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CANADA

PROMOTING FAIRNESS IN CANADIAN IMMIGRATION DECISIONS

**Report of the Standing Committee on Citizenship and
Immigration**

Salma Zahid, Chair

**NOVEMBER 2022
44th PARLIAMENT, 1st SESSION**

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Chair**

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Reports from committees presented to the House of Commons

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

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THE STANDING COMMITTEE ON CITIZENSHIP AND IMMIGRATION

has the honour to present its

TWELFTH REPORT

Pursuant to its mandate under Standing Order 108(2), the committee has studied differential outcomes in Immigration, Refugees and Citizenship Canada Decisions and has agreed to report the following:

TABLE OF CONTENTS

SUMMARY.....	1
LIST OF RECOMMENDATIONS	3
PROMOTING FAIRNESS IN CANADIAN IMMIGRATION DECISIONS.....	11
Introduction.....	11
Differential Outcomes for Applicants	13
Law and Policy.....	13
The Refugee Program and the Response to the Situation in Ukraine	13
Caregivers.....	18
International Students and the Student Direct Stream	20
Settlement Services and Non-Permanent Residents	22
Application of Law and Policy	22
Study Permits and African Refusal Rates.....	23
Work Permits and South Asian Refusal Rates.....	28
Family Sponsorship and Racialized Applicants.....	31
Marriages.....	31
Temporary Resident Visas for Family Members	34
Processing Times, Inventories and Family Sponsorship	35
Enforcement by the Canada Border Services Agency	40
Differential Outcomes in Immigration Infrastructure and Funding Decisions	42
E-Tools and Artificial Intelligence.....	42
Advanced Data Analytics	43
Temporary Resident Visas from Outside Canada.....	45
Spouse and Common-Law Partner in Canada Applications	47
Quality Assurance and the Risk of Bias	47

Chinook	50
Distribution of the International Immigration Network	53
Visa Offices Outside Canada	54
Visa Application Centres.....	55
Panel Physicians and Medical Exams	56
Settlement Funding Decisions.....	57
Differential Outcomes for Employees at Immigration, Refugees and Citizenship Canada.....	61
Perception of Racism in the Department	61
Anti-Racism Initiatives.....	62
Disaggregated Staff Data.....	64
Racism and Visa-Processing.....	68
Conclusion	75
APPENDIX A LIST OF WITNESSES	77
APPENDIX B LIST OF BRIEFS.....	81
REQUEST FOR GOVERNMENT RESPONSE	83

SUMMARY

In Canadian embassies, high commissions and processing centres all over the world, visa officers make decisions about which applications are successful and which are not. These decisions allow some applicants to follow their ambitions or meet their needs—and frustrate the ambitions and needs of others, often at significant personal cost. They occur in the context of larger legislative and legal decisions, program criteria choices, funding and processing priorities, settlement options and enforcement interventions—a network of choices and evaluations that inevitably favour some types of applicants over others.

This report examines outcomes in Canadian immigration decisions and in the Canadian immigration system that may systematically and unjustifiably disadvantage certain populations based on characteristics such as race and country of origin. It follows a 22 March 2022 to 4 May 2022 study on differential outcomes in Canadian immigration decisions by the House of Commons Standing Committee on Citizenship and Immigration (the Committee).

This report is organized largely by what types of outcomes immigration decisions may affect. Chapter One draws from testimony on the differential outcomes for applicants caused by, and based on the application of, law and policy. This includes addressing different processing times and inventories for different streams and populations. Chapter Two explores potential effects of decisions about processing technology, the location and funding of Immigration, Refugees and Citizenship Canada (IRCC) visa offices and global network, and settlement funding on applicants or newcomers. Chapter Three examines potential outcomes of conscious and unconscious bias or racism for IRCC employees—outcomes that ultimately also affect refusals, processing times, and infrastructure for applicants.

In the following pages, all the Committee’s recommendations for the Government of Canada to implement are listed.

LIST OF RECOMMENDATIONS

As a result of their deliberations committees may make recommendations which they include in their reports for the consideration of the House of Commons or the Government. Recommendations related to this study are listed below.

Fairness and Impartiality in the Refugee Program

Recommendation 1

That Immigration, Refugees and Citizenship Canada ensure fairness and impartiality in the Refugee Program of vulnerable populations in line with its international obligations, and implement a consistent approach to emergency response. 17

Expansion of Special Measures to Humanitarian Crises

Recommendation 2

That Immigration, Refugees and Citizenship Canada extend the special measures offered to Ukrainians, including the measure to allow for sponsorship of extended family members, to those from other countries and regions that are faced with humanitarian crises..... 17

Increase Levels of Refugees During Humanitarian Crises

Recommendation 3

That Immigration, Refugees and Citizenship Canada increase the total number of refugees welcomed to Canada when there is a crisis, and not renege on or delay welcoming others whose applications are already waiting..... 18

Racial Equity Review

Recommendation 4

That the Government of Canada conduct a comprehensive racial equity review of Canada’s immigration and refugee system, including legislation, regulations, policies and priorities. 18

Prioritize Privately Sponsored Refugees

Recommendation 5

That, given there is a significant backlog of at least three years, the Government of Canada ensure there are additional resources provided to process and prioritize privately sponsored refugees..... 18

Permanent Residence for Caregivers from all Streams

Recommendation 6

That Immigration, Refugees and Citizenship Canada allocate more resources to process caregiver permanent resident applications from all streams expeditiously. 20

Funding Settlement Services for Temporary Foreign Workers and In-Land Refugee Claimants

Recommendation 7

That Immigration, Refugees and Citizenship Canada fund settlement agencies to provide services to temporary foreign workers and in-land refugee claimants, while respecting the jurisdiction of Quebec on the acceptance and integration of newcomers. 22

Reinstate Visa Office Specific Data

Recommendation 8

That Immigration, Refugees and Citizenship Canada bring back the visa office specific quarterly updates. 30

Procedural Fairness Throughout the Decision-Making Process

Recommendation 9

That Immigration, Refugees and Citizenship Canada follow its own mandate and apply the rules of procedural fairness throughout the decision-making process and provide applicants with a fair and unbiased assessment of their applications, meaningful opportunity to receive a response to their concerns about the application not only on paper but in practice, and give decisions in a timely manner..... 30

Recording Applicant Interviews

Recommendation 10

That Immigration, Refugees and Citizenship Canada record applicant interviews with officials to avoid misunderstandings. 32

Improving Spousal Sponsorship Interviews

Recommendation 11

That Immigration, Refugees and Citizenship Canada work with external stakeholders, including with faith community leaders, to establish best practices and new training and guidelines to assist visa officers in the recognition and understanding of different cultural norms of marriage, and how to question applicants in a culturally sensitive way to assess the genuineness of a relationship. 33

Using the “Family Sponsorship Impact Statement Form”

Recommendation 12

That Immigration, Refugees and Citizenship Canada consider using the “Family Sponsorship Impact Statement Form” to gather evidence in order to better understand the barriers of this process..... 33

Ensuring the Strict Application of Section 22(2) of *Immigration and Refugee Protection Act*

Recommendation 13

That Immigration, Refugees and Citizenship Canada ensure the strict application of section 22(2) of the *Immigration and Refugee Protection Act* so that the intention to settle in Canada does not interfere with obtaining temporary resident visas. 33

Allowing Application for Open Work Permits During Processing

Recommendation 14

That Immigration, Refugees and Citizenship Canada allow overseas spousal sponsorship applicants to apply for open work permits for their spouses during the processing of their permanent resident application. 33

Respecting 12-Month Processing Standard

Recommendation 15

That Immigration, Refugees and Citizenship Canada respect the 12-month processing standard for spousal sponsorship applications..... 33

Temporary Resident Visas for Separated Families

Recommendation 16

That, as a default position, Immigration, Refugees and Citizenship Canada officers issue temporary resident visas to applicants who have family sponsorship applications pending, with the only possible reason for refusal being based on inadmissibility..... 35

Oversight for the Canada Border Services Agency

Recommendation 17

That the Government of Canada create an independent oversight body for the Canada Border Services Agency and that its mandate includes addressing racism and complaints about racism..... 42

Anti-Racism and Unconscious Bias Training at the Canada Border Services Agency

Recommendation 18

That the Government of Canada implement mandatory and regular seminar-style anti-bias, anti-racism and cultural awareness training for all staff at the Canada Border Services Agency, from management to front line agents. 42

Requiring an Independent Assessment of Chinook, E-Tools and Artificial Intelligence

Recommendation 19

That the Government of Canada require an independent assessment and oversight by IT security experts of Chinook, e-tools and the expansion of the use of artificial intelligence in immigration on a mandatory basis; aim for greater transparency with respect to algorithmic impact assessments, privacy assessments and consultations on fairness concerns for using these technologies; and study the cases of the United Kingdom and the Netherlands, which have both in the last two years suspended the use of algorithmic systems because these systems have discriminatory biases. 49

Addressing the Recommendations on Artificial Intelligence and E-Tools in Report 8

Recommendation 20

That Immigration, Refugees and Citizenship Canada address the recommendations related to the use of artificial intelligence and E-tools at Immigration, Refugees and Citizenship Canada contained in *Report 8—Differential Treatment in Recruitment and Acceptance Rates of Foreign Students in Quebec and the Rest of Canada*. 50

More Visa Offices in Underserved Areas

Recommendation 21

That Immigration, Refugees and Citizenship Canada increase, for all visa offices, the ratio of funding to applications processed, hire more visa officers and open new visa offices in underserved regions if security conditions permit. 55

More Biometrics Collection Sites

Recommendation 22

That Immigration, Refugees and Citizenship Canada review how it can expand its biometrics collection sites to offer applicants more options nearer to where they live. 56

Expired Medical Exams

Recommendation 23

That Immigration, Refugees and Citizenship Canada allow for approved candidates whose medical exams have expired due to long processing delays to arrive in Canada and direct them to take a second, in-country exam if deemed necessary..... 57

Increasing Funding for Ethnocultural Community Groups

Recommendation 24

That Immigration, Refugees and Citizenship Canada increase funding for ethnocultural community groups to support their work..... 60

Collecting Disaggregated Data on Organizations Serving Newcomer Women

Recommendation 25

That the Government of Canada collect disaggregated data on the level of funding for organizations who provide services and support to women newcomers to Canada, with further breakdowns for women’s organizations serving racialized women. 60

Preventing Discriminatory and Biased Settlement Agency Contract Management

Recommendation 26

That Immigration, Refugees and Citizenship Canada ensure organizations serving racialized women, and Immigration, Refugees and Citizenship Canada officers assigned to manage their contracts, are not subject to discriminatory practices and biases by Immigration, Refugees and Citizenship Canada officials. 60

Anti-Racism Quality Assurance for Visa Officer Decisions

Recommendation 27

That Immigration, Refugees and Citizenship Canada broaden its quality assurance to examine the potential effect of systemic racism and individual bias on visa officer decisions and visa office refusal rates; require the immediate implementation of such anti-racism tools in each visa office; evaluate the results for each office in its next annual review; and publish within a year and a half the aggregate findings of these reviews..... 70

Mandatory and Regular Anti-Racism Training for Visa Officers

Recommendation 28

That Immigration, Refugees and Citizenship Canada implement mandatory and regular seminar-style anti-bias, anti-racism and cultural awareness training for all visa officers; discontinue the use of the autonomous, online format for training on these topics; and investigate Australian visa officer training as a possible education model..... 71

Promote Racialized Candidates to All Levels of Foreign Service Positions

Recommendation 29

That Immigration, Refugees and Citizenship Canada include a focus on visa officers in its strategies to increase representation at intermediate job levels, and remove discrimination and other barriers to the promotion of racialized Canadian candidates for all levels of foreign service positions as visa officers. 72

Diversity Among Locally Engaged Staff

Recommendation 30

That Immigration, Refugees and Citizenship Canada consider diversity among locally engaged staff, and promote measures to increase representation among locally engaged staff from different ethnic and cultural groups. 73

Create Ombudsperson Office

Recommendation 31

That Immigration, Refugees and Citizenship Canada provide the appropriate resources for the establishment of an ombudsperson’s office to review the department’s policies, receive and review complaints, review regular reports on racism and training procedures; and that the office be empowered to take appropriate enforcement measures in relation to these activities..... 74

Establishing a Legislative Foundation for the Federal Anti-Racism Secretariat

Recommendation 32

That the Government of Canada give the Federal Anti-Racism Secretariat a legislative foundation to strengthen its work, and subject all government legislation and regulations to a racial equity review..... 74

Working with Experts and Stakeholders to Develop Anti-Racism Training

Recommendation 33

That Immigration, Refugees and Citizenship Canada work with external experts and internal stakeholders to develop anti-racism training with a gender-based lens, and that this training be mandatory for all employees and contractors..... 74

Facilitating Creation of Employee-Driven Support Groups within the Department

Recommendation 34

That Immigration, Refugees and Citizenship Canada facilitate the establishment of adequately resourced employee-driven groups to provide support and share experiences with discrimination, and that these groups be a regularized part of the organization. 74

Providing Decision Makers with Procedural Fairness and Impartiality Training

Recommendation 35

That Immigration, Refugees and Citizenship Canada establish a Service Delivery Anti-Racism Working Group and provide mandatory trainings to support decision makers in the understanding of procedural fairness and impartiality..... 74

Improving the Diffusion of Information

Recommendation 36

That Immigration, Refugees and Citizenship Canada improve the application forms and update their website with as much detail as possible. The website should include transparency detailing the process, including but not limited to criteria that will be used to assess the authenticity of marriages..... 75

Improve Coordination in Settlement Services

Recommendation 37

That the Government of Canada continue to work with provincial and territorial partners, as well as settlement services agencies, to improve coordination and the availability of support for newcomers, respecting the Canada-Québec Accord. 75



PROMOTING FAIRNESS IN CANADIAN IMMIGRATION DECISIONS

INTRODUCTION

Decision and differentiation are foundational to Canadian immigration, as they are to any modern immigration system. Most dramatically, at Canadian embassies, high commissions and processing centres all over the world, visa officers must continually decide which applications to approve and which to reject. Their decisions allow some applicants to follow their ambitions or meet their needs to stay in or enter Canada—and frustrate the ambitions and needs of others, often at significant personal cost.

Visa officer decisions and differentiations do not happen in a vacuum. Officers must interpret and apply program criteria and immigration law and policy. Their judgments also occur against the backdrop of legislative and legal decisions, policy choices, funding and processing priorities, settlement options and enforcement interventions—a network of judgments and choices that inevitably favour some types of applicants over others.

This report of the House of Commons Standing Committee on Immigration and Citizenship (CIMM or the Committee) examines differential outcomes in Canadian immigration decisions and in the Canadian immigration system. Undoubtedly, program criteria and rules can be justified and explicit. In its points system to rank applications for permanent immigration, for instance, Canada grants points to applicants on the basis of education and job skills. This report revisits the justification for some program criteria based on consistent differential effects on particular populations of applicants. It also examines patterns of decisions based on unjustified and often implicit factors, such as race and country of origin. Highlighting particular programs and rules, witnesses argued that both types of differential outcomes can amount to bias, discrimination and systemic racism.

This report is the result of CIMM's study of differential outcomes in immigration decisions, which began on 22 March 2022, following a motion on 1 February 2022.¹ Between the beginning of the study and its ending, on 4 May 2022, the Committee heard from 29 witnesses and received six written briefs. The study follows upon the Committee's examination of the recruitment and acceptance rates of

1 House of Commons, Standing Committee on Citizenship and Immigration (CIMM), *Minutes of Proceedings*, 1 February 2022.



international students—acceptance rates that are consistently lower for students applying from African countries.

The present study and report expand the scope of that earlier examination of international students and also delve into other immigration streams, such as work permits and caregiver programs. This report looks in more detail at differential outcomes for staff and partners within Immigration, Refugees and Citizenship Canada (IRCC) and within the larger Canadian immigration network; and it examines the differential effects of IRCC infrastructure and processing tools.

As well, CIMM's report on differential outcomes examines bias and racism within IRCC's organization culture and network, and the department's recent measures to grapple with this reality. In the summer following the global condemnation of systemic and other forms of racism in the wake of the murder of George Floyd by a white policeman in May 2020 in the United States, IRCC launched an Anti-Racism Taskforce to understand and to fight against racism in IRCC operations and its workforce. The resulting November 2020 employee survey, and March 2021 follow-up focus groups with 55 mostly racialized employees, indicated that the perception of racism at IRCC depended significantly on the participants' racial and ethnic background. Many racialized participants reported micro-aggressions, racial bias in hiring, a lack of racialized employees in management roles and a lack of culture and processes for addressing racism within the department. Racialized employees also feared that bias and racism in the workplace operation and culture may affect policy and visa officer decisions.²

This report is organized largely by what types of outcomes immigration decisions may affect. Chapter One draws from testimony on differential outcomes for applicants caused by, and based on the application of, law and policy. This includes addressing different processing times and inventories for different streams and populations. Chapter Two examines potential effects of decisions about processing technology, the location and funding of IRCC visa offices and partners within the larger immigration network, and settlement funding. Chapter Three examines potential outcomes of conscious and unconscious bias or racism for IRCC employees—outcomes that ultimately also affect refusals, processing times, and infrastructure for applicants.

