

IMMIGRATION LAW - BILL C-50 PASSES



A sweeping reform of Canada's immigration system is now a reality – and Stephen Harper's minority government has survived a key confidence test, despite recent political troubles that have buoyed the opposition.

The Tories' budget implementation bill – which contains the immigration reforms – survived three votes last night and received the Commons' final approval . Only a handful of Liberals turned up for the votes, which passed 114-83.

Liberal Leader Stéphane Dion says more and more voters are in the mood for an election, but he's biding his time. "An election will come. We'll choose our time," he told reporters in a well-used refrain. "More and more Canadians are asking this question, 'When, when, we want to go.' So I feel that more now than it was the case some months ago," Dion said. "It's good because we need to replace this bad government," he said, while refusing to say when his party will vote to topple the Tories.

The confidence votes on Bill C-50 were the first since foreign affairs minister Maxime Bernier resigned leaving sensitive government documents at his ex-girlfriend's home. Opposition parties have denounced the overhaul of the immigration system contained in the bill. But as in past confidence votes, the Liberals voted strategically to avoid defeating the minority Conservatives and forcing an election.

Just so there was no doubt, Finance Minister Jim Flaherty stressed before the vote that Bill C-50 was a confidence bill. That means if it was defeated or amended, the government would fall. The aim of Bill C-50 is to modernize Canada's immigration system and significantly reduce the time it takes to bring newcomers and their families to Canada. Under proposed changes to the Act, the Minister would have the authority to issue instructions to immigration officers related to the processing of applications, including in relation to the jobs available in Canada, so that people with those skills and experience can be brought to Canada more quickly.

In this way, newcomers will have more opportunities to find work sooner, to provide a better life for themselves and their families and to benefit more from life in Canada.

"These principles will ensure that ministerial instructions today and in the future remain fair, open and transparent," said Minister Finley. "The instructions are about making the immigration system more responsive. Our objective is to continue to ensure that families are reunited and that qualified workers get here sooner, while respecting the fundamental principle of fairness."

Ministerial instructions on prioritizing and processing immigration applications received after February 27, 2008, will:

- Identify priority occupations based on input from provinces and territories, the Bank of Canada, Human Resources and Social Development Canada, employers and organized labour.
- Ensure fairness by making decisions on cases faster, while meeting immediate labour market needs.
- Respect the goals of the Immigration and Refugee Protection Act, which are to support Canada's economy and competitiveness, support family reunification and uphold Canada's humanitarian commitments.
- Comply with the Canadian Charter of Rights and Freedoms, which prevents discrimination based on factors such as race, country of origin and religion.
- Respect commitments to provinces and territories regarding the Provincial Nominee Program and the Canada-Quebec Accord.

- Complement commitments made in Advantage Canada, the Government of Canada's economic plan, to align the immigration system with labour market needs.
- Be published in the Canada Gazette and Citizenship and Immigration Canada's annual report, which is tabled in Parliament.

All instructions issued by the Minister to immigration officers must adhere to these principles.

They must also be approved by Cabinet before they are published. Immigration officers would select from among new applications based on the instructions. They will continue to make decisions about individual applications. The Minister cannot reverse the decisions of immigration officers or influence them in any way other than what is clearly outlined in the instructions.

The instructions are part of Budget 2008 commitments to modernize the immigration system to respond to Canada's labour-market needs, reduce wait times for new applicants and reduce the backlog of immigration applications.

"We've allocated \$109 million over five years to help meet these goals," said Minister Finley. "And we'll hire and train more visa officers to act as SWAT teams to speed up processing in parts of the world where wait times are the longest."

To help alleviate immediate pressures, resources will be allocated to missions where there is a high volume of applications. As a start, some missions, such as Delhi and Manila, will receive additional resources to help improve wait times for permanent residence applications, international students and temporary foreign workers. Ongoing funding will help build capacity to meet future levels and increasing demand, and will introduce administrative improvements such as centralized processing and data entry.

NDP MP Olivia Chow (Trinity-Spadina) said the damage will be "irreversible". "It's damaging because family reunification is no longer a real priority. People are going to be treated like an economic unit," she said. "It's dangerous because it gives sweeping power to the minister." She accused the Liberals of being "intimidated" by the Tories. "They're staying silent, they're rolling over, they're giving up and immigrant communities are extremely disappointed," Chow said. The Senate finance committee has already started to study the bill in a bid to ensure its passage before Parliament's summer recess.

SOURCES: Bruce Champion-Smith Ottawa Bureau Chief, Star.com, Immigration Lawyer, Gianpaulo Paunsa
<http://blog.entercanada.ca/2008/04/bill-c-50-new-era-in-immigration.html>

What do you think about the changes to Canada's immigration laws and policies represented by Bill C-50? Do you agree or disagree with the changes? Provide a brief rationale for your decision.

