent Resident Landings*

At present, individuals who have had their permanent resident application approved and have been issued their Confirmation of Permanent Residence (COPR):

- On or before March 18th, 2020: are exempt from travel restrictions only if they are coming to settle permanently, but must quarantine for 14 days; or
- On or after March 19th, 2020: are unable to travel to Canada to be landed as a permanent resident, unless they meet a travel exemption. If a person's COPR expires during this time, they must wait for IRCC to contact them when Canada is able to welcome them, and to confirm they are able to travel.

[1] Gupta, El-Assal, and Bajwa, *Can't Go It Alone*.



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### *International Students*

Many international students were left hanging when the Government of Canada limited entry to only those students whose study permits were issued on or before March 18th, 2020. Now, the government has expanded travel restriction exemptions to include those students who will be attending a learning institution which has an approved COVID-19 readiness plan and an in-person learning plan. All international students entering Canada must provide a plan for their mandatory 14-day quarantine upon entry.

Prior to COVID-19, 50% of an international student's courses had to be completed in-person and in Canada to be eligible for the Post-Graduation Work Permit (PGWP) Program. However, as an alternative to travelling during the pandemic, international students who were enrolled in a PGWP-eligible program in progress in March 2020 or who started a program of study from spring 2020 up to and including the fall 2021 semester can complete 100% of their program online from outside of Canada and still be eligible for the Post-Graduation Work Permit (PGWP) Program. The time international students spend studying remotely outside of Canada can be counted towards the overall length of the post-graduation work permit until December 31, 2021, after which any time spent studying outside of Canada will not count towards the PGWP.

### *Communication*

All meetings take place virtually – either by telephone or by one of the many video conferencing platforms (Zoom, Microsoft Teams, Skype). Only in necessary situations do we schedule meetings with clients in our offices.

Some of our clients are in countries where internet connection is spotty, or where there is a fear of government surveillance on some of the popular communication platforms. This can make virtual communication difficult. So too do multiple time zone accommodations.

### ***2. What adaptations have been necessary to ensure fair and timely access to immigration decisions?***

#### *Immigration Targets*

In October 2020, Minister of Immigration Marco Mendicino announced Canada's plan to welcome more than 1.2 million immigrants between 2021 and 2023 – with a target of 401,000 landings during 2021. Prior to the COVID-19 pandemic, the previous target for 2021 had been 351,000. The new target is an increase of 14% as an attempt to off-set low immigration levels caused by COVID-19. Canada's target for the year of 2020 had been 341,000 landings, however, the actual number of permanent residents landed was only 184,370 – representing a deficiency of 156,630 (or 46% off target) – the lowest number of new permanent residents since 1998. The government recognizes the importance of immigrants to Canada's economy, and has now increased targets to aid our economic recovery.



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## *Family Members*

In the early days of the pandemic, there was public outcry about immediate family members being denied the ability to enter Canada. In June of 2019, the federal government dialed back the prohibition and allowed immediate family members of citizens or permanent residents who are foreign nationals to enter Canada for the purposes of reunification. In October 2020, the federal government also expanded the list of travel restriction exemptions to include entry for humanitarian and compassionate reasons, and also for international students.

## *Express Entry*

On February 13th, 2021 the Government of Canada issued 27,332 Invitations to Apply (ITA) to candidates from the Canadian Experience Class (CEC) with Comprehensive Ranking System (CRS) scores of as low as 75. These persons are likely already living in Canada working pursuant to work permit status. The previous draw on January 21st for candidates from the Canadian Experience Class issued 4,526 with a minimum CRS score of 454. The most recent draw for CEC candidates, which took place on May 20th, issued 1,842 ITA's with a minimum CRS score of 397.

## *E-Landings*

In normal times, most individuals whose applications for permanent residence were approved would have to travel to Canada to be landed and to validate their Confirmation of Permanent Residence (COPR) before its expiry. Due to the pandemic, all in-person permanent resident landing appointments in Canada have been suspended. Instead, some newly approved permanent residents may receive a letter confirming that they are a permanent resident of Canada and allowing them to bypass the requirement of departing Canada then returning to validate their Confirmation of Permanent Residence (COPR).

## *Six (6) New Immigration Pathways*

On April 14th, Canada's immigration minister Marco Mendicino announced six (6) new programs that will allow more than 90,000 temporary residents in Canada to apply to become permanent residents this year. These new pathways target essential workers, international students, and French speakers. This special program started on May 6th and will operate until November 5th 2021, or until all 90,000 positions are taken, whichever first occurs.

## *Administrative Rules and Procedures*

The government has loosened many rules around filing, original signatures, and the conduct of hearings over the duration of the pandemic.

Pre-pandemic, electronic filing was not an option for the majority of immigration applications, but IRCC has relaxed this and now allows most submissions and filings via email, or in the case of refugee claims, a secure platform called "ePost." This change allows our office and our clients to safely work from home without the need to come into the office to compile physical copies of applications.



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Previously, physical signatures were a necessity on almost all application forms and official documents. IRCC has loosened restrictions around electronic signatures for applicants. Also, on March 26, 2020, the IRB issued a practice notice allowing Board Members to use electronic signatures for Reasons for Decisions and Orders. The shift toward acceptance of electronic signatures allows for greater efficiency during the pandemic, when many are working remotely.

Virtual hearings are not only allowed, but now strongly encouraged now. This allows for individuals to virtually attend from their homes, or from our offices, and to avoid unnecessary travel and gatherings. This is a modernization that we have mixed feelings about. The accessibility is great for those who cannot safely travel to a hearing location. However, in refugee hearings, or hearings where credibility is a factor, being able to see your Board Member in-person and have them see you (and your facial expressions, body language, etc.) can be important.

***3. What lessons from this period can we take forward to design a fairer more efficient immigration system?***

The government should make every effort possible to meet their lofty targets for immigration in the coming years. This means hiring more officers and deploying more resources to tackle the many existing applications and the additional incoming applications.

It also means considering the creation of new programs – including lowering eligibility criteria - to allow different streams of immigrants who could strengthen Canada's economy. By assessing the labour market and determining which areas are in need of workers, the federal government could expand existing programs or create new ones to ensure that no corner of our economy is left neglected.

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## CHAPTER B: SPECIFIC EXAMPLE QUESTIONS

1. *COVID has affected more immigrants than others, particularly women, who have faced greater job insecurity and higher rates of abuse. What trends related to female immigrants do we see, how did you react, and what can we learn?*
2. *Border closures have left many immigrants in vulnerable or challenging circumstances. Some people were separated from spouses, stuck partway through life or job transitions, or have faced other struggles. How well do we feel Canada navigated these difficulties, and how should we address these issues as borders open?*
3. *The government has many competing immigration priorities – pilots, temporary pathways, refugees, a possible specialized pathway for those in Hong Kong. How should the government focus its scarce resources in the months and years after the pandemic?*
4. *The U.S.- Canada border has vital importance to our economy in Canada. When, and on what basis, should Canada consider re-opening the border for the movement of people?*

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Are you looking to make the move? Do you have any questions about immigrating to Canada?

Please contact **Warren Creates**, head of immigration at  
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**(613)238-2022** and/or **wcreates@perlaw.ca**.

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