2 Immigration, Refugees and Citizenship Canada (IRCC), *IRCC's Anti-Racism Employee Survey Results*, presentation to the Executive Committee, 20 January 2021, pp. 6–12; Pollara Strategic Insights, [*IRCC Anti-Racism Employee Focus Groups*](#), Final Report, prepared for Immigration, Refugees and Citizenship Canada, 23 June 2021, p. 13.

DIFFERENTIAL OUTCOMES FOR APPLICANTS

Certain populations may experience differential outcomes in the success of their application and in processing times. The Committee learned that these outcomes can differ along racial or other lines based on the design of the program, or on the different interpretation and application of legal and program rules.

Law and Policy

Let us start with differential outcomes based on law and policy. This section provides an overview of certain programs and policies that the Committee heard described as having differential treatment, bias and racism implicit in their structure: refugee policy, caregivers, international students, spousal and family sponsorship.

The Refugee Program and the Response to the Situation in Ukraine

The *Immigration and Refugee Protection Act* (IRPA) has a long list of objectives with respect to refugees, notably to recognize that the refugee program is firstly about saving lives and offering protection to the displaced and the persecuted.³ In Canada, asylum claims are adjudicated at the Immigration and Refugee Board of Canada (IRB), using the definition of Convention refugee established in the 1951 United Nations *Convention Relating to the Status of Refugees* and its 1967 Protocol.⁴ Persons in need of protection can also include individuals at risk of torture or cruel and inhumane punishment if returned to their country of origin.

IRCC's refugee program includes persons seeking resettlement to Canada, not just asylum seekers at the border. Government-assisted refugees are the most vulnerable and are referred to IRCC by the United Nations High Commissioner for Refugees (UNHCR) or other organizations with which IRCC has an agreement.⁵ Canada also has a private sponsorship program where sponsors in Canada refer individuals to IRCC.⁶ Depending on the type of private sponsorship being pursued, individuals referred to IRCC may be required to have refugee status, a determination made by the UNHCR or the country in which they are temporarily located. Finally, a Blended Visa Office-Referred

3 [Immigration and Refugee Protection Act](#) (IRPA), S.C. 2001, c. 27, s. 3(2).

4 IRPA, s. 96. See United Nations, [Convention and Protocol relating to the Status of Refugees](#).

5 IRCC, [Government-Assisted Refugees Program](#).

6 Private sponsors are divided in several categories. IRCC, [Sponsorship Agreement Holders: About the program](#), [Groups of Five: About the process](#); [Community sponsors: About the process](#).



program is for refugees identified for resettlement by the UNHCR that private sponsors welcome, with the financial costs shared with IRCC.⁷

In the last two years before the pandemic, Canada resettled the most refugees in the world, 28,000 refugees in 2018⁸ and 30,087 refugees in 2019.⁹ The UNHCR indicates that in 2019, 43.4% of resettled refugees to Canada came from the Middle East, 42.1% came from Africa, 12.4% came from Asia, 0.5% came from the Americas, and 0.08% came from Europe.¹⁰ The pandemic put resettlement on hold while travel restrictions were in place. Today, the pandemic continues to affect resettlement, but to a lesser extent as refugees make their way to Canada and IRCC has found ways to mitigate risks.¹¹

In the midst of the pandemic, in the last year, Canada has responded to two major international crises. The fall of Kabul, Afghanistan to the Taliban in August 2021 is the source of special programs created to welcome as permanent residents Afghan nationals who had an enduring relationship with Canada (18,000 identified individuals), extended family members of former interpreters who had served with the Canadian Armed Forces (5,000 people), and Afghan nationals under a humanitarian program, for a total of 40,000 Afghan nationals.¹²

Subsequently, the Russian attack on Ukraine on 24 February 2022 created the largest displacement in Europe since World War II. The number of Ukrainians who have left their country westward to find safety in neighbouring countries at the time of writing this report was more than six million, for the most part women and children.¹³ IRCC has responded with a suite of measures, most notably the Canada-Ukraine authorization for emergency travel (CUAET),¹⁴ which allows Ukrainian nationals and their family members of any nationality with the opportunity to stay in Canada as temporary residents for up to three years. They are also eligible for a free open work permit or study permit, which

7 IRCC, *Partnership in Resettlement: The Blended Visa Office-Referred Program*.

8 Jynnah Radford and Phillip Connor, *Canada Now Leads the World in Refugee Resettlement, Surpassing the U.S.*, Pew Research Center, 19 June 2019.

9 UNHCR Canada, *Refugee resettlement to Canada*.

10 Ibid.

11 IRCC, *Coronavirus disease (COVID-19): Refugees, asylum claimants, sponsors and PRRA applicants*.

12 IRCC, *Canada's response to the situation in Afghanistan*. At the time of writing, 14,645 Afghans had arrived in Canada.

13 UNHCR, Operational Data Portal, Situation in *Ukraine Refugee Situation*, last updated 1 June 2022.

14 IRCC, *Immigration measures for people affected by the Russian invasion of Ukraine*. Between March 17 and 1 June 2022, IRCC received over 278,000 CUAET applications and approved more than 127,000 applications. [Key figures](#) are updated on a weekly basis.

allows them to take a job with almost any Canadian employer or enrol in an education program in Canada.¹⁵ Greater access to biometric collection sites has recently been created by opening centres in Warsaw, Poland and Berlin, Germany.¹⁶ Ukrainians departing from certain countries are eligible for counterfoil-less visas, which eliminates the step of handing over the passport once the application is approved.

For Anila Lee Yuen, President and Chief Executive Officer of the Centre for Newcomers, the various responses for displaced persons by country of origin are “perceived in the general public as differential actions.”¹⁷ This is problematic for settlement agencies who must explain to their clients what is occurring:

[W]e’re seeing much easier ways of coming to Canada ... for Ukrainian citizens. That is problematic in what we say to our clients and what we say to the community in terms of why there was a difference between racialized communities—whether they were Syrian, whether they were Iraqi, whether they were coming from Colombia in South America or from anywhere else, or Punjabi if they were coming potentially as political refugees from India—and all these different places that are racialized. As much as we do support the Ukrainian community, and support every community, there is a huge difference. The only one we can see visibly is race.¹⁸

Even with respect to IRCC’s response to Ukraine, the Committee was told of differential treatment of those fleeing Ukraine. Siham Rayale, Director, Foreign Affairs, National Council of Canadian Muslims said “that everyone currently in Ukraine, for example, deserves fair and equal treatment, and those who are non-Ukrainian nationals do not deserve to be set aside in favour of white Ukrainians.”¹⁹ She told the Committee that the International Organization for Migration estimates that non-Ukrainian nationals could number up to 60,900 people, mostly from South Asia and Africa.²⁰ “What this has resulted in is a two-tier refugee admission process that prioritizes white Europeans and that leaves racialized groups in danger,” said Siham Rayale.

Caroline Xavier, Associate Deputy Minister at IRCC, informed the Committee that the department was aware of the mixed population fleeing Ukraine and “that in some cases,

15 IRCC, [Minister Fraser concludes a successful visit to Europe](#), News release, 6 May 2022.

16 IRCC, [Canada expands overseas services for Ukrainians](#), News release, 4 May 2022.

17 CIMM, [Evidence](#), 22 March 2022, 1215 (Anila Lee Yuen, President and Chief Executive Officer, Centre for Newcomers).

18 Ibid.

19 CIMM, [Evidence](#), 29 March 2022, 1115 (Siham Rayale, Director, Foreign Affairs, National Council of Canadian Muslims).

20 Ibid.



some of those who are fleeing may find refuge within the neighbouring countries more directly, or they may return to the country of origin.”²¹ It is unknown how feasible these options are for racialized refugees in Ukraine, as the Committee did not hear from any witnesses, with either direct experience or who are working with racialized refugees stuck in Ukraine trying to get to safety, to present to the Committee. With respect to the vast differences in programs offered to Afghan nationals and Ukrainians, the Hon. Sean Fraser, Minister of Immigration, Refugees and Citizenship, emphasized two major differences: Ukrainians have had safe passage to countries where applications and their biometric screening could be processed, whereas the Afghan nationals to whom Canada has made a specific commitment, “are in a territory where ... the Taliban are not letting them leave the country and they cannot transit safely throughout or outside of Afghanistan.”²² The second difference for IRCC, informed by European counterparts, is that most Ukrainians are expected to come for a temporary period, until it is safe to return to their country.²³ Since the Committee did not have any witnesses present concerns related to IRCC’s process to help bring Afghans to safety, no testimony is provided on how to address the barriers that the Minister has raised.

More broadly, the Committee heard that different groups of refugees may be subject to shorter or longer wait times depending on shifting government priorities and quotas. As Jennifer Miedema, Executive Director of Remember Ministries, a non-denominational charitable organization, commented, the “[a]llocation of resources tells you where priorities are placed or who favoured populations are.”²⁴

Given that Canada limits its refugee intake to the numbers announced in the departmental annual plans, the difference between outcomes for refugee groups can be stark, as refugees who come more quickly one year may bump other refugee applications to the following year.²⁵

The Government of Canada also prioritizes between types of refugee programs. Jennifer Miedema noted that:

Resources do not seem to go towards the processing of private refugee sponsorships, which leads one to believe that those refugees are not a priority. Current processing

21 CIMM, [Evidence](#), 24 March 2022, 1245 (Caroline Xavier, Associate Deputy Minister, Immigration, Refugees and Citizenship Canada).

22 CIMM, [Evidence](#), 24 March 2022, 1130 (Hon. Sean Fraser, Minister of Immigration, Refugees and Citizenship).

23 Ibid.

24 CIMM, [Evidence](#), 22 March 2022, 1110 (Jennifer Miedema, Executive Director, Remember Ministries).

25 Ibid.

times for privately sponsored refugees in Ethiopia, Kenya, Sudan and South Africa are 31 to 37 months. For refugees in Malaysia and Thailand, it's 37 months. For those in Pakistan, it's 38 months. For those in Lebanon, it is 46 months—almost four years.²⁶

The uneven distribution of delays means the uneven distribution of suffering. The Committee heard that some refugees face terrible conditions in certain refugee camps and regions, such as ongoing fuel, medicine and food shortages.²⁷ Jennifer Miedema noted that even the hope of eventual resettlement can be damaging over long periods of waiting and delay:

Once [hopes] are raised, once you submit their [refugee] application, for them to go through months, and then a year or two years, without any contact from the visa office, and to have to wait three years, or close to that time, for an interview—it is very, very difficult for their mental health. It affects their physical health. It affects their family dynamics, marriages and so many things.²⁸

In light of this testimony, the Committee recommends:

Fairness and Impartiality in the Refugee Program

Recommendation 1

That Immigration, Refugees and Citizenship Canada ensure fairness and impartiality in the Refugee Program of vulnerable populations in line with its international obligations, and implement a consistent approach to emergency response.

Expansion of Special Measures to Humanitarian Crises

Recommendation 2

That Immigration, Refugees and Citizenship Canada extend the special measures offered to Ukrainians, including the measure to allow for sponsorship of extended family members, to those from other countries and regions that are faced with humanitarian crises.

26 Ibid., 1110.

27 Ibid.

28 Ibid., 1125.



Increase Levels of Refugees During Humanitarian Crises

Recommendation 3

That Immigration, Refugees and Citizenship Canada increase the total number of refugees welcomed to Canada when there is a crisis, and not renege on or delay welcoming others whose applications are already waiting.

Racial Equity Review

Recommendation 4

That the Government of Canada conduct a comprehensive racial equity review of Canada's immigration and refugee system, including legislation, regulations, policies and priorities.

Prioritize Privately Sponsored Refugees

Recommendation 5

That, given there is a significant backlog of at least three years, the Government of Canada ensure there are additional resources provided to process and prioritize privately sponsored refugees.

Caregivers

The Live-in Caregiver Program was the original pathway, in IRPA, for temporary workers in this profession to become permanent residents.²⁹ The program requirements have varied over time to address labour issues affecting foreign nationals. The program was replaced in 2014 with two pilot programs that ran for five years: Caring for Children and Caring for People with High Medical Needs. When IRCC consulted stakeholders to design new pilots, the Interim Pathway for Caregivers was created to allow those who had misunderstood the previous program requirements to apply for permanent residence. The programs in place today, the Home Child Care Provider and the Home Support Worker, allow any dependents of the caregiver, such as children and spouse, to come to Canada on a study or work permit.³⁰

29 IRCC, [Live-in Caregiver Program](#).

30 IRCC, [Caregivers](#).

Before the current programs were put in place, many caregivers were unaware that if they accepted work as temporary foreign workers on simple work permits they would not automatically be on track for permanent residence. MD Shorifuzzaman, Regulated Canadian Immigration Consultant, Guide Me Immigration Inc., described the situation created by the 2014 pilots as “a humanitarian crisis for those helpless workers, who are separated from their families, out of a job, without medical assistance and with no clear pathway to becoming permanent residents.”³¹

For many caregivers, the criteria for permanent residence include needing to prove through language testing that they have a high level of English or French, which has proven to be a significant barrier. Debbie Douglas, Executive Director, Ontario Council of Agencies Serving Immigrants, told the Committee that the language testing requirements for caregivers transitioning from temporary status to permanent residence, and then later for citizenship, made no sense. These caregivers “have already prove[n] that they are able to communicate. They certainly have the language needed to do their job.”³²

Both pre- and post-pandemic, the Live-in Caregiver Program had some of the longest wait times. In 2020, the average visa processing time was 57 months and two days; for 2021, it was 68 months and one day. As of 31 December 2021, 15,621 applications were in, or projected to be in, the Home Child-Care Provider Pilot backlog. 1,639 of applications in the Live-in Care Program were also in inventory.

Arlene Ruiz, Licensed and Regulated Immigration Consultant and Recruiter from Alexene Immigration & Employment Services, informed the Committee that a high percentage of caregivers are from the Philippines, for whom the delays in application processing cause breakdowns in their marriages and children growing out of their dependent status. She said, “I believe [racism] plays a role. I’m not going to say that a lot of the reasons are mostly because of racism, but I believe it plays a major role.”³³

Caroline Xavier spoke about an “ambitious plan” that IRCC set in April 2021 that finalized applications for close to 6,000 individuals, caregivers and their families, by December 2021.³⁴ She indicated the next steps included addressing the “more aged

31 CIMM, *Evidence*, 26 April 2022, 1110 (MD Shorifuzzaman, Regulated Canadian Immigration Consultant, Guide Me Immigration Inc.).

32 CIMM, *Evidence*, 7 April 2022, 1255 (Debbie Douglas, Executive Director, Ontario Council of Agencies Serving Immigrants).

33 CIMM, *Evidence*, 29 March 2022, 1210, 1225 (Arlene Ruiz, Licensed and Regulated Immigration Consultant and Recruiter, Alexene Immigration & Employment Services Inc.).

34 CIMM, *Evidence*, 24 March 2022, 1225 (Caroline Xavier).



applications.”³⁵ However, Steven Meurrens, immigration lawyer, indicated that “Right now, [the lack of transparency at IRCC] is huge. The processing times stated on the IRCC website are inaccurate. The website itself says they’re inaccurate. Again, only through *Access to Information Act* results have we learned that almost no caregiver files have been processed since 2019.”³⁶ Arlene Ruiz said: “[Caregivers] feel they are being pushed to the back burner. They feel neglected and unimportant.”³⁷

The Committee is reminded of the plight of these hardworking caregivers and recommends:

Permanent Residence for Caregivers from all Streams

Recommendation 6

That Immigration, Refugees and Citizenship Canada allocate more resources to process caregiver permanent resident applications from all streams expeditiously.

International Students and the Student Direct Stream

Section 30 of IRPA provides that foreign nationals cannot study in Canada unless authorized to do so. A foreign student who applies for a study permit³⁸ needs to demonstrate that they meet the requirements under IRPA and the *Immigration and Refugee Protection Regulations* (IRPR), including having satisfactory proof of financial support.³⁹ They also need a letter of acceptance from a designated learning institution (DLI)⁴⁰ and valid travel documents.

In 2018, IRCC introduced a streamlined and expedited application process for eligible international students.⁴¹ This Student Direct Stream (SDS) is available to foreign students from China, India, the Philippines, Vietnam, Morocco, Pakistan, Senegal, Antigua and

35 Ibid., 1255.

36 CIMM, [Evidence](#), 22 March 2022, 1135 (Steven Meurrens, Immigration Lawyer, As an Individual).

37 CIMM, [Evidence](#), 29 March 2022, 1215 (Arlene Ruiz).

38 IRCC, [Study permit: About the process](#).

39 In Quebec, a student over the age of 18 must demonstrate they have \$13,134 per year to live. For the rest of Canada, a student must demonstrate they have \$10,000 per year. IRCC, [“Proof of financial support,” Study permit: Get the right documents](#), 2021.

40 A designated learning institution is a school approved by a provincial or territorial government to host international students. For more information, see IRCC, [Designated learning institutions list](#).

41 IRCC, [Student Direct Stream: About the process](#).

Barbuda, Brazil, Colombia, Costa Rica, Peru, Philippines, Saint Vincent and the Grenadines and Trinidad and Tobago.⁴² Students must pass a language test (International English Language Testing System (IELTS) or Test d'évaluation de français (TEF)), and prove that they have paid their first year of studies and have a Guaranteed Income Certificate of CAN\$10,000. Caroline Xavier informed the Committee that Bangladesh was in the final steps of consideration to also become a country with the SDS.⁴³ The department anticipates this review to be complete by fall 2022.⁴⁴

For Beba Svigir, Chief Executive Officer, Calgary Immigrant Women's Association, clients of her organization have observed "discriminatory rules for processing immigration applications from some countries that are different than for others" with relation to study permits. "The student direct stream takes up to 20 days for the currently listed 14 countries on IRCC's web page, while processing times under the regular study permit can take from anywhere between 90 and 300 days."⁴⁵ While the SDS is intended as an expedited pathway, this pathway is not available in most countries, and its processing time is much shorter than the alternative.

IRCC has also developed a pilot program for Nigeria called the Nigeria Student Express, but its requirements are different from the Student Direct Stream, most notably the financial requirements. Gideon Christian, President, African Scholars Initiative, told the Committee that "IRCC study visa policies have been designed in ways that make it ever more difficult for people from Africa to be able to secure study visas to pursue education in Canada."⁴⁶ He spoke about the English language testing requirements in the Nigeria Student Express, where the education system is conducted in English, concluding that "[t]hese subtle biased, discriminatory and differential study visa requirements inevitably result in adverse differential outcomes in decisions, not just for Nigeria but for Africa."⁴⁷

42 English is the language of education in Antigua and Barbuda, Saint Vincent and the Grenadines and Trinidad and Tobago. French is the language of education in Senegal.

43 CIMM, *Evidence*, 3 May 2022, 1320 (Caroline Xavier).

44 IRCC, *CIMM 19.21, Timeline of the addition of Bangladesh in the SDS, IRCC's response to a request for information made by the Standing Committee on Citizenship and Immigration on May 3, 2022*, 26 May 2022.

45 CIMM, *Evidence*, 22 March 2022, 1210 (Beba Svigir, Chief Executive Officer, Calgary Immigrant Women's Association).

46 CIMM, *Evidence*, 22 March 2022, 1115 (Gideon Christian, President, African Scholars Initiative).

47 Ibid.



Settlement Services and Non-Permanent Residents

Settlement services help newcomers adjust to life in Canada. IRCC has agreements with over 550 providers across Canada that deliver programs such as orientation, language training and employment-related services.⁴⁸ Usually, IRCC funds these agencies to deliver services to permanent residents only.⁴⁹

Anila Lee Yuen indicated that “Currently, IRCC does not allow us as settlement agencies to offer services to temporary residents or refugee claimants.”⁵⁰ She further informed the Committee that access to settlement services based on immigration status is, in and of itself, differential treatment and discriminatory. She spoke about asylum claimants in Canada who do not have access to supports, and how this has “detrimental effects” in the long term, affecting children and grandchildren.⁵¹ Drawing on experiences from the COVID-19 pandemic, she told the Committee that “[w]e should make a concerted effort, especially in times of crisis, to be able to give first language support.”⁵² She said it was necessary to provide services not only in English and French.

Funding Settlement Services for Temporary Foreign Workers and In-Land Refugee Claimants

Recommendation 7

That Immigration, Refugees and Citizenship Canada fund settlement agencies to provide services to temporary foreign workers and in-land refugee claimants, while respecting the jurisdiction of Quebec on the acceptance and integration of newcomers.

Application of Law and Policy

Witnesses highlighted differential or biased outcomes in the application of the law and policy, in addition to explicit differences in laws and programs. They argued that, in some immigration streams and programs, success often varies according to factors that fall outside of strict eligibility and admissibility criteria—however fair or unfair these criteria may be. Christian Blanchette, President, Université de Québec à Trois-Rivières, said

48 IRCC, *Newcomer services*. In Quebec, see, Immigration, Francisation et Intégration, Preparing for your life in Québec, *Programs and services for newcomers*.

49 IRCC, *Canada expands settlement support for Ukrainians coming to Canada*, News Release, 30 March 2022.

50 CIMM, *Evidence*, 22 March 2022, 1215 (Anila Lee Yuen).

51 CIMM, *Evidence*, 22 March 2022, 1215 (Anila Lee Yuen).

52 Ibid.

“There is a requirement that candidates from Africa provide their biometric data before their application can be processed. These candidates have to travel across almost the entire African continent just to reach the one Service Centre where they can [provide] their biometric information. That continues to be a fundamental barrier to accessing Canada, whether you’re wealthy or you have limited means.”⁵³

Until an application is accepted, refused, abandoned or withdrawn, each application is processed by an IRCC visa officer or by the IRB. While all in-Canada asylum claims are processed by the IRB in Canada, other applications are processed either in one of four case processing centres in Canada, or at one of 206 missions within the IRCC’s network around the world.⁵⁴ The location of processing usually depends on the immigration stream and where the application comes from. IRCC has also had the capacity since 2016 to redirect applications to other missions within the global network to process them more efficiently.⁵⁵

Study Permits and African Refusal Rates

Differential outcomes in the application of law and policy are most clear with respect to international study permit refusal rates for students applying from African countries. As outlined in the Committee’s preceding report, *Differential Treatment in Recruitment and Acceptance Rates of Foreign Students in Quebec and in the Rest of Canada*, the Government of Canada and DLIs recruit heavily in African countries, and many African students are accepted to DLIs. This is especially true for francophone DLIs, which rely on attracting international students from francophone Africa.⁵⁶ At the same time, IRCC data indicates that refusal rates for students applying from African countries are significantly higher than for most other regions. In 2021, 72% of students applying from African countries with significant French populations were rejected, despite being accepted at DLIs in Canada. Similarly, visa officers rejected 68% of students applying from African countries with significant English populations. By contrast, the global average refusal

53 CIMM, [Evidence](#), 29 March 2022, 1250 (Christian Blanchette, President, Université du Québec à Trois-Rivières).

54 Government of Canada, [“IRCC’s Overseas Operations,” IRCC Minister Transition Binder 2021: IRCC–Departmental Overview](#).

55 Government of Canada, [\[ARCHIVED\] Immigration, Refugees and Citizenship Canada Overview–Quarterly IRCC Updates](#).

56 CIMM, [Differential Treatment in Recruitment and Acceptance Rates of Foreign Students in Quebec and in the Rest of Canada](#), May 2022, p. 47.



rate for 2021 is only 40% (Figure 1 on p. 26). This figure drops to 35% for applicants applying from outside of Africa.⁵⁷

Arguably, the higher refusal rates for African students reflect income eligibility requirements for study permits, and the relatively low GDP per capita average income in many African countries.⁵⁸ Indeed, IRCC data indicates that one of the two most common reasons given by visa officers for refusing applicants from African students is that they possess insufficient proof of financial resources.⁵⁹ Lou Janssen Dangzalan, immigration lawyer, noted in a brief submitted during the International Student study, however, that GDP per capita only correlates to refusal rates within a given GDP per capita income range, \$3000 to \$15,000—a range into which many francophone African countries do not fall.⁶⁰ These numbers could not be confirmed through data available to the Committee, and further research is needed. When asked about the high refusal rates of francophone African applicants at Committee, however, Minister Fraser agreed that IRCC can “make massive improvements” in recruitment and acceptance of applicants from across Africa.⁶¹

In this current study, the Committee heard that student permit refusal rates may further disadvantage African students with children—at least parents applying from certain African countries. Beba Svigir noted that the successful “clients who come [to Canada] on a student visa from Nigeria typically do not bring their children with them, as there is a higher rate of refusal when children are included in their study permit application.”⁶² While parents are permitted to include children on their applications, this suggests they may have to choose between either further hurting their low chances of acceptance, or gain a study permit only by leaving their children behind, and facing another application to reunite with them once the applicant is studying in Canada.⁶³ High refusal rates for

57 Ibid., Table 2, p. 43.

58 To apply for a study permit, applicants must show that they have sufficient funds to cover tuition fees, living expenses for themselves and any family members who come with them to Canada, and return transportation. Government of Canada, *Study permit: Who can apply*.

59 CIMM, *Differential Treatment in Recruitment and Acceptance Rates of Foreign Students in Quebec and in the Rest of Canada*, May 2022, Appendix A. On the legal grounds for refusing applications for study permits, see pp. 48–57.

60 Lou Janssen Dangzalan, *Brief*, 3 February 2022, p. 1.

61 CIMM, *Evidence*, 17 February 2022, 1115 (Hon. Sean Fraser).

62 CIMM, *Evidence*, 22 March 2022, 1210 (Beba Svigir).

63 Ibid.

students applying from Africa may affect both the applicant and their families—even for the minority of applicants who are successful.

During the Committee’s previous study on international students, moreover, several witnesses highlighted that average refusal rates for study permits have largely increased during the last decade.⁶⁴ Looking at average global study permit refusal rates from 2016 to 2020 in the context of refusal rates for work permits and temporary resident visas (TRVs) (Figure 1), people applying for study permits experience the highest rates of refusal, and this rate increased to a high of 49% in 2020, and then decreased to 40%, the 2019 average, in 2021. Work permit and TRV refusal rates also increased during this period, and also came down somewhat in 2021 and 2020, respectively. While further research is needed to confirm this trend, some witnesses argued that the study permit refusal rate increase is also reflected in an increased refusal rate for students applying from Africa.⁶⁵

64 Université Laval, [Brief](#), 10 February 2022; Lou Janssen Dangzalan, [Brief](#), 3 February 2022, Schedule D; CIMM, [Evidence](#), 1 February 2022, 1145 (Larissa Bezo, President and Chief Executive Officer, Canadian Bureau for International Education).

65 Université Laval, [Brief](#), 10 February 2022, p. 5; CIMM, [Evidence](#), 1 February 2022, 1145 (Larissa Bezo).



Figure 1—Refusal Rates for Work Permits, Study Permits and Temporary Resident Visas, 2016–2021 (%)



Note: Refusal rate is calculated as $[\text{refused}/(\text{refused} + \text{accepted})] \times 100$.

Source: Table prepared by the authors with data obtained from Immigration, Refugees and Citizenship Canada from *CIMM 7.8 Applications processed from 2015 to the implementation of Chinook*, IRCC’s response to a request for information made by the Standing Committee on Citizenship and Immigration on February 17, 2022, 27 April 2022, Annex A.

High refusal rates affect DLIs, in addition to the students themselves. As Christian Blanchette, President, Université du Québec à Trois-Rivières, testified about the experience of the Université du Québec à Trois-Rivières,

Between 2014 and 2021, the [Université du Québec à Trois-Rivières] had a 142% increase in international student enrolments. If we narrow the search down to the African pool, the increase is 280% for the same period. ... However, over the past three years, for each student who manages to get a study permit and start a bachelor’s degree in Trois-Rivières, nine get a refusal.⁶⁶

The high refusal rates for Université du Québec à Trois-Rivières mirror the high refusal rates for African students, because francophone Africa is such an important source of the university’s international students. Christian Blanchette told the Committee, “at the

⁶⁶ CIMM, *Evidence*, 29 March 2022, 1220 (Christian Blanchette).

[Université du Québec à Trois-Rivières], we first target the African pool, as we operate only in French. So that has a major impact.”⁶⁷ Refusal rates for international students are similarly high for most francophone DLIs in Quebec; “[t]he Quebec average varies between 39% and 48%.”⁶⁸ Recruiting from regions with lower refusal rates, such as China and India, by contrast, anglophone DLIs successfully enrol a higher percentage of their international students.⁶⁹ Looking at a select group of major Quebec universities, Table 2 indicates that the 2021 refusal rate among francophone institutions was 55%. By contrast, the rate for anglophone institutions was only 17% (Table 1).

Table 1—Refusal Rates for Anglophone Universities in Quebec, 2021

	Refused	Processed	Refusal Rate (%)
Bishop's University	121	461	26
Concordia University	1,048	4612	23
McGill University	257	3137	8
Total	1426	8210	17

Source: Table prepared by the authors with data obtained from Immigration, Refugees and Citizenship Canada from the Sessional 8555-441-98, Q-98, asked by Alexis Brunelle Duceppe (Lac Saint Jean), 25 November 2021, pp. 121–141 of PDF.

67 Ibid., 1235.

68 Ibid.

69 Ibid.



Table 2—Refusal Rates for Francophone Universities in Quebec, 2021

	Refused	Processed	Refusal Rate (%)
Université de Montréal	864	3,813	23
Université de Sherbrooke	520	1488	35
Université du Québec	24	48	50
Université du Québec à Chicoutimi	2,005	3,347	60
Université du Québec à Montréal	1,067	3,270	33
Université du Québec à Rimouski	1,275	1787	71
Université du Québec à Trois-Rivières	6,698	8,473	79
Université du Québec en Abitibi-Témiscamingue	81	268	30
Université du Québec en Outaouais Pavillon Alexandre-Taché	758	1027	74
Université Laval	1,493	3,319	45
Total	14785	26,840	55

Source: Table prepared by the authors with data obtained from Immigration, Refugees and Citizenship Canada from the Sessional 8555-441-98, Q-98, asked by Alexis Brunelle-Duceppe (Lac-Saint-Jean), 25 November 2021, pp. 121–141 of PDF.

Overall, low rates of study permit issuance for African students disproportionately hurt African students, Canadian francophone DLIs—and the larger francophone and Canadian academic community that the students would have joined.

Work Permits and South Asian Refusal Rates

In the same vein, witnesses argued that work permit refusal rates are high for applicants applying from South Asian countries. Gurpartap Kals, an immigration consultant at Kals Immigration noted that work permit refusals are significantly higher at some visa offices. For instance, “in the year 2018, the VAC [*sic*] office in Chandigarh, India refused 66% of all work permit applications received, whereas in Sydney, Australia the refusal rate stayed at only 17%.”⁷⁰ Steven Meurrens noted that “[P]rior to 2016, IRCC posted

70 CIMM, *Evidence*, 29 March 2022, 1105 (Gurpartap Kals, Immigration Consultant, Kals Immigration).

quarterly processing times and approval rates for all of its programs by visa office. ... IRCC stopped doing this after 2015. The government website currently says that they stopped doing this because IRCC wanted to post only global information. While IRCC may have a goal that all applications are processed the same regardless of visa office, I think everyone knows that this is not the case in practice.”⁷¹

Looking at just applications for work permits under provincial nominee programs, two witnesses similarly argued that candidates applying from South Asian countries experience inexplicably high refusal rates. Speaking again with reference to visa offices, Gurpartap Kals reported that:

Once a provincial government nominates a person for a work permit to come to Canada and join an employer, the feds take about two years before they finalize their decision on the work permit. Let’s suppose there’s an applicant from India. There’s a refusal rate of about 83% in the New Delhi office. But if a person or an applicant is applying from Australia, the refusal rate is only 34%.⁷²

Addressing the Saskatchewan Immigrant Nominee Program (SINP),⁷³ MD Shorifuzzaman told the Committee that “considerable numbers of SINP-supported work permit applicants, mostly from Bangladesh, India and a few Asian countries, are denied every month.”⁷⁴

Both witnesses reported that their clients often received generic and vague reasons for refusal.⁷⁵ MD Shorifuzzaman noted, for instance, a reoccurring and all-inclusive note from visa officers: “I am not satisfied that you will leave Canada at the end of your stay, based on your personal assets and financial status, or purpose of visit, or ties with the country of residence or current employment or travel history.”⁷⁶

Further research is needed to examine the relationships between visa offices and refusal rates, and between provincial nominee programs and refusal rates. Research would also have to control for other factors, such as income and age. Drawing from the IRCC data available to the Committee, refusal rates in 2021 for workers applying from India (27%)

71 CIMM, [Evidence](#), 22 March 2022, 1105 (Steven Meurrens).

72 CIMM, [Evidence](#), 29 March 2022, 1125 (Gurpartap Kals).

73 Government of Saskatchewan, [Saskatchewan Immigrant Nominee Program \(SINP\)](#).

74 CIMM, [Evidence](#), 26 April 2022, 1110 (MD Shorifuzzaman).

75 Ibid.; CIMM, [Evidence](#), 29 March 2022, 1105 (Gurpartap Kals).

76 CIMM, [Evidence](#), 26 April 2022, 1110 (MD Shorifuzzaman).



and Bangladesh (50%) were significantly above the global average of 13%. The refusal rate for applicants applying from Australia was 20%.⁷⁷

Witnesses noted that selectively high refusal rates for workers applying from South Asia affect greatly the economies of provinces and regions, such as Saskatchewan, that recruit from South Asia. MD Shorifuzzaman testified that the constant refusal of applications from South Asia under SINP persists, even though “the primary goal of the SINP program is to facilitate employers with international skilled workers to fulfill ... immediate labour needs.”⁷⁸

Similarly, Gurpartap Kals commented that “differential treatment [in the form of different visa office refusal rates] ... is affecting not only the Canadian economy but also our economy in Saskatchewan, at home in Saskatoon. Employers are unable to find the employees they need for justifiable employment, and they want to grow their businesses.”⁷⁹

Reinstate Visa Office Specific Data

Recommendation 8

That Immigration, Refugees and Citizenship Canada bring back the visa office specific quarterly updates.

Procedural Fairness Throughout the Decision-Making Process

Recommendation 9

That Immigration, Refugees and Citizenship Canada follow its own mandate and apply the rules of procedural fairness throughout the decision-making process and provide applicants with a fair and unbiased assessment of their applications, meaningful opportunity to receive a response to their concerns about the application not only on paper but in practice, and give decisions in a timely manner.

77 IRCC, *CIMM 19.2 Acceptance and refusal rates of visas process* [sic], *IRCC’s response to a request for information made by the Standing Committee on Citizenship and Immigration on May 3, 2022*, 3 June 2022, Annex A. A similar difference between refusal rates existed in 2019 (30% India, 55% Bangladesh, 14% global average, 15% Australia) and in 2020 (42% India, 51% Bangladesh, 13% global average, 10% Australia).

78 CIMM, [Evidence](#), 26 April 2022, 1110 (MD Shorifuzzaman).

79 CIMM, [Evidence](#), 29 March 2022, 1125 (

Family Sponsorship and Racialized Applicants

The Committee heard that rules of family sponsorship are also often applied in ways that disadvantage some racialized applicants.

IRPA lists family reunification as an immigration objective.⁸⁰ Members of the family class are selected to become permanent residents on the basis of their relationship as the spouse, common-law partner, child or parent of a Canadian citizen, a person registered under the *Indian Act* or a permanent resident.⁸¹ The person in Canada sponsors a family member living abroad and undertakes to provide the basic necessities of life for a certain period.⁸² Children are generally considered dependents as long as they are unmarried and until they reach 22 years of age.⁸³

Marriages

The IRPR provide a framework to ensure that the marriage is entered in good faith and is genuine. A marriage must be valid under the laws of the country in which it took place and under Canadian laws. A person must be 18 years of age to be married. Proxy marriages, where individuals are not in the same location during the ceremony, are prohibited.⁸⁴

Sabreena Ghaffar-Siddiqui, Professor and Member, Ontario Steering Committee, Canadian Centre for Policy Alternatives, spoke about a two-fold bias at IRCC in evaluating marriages: by using a Canadian concept of marriage and by starting from a perspective of fraud.

[W]hen looking at an applicant from rural Botswana, where relationships and marriages are done quite differently, we not only use a Canadian standard to evaluate the genuineness of that marriage, we use an ethnocentric, biased and discriminative viewpoint and expect to find liars and cheaters because of the racial stereotypes associated with that region. ...The primary purpose of the policy should be to reunify people, not to find cheaters. However, the number of resources that are put into trying to prove that these relationships are not real is disproportionate. ... It is rare that

80 IRPA, s. 3(1).

81 Section 12 of IRPA is augmented by policy to include as sponsor a person registered in Canada as an Indian under the *Indian Act* (R.S.C.1985, c. I-5). See, IRCC, *Family sponsorship*.

82 IRPA, ss. 13(1) and 13(3). See, IRCC, *Sponsor your spouse, partner or child: check if you're eligible*.

83 *Immigration and Refugee Protection Regulations* (IRPR), SOR/2002-227, s. 2.

84 IRPR, ss. 2, 4(1), 4.1, 5, 117(9).



someone coming from the U.S. or Europe is subjected to the same requirements of proof. Rejection rates from these countries are also very low.⁸⁵

Imam Yusuf Badat also described the difficulties of his congregation, who are accustomed to arranged marriages:

When it comes to the validity of marriage, sometimes people who practise Islam are very conservative and traditional. ... No dating took place prior. Families got together and arranged a marriage. When questions are asked about when the dating started or where the locations were where they met up prior to the marriage, there is no such data like this available.⁸⁶

Fatima Filippi, Executive Director of Rexdale Women’s Centre, told the Committee of inappropriate interview questions that create barriers and are specific to racialized populations: “We have also now started to hear from our female Muslim clients that they are being asked questions of sexual nature with regard to their relationship with male spouses.”⁸⁷

Voices4Families noted that applicants “have been flagged for interviews based on ‘typical cultural and/or social practices’ as per the local immigration employee beliefs. ... We are put in a position to satisfy the officer why we didn’t follow a ‘cultural marriage.’”⁸⁸ Concerns with delays for interviews and how interviews were conducted were also raised.

Following this evidence, the Committee recommends:

Recording Applicant Interviews

Recommendation 10

That Immigration, Refugees and Citizenship Canada record applicant interviews with officials to avoid misunderstandings.

85 CIMM, *Evidence*, 26 April 2022, 1105 (Sabreena Ghaffar-Siddiqui, Professor and Member, Ontario Steering Committee, Canadian Centre for Policy Alternatives).

86 CIMM, *Evidence*, 7 April 2022, 1215 (Yusuf Badat, As an individual).

87 CIMM, *Evidence*, 22 March 2022, 1220 (Fatima Filippi, Executive Director, Rexdale Women’s Centre).

88 Voices4Families, *Brief*, p. 2.

Improving Spousal Sponsorship Interviews

Recommendation 11

That Immigration, Refugees and Citizenship Canada work with external stakeholders, including with faith community leaders, to establish best practices and new training and guidelines to assist visa officers in the recognition and understanding of different cultural norms of marriage, and how to question applicants in a culturally sensitive way to assess the genuineness of a relationship.

Using the “Family Sponsorship Impact Statement Form”

Recommendation 12

That Immigration, Refugees and Citizenship Canada consider using the “Family Sponsorship Impact Statement Form” to gather evidence in order to better understand the barriers of this process.

Ensuring the Strict Application of Section 22(2) of *Immigration and Refugee Protection Act*

Recommendation 13

That Immigration, Refugees and Citizenship Canada ensure the strict application of section 22(2) of the *Immigration and Refugee Protection Act* so that the intention to settle in Canada does not interfere with obtaining temporary resident visas.

Allowing Application for Open Work Permits During Processing

Recommendation 14

That Immigration, Refugees and Citizenship Canada allow overseas spousal sponsorship applicants to apply for open work permits for their spouses during the processing of their permanent resident application.

Respecting 12-Month Processing Standard

Recommendation 15

That Immigration, Refugees and Citizenship Canada respect the 12-month processing standard for spousal sponsorship applications.



Temporary Resident Visas for Family Members

Fatima Filippi also spoke of both explicit and implicit racism when people from visa-requiring countries are denied their visas to visit a dying family member and the reason for the refusal is “that they were not going to return to the country or were going [to] file an inland claim for refugee status or somehow disappear into the system.” She continued “when you have families ... who need that support to care for someone who is here in Canada, for example, someone who is very ill” the denial of the visa is concerning.⁸⁹

Voices4Families raised the issue of TRVs being denied if there is a spousal application for the same person being processed. Section 179(b)⁹⁰ of the IRPR allows an IRCC officer to issue a visitor visa if satisfied the person will leave at the end of their authorized stay. On 30 October 2020, IRCC issued guidelines for visa officers when considering applications involving dual intent, the legal concept that allows someone applying for permanent residence to also come for a temporary stay.⁹¹ The guideline states that: “If a spouse or partner can satisfy an officer on a balance of probabilities that they will, if their permanent residence application is refused, leave Canada at the end of their authorized period of stay in accordance with section R179, officers may issue a temporary resident visa (TRV).”⁹² Voices4Families noted that this directive did not solve the problem.⁹³

For visa-exempt travellers,⁹⁴ spouses can visit Canada while the permanent residence application is being processed. All they require is an electronic travel authorization (eTA).⁹⁵ Pemi Gill, Director General, International Network, IRCC, explained that eTAs and TRVs are not comparable from a program design perspective.⁹⁶ The eTA gives information about the entry of travellers to Canada whereas the TRV goes in depth into the reasons for the visit.

89 CIMM, [Evidence](#), 22 March 2022, 1245 (Fatima Filippi).

90 IRPR, s. 179(b).

91 Government of Canada, [Temporary residents: Dual intent](#).

92 IRCC, “[Program delivery update: Dual intent](#).”

93 Voices4Families, [Brief](#), p. 3.

94 IRPR, s. 190.

95 Government of Canada, [Find out about Electronic Travel Authorization \(eTA\)](#). See, IRPR s. 190 for visa-exemptions.

96 CIMM, [Evidence](#), 24 March 2022, 1210 (Pemi Gill, Director General, International Network, IRCC).

The Committee recommends:

Temporary Resident Visas for Separated Families

Recommendation 16

That, as a default position, Immigration, Refugees and Citizenship Canada officers issue temporary resident visas to applicants who have family sponsorship applications pending, with the only possible reason for refusal being based on inadmissibility.

Processing Times, Inventories and Family Sponsorship

Some applicants experience differential outcomes in processing times and backlogs or inventories, depending on their program or country of residence—a fact most clear in the case of family sponsorship.

For most immigration and refugee streams, IRCC sets a service standard for the number of days by which it aims to process 80% of submitted applications. For 2021, for instance, the service standard was 12 months for all family sponsorship applications, and 60 days for study permits submitted outside of Canada.⁹⁷ Internally, visa offices in Canada and abroad are also expected to meet yearly quotas of applications processed.⁹⁸

Success varies. As of January 2022, for instance, IRCC estimates that “Study Permits (SP), Work Permits (WP), and Temporary Resident Visas (TRV) processing times are 86 days (Service Standard of 60 days), 85 days (Service Standard of 60 days), and 84 days (Service Standard of 14 days) respectively.”⁹⁹ On 31 March 2022, IRCC announced that these estimates are now dynamic, and updated weekly based on recent data. For TRV applications, the estimate is now based on processing times in the last six or eight weeks. For most permanent residence and citizenship services, the estimate has reflected processing times during the last six months.¹⁰⁰ In a written response to the Committee, IRCC provided data about processing times for several lines of business since 2015 to 30 April 2022, as reproduced below in Table 3 and Table 4. In both figures, the data is broken down by year and type of application. For the temporary residence

97 Sessional Paper 8555-441-97, [Q-97](#), asked by Alexis Brunelle-Duceppe (Lac-Saint-Jean), 25 November 2021, pp. 174–175 of the PDF.

98 CIMM, [Adapting Canada’s Immigration Policies to Today’s Realities](#), Twenty-fifth report, June 2019, pp. 58–59.

99 IRCC, *CIMM 7.1 Current Processing Timelines IRCC’s response to a request for information made by the Standing Committee on Citizenship and Immigration on February 17, 2022*, 12 May 2022.

100 IRCC, [Canada welcomes over 108,000 permanent residents in early 2022](#), 31 March 2022.



stream the processing times are counted in days, whereas for the permanent residence stream, it is in months.

Table 3—Processing Times for Selected Temporary Resident Applications Processed Between 2015 and 2022 (April 30), in Days

Application type	2015	2016	2017	2018	2019	2020	2021	2022 (30 April)
Study permits	31	26	36	36	26	146	78	88
Work permits	42	47	56	57	44	147	71	62
Temporary Resident Visas	13	15	18	21	18	79	62	72

Source: IRCC, CIMM 19.14 Current and Historical Visa Processing Times Since 2015, IRCC's response to a request for information made by the Standing Committee on Citizenship and Immigration on May 3, 2022, 28 July 2022.

Table 4—Processing Times for Selected Permanent Resident Applications Processed Between 2015 and 2022 (April 30), in Months

Application type	2015	2016	2017	2018	2019	2020	2021	2022 (30 April)
Privately Sponsored Refugees	43.9	54.3	30.6	23.7	21.6	11.2	34.9	35.4
Federal Government-assisted Refugees	12.7	12.9	28.7	25.7	15.1	21.2	25.1	25.4
Live-in Caregiver Program	48.8	36.1	58.1	64.7	54.9	91.5	75.9	82.2
Caring for Children Program	1.7	1.4	3.6	1.4	6.3	18.8	27.2	29.9
High Medical Needs Program	1.9	2.0	3.4	1.8	6.2	–	–	–
Spouses and Partners	19.3	17.8	17.3	13.0	12.7	17.1	18.2	19.6
Children and Other Family Class	18.9	18.4	17.0	13.4	14.6	20.1	23.6	27.8
Parents and Grandparents	74.2	70.5	77.9	32.0	18.4	26.7	30.6	33.4

Note: A minimum of 10 cases are required by application type to calculate processing times and the “–” indicates where less than 10 cases were processed. Blank cells represent that no data was available.

Source: IRCC, *CIMM 19.14 Current and Historical Visa Processing Times Since 2015*, IRCC’s response to a request for information made by the Standing Committee on Citizenship and Immigration on May 3, 2022, 28 July 2022

However good or bad, overall numbers hide significant differences in processing times for people applying to given programs and from given countries—differences that may break down along ethnic or racial lines. Most broadly, great differences in wait times exist between people applying from countries for which Canada requires a visa, and those applying from countries from which they did not—a distinction that breaks down, in part, as one between largely racialized and unracialized populations.

More narrowly, the Committee heard of differences in temporary and permanent residence application processing times based on the origin of the applicant, or on the visa office doing the processing. As Gurpartap Kals highlighted, “the processing time or



wait time for super visa applications from Australia is 106 days, whereas the same application from Pakistan has a wait time of 456 days.”¹⁰¹ Similarly, Voices4Families noted that, currently, “some visa offices take 248 days (8.3 months) to complete an application for a TRV. ... Other offices such as the Philippines processing is 6 days, posted on the IRCC website on Dec 8, 2020.”¹⁰² Witnesses were divided about how much conscious or unconscious discrimination affected related backlogs. Where some pointed to racism and racialized inequalities between people applying,¹⁰³ others pointed to non-racial factors, such as the delaying effects of measures to mitigate the spread of COVID-19.¹⁰⁴

Differential processing outcomes based on race and other implicit factors is clearer with respect to family reunification. The Committee heard that the length of processing family sponsorship applications may be affected by discrimination based on age and race.

Most simply, witnesses argued that family sponsorship applications from China, Africa and South Asia may be delayed in processing because visa officers scrutinize these applications with greater care and suspicion, and require more consideration and follow-up.¹⁰⁵ As Fatima Filippi reported, concerning spousal sponsorships,

[i]n practice, IRCC has reportedly hyper-scrutinized family sponsorship applications primarily from racialized applicants. ... Spousal sponsorship applications for India are hyper-scrutinized for the existence of marriage fraud. Child sponsorship applications for China and many African countries are scrutinized for genuine parent-child relationships.¹⁰⁶

The same vigilance against fraud that leads to suspicion of and greater refusals for applicants from some countries—such as India, China and countries in Africa—also leads to greater delay.

101 CIMM, [Evidence](#), 29 March 2022, 1105 (Gurpartap Kals).

102 Voices4Families, [Brief](#), p. 3.

103 CIMM, [Evidence](#), 22 March 2022, 1110 (Gideon Christian); CIMM, [Evidence](#), 29 March 2022, 1225 (Arlene Ruiz).

104 CIMM, [Evidence](#), 22 March 2022, 1125 (Steven Meurrens); CIMM, [Evidence](#), 22 March 2022, 1125 (Jennifer Miedema).

105 CIMM, [Evidence](#), 22 March 2022, 1220 (Fatima Filippi); CIMM, [Evidence](#), 7 April 2022, 1220 (Debbie Douglas).

106 CIMM, [Evidence](#), 22 March 2022, 1220 (Fatima Filippi).

Applicants for spousal sponsorship in which a characteristic of either member of the couple falls outside a strict image of an average couple similarly experience escalating attention. As Vishal Ghai, a representative for Voices4Families, described the effect of one partner being even over the age of 30, “unfortunately, when you're flagged as “complex,” there are no time frames ... [while] a standard application for anybody under the age of 30 is 12 months.”¹⁰⁷ As a group, Voices4Families has experienced its cases being flagged as “complex” rather than “simple” because of age, cultural, religious or socio-economic differences between members of the couple, and if one party has once been divorced. This complexity designation inevitably leads to delay and is often born by racialized applicants from particular regions, such as Africa and South Asia.¹⁰⁸

As well, greater scrutiny and a “complex” designation leads visa officers to demand further documents, many of which are expensive and difficult to obtain. Witnesses noted that, in cases of family sponsorship that involved children, racialized applicants—especially those from Africa—are often asked to provide expensive and sometimes hard-to-obtain DNA tests.¹⁰⁹ In spousal sponsorship cases, couples that are flagged as “complex” cases must answer detailed questions in a follow-up interview. Vishal Ghai testified that timelines often do not exist for these interviews. While they are often brief when they eventually happen, IRCC can take years to schedule a time.¹¹⁰ Visa officers may also demand additional security clearance. The escalating demands on cases from certain countries with certain characteristics exacerbate pre-existing barriers to making and following up with applications, such as lack of reliable internet in some regions and countries.¹¹¹ One differential outcome increases the chances of another, and applications are further delayed.

Long delays in family sponsorship applications that involved children may also cause those children to age out of the program. By the time the application is addressed, the children are too old to be considered dependents. They then have to begin new applications as independent family members. The list of effects of delays on spousal sponsorship applicants mentioned by Voices4Families also includes children separated from one parent for long periods of time; lack of physical intimacy with partners over years; delay of having children or changing family plans; disconnection from work and

107 CIMM, *Evidence*, 7 April 2022, 1210 (Vishal Ghai, Voices4Families).

108 *Ibid.*, 1240.

109 CIMM, *Evidence*, 22 March 2022, 1220 (Fatima Filippi); CIMM, *Evidence*, 7 April 2022, 1220 (Debbie Douglas).

110 CIMM, *Evidence*, 7 April 2022, 1240 (Vishal Ghai).

111 CIMM, *Evidence*, 22 March 2022, 1220 (Fatima Filippi).



ambitions because the future is so unclear; high stress and, in some cases, serious mental health problems.¹¹²

More broadly, security concerns may affect applicants in some streams more than others. For instance, processing delays due to delayed security screening assessments affect in-Canada asylum claimants more than other types of applicants. In a written response to the Committee, IRCC shared that, as of 11 May 2022, 1,994 applications (out of 672,796) in the temporary residence stream and 766 applications (out of 57,154) in the permanent residence stream were beyond the published processing service standard and were not yet finalized as a result of a delayed security screening. In both streams, this represented less than one percent of the total applications in the backlog. By contrast, 35% of in-Canada asylum claimant applications have exceeded the 55-day security screening service standard.¹¹³

Enforcement by the Canada Border Services Agency

People also report differential treatment by the Canada Border Services Agency (CBSA). CBSA reports to the Minister of Public Safety¹¹⁴ and enforces IRPA. Among other duties, the CBSA is responsible for:

- examinations at ports of entry—at the border and in airports;¹¹⁵
- the enforcement of IRPA including arrest, detention and removal.¹¹⁶

The Committee heard allegations of racism and bias in the actions of CBSA officers. Fatima Filippi said that her organization had heard comments from CBSA officers such as “these groups are just trying to scam the system, they’re liars, or they’re trying to jump the queue” in the context of failed refugees that are racialized and facing deportation.¹¹⁷ Consequently, “[i]t becomes problematic when we’re dealing with certain officers within

112 Voices4Families, [Brief](#), p. 3.

113 IRCC, *CIMM 19.11, Applications delayed due to security screening, IRCC’s response to a request for information made by the Standing Committee on Citizenship and Immigration on May 3, 2022*, 15 June 2022.

114 Government of Canada, [Canada Border Services Agency](#).

115 IRPA, s. 4(2)(a).

116 IRPA, s. 4(2)(b).

117 CIMM, [Evidence](#), 22 March 2022, 1230 (Fatima Filippi).

certain regions, within Ontario, trying to get them to overcome those bias issues that they bring with them,” at any stage in the process.¹¹⁸

Beba Svigir of the Calgary Immigrant Women’s Association told the Committee that in the process of deportation, their clients reported experiences of racism. This has led to “the Filipino community [having]... trepidations and concerns about being engaged with any kind of social system and... government supports, because of their inherent experiences with the system.”¹¹⁹

Aleks Selim Dughman-Manzur, Co-Executive Director, Programming and Advocacy, Rainbow Refugee Society, also spoke about CBSA officers’ actions at ports of entry and said that his organization had

noticed that refugees from African countries are far more likely to be detained. Anti-Black racism is further exacerbated for those who are gender diverse or trans. An officer’s evaluation of who is a threat or who is unlikely to appear is prone to unconscious bias or stereotyping as well.¹²⁰

He explained that the CBSA’s powers to detain and deport people “have a major negative impact on LGBTQI refugees that lasts into settlement. People are afraid to call police out of fear that their information will be shared with CBSA. Some endure violence rather than call. Transwomen of colour are disproportionately impacted.”¹²¹ He emphasized that “[a]ny effort to address systemic racism in our immigration and refugee system must create civilian oversight for CBSA.”¹²² Introduced on 27 January 2020, Bill C-3 would have merged the complaints commission that oversees the Royal Mounted Canadian Police to include oversight of the CBSA.¹²³ While that bill died on the Order Paper in August 2020, a similar bill, Bill C-20, was tabled on 19 May 2022.¹²⁴

118 Ibid.

119 CIMM, [Evidence](#), 22 March 2022, 1230 (Beba Svigir).

120 CIMM, [Evidence](#), 26 April 2022, 1115 (Aleks Selim Dughman-Manzur, Co-Executive Director, Programming and Advocacy, Rainbow Refugee Society).

121 Ibid.

122 Ibid.

123 [Bill C-3: An Act to amend the Royal Canadian Mounted Police Act and the Canada Border Services Agency Act and to make consequential amendments to other Acts](#), 43rd Parliament, 1st Session; Michaela Keenan-Pelletier and Ariel Shapiro, [Legislative Summary of Bill C-3: An Act to amend the Royal Canadian Mounted Police Act and the Canada Border Services Agency Act and to make consequential amendments to other Acts](#), Library of Parliament, 5 February 2020.

124 [Bill C:20: An Act establishing the Public Complaints and Review Commission and amending certain Acts and statutory instruments](#), 44th Parliament, 1st Session.



Taking into consideration the lasting effects of the interactions with the CBSA on racialized and marginalized populations, the Committee recommends:

Oversight for the Canada Border Services Agency

Recommendation 17

That the Government of Canada create an independent oversight body for the Canada Border Services Agency and that its mandate includes addressing racism and complaints about racism.

Anti-Racism and Unconscious Bias Training at the Canada Border Services Agency

Recommendation 18

That the Government of Canada implement mandatory and regular seminar-style anti-bias, anti-racism and cultural awareness training for all staff at the Canada Border Services Agency, from management to front line agents.

DIFFERENTIAL OUTCOMES IN IMMIGRATION INFRASTRUCTURE AND FUNDING DECISIONS

Just as applicants experience different application and processing outcomes based on factors such as race and region of application, the Committee heard about unfair and biased outcomes in immigration infrastructure, funding and processing-technology decisions. While further up stream from the applicant decisions, these internal IRCC and IRCC partner choices can subtly affect who experiences refusals, long processing times and, once a person arrives in Canada, unequal settlement outcomes, in addition to affecting the lives of IRCC partners and employees. In the immigration system, one differential outcome creates the conditions for another.

E-Tools and Artificial Intelligence

Most subtly, IRCC choices about whether and how to use e-tools and artificial intelligence in processing risk affecting refusal rates. In 2014, the Government of Canada amended IRPA to give the Minister of Citizenship and Immigration and the Minister of Public Safety and Emergency Preparedness the authority to use technology in the administration and enforcement of Canadian immigration programs.¹²⁵ As later reported

125 IRPA, 4.1.

in the *Canada Gazette*, “these legislative changes were developed to support the expanding use of electronic tools in the immigration system to manage the ever-increasing volume of immigration applications being processed.”¹²⁶ In both its previous study on international students and its current one on differential outcomes, the Committee heard concerns about two processing electronic tools that IRCC has since introduced: the Chinook software and advanced data analytics.

As we shall see, advanced data analytics and Chinook are significantly different in power and operation. At the same time, witnesses in this study expressed overlapping concerns about both forms of technological support for visa officer decision-making. Whether addressing one tool or both, they highlighted the risks of these tools:

- 1) reproducing or increasing historic patterns of conscious or unconscious bias or racism through the data, flag words and instructions used;
- 2) decreasing consideration of each individual application and relevant contextual factors; and
- 3) increasing use of overly standardized “cookie cutter” explanations for refusals.¹²⁷

While bias, superficial reading of files and opaque explanations predate the use of these tools, advanced data analytics and Chinook create the potential for exponentially increasing the prevalence of such problems, and making them harder to recognize. At the same time, some witnesses applauded the potential of these tools to enhance program delivery and integrity.¹²⁸

Advanced Data Analytics

At IRCC, the term “advanced data analytics” describes statistical techniques that use data to classify applications based on their complexity. It also refers to applications of machine learning, in which an algorithm develops—or learns—over time in response to

126 *Canada Gazette*, 26 January 2019, *Regulations Amending the Immigration and Refugee Protection Regulation*, Part 1, Volume 153, No. 4. Cited in Mario Bellissimo, *Brief*, 10 May 2022, pp. 9–10.

127 CIMM, *Evidence*, 29 March 2022, 1115, 1150 (Siham Rayale); CIMM, *Evidence*, 29 March 2022, 1155 (Gurpartap Kals); CIMM, *Evidence*, 29 March 2022, 1210, 1225 (Arlene Ruiz); CIMM, *Evidence*, 22 March 2022, 1115, 1150 (Gideon Christian).

128 Mario Bellissimo, *Brief*, 21 April 2022, p. 3; Mario Bellissimo, *Brief*, 10 May 2022, p. 1.



both the original training data and new inputs. IRCC has used advanced data analytics since 2018 to:

help sort and process more than 1 million TRV applications from countries where there is a high volume of applications [mostly China and India]. During this time, it has been shown that routine files can be assessed **87% faster** using the system. This results in some applicants receiving decisions more quickly. In addition, the technology assumes a significant portion of clerical and repetitive tasks related to sorting applications, which allows IRCC officers to focus their attention on assessing applications and making final decisions [emphasis in the original].¹²⁹

On 24 January 2022, the department announced that it is now expanding its use of advanced data analytics to sort and process all TRV applications submitted from outside Canada.¹³⁰ In a written response to the Committee, the department also indicated that advanced data analytics is used to triage Spouse and Common-Law Partner in Canada applications.¹³¹

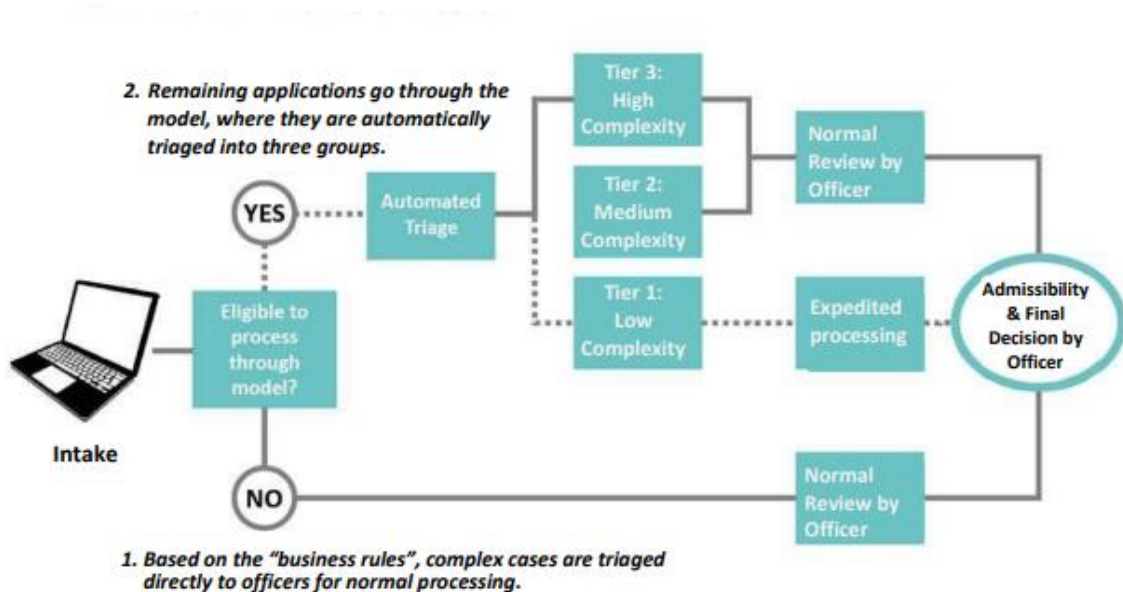
129 IRCC, [*Advanced data analytics to help IRCC officers sort and process temporary resident visa applications*](#), News release, 24 January 2022.

130 Ibid.

131 IRCC, *CIMM 19.12, How complex and simple files are identified, IRCC's response to a request for information made by the Standing Committee on Citizenship and Immigration on May 3, 2022*, 3 June 2022.

Temporary Resident Visas from Outside Canada

Figure 2—Immigration, Refugees and Citizenship Canada’s Decision Tree for Temporary Resident Visas Received from Overseas



Source: IRCC, *CIMM 19.12, How complex and simple files are identified, IRCC’s response to a request for information made by the Standing Committee on Citizenship and Immigration on May 3, 2022*, 3 June 2022, p. 2.

As seen in Figure 2, the system tests admissibility and eligibility for TRVs from outside of Canada in three stages:

- 1) The model uses “business rules” developed by experienced visa officers to determine if the application is complex. The business rules “identify applications from clients requiring additional supporting documents (e.g. a consent letter for a child traveling alone) or with characteristics known to entail a higher likelihood of ineligibility or inadmissibility (e.g. a past criminal conviction).”¹³² If the machine makes the assessment, that the application is complex, the file is ineligible to go through the model. A

132 IRCC, *CIMM 19.12, How complex and simple files are identified, IRCC’s response to a request for information made by the Standing Committee on Citizenship and Immigration on May 3, 2022*, 3 June 2022.



visa officer must then review the application according to regular procedures to check admissibility and eligibility requirements.¹³³

- 2) The system automatically triages the remaining, less complex applications into three tiers, also based on complexity. Its algorithm is based on machine learning and a “set of rules derived from thousands of past officer decisions.”¹³⁴
- 3) Visa officers review the most complex two tiers as per standard procedures, while the most straightforward applications—those with “low complexity”—are automatically given positive eligibility determinations.¹³⁵

Finally, officers decide the fate of these straightforward cases based on a subsequent admissibility screening. If they detect possible problems, they may also revisit the eligibility criteria of these cases.¹³⁶ IRCC emphasizes that admissibility and all final decisions are always made by a visa officer, including application refusals.¹³⁷

133 IRCC, *CIMM 19.3, Advanced analytics being used and which offices use them, IRCC’s response to a request for information made by the Standing Committee on Citizenship and Immigration on May 3, 2022*, 3 June 2022, p. 1.

134 IRCC, “Augmented Decision-Making @ IRCC,” presentation to the Symposium on Algorithmic Government, 24 April 2019. Cited in Mario Bellissimo, *Brief*, 10 May 2022, p. 7.

135 Mario Bellissimo, *Brief*, 10 May 2022, p. 7.

136 IRCC, *Algorithmic Impact Assessment—Advanced Analytics Triage of Overseas Temporary Resident Visa Applications*.

137 IRCC, *Advanced data analytics to help IRCC officers sort and process temporary resident visa applications*, News release, 24 January 2022.

Spouse and Common-Law Partner in Canada Applications

Figure 3—Immigration, Refugees and Citizenship Canada’s Decision Tree for Spouse and Common-Law Partner in Canada Applications



Source: IRCC image, *CIMM 19.12, How complex and simple files are identified, IRCC’s response to a request for information made by the Standing Committee on Citizenship and Immigration on May 3, 2022*, 3 June 2022, p. 3.

As seen in Figure 3, Spouse and Common-Law Partner in Canada applications go through a similar process to TRV applications, but with less complex steps:

- 1) The module “uses rules created by officers and by advanced analytics algorithms to automatically triage applications” into either the “Standard Bin” or the “Green Bin.”¹³⁸
- 2) Applications in the “Standard Bin” are further processed by visa officers as per standard procedures. While “these applications are considered to be more complex, the vast majority are approved by officers.”¹³⁹
- 3) Applications in the “Green Bin” receive “a positive eligibility determination for the Sponsor and Principal Applicant based solely on the model’s assessment. Admissibility assessments and final decisions are completed by officers, as per standard procedures.”¹⁴⁰

Quality Assurance and the Risk of Bias

As the Committee highlighted in *Differential Treatment in Recruitment and Acceptance Rates of Foreign Students in Quebec and in the Rest of Canada*, IRCC subjects its

138 IRCC, *CIMM 19.12, How complex and simple files are identified, IRCC’s response to a request for information made by the Standing Committee on Citizenship and Immigration on May 3, 2022*, 3 June 2022, p. 2.

139 Ibid.

140 Ibid.



advanced data analytics programs to extensive quality assurance.¹⁴¹ For instance, the advanced analytics triage of overseas TRV applications underwent a mandatory algorithmic impact assessment¹⁴² to assess the analytical models it uses.¹⁴³ Ongoingly, visa officers monitor the outcome of these systems, including reviewing 10% of Tier 1 applications each day to check assessments against program’s results.¹⁴⁴

While IRCC reviews the program’s results, the Committee heard that the system’s dependence on historical visa officer data makes biased and racist decisions from the past easy to recreate in the present. Most simply, if bias and racism indeed persist in some visa offices’ decisions and rules, these mistakes and prejudices may be potentially passed onto and formalized in algorithms,¹⁴⁵ such as the first algorithm that triages applications by complexity according to rules developed by experienced officers.

More subtly, machine learning may cause the second algorithm to learn and develop based on past data that is contaminated by bias and differential outcomes. As Gideon Christian put it,

[t]he problem is that, historically, you have been collecting data that seems to be biased against a particular group of people or a particular continent. When you use that data to train an AI algorithm, what the AI algorithm does is simply regurgitate those biases. This time it's even more difficult, because it becomes more difficult to be able to identify this problem.¹⁴⁶

Bias also may be introduced by new data on “non-compliant” temporary residents that is added to the data that trains the second triaging algorithm. This is hard to judge, because the public does not have access to this data. As Mario Bellissimo, a lawyer who specializes in citizenship and immigration law and refugee protection at Bellissimo Law

141 CIMM, *Differential Treatment in Recruitment and Acceptance Rates of Foreign Students in Quebec and in the Rest of Canada*, May 2022, pp. 64–66.

142 Government of Canada, *Algorithmic Impact Assessment—Advanced Analytics Triage of Overseas Temporary Resident Visa Applications*.

143 Government of Canada, *Advanced data analytics to help IRCC officers sort and process temporary resident visa applications*.

144 *Overview of the Analytics-Based Triage of Temporary Resident Visa Applications*, Immigration, Refugees and Citizenship Canada, p.3, ATIP 2A-2020-37581-000045.

145 CIMM, *Evidence*, 29 March 2022, 1150 (Siham Rayale); CIMM, *Evidence*, 29 March 2022, 1155 (Gurpartap Kals).

146 CIMM, *Evidence*, 22 March 2022, 1150 (Gideon Christian).

Group Professional Corporation, noted, “we ... are thus unable to identify and assess any potential procedural fairness or bias in these decisions on compliance.”¹⁴⁷

More broadly, several witnesses argued that the use of advanced data analytics lends itself to replacing human judgement of particular cases—judgements that can attend to vulnerabilities and exceptions that fall outside of the algorithms of the program or the data on which the algorithms are formed or trained.¹⁴⁸ One witness noted that the “cookie cutter” responses of an algorithm may be difficult for applicants and lawyers to understand and challenge, because the applicant has no right to either the code or data that informs it.¹⁴⁹ Similarly, Beba Svirig argued that high-level decisions supported by advanced technology are especially difficult for vulnerable populations who may be greatly affected by such decisions, but have the least resources and the least technological access and literacy to respond to them.¹⁵⁰

Ultimately, the quality assurance measures to mitigate error in the use of advanced data analytics may be sufficient to eliminate bias and racism in its operation. Given the history and ongoing experience of differential outcomes in IRCC decisions—and, as we shall see below, IRCC hiring and culture—the risk of perpetuating bias persists. Despite the ongoing quality assurance, moreover, Mario Bellissimo highlighted that government regulation does not require IRCC to submit the program to ongoing algorithmic impact assessments, despite the evolving scope and operation.¹⁵¹ Given the lack of transparency in the use of advanced data analytics, and the risks of perpetuating historical and ongoing bias and discrimination, the Committee thus recommends:

Requiring an Independent Assessment of Chinook, E-Tools and Artificial Intelligence

Recommendation 19

That the Government of Canada require an independent assessment and oversight by IT security experts of Chinook, e-tools and the expansion of the use of artificial intelligence in immigration on a mandatory basis; aim for greater transparency with respect to algorithmic impact assessments, privacy assessments and consultations on fairness concerns for using these technologies; and study the cases of the United Kingdom and

147 Mario Bellissimo, *Brief*, 21 April 2022, p. 5.

148 CIMM, *Evidence*, 29 March 2022, 1150 (Siham Rayale); Mario Bellissimo, *Brief*, 21 April 2022, p. 4.

149 Mario Bellissimo, *Brief*, 21 April 2022, p. 4.

150 CIMM, *Evidence*, 22 March 2022, 1210, 1245 (Beba Svirig).

151 Mario Bellissimo, *Brief*, 21 April 2022.



the Netherlands, which have both in the last two years suspended the use of algorithmic systems because these systems have discriminatory biases.

The Committee also reiterates:

Addressing the Recommendations on Artificial Intelligence and E-Tools in Report 8

Recommendation 20

That Immigration, Refugees and Citizenship Canada address the recommendations related to the use of artificial intelligence and E-tools at Immigration, Refugees and Citizenship Canada contained in *Report 8—Differential Treatment in Recruitment and Acceptance Rates of Foreign Students in Quebec and the Rest of Canada*.

Chinook

In contrast to the machine learning and advanced statistical predictive techniques used to triage applications in the advanced data analytics programs, the Chinook software is decidedly low-tech. According to IRCC, the program “streamlines administrative steps that would otherwise be required in the processing of temporary resident applications.”¹⁵²

IRCC launched Chinook in a few visa offices in 2018 to increase the efficiency and consistency of temporary resident application decisions. The software runs alongside and supplements IRCC’s Global Case Management System (GCMS); it is now used in many visa offices around the world on a voluntary basis to process overseas temporary resident visas, study permits and work permits. While these offices use GCMS and Chinook together, GCMS remains the system of record. To protect privacy and avoid duplicating records, all decisions and notes are retained only in GCMS.¹⁵³

Originally designed and expressed in Excel, Chinook is organized as a series of modules. Several of these modules can be adopted independently of the others. As described in an affidavit submitted to the Federal Court in *Abigail Ocran v. The Minister of Citizenship and Immigration*, by an IRCC official, Andie Daponte, Chinook’s modules are:

152 Sessional Paper, Q-315, asked by Brad Redekopp (Saskatoon West), 7 February 2022, p. 1.

153 IRCC, *CIMM 19.16, Privacy analysis between IRCC, ApplyBoard and ApplyProof since 2015, IRCC’s response to a request for information made by the Standing Committee on Citizenship and Immigration on May 3, 2022*, 3 June 2022.

Module 1: File Management—This module allows a user to self-assign open Applications based on the user’s processing tasks. For instance, an eligibility expert may assign herself open Applications that are ready for eligibility assessments. Module 1 is optional functionality and is not used at every migration office where Chinook has been implemented.

Module 2: Pre-Assessment—This module presents a template to a program assistant for the completion of pre-assessment tasks, such as confirmation of supporting documents, verification of a client’s financial ability, and documentation of travel history. Pre-assessment notes from Module 2 are to be imported into GCMS’ Pre-Assessment Note field. After being populated in GCMS, the GCMS Pre-Assessment Note field is viewable by Decision-Makers in the Module 3 Report following the next [Enterprise Data Warehouse, an electronic corporate repository] extraction. Module 2 is optional functionality and is not used at every migration office where Chinook has been implemented.

Module 3: Decision-Maker—Decision-Makers use this module. The module presents Decision-Makers with the Module 3 Report, which provides the contents of assigned Applications in a single report. At this stage of processing, and outside of Chinook, Decision-Makers continue to have access to paper applications or electronic documents and GCMS, where Decision-Makers can review additional information and documentation from an Application or from GCMS...

Module 4: Post-Decision—Decision-Makers use this module. The module is presented as a “pop-up” dialogue window to Decision-Makers when they select a Column D data field, the “Action” field, in the Module 3 Report. The module records the decision and, if Decision-Makers refuse an Application after review, provides a notes generator to assist in the creation of reasons...

Module 5: Indicator Management—This module allows a Chinook user to submit requests to add, renew, or modify “risk indicators” and “local word flags”. A Chinook administrator is able to approve such requests through this module. Approved “risk indicators” and “local word flags” are then presented to Decision-Makers in Module 3, where applicable.¹⁵⁴

154 Affidavit, *Abigail Ocran v. The Minister of Citizenship and Immigration*, Federal Court, IMM-6571-20, 17 December 2020, pp. 3–6. Emphasis added. Judicial review was dismissed on 10 February 2022.



IRCC maintains that Chinook does not affect decision-making. As one IRCC source put it, “Chinook does not alter the way decisions are made. Officers always make the decision on a temporary resident application and provide the rationale for that decision, not the Chinook spreadsheet.”¹⁵⁵ Unlike advanced data analytics, the software does not even make positive eligibility determinations.

Even as a spreadsheet, however, Chinook may change how applications are viewed, and encourage visa officers to read applications in less depth. As Steven Meurrens put it, it is unclear “whether or not it is enabling officers to quickly process files, possibly in bulk, without actually reading the entirety of applications.”¹⁵⁶ Or, as Mario Bellissimo asked, “Where multiple screens of various applicants are open at one time like in the Chinook ... do we not risk losing the individualization of the process?”¹⁵⁷ These concerns echoed those of witnesses during the international student study.¹⁵⁸ During that study, Lou Janssen Dangzalan provided to the Committee, as contextual information, internal IRCC documents on artificial intelligence received through an Access to Information and Privacy (ATIP) request. This request included a January 2020 IRCC list of modernization projects—a list that names as “active” a task to “Enable processing officers to bulk refuse and finalize applications (chinook).”¹⁵⁹ The list and related documents provide no further detail about these bulk refusals, and their place within the larger evaluation process.

In the current study witnesses also highlighted the unknown effect of the “risk indicators” and “local word flags” in Module 5. Without access to examples of these words and factors, the process—and its potential influence on refusal rates and differential outcomes—remains opaque.¹⁶⁰ While these markers are not powered by machine learning, they may still affect how decision-makers understand and judge files.

Ultimately, without more data, the potential effect of Chinook on applications and on particular populations is hard to judge. As the Committee’s earlier report, *Differential Treatment in Recruitment and Acceptance Rates of Foreign Students in Quebec and in*

155 Sessional Paper, Q-315, asked by Brad Redekopp (Saskatoon West), 7 February 2022, p. 1.

156 CIMM, [Evidence](#), 22 March 2022, 1140 (Steven Meurrens).

157 Mario Bellissimo, [Brief](#), 10 May 2022, p. 12.

158 CIMM, [Evidence](#), 3 February 2022, 1105 (Lou Janssen Dangzalan); CIMM, [Evidence](#), 3 February 2022, 1110 (Wei William Tao, Canadian Immigration Lawyer and Co-founder, Arenous Foundation).

159 IRCC, *TDSS, ITOPS Weekly Release DASHBOARD—Must Do High, GCMS Release 22 Tracking—As of January 24, 2020*, ATIP 2A-2020-29772-000167; Cf. ATIP 2A-2020-29772-000169 and ATIP 2A-2020-29772-000184.

160 CIMM, [Evidence](#), 22 March 2022, 1145 (Steven Meurrens).

the Rest of Canada, brought out, IRCC seems to not be engaged in the same rigorous quality assurance with Chinook that it applies to the Advanced Analytics Program.¹⁶¹ One witness pointed to the (mostly) rising study permit refusal rates in the last five years (Figure 1 on page 26) as potential evidence for an overall effect of the program on decisions—a claim also made in the *Abigail Ocran v. The Minister of Citizenship and Immigration* case.¹⁶² Based on data provided to the Committee by IRCC, 14% of study permits, 20% of temporary resident visas and 7% of work permits were processed using Chinook in 2021. Comparing the refusal rates of these applications to the 2021 averages, those processed using Chinook had higher refusal rates: 51% for study permits (40% average), 42% for temporary resident visas (26% average), and 20% for work permits (13% average). These higher refusal rates using Chinook, however, must be further investigated. At the moment, Chinook is only used to process overseas visas, while the overall averages in each category include applications from people both within and outside of Canada—a difference that could potentially skew the comparison.¹⁶³

Distribution of the International Immigration Network

More simply, processing times and refusals are affected by how difficult it is to make and update an application. This challenge is made easier or harder by IRCC and IRCC partner judgments about where they can open visa processing offices and visa application centres (VACs), and what doctors they can certify as panel physicians to perform medical exams for applications. While decisions are limited by circumstances on the ground, there are still choices about where to allocate funds—choices that negatively affect people applying from underserved areas.

161 CIMM, *Differential Treatment in Recruitment and Acceptance Rates of Foreign Students in Quebec and in the Rest of Canada*, May 2022, pp. 68–71.

162 CIMM, *Evidence*, 29 March 2022, 1210 (Arlene Ruiz); Cross-Examination of Andie Melo Daponte, 4 August 2021, *Abigail Ocran v. The Minister of Citizenship and Immigration*, Federal Court, IMM-6571-20, 17 December 2020, pp. 69–73.

163 IRCC, *CIMM 7.8 Applications processed from 2015 to the implementation of Chinook, IRCC's response to a request for information made by the Standing Committee on Citizenship and Immigration on February 17, 2022*, 27 April 2022, Annex A.



Visa Offices Outside Canada

Visa offices outside Canada are often responsible for applications coming from more than one country.¹⁶⁴ Decision makers are both Canadian and locally engaged staff, and they receive regular training from IRCC. In a written response, IRCC explained that

in complex environments where there is reduced Government of Canada presence and multiple priorities, the Department's capacity to engage with local authorities to validate documentation, to identify potential fraud trends, and to promote immigration programs through migration diplomacy, may be impacted.¹⁶⁵

In its past report on international students, *Differential Treatment in Recruitment and Acceptance Rates of Foreign Students in Quebec and the Rest of Canada*, the Committee noted that some visa offices may be taking longer to process study permit applications, because they have to deal with so many applications.¹⁶⁶ Some witnesses during the study on international students also feared that visa offices that processed study permits from applicants from many different countries may not be able to understand the local conditions of each one.¹⁶⁷ Many mentioned the large processing centre in Dakar, Senegal, which “serves a total of 16 countries and a population of 276 million people ... one of the highest ratios for a Canadian visa office in the world.”¹⁶⁸ This is the central processing centre for all visas from francophone Africa. During the current study, similarly, several witnesses hypothesized that refusal rates may be higher in overwhelmed and underfunded visa offices, because visa officers do not have sufficient time to assess each application properly.¹⁶⁹

In its own 2021–22 review of IRCC service delivery in Sub-Saharan Africa, the department noted “a significant increase in volume of applications from many

164 IRCC, *Visa offices outside Canada*.

165 IRCC, *CIMM 7.12 Prejudices in Decision Making: IRCC's response to a request for information made on 17 February 2022*.

166 CIMM, *Differential Treatment in Recruitment and Acceptance Rates of Foreign Students in Quebec and in the Rest of Canada*, May 2022, pp. 71–72.

167 Ibid., 72.

168 CIMM, *Evidence*, 3 February 2022, 1200 (Alain Dupuis, Director General, Fédération des communautés francophones et acadienne du Canada).

169 CIMM, *Evidence*, 22 March 2022, 1155 (Steven Meurrens); CIMM, *Evidence*, 7 April 2022, 1225 (Marie Carmel Bien-Aimé, Co-Administrator, Spousal Sponsorship Advocates).

countries” in the region.¹⁷⁰ As a result, IRCC indicated that it is increasing resources in the region. Caroline Xavier also told the Committee that a visa office was likely to be opened in Cameroon in light of the policy to attract francophone immigration from Africa. She explained the various criteria that lead to opening a visa office: it is not just a question of volume of applicants, but also ensuring a safe environment and deployment for staff. She reminded the Committee that the decision to open a visa office also requires discussions with Global Affairs Canada.¹⁷¹

Keeping in mind practical and security conditions on the ground, the Committee recommends:

More Visa Offices in Underserved Areas

Recommendation 21

That Immigration, Refugees and Citizenship Canada increase, for all visa offices, the ratio of funding to applications processed, hire more visa officers and open new visa offices in underserved regions if security conditions permit.

Visa Application Centres

There are 163 visa application centres (VACs) worldwide that are contracted to the Government of Canada for certain services, among them the collection of biometrics, photograph and fingerprints, that are required for all immigration applications.¹⁷²

For Christian Blanchette, the requirement to provide biometrics before study applications are processed is a barrier in Africa with the limited numbers of VACs: “These candidates have to travel across almost the entire African continent, just to reach the one service centre where they can [provide] their biometric information. That continues to be a fundamental barrier to accessing Canada, whether you’re wealthy or you have limited means.”¹⁷³ He said that “[i]t’s a situation that can have repercussions, and it can create cultural, ethnic or economic bias.”¹⁷⁴

170 IRCC, *CIMM 19.6, Assessment of Dakar office, IRCC’s response to a request for information made by the Standing Committee on Citizenship and Immigration on May 3, 2022*, 3 June 2022.

171 CIMM, *Evidence*, 3 May 2022, 1240, 1245 (Caroline Xavier).

172 IRCC, *Find a visa application centre*.

173 CIMM, *Evidence*, 29 March 2022, 1250 (Christian Blanchette).

174 Ibid.



As such, the Committee recommends:

More Biometrics Collection Sites

Recommendation 22

That Immigration, Refugees and Citizenship Canada review how it can expand its biometrics collection sites to offer applicants more options nearer to where they live.

Panel Physicians and Medical Exams

Caroline Xavier of IRCC explained that, across Canada and the world, there are 577 certified panel physicians—doctors who have the right to conduct medical exams for immigration applications.¹⁷⁵ She said that panel physicians must adhere to the standards IRCC has set and be willing to be part of the network’s evaluations and processes. This may be a reason why certain countries do not have panel physicians. In other cases, there may be a lack of availability of physicians.¹⁷⁶

Voices4Families explained that, in the organization’s experience, when family sponsorship applications are filed in Canada and then sent overseas for processing, family members are asked to complete medical exams early on. Due to delays in family sponsorship applications, however, these medical exams expire through no fault of the applicant. In the organization’s view, expired medical exams should be extended or applicants exempt from having to re-do them. Voices4Families also suggested as an alternative that a second medical exam be done in Canada, if deemed necessary.¹⁷⁷

Jennifer Miedema provided the example of an Eritrean refugee from South Sudan who was accepted but put on hold because of the pandemic. She said: “[w]e found out in late 2021 that his medical had expired in February 2021, but nobody had told him. ... He was told to try to get a new medical, but there are no panel-approved physicians in South Sudan.”¹⁷⁸

175 IRCC, *Panel physicians*. CIMM, *Evidence*, 3 May 2022, 1250 (Caroline Xavier).

176 CIMM, *Evidence*, 3 May 2022, 1250 (Caroline Xavier).

177 Voices4Families, *Brief*, pp. 2–3.

178 CIMM, *Evidence*, 22 March 2022, 1125 (Jennifer Miedema).

The Committee recommends:

Expired Medical Exams

Recommendation 23

That Immigration, Refugees and Citizenship Canada allow for approved candidates whose medical exams have expired due to long processing delays to arrive in Canada and direct them to take a second, in-country exam if deemed necessary.

Settlement Funding Decisions

To become accepted within an immigration program, applications may be sorted using technology and their processing subject to availability of visa officers and doctors. Those who are accepted as permanent residents are also helped or hindered by another set of immigration decisions: decisions about which settlement organizations to fund and by how much. The Committee heard that settlement organizations that offer services aimed at racialized immigrants, and especially racialized newcomer women, are underfunded and overly scrutinized.

Most simply, IRCC funds only a small number of settlement organizations whose services are aimed at women.

Beba Svigir, Chief Executive Officer, Calgary Immigrant Women’s Association, however, stated that presently, “there is a huge quantity issue ... about the number of services that exist and that are being funded by IRCC specifically for women.” These would include “customized adjusted services, [ranging] from childcare to all kinds of other issues, including family violence issues that we have been increasingly dealing with.”¹⁷⁹ While IRCC has funded the Calgary Immigrant Women’s Association well, the organization is a lone example of a settlement organization that tailors its services to women—at least, as far as IRCC data records and IRCC promotes. As Beba Svigir continued:

[I]n black and white, we look like an example of a beautiful understanding by IRCC of investment and the benefit of that investment for immigrant women. However, we are a tiny micro component of the whole country that should be multiplied one hundredfold. There should be 100 agencies in this country doing this, and there are many that are doing this. So for a sample of the investment, I'm quite sure that IRCC

179 CIMM, *Evidence*, 22 March 2022, 1235 (Beba Svigir).



could use all the women's agencies in Canada and get the disaggregated data and see the benefits.¹⁸⁰

For Beba Svigir, IRCC is both underfunding organizations that attend specifically to the needs of newcomer women, and under-measuring and under-recognizing the benefit of the women's organizations that already exist. Two witnesses argued that such settlement services tailored for women are vital.¹⁸¹ As Fatima Filippi put it, “[a]s women, we know that our reliance on being able to support our families is really important. Not having those support systems creates additional family problems and additional societal issues here in Canada as well as in other places back home.”¹⁸²

Underfunding and inattention to settlement services adjusted to the needs of women affect the most vulnerable women, in particular—women who are often racialized.¹⁸³ This underfunding also reflects the types of organizations that IRCC is currently hiring to provide settlement services. As Anila Lee Yuen put it, “[i]n maybe the last decade, funding has typically excluded ethnocultural community groups”—groups which are “natural supports to our [newcomer] community.”¹⁸⁴ Overall, the combination of inattention to gender and race in settlement funding may potentially undermine the success and trust of many immigrants. As Fatima Filippi described a contradiction in welcoming newcomer and racialized women while underserving them once they are here:

[I]t is disastrous. You're saying, “Welcome to our Canada. We're an open society. We're multicultural” and then—surprise!—when you walk in and you hit the reality, when you hit the ground running, it's very different, and people experience differential treatments and begin to question the dynamic and ask themselves whether they have made the right decision.¹⁸⁵

For those organizations that do receive funding from IRCC to serve racialized women, moreover, the Committee heard that they are subject to greater scrutiny. Even without factoring in its effects on gender and race, the IRCC settlement organization funding model disadvantages smaller organizations. The department restricts all funded organizations to only using 15% of their budget for administration, but smaller organizations still require minimum thresholds of administration support and staff, and

180 Ibid., 1255.

181 CIMM, [Evidence](#), 22 March 2022, 1235 (Beba Svigir); CIMM, [Evidence](#), 22 March 2022, 1245 (Fatima Filippi).

182 CIMM, [Evidence](#), 22 March 2022, 1245 (Fatima Filippi).

183 CIMM, [Evidence](#), 22 March 2022, 1235 (Beba Svigir).

184 CIMM, [Evidence](#), 22 March 2022, 1215 (Anila Lee Yuen).

185 CIMM, [Evidence](#), 22 March 2022, 1245 (Fatima Filippi).

do not benefit from economies of scale. As Fatima Fillipi put it, “the funding cap at 15% for administrative costs in an organization doesn't go very far when you have a budget of a \$1-million grant. When you have an organization that has a \$10-million budget under IRCC and 15% administrative costs, you can see the difference in how that's going to [positively] impact on the capacity of the organization to be effective.”¹⁸⁶

Anecdotal evidence also suggests that IRCC sometimes scrutinizes the budget justifications of settlement organizations that tailor their services to racialized women much more than those of other settlement groups. As Fatima Fillipi described the experience of the Rexdale Women’s Centre,

As a women's organization working with racialized women's communities, we have been asked to provide additional details that other sector providers have not had to provide. An example is a detailed breakdown of administrative budget costs when other sector providers were not required to do so. We were also asked for this information to justify the administrative percentage being requested under IRCC even though the contracts clearly state that we can claim up to 15%.¹⁸⁷

Fatima Fillipi later learned that the added scrutiny was possibly influenced by the race of the IRCC settlement officer, as well as by the fact the Rexdale Women’s Centre served primarily racialized women:

We now comprehend that if the settlement officer was from a racialized community—in this case this officer was—they needed to provide additional due diligence in order to substantiate their recommendation and to provide proof of effectively managing our contract agreement and our file.

I have heard from one settlement officer who has now left the department that upon returning to the office from visiting my agency, he was chided and was asked how it felt to work with a women's organization, as though our portfolio was somehow demeaning and of lesser value in comparison to managing other portfolios.¹⁸⁸

This experience in heightened funding scrutiny at Rexdale Women’s Centre is only one case, and may be isolated. As Fatima Fillipi suggested, however, it may also be symptomatic of larger differential outcomes and even racism in IRCC settlement funding—outcomes and potential racism that need to be further investigated. Following this testimony, the Committee recommends:

186 *Ibid.*, 1235.

187 *Ibid.*, 1220.

188 *Ibid.*



Increasing Funding for Ethnocultural Community Groups

Recommendation 24

That Immigration, Refugees and Citizenship Canada increase funding for ethnocultural community groups to support their work.

Collecting Disaggregated Data on Organizations Serving Newcomer Women

Recommendation 25

That the Government of Canada collect disaggregated data on the level of funding for organizations who provide services and support to women newcomers to Canada, with further breakdowns for women’s organizations serving racialized women.

Preventing Discriminatory and Biased Settlement Agency Contract Management

Recommendation 26

That Immigration, Refugees and Citizenship Canada ensure organizations serving racialized women, and Immigration, Refugees and Citizenship Canada officers assigned to manage their contracts, are not subject to discriminatory practices and biases by Immigration, Refugees and Citizenship Canada officials.

Ultimately, technology, infrastructure and funding decisions affect both IRCC employees and partners, and applicants and newcomers. As Fatima Filippi said about settlement funding, in a quote that describes the inter-relation of different types of bias and differentiation,

[i]t’s not just one point of the system; it’s somehow within the whole gamut of the system where things become problematic. Differential treatment doesn’t start just in one place and stop at another level. It goes right through the system and we’re seeing that happen.¹⁸⁹

In the wake of IRCC’s own surveys and focus groups with employees that uncovered experiences of racism and discrimination among employees, many witnesses suggested that this gamut runs through IRCC culture and employment practices. Both visa officer and internal IRCC network decisions echo the unconscious and conscious bias or racism also reported by some racialized IRCC employees.

189 CIMM, [Evidence](#), 22 March 2022, 1230 (Fatima Filippi).

DIFFERENTIAL OUTCOMES FOR EMPLOYEES AT IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA

Perception of Racism in the Department

Following the widespread condemnation of the murder of George Floyd, a Black man, by a white police officer in the United States, IRCC initiated its own investigation into racism at IRCC through an employee survey. Largely multiple choice, the survey was aimed at employees across the department—including visa officers in missions abroad. Approximately 30% of staff responded, about half of whom were racialized.¹⁹⁰ The department then commissioned Pollara Strategic Insights, an independent consultant, to conduct a follow-up set of 10 two-hour focus groups with a total of 54 employees, most of whom were racialized.

The results of the responses to both forms of research are marked in two ways. First, in a description that applies to both survey and focus group comments, Pollara Strategic Insights noted that the perception of bias and racism was “significantly based on respondent racial and ethnic background.” Perhaps not surprisingly, perceptions of racism largely fell along racial lines. Second, among racialized respondents “significant proportions ... considered racism to be a problem in the department”—a result that again echoed the finding of the original survey.¹⁹¹ For example, responding to the survey question, “Do individuals of different races/ethnic origins have the same opportunities as white people,” 74% of Black and 55% of South Asian respondents indicated that non-white employees had fewer opportunities; among non-racialized employees only 17% thought the same.¹⁹²

Summarizing the results of the follow-up focus groups in a report, Pollara Strategic Insights wrote that the groups reported experiences of racism at IRCC, including microaggressions. For instance, some respondents mentioned “widespread internal references to certain African countries as ‘the dirty 30,’” and stereotypes of Nigerians “as particularly untrustworthy.” Others recalled “[h]earing non-racialized employees and

190 IRCC, *IRCC’s Anti-Racism Employee Survey Results*, PowerPoint presentation to the Executive Committee, 20 January 2022.

191 Pollara Strategic Insights, *IRCC Anti-Racism Employee Focus Groups*, Final Report, prepared for Immigration, Refugees and Citizenship Canada, 23 June 2021, p. 5.

192 IRCC, *IRCC’s Anti-Racism Employee Survey Results*, presentation to Executive Committee, 20 January 2021, p. 8.



supervisors refer to sectors of the department where representation of racialized employees is high ... as ‘the ghetto’”.¹⁹³

In addition, respondents noted racial biases in hiring, and a lack of racialized employees in management roles. They highlighted a lack of culture of, and processes for, addressing racism within the organization. Employees also shared experiences of racism particular to overseas assignments, such as more explicit racism among Canadian overseas staff, and the professional and social exclusion of racialized overseas staff by non-racialized Canadians.¹⁹⁴

Overall, the participants were skeptical of the success of the IRCC’s efforts to combat racism within the department. They viewed racism as deeply rooted. Employee suggestions for affecting change included analyzing internal data on racial representation in hiring and promotion, promoting a culture of anti-racism in which racism incidents are dealt with immediately, and creating a permanent anti-racism ombudsperson.¹⁹⁵

Anti-Racism Initiatives

In response to the original survey, IRCC launched its Anti-racism Task Force (ARTF) in July 2020. The Committee heard from Farah Boisclair, Director, ARTF, at IRCC, who said that the Task Force’s work was to “articulate what anti-racism work looks like in different parts of the organization. ... It ranges from policy through program review and developing an anti-racism lens.”¹⁹⁶ From late summer 2020 to November 2021, ARTF set up three sub-committees to pursue anti-racism, focused on people, immigration policy and client service, respectively. The department also initiated a series of consultations with employees.¹⁹⁷

On 22 January 2021, the Clerk of the Privy Council, as Head of the Public Service, issued a call to action to build a diverse, equitable and inclusive Public Service.¹⁹⁸ In the summer of 2021, Catrina Tapley, Deputy Minister of IRCC at the time, indicated that

193 Pollara Strategic Insights, *IRCC Anti-Racism Employee Focus Groups*, Final Report, prepared for Immigration, Refugees and Citizenship Canada, 23 June 2021, p. 10.

194 Ibid., pp. 11–12.

195 Ibid., pp. 16, 18–19.

196 CIMM, *Evidence*, 24 March 2022, 1235 (Farah Boisclair, Director, Anti-Racism Task Force, IRCC).

197 IRCC, *IRCC Anti-Racism Task Force: Ministerial Briefing*, 2 December 2021, p. 4.

198 Privy Council Office, *Call to Action on Anti-Racism, Equity and Inclusion in the Federal Public Service*, 22 January 2021.

“work to make our own organization more representative and inclusive” was done together with

working to improve equitable outcomes for our clients and Canadians. We implemented our new Racial Impact Assessment Tool which stimulates an anti-racist approach and analysis in policy-making to complement the broader, intersectional GBA+ lens. We are exploring how we perceive bias in immigration decision-making.¹⁹⁹

As of May 2021, all IRCC Executive Committee²⁰⁰ members have made common commitments to:

- 1) Actively promote anti-racism, communicate expectations and outcomes to generate positive change in the culture of IRCC.
- 2) Proactively engage in dialogue that normalizes discussions on racism and systemic barriers.
- 3) Be accountable and transparent through the collection, use and dissemination of disaggregated and race-based data, and reporting on progress and outcomes.
- 4) Identify and address systemic discrimination and barriers within all policies, programs, and initiatives.
- 5) Ensure that Black, Indigenous and racialized employees have fair and equitable access to career advancement and opportunities.
- 6) Ensure representation of Black, Indigenous and racialized employees in decision and policy-making bodies to include diverse perspectives in decision-making (including executive tables, advisory councils, occupational health committees and other horizontal committees).

199 Privy Council Office, immigration, Refugees and Citizenship Canada, [Letter on Implementation of the Call to Action on Anti-Racism, Equity and Inclusion](#), Summer 2021 update.

200 The Executive Committee is comprised of Deputy Minister’s Office, Chief Audit Executive and Internal Audit and Accountability Branch, Office of Conflict Resolution, Senior General Counsel, COVID-19 Response and Recovery Planning, Anti-Racism Task Force, Strategic and Program Policy and Chief Data Officer, Operations, Settlement and Integration, Corporate Services, Chief Financial Officer and Comptroller Chief Information Officer, and Transformation and Digital Solutions.



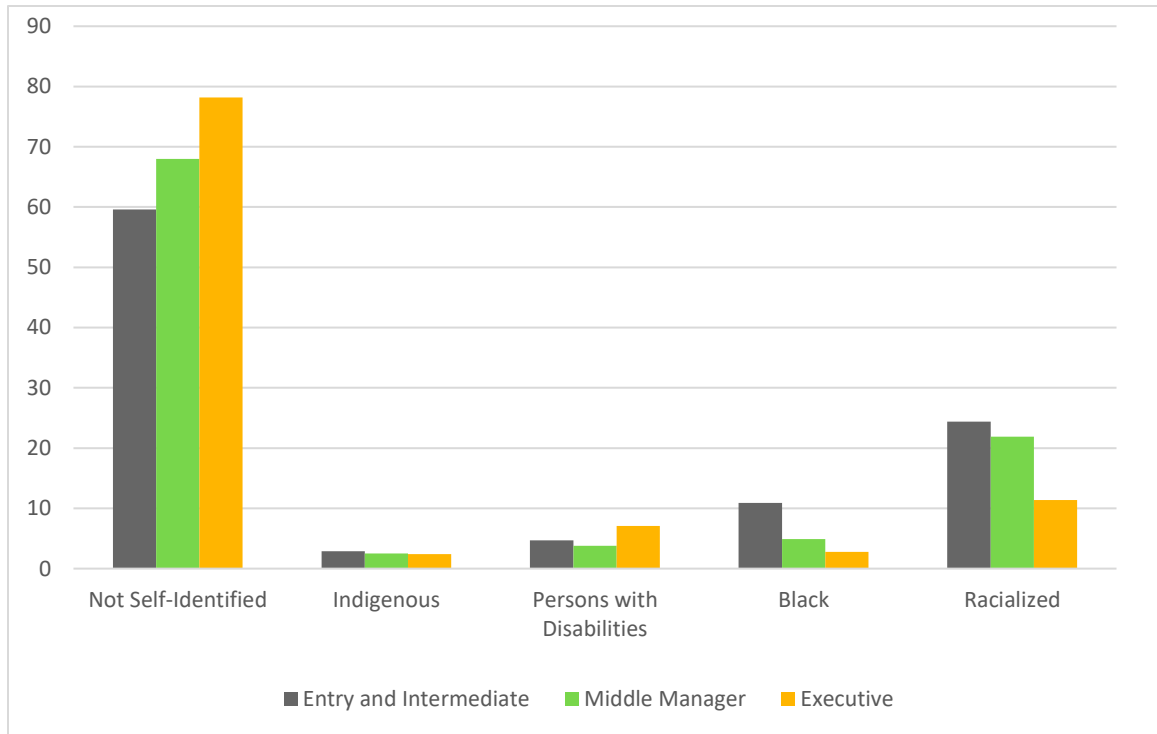
- 7) Support and strengthen diverse employee networks to build a sense of belonging.
- 8) Create safe workspaces for all Black, Indigenous and racialized employees, and other marginalized groups, including those with intersecting identities, where they can be their authentic self and safely raise issues without fear of reprisal.
- 9) Partner with external equity-seeking groups and organizations to enrich our approach.
- 10) Celebrate positive actions and contributions that promote racial equity at IRCC, discourage actions that reflect or condone racist behaviour, and hold individuals accountable for harmful behaviour.
- 11) Demonstrate accountability through the inclusion of anti-racism commitments in the performance management agreements of leaders of all levels.
- 12) Sustain our efforts to eliminate systemic racism to ensure long-lasting change.²⁰¹

Disaggregated Staff Data

As a result of IRCC's commitments to address racism in its workforce, the department now collects internal employment data disaggregated by gender and race. The data confirms the impressions of respondents to the survey and the focus groups: that racialized employees are overrepresented in entry level positions. As of 23 July 2021, the representation of racialized, Indigenous and Black employees is highest in entry or intermediate levels compared to both middle manager and executive roles, and is lowest among executives. For instance, while Black employees at IRCC make up 10.9% of people working in entry or intermediate level jobs, the number slips to 4.9% in middle management, and 2.8% among executive level positions (Figure 4). Among those who do not self-identify as racialized, Black, Indigenous or persons with disabilities, by contrast, representation increased from 59.6% in entry level or intermediate jobs to 78.2% in executive jobs.

201 IRCC, *CIMM 7.6 Anti-racism efforts at IRCC* IRCC's response to a request for information made by the Standing Committee on Citizenship and Immigration on February 17, 2022, 12 May 2022.

Figure 4—Representation (%) by Career Level, 23 July 2021



Source: IRCC, *Employment Equity Baselines and Representation Plan, Presentation to Excom, 6 October 2021*, p. 5.

In order to set baselines to understand and measure progress in representation, ARTF now compares representation at each level with Labour Market Availability (LMA) projections of the availability of candidates in different equity groups by 2024.²⁰²

Based on 25 March 2022 employment data and LMA projections (Figure 5),

the representation rate of IRCC’s racialized men is 9.4% (versus a baseline of 8.3%). Further, we find representations at the EX or EX equivalent level to be at 3.9% (versus a baseline of 12.4%), at middle managers to be at

202 IRCC, *CIMM 12.1 Breakdown of racial distribution amongst IRCC staff, IRCC’s response to a request for information made by the Standing Committee on Citizenship and Immigration on March 24, 2022*, 6 May 2022; IRCC, *Employment Equity Baselines and Representation Plan, Presentation to Excom*, 6 October 2021, p. 6.



9.8% (versus a baseline of 10.9%), and for entry levels to be at 9.5% (versus a baseline of 6.6%).²⁰³

Figure 5—Racialized Men Working at IRCC Compared to Labour Market Availability, 24 March 2022 (%)



Source: IRCC, *CIMM 12.1 Breakdown of racial distribution amongst IRCC staff, IRCC’s response to a request for information made by the Standing Committee on Citizenship and Immigration on March 24, 2022*, 6 May 2022.

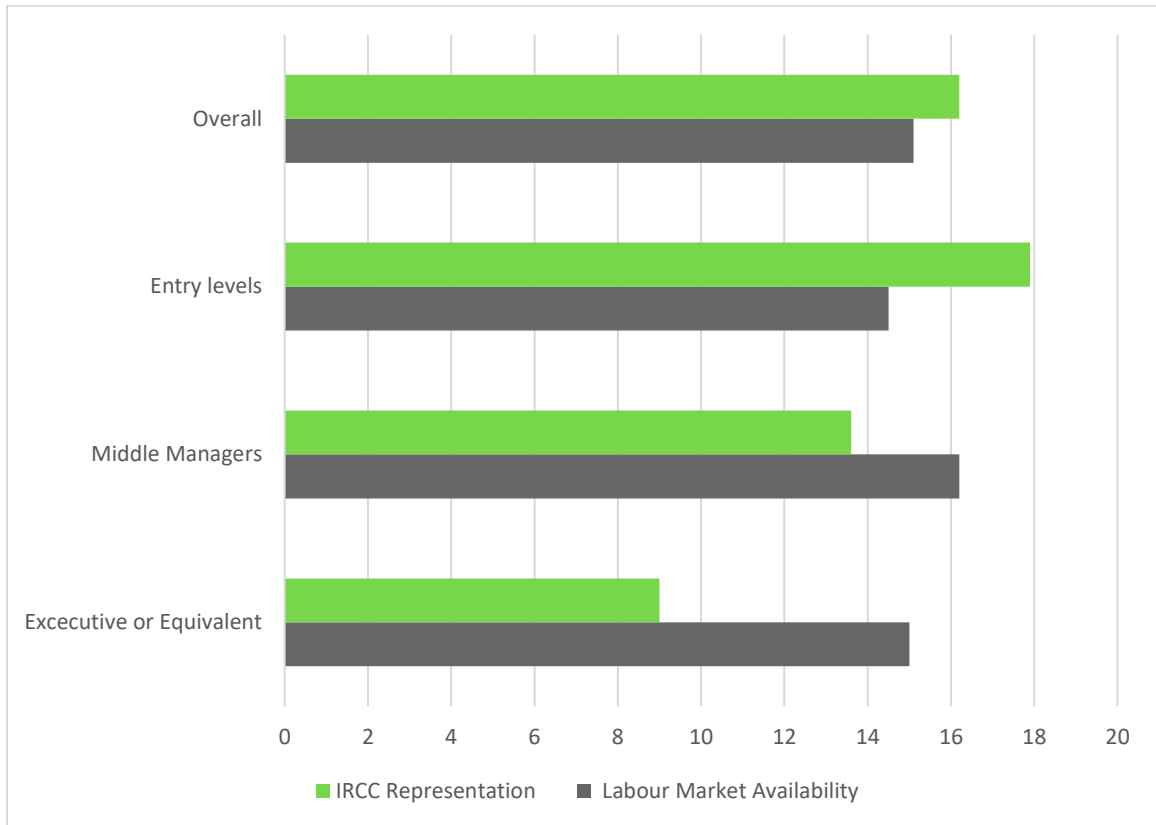
As of March 25, 2022, the representation rate of racialized women working at IRCC (Figure 6)

is 16.2% (versus a baseline of 15.1%). Further, we find representations at the EX or EX equivalent level to be at 9% (versus a baseline of 15%), at middle managers to be at 13.6% (versus a baseline of 16.2%), and for entry levels to be at 17.9% (versus a baseline of 14.5%).²⁰⁴

203 IRCC, *CIMM 12.1 Breakdown of racial distribution amongst IRCC staff, IRCC’s response to a request for information made by the Standing Committee on Citizenship and Immigration on March 24, 2022*, 6 May 2022.

204 Ibid.

Figure 6—Racialized Women Working at IRCC Compared to Labour Market Availability, 24 March 2022 (%)



Source: IRCC, *CIMM 12.1 Breakdown of racial distribution amongst IRCC staff, IRCC’s response to a request for information made by the Standing Committee on Citizenship and Immigration on March 24, 2022*, 6 May 2022.

This 2022 data shows a similar trend of decreasing representation of racialized employees in middle- and upper-level positions. The downward trend, however, is more marked for racialized women than for racialized men.

IRCC qualifies its data as not necessarily representative of the department’s full diversity, because some employees may choose to not self-identify. But, “IRCC continues to promote self-identification to employees ... for talent management purposes (e.g. leadership and other professional development training, developmental assignments or programs, or referral for selection boards/focus groups).”²⁰⁵ Based on an internal IRCC document, the department has calculated detailed LMA baselines for four equity

205 Ibid.



groups—people who are Black, racialized, Indigenous, and with disabilities—and broken those baselines down by gender. The ARTF has also presented possible 3-year and 5-year hiring goals in each category to match the LMA baseline—a goal articulated as “in progress” in another IRCC document.²⁰⁶

Racism and Visa-Processing

Witnesses suggested that the racism and bias identified in the IRCC survey and focus groups by employees affects IRCC decision-making—in this case affecting visa officer judgements of application eligibility.²⁰⁷ Several witnesses cited the “dirty 30” comment as emblematic of potential racism and bias affecting the evaluation of applicants from African, South Asian and other racialized groups.²⁰⁸

Witnesses instead reiterated the principle that visa officers should apply immigration laws and policies consistently and fairly for each immigration stream, regardless of the country of origin of the applicant and the private views or disposition of the visa officer.²⁰⁹ Indeed, the Voices4Families rejected the use of images of the “cultural/social practices of a specific country” to judge spousal sponsorship cases.²¹⁰ At the same time, several witnesses argued that decision-makers should understand and consider individual circumstances or cultural context to understand how universal rules apply in given cases.²¹¹

The Committee heard several recommendations to eliminate conscious or unconscious bias and racism in application refusals, and to promote the consistency in decisions. Let us start with elimination. Since 2021, IRCC has formalized a process by which the department provides international visa offices with “*information, guidance, tools and standards*” that help more systematically assess processes and practices across the

206 IRCC, *Employment Equity Baselines and Representation Plan, Presentation to Excom, 6 October 2021*, p. 6; IRCC, *Anti-Racism Task Force Annual Plan (FY 2021–22)*, p. 3.

207 Mario Bellissimo, *Brief*, 21 April 2022, p. 4; CIMM, *Evidence*, 7 April 2022, 1225 (Marie Carmel Bien-Aimé); CIMM, *Evidence*, 22 March 2022, 1115 (Gideon Christian); CIMM, *Evidence*, 29 March 2022 (Siham Rayale); CIMM, *Evidence*, 7 April 2022, 1220 (Debbie Douglas).

208 CIMM, *Evidence*, 7 April 2022, 1225 (Marie Carmel Bien-Aimé); CIMM, *Evidence*, 22 March 2022, 1115 (Gideon Christian).

209 CIMM, *Evidence*, 22 March 2022, 1155 (Gideon Christian); CIMM, *Evidence*, 29 March 2022, 1110 (Gurpartap Kals); Voices4Families, *Brief*, p. 4.

210 Voices4Families, *Brief*, p. 4.

211 CIMM, *Evidence*, 7 April 2022, 1225 (Marie Carmel Bien-Aimé); CIMM, *Evidence*, 22 March 2022, 1155 (Gideon Christian).

network of international offices.”²¹² These tools include quality assurance exercises for decision-making that examine

whether the decision was correct in law and fact, whether decision-making is consistent within the office (and between offices, if caseload is shared) and whether decision points like eligibility and admissibility are completed correctly; this includes looking at approval and refusal rates.²¹³

On an annual basis,

the findings and outcomes of completed quality assurance activities are discussed to ensure both strengths concerns are identified and addressed. The process is also the forum for establishing plans for both mandatory and discretionary exercises for the coming year.²¹⁴

As part of its anti-racism strategy, IRCC also conducted “Operations Sector Integrity Management Authority workshops exploring bias and GBA+ in immigration processing” in November 2020.²¹⁵ Witnesses suggested going further to incorporate anti-racism analysis directly into quality assurance exercises for visa offices. Debbie Douglas called for “a comprehensive racial equity review of ... practices in order to identify systemic bias and identify areas where individual bias and racism can colour decision-making.”²¹⁶ Sabreena Ghaffar-Siddiqui argued that IRCC should conduct blind reviews of visa officer assessments.²¹⁷

212 IRCC, *CIMM 12.3–Quality Assurance Program, IRCC’s response to a request for information made by the Standing Committee on Citizenship and Immigration on March 24, 2022*, 6 May 2022, p. 1. Emphasis in original.

213 *Ibid.*, p. 2.

214 *Ibid.*, p. 1.

215 IRCC, *Immigration, Refugees, and Citizenship Canada’s Diversity, Inclusion and Anti-Racism Achievements: Summary of Actions*, approved 26 February 2021.

216 CIMM, *Evidence*, 7 April 2022, 1220 (Debbie Douglas).

217 CIMM, *Evidence*, 26 April 2022, 1145 (Sabreena Ghaffar-Siddiqui).



Following this testimony, the Committee recommends:

Anti-Racism Quality Assurance for Visa Officer Decisions

Recommendation 27

That Immigration, Refugees and Citizenship Canada broaden its quality assurance to examine the potential effect of systemic racism and individual bias on visa officer decisions and visa office refusal rates; require the immediate implementation of such anti-racism tools in each visa office; evaluate the results for each office in its next annual review; and publish within a year and a half the aggregate findings of these reviews.

To promote fair and informed visa officer decisions more broadly, witnesses recommended improving the education and selection of visa officers. Traditionally, visa officers receive cross-cultural training as part of their initial training as foreign service officers. More recently, IRCC internal documents indicate that over 80% of the department had taken unconscious bias training by 31 January 2021.²¹⁸ The department confirmed to the Committee that all decision-makers processing applications from Africa had completed this training.²¹⁹ IRCC documents indicate that 250 middle managers were slated to have completed a four-part anti-racism pilot program by May 2021.²²⁰ The middle management level includes upper-level visa officers, but not local staff, who, in some offices, evaluate applications.²²¹ IRCC also plans to expand this anti-racism pilot by fiscal year 2022–23.²²²

Overall, many witnesses supported increased training to help mitigate bias and racism, and to judge applications in the proper individual and cultural context.²²³ Marie Carmel Bien-Aimé, Co-Administrator, Spousal Sponsorship Advocates, argued that the training must be frequent and mandatory to provide important culture context—particularly

218 IRCC, *Immigration, Refugees, and Citizenship Canada's Diversity, Inclusion and Anti-Racism Achievements: Summary of Actions*, approved 26 February 2021, p. 1.

219 IRCC, *CIMM 7.4 Disparity between Francophone and Anglophone acceptance rates, IRCC's response to a request for information made by the Standing Committee on Citizenship and Immigration on February 17, 2022*, 12 May 2022.

220 IRCC, *Immigration, Refugees, and Citizenship Canada's Diversity, Inclusion and Anti-Racism Achievements: Summary of Actions*, approved 26 February 2021, p. 1.

221 IRCC, *Employment Equity Baselines and Representation Plan, presentation to EXCOM, 6 October 2021*, Annex A.

222 IRCC, *Anti-Racism Task Force Annual Plan (FY 2021–22)*, p. 2.

223 CIMM, [Evidence](#), 7 April 2022, 1225 (Marie Carmel Bien-Aimé); CIMM, [Evidence](#), 22 March 2022, 1155 (Gideon Christian); CIMM, [Evidence](#), 22 March 2022, 1225 (Fatima Filippi).

when judging spousal sponsorship applications and whether marriages are genuine.²²⁴ More broadly, several witnesses argued that IRCC should revise its training and protocol for visa officers to combat an overemphasis on refusal, suspicion and guarding against possible fraud.²²⁵ As a possible model, Mario Bellissimo highlighted that “Australia had an immigration college about 15 years ago where they sent all of their officers to retrain and to remember that it was about facilitation and not enforcement.”²²⁶

Sabreena Ghaffar-Siddiqui also argued that any training—especially anti-racism and cultural training—cannot be completed online according to a module, because research shows that people retain little of what they learned after passing this type of test. As she put it,

these [online] diversity, equity and inclusion training modules—people just click to the next [screen], the next and the next. They don’t actually retain any information. It’s very easy to get trained and get a certificate but really know nothing about what you’ve just read.²²⁷

Instead, she recommended “workshop style” engaged training in which “you have people who are conversing with other people with other lived experiences.”²²⁸ She argued that this training would not eradicate racism, but “provide an accountability system so that [IRCC] can hold people to account.”²²⁹

In order to improve anti-bias, anti-racism and cultural training and accountability, and to emphasize more strongly the role of visa officer as both judge and facilitator of applications, the Committee thus recommends:

Mandatory and Regular Anti-Racism Training for Visa Officers

Recommendation 28

That Immigration, Refugees and Citizenship Canada implement mandatory and regular seminar-style anti-bias, anti-racism and cultural awareness training for all visa officers;

224 CIMM, *Evidence*, 7 April 2022, 1225 (Marie Carmel Bien-Aimé).

225 CIMM, *Evidence*, 26 April 2022, 1125 (Sabreena Ghaffar-Siddiqui); Mario Bellissimo, *Brief*, 21 April 2022, p. 3; CIMM, *Evidence*, 22 March 2022, 1255 (Anila Lee Yuen); CIMM, *Evidence*, 7 April 2022, 1205 (Mario Bellissimo, Bellissimo Law Group Professional Corporation).

226 CIMM, *Evidence*, 7 April 2022, 1205 (Mario Bellissimo).

227 CIMM, *Evidence*, 26 April 2022, 1125 (Sabreena Ghaffar-Siddiqui).

228 Ibid.

229 Ibid., 1105.



discontinue the use of the autonomous, online format for training on these topics; and investigate Australian visa officer training as a possible education model.

Several witnesses also pointed to expanded hiring and promotion of racialized candidates for visa processing roles—particularly when the applicants come from cultural, religious and racial backgrounds relevant to understanding and judging accurately applications from given regions of the world.²³⁰ While she supports some seminar-style training for anti-racism and culture awareness, for instance, Sabