

OCASI SCHOOL FOR SOCIAL JUSTICE

Changes in Immigration and Citizenship Law

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Focus of Workshop

1. Changes to Family Class Sponsorship
2. Changes to the Citizenship Act (Bill C-24)
3. Express Entry

Family Class Sponsorship

1. A Rights-Based Approach
2. Historical Context
3. Recent Changes

Family Class

Citizenship

Express Entry

Family Reunification as a Basic Right

Section 3(d) of *Immigration and Refugee Protection Act*:

3. (1) The objectives of this Act with respect to immigration are

...

(d) to see that families are reunited in Canada;

(Along with nine other explicit objectives – balancing of objectives)

Family Class

Citizenship

Express Entry

Family Immigration Increasingly Restricted

- Before the 1990s, majority of immigrants came under family class
- 2014, roughly 25.6% were family class immigrants
 - Roughly 63.5% were economic immigrants

“In its majestic equality, the law forbids rich and poor alike to sleep under bridges, beg in the streets and steal loaves of bread.” – Anatole France

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MNI as a Sponsorship Requirement

- Applied to Sponsorship of parents and grandparents
- Minimum Necessary Income
 - Increased by 30% in 2014 (e.g. Family of 4 – including applicants - \$54,684)
 - Must meet it continuously for 3 years in a row prior to application
 - Only CRA documents allowed to verify income

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Income Inequalities

- > 75% of recent immigrants are racialized
- Median after tax income for racialized persons 23.2% lower (1996), 13.3% (2000) and 16% (2005) than non-racialized
- Labour market racialized income gap → bleeds into the immigration sphere → denial of family reunification → reinforces income gap

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Racial and Gender Inequality

- **Income Gaps:** Between 2000 and 2005, racialized Canadians earned 81.4 cents for every dollar paid to non-racialized Canadians
- Racialized men made 77.9 cents for every dollar than non-racialized men earned in 2005 while racialized women earned 88.2 cents for every dollar that non-racialized women earned
- Racialized women earned 55.6 cents for every dollar non-racialized men earned in 2005
 - Example of systemic barriers reinforcing each other

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Racial and Gender Inequality

- **Incidence of Poverty:** Racialized groups are **two to three** times more likely to be poor than other members of the community (2006 Census)
- In 2005 that meant 19.8% of racialized families compared to 6.4% for non-racialized families

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Public Discourse on Family Class Immigrants

- Government trying to control the narrative and link concepts:
 - Spousal Sponsorship = Fraud/Abuse
 - Sponsorship of Parents/Grandparents = Burden on Society
 - Family reunification as a privilege, not a right

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Historical Context

- *Chinese Head Tax* (1885-1923)
- *Komagata Maru* (1914)
- *Chinese Exclusion Act* (1923-1947)
- *Points System* (1967)
- *Immigration Act* (1978)

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Recent and Not So Recent Changes

- *Bona fide* spousal relationship redefined (September 2010)
 - Need to show (1) genuine marriage **AND** (2) not primarily for immigration purposes
- Conditional Permanent Resident Status (October 25, 2012)
- 30% Above LICO (January 1, 2014)
- Doubling of Sponsorship Period (January 1, 2014)

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Other Issues

Exclusion From Canada Class

- Section 117(9)(d), *Immigration and Refugee Protection Regulations*

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International Human Rights Law

- *Convention on the Rights of the Child*, Articles 8, 9, 16
- *Convention on the Elimination of All Forms of Discrimination*, Article 5

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Express Entry

Changes to Canadian Citizenship Act

- Reduces backlogs by turning down more citizenship applications
- Creates distinctions between ‘classes’ of citizens:
 - Dual vs. Single
 - Born vs. Naturalized
 - Armed Forces vs. Civilians
- Runs afoul of fundamental values of democracy and the rule of law
- Clear that there are certain groups of people that Canada does NOT want as part of their voting citizenry

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Bill C-24

- **Residency Requirements** - increase from the current 3 out of 4 years, to 4 out of 6 years
 - Eliminates credit for time spent in Canada as a non-PR
- **Language and knowledge requirement** - expands the group of individuals required to meet these requirements from between the age of 18 and 54, to the age of 14 and 64

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Bill C-24

- Fee Increase - \$630 for adult, \$200 for child (a includes \$100 right of citizenship fee)
- New Power to Strip Dual Citizens of their Canadian citizenship
- Limited Access to Federal Court

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Express Entry

Bill C-24

- Denying Immigrants the Right to Vote
- Create Two-Tier Citizenship
- Not in Canada's best interests

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Express Entry

Express Entry

- On January 1, 2015 – the Express Entry entered into force for 3 streams of immigration (essentially all Federal economic immigration):
 1. Canadian Experience Class
 2. Federal Skilled Workers Program
 3. Federal Skilled Trades Program
- Touted as essentially a ‘matchmaking’ system between Employers and Foreign Candidates
- Candidates ranked against each other in a score-based pool
 - Highest scores “invited to apply”

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Express Entry

Express Entry

- Mid-Year Report:
 - So far has been Express Entry has been a huge disappointment
 - As of July 6, 2015 – only 12,017 even *invited* to apply
 - 2015 plan: 84,000 people planned to come in through the 3 EE categories in total
- How hard is it to get in?
 - If your Employer gets a LMIA, no problem
 - But hugely expensive and complicated
 - Otherwise, current minimum score is at 450 points
 - Talented, educated, young workers with great English are getting deported!

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Express Entry

Thanks for Listening!

ANY QUESTIONS?