

Worth waiting for?

Canada's immigration backlog is punishing the skilled workers we need most

JAY SOMERSET | August 6, 2007 |

Six years ago, Dr. Naille Edwards, along with his wife, Colleen, and three kids, emigrated from South Africa to Abbotsford, B.C. Dr. Edwards was recruited to work as a family physician in nearby Mission, a town facing a doctor shortage. After a year, the South African family applied for permanent residency and sent their application to Canada's Consulate General office in Buffalo, N.Y., the main processing centre for in-Canada PR applications. "They told us it would be a 66-week wait," says Colleen. "We didn't hear from them until 2004, when we were told to go for medical exams."

Then they waited. Another 12 months went by with zero correspondence from Citizenship and Immigration Canada. By now, the medicals had expired. "We'd spent about \$10,000 on work permit renewals, medicals, lawyer fees, never knowing if this would come to an end," says Colleen. Each year, their three kids, all provincial-level tennis players, had to drop out of tournaments because they didn't have permanent residency. "If Canada isn't going to process us," she says, "at least let us know so we can move on and go somewhere else."

After a 23-month silence, the Edwards had begun to lose hope on settling in Canada. "We didn't know why we were waiting because Immigration wouldn't tell us," says Colleen. "So we guessed it had to do with Naille's [conscripted] military service." CIC had come under fire after letting in war criminal Dr. Jack Bothma, a since-deported orthopaedic surgeon in North Battleford, Sask. "Naille served one year as a doctor in an army hospital, never firing a gun -- information given to CIC five years ago," explains Colleen.

The Edwards were approved for PR status almost as if by fluke a few months ago, after a brief letter they wrote about their situation was published in a newspaper. But their plight is far from unusual. Of the 800,000 applicants waiting in Canada's PR-application backlog, an estimated 500,000 are skilled workers: those who've had work experience within the past 10 years in an occupation -- such as construction or nursing -- that's been deemed an area of need by the Canadian government. Many of them already work in Canada. They pay taxes, can't vote, and depending on their visas, may not be entitled to provincial health coverage. "Federal skilled worker applications are taking four years [to process]," says Toronto-based immigration lawyer Max Berger. "So if it's Canada's aim to attract the best and brightest, well, they aren't going to wait around." Half of all skilled-worker applications take 55 months to be processed -- almost five years. Some take as many as 74 months.

If there's one portfolio the government has consistently bungled, it's immigration. While the backlog is nothing new, it has only grown since the Harper government took power, even though the Conservatives campaigned on a promise to fix the wait. Canada has the fastest-growing population among G8 countries, adding 1.6 million people since 2001.

With domestic births fuelling a third of this number, Statistics Canada estimates future population growth will depend solely on immigration by 2030. But when obviously qualified candidates are being held up, the country is poised to lose its lustre as a destination of choice.

"People are giving up on Canada," says Raj Sharma, a former CIC officer who now practices immigration law in Calgary. "I've got a client from the U.K. who came here to study medicine. He passed his exams and is now working in the U.S. on a permit while he waits for his PR application to be processed. He's obviously qualified to live and work in Canada." Meanwhile, he notes, our doctor shortage persists.

Nobody at CIC is prepared to talk publicly about the backlog or about specific cases. If such a backlog existed in other federal arenas -- passports, licensing, taxes -- the minister would be reprimanded and the system fixed. Instead, we've seen two federal immigration ministers come and go within the past two years, both promising to fix the backlog. "We're not in the business of customer service," said one immigration officer.

Perhaps not, but it doesn't serve Canada's immigration goals either. Partly, it's a reflection of priorities and inadequate resources; but applications also get held up due to processing missteps and irrelevant personal issues. Deirdre Pinto came to Montreal in 1999 from Washington to study sociology at McGill University. She received her master's from Lakehead University in Thunder Bay, Ont., where she met her spouse. After graduation, she had three months to find a job in her field (media and sociology), so instead of applying through the economic stream, she chose the family sponsorship program. Her application was delayed "because CIC questioned my relationship with my spouse, who's 27 years older," says Pinto. "I sent them a picture from our wedding day and a copy of our vows. I also have a box full of wedding photos sitting in my living room, but Immigration isn't interested in it."

Meanwhile, her application sits in Sudbury. "They have one immigration officer serving northern Ontario, so the backlog of applicants is especially slow-moving," says Pinto. "In October, I was told there were 25 cases in front of mine, and that the officer processes about two a day." Pinto checked in 90 days later and was told there were still 20 cases in front of hers. Frustrated, she started a blog about her immigration debacle; within days of her first post, her phone rang. "It was a woman from CIC. She said she was from a small office that dealt with special cases like mine. A week later, my application was suddenly bumped up and I was eighth in line."

In the past few years, standard processing times have actually climbed, say some observers. "The government should be fast-tracking applications where there's an economic advantage to Canada," says Peter Ferreira, an immigration consultant in Toronto who focuses mainly on skilled workers and families coming to Canada from Portugal. Ferreira estimates one-third of his clients -- mostly trained labourers who work in the construction industry -- simply give up.

Navigating the system is in itself a feat. One applicant who applied for PR through the skilled worker class in 2004, while she was studying computer science, failed by two

points. "When you apply, you can either take a standardized English test or write a letter that shows your language skills," she explains, in perfect spoken English. Because she wrote a letter instead of taking the test, she was only awarded 70 per cent of the points allotted for language. "If I'd known this," she says, "I would have gladly written the test."

But part of the problem is that the points system doesn't always reflect Canada's needs. Canada takes in about 106,000 skilled workers a year. And of that number "only a small percentage will qualify for permanent residency under the federal points system," says Ferreira. "Even if you give points for a job offer, they won't get enough points for education or their English isn't good enough."

There's clearly a need for construction workers, for instance. In 2006, the Conservatives deported about 400 undocumented Portuguese construction workers and their families from Toronto; roughly 80 per cent have returned here on temporary work permits, says Ferreira, which makes him wonder, why send them packing in the first place? "I guess the government realized how badly we need these people, but not enough to grant them PR -- just to build our communities."

Ferreira has one client who may get landed status: Antonio (a pseudonym), a construction worker with a university degree in industrial design who speaks Portuguese, English, German and Spanish and has been employed in Canada on several work permits for five years. His application is currently in Buffalo under the skilled-worker category. "The government has all my information -- they praised me for doing everything 'by the book,' " he says, "and yet I still have to wait another two years or more." He estimates he's spent close to \$15,000 on work permits, medicals, lawyer fees and so on. "I've spent so much time getting through barriers I sometimes wonder if it's worth it," he says. "I owned a car and a house in Europe, and now I'm renting an apartment in Toronto and taking the bus."

Many of Antonio's co-workers don't bother to apply for permanent residence; they simply renew their work permits and hope for the best. "There's mass exploitation," says Antonio. "The boss works you extra hours, doesn't pay you for your time," he says. "It's very common." Once, a former employer demanded Antonio hand him \$10,000. Another boss threatened him after he complained about the employer cheating clients. "I told him I didn't approve and he told me if I said anything, he'd have me deported."

Unfortunately, there is no transitional program for construction workers -- or doctors or other professionals. CIC boasts only one such program, and that is intended for live-in caregivers for children or the elderly. These workers have three years to complete 24 months of authorized work, after which they can apply for PR. The program has its problems -- most caregivers have to obtain several work permits because of changes in circumstances (the employer dies; the kids go to school), and the whole process can take years. Still, at least it exists.

In the absence of a transitional program, the construction industry banded together a few years ago and composed a "memorandum of understanding" to dry up the pool of 200,000-odd undocumented construction workers in Canada and "at least get them

registered and accounted for," says Carlos Pimentel, a spokesperson for the Carpenters Union Local 27 in Toronto. "We wanted an in-Canada economic class where people who are already here working can transition to apply for PR after two years if they keep clean and pay their taxes -- not amnesty, but registration."

The plan was put forward but died in the shuffle of governments. Instead of dealing with the thousands of skilled workers without documentation already working in Canada, Budget 2007 promotes improvements to the Temporary Foreign Worker Program. Employers can hire a temporary foreign worker once the employer proves the Canadian labour pool is exhausted, so long as they pay fair wages. The permit is good for two years. Since 1996, the number of TFWs has doubled in Canada to 145,871 in 2005, especially in areas such as Alberta, where the oil and gas industry's growth has caused a dire labour shortage. Since 2003, the TFW population in Alberta alone has more than tripled, to about 22,000. "We're making it faster and easier for Canadian employers to meet their labour force needs," said Human Resources Minister Monte Solberg.

But what began as a stopgap measure has turned into a hollow immigration boom with an impermanent, immobile population. "Temporary workers are tied to one employer and a geographic area, which means [they] have no mobility," says Naomi Alboim, a professor of policy studies at Queen's University in Kingston, Ont., who has worked at senior levels in the federal and Ontario governments for 25 years, including eight years as a deputy minister of citizenship. "They aren't eligible for social services or health coverage and their kids pay foreign tuition fees."

Meanwhile, she adds, "wages are depressed because it's cheaper for an employer to hire foreign labourers." Corruption is an issue, too; Maple Leaf Foods recently abandoned its foreign recruitment campaign for its processing plant in Brandon, Man., after discovering the third-party immigration consultant was charging each worker \$10,000 to come to Canada. Solberg said exploitation isn't a big problem, and companies found in violation won't be allowed to participate again.

A better solution may lie in the Provincial Nominee Program. Each province can issue certificates to a certain number of candidates who are in Canada on work permits. Some programs, like Manitoba's, have a population-building aspect. "We're bringing in about 6,000 people a year," says Marty Dolin, who provides paralegal services for immigrants and sits on Manitoba's PNP advisory committee. Manitoba's population gain last year as a result of the program was 6,600. "Manitoba and Saskatchewan are losing people to the great vacuum cleaner of the West," says Dolin. "We need people to come here, work, and stay, not leave after their permits expire." Alberta's population, too, continues to grow thanks to its provincial program; the province is aiming to bring in 2,500 people this year, a significant jump from the 100 nominees Alberta approved in 2002, the pilot year.

PNPs expediate processing times; the province has already done all the front-end work, leaving the background checks and medicals to the federal government. Software engineer Antony Pranata came to Canada from Singapore in 2005 after receiving a job offer from a company in B.C. He originally applied for PR through Singapore, but then

his company nominated him through B.C.'s PNP. He would have received his landed papers within a year -- much faster than if he'd gone through the federal points system -- "but they lost my application," he says. He resubmitted and six months later he officially landed.

Ontario is the last province to introduce a PNP. Ontario immigration minister Mike Colle unveiled a pilot program in May with room for about 500 people from various industries. "This is a drop in the bucket," says Ferreira. "It will be years before it affects the skills shortage." It also costs around \$10,000 to apply for the program. "Do you think someone applying from Mexico has \$10,000 kicking around?" asks Sharma.

In the long term, the success of these programs could exacerbate the problems in the PR system. Pimentel points to Australia, a country that, only a few years ago, had about 70,000 TFW. "Now they have more than 600,000, and there's next to nothing in the way of training or apprenticeship programs." In other words, bring in the temps, shut out the residents. Focusing on temporary workers doesn't build long-term immigration. It creates a class of immigrants with no long-term status. As for those 800,000 people already growing frustrated in the backlog of permanent resident applications, they may now wait even longer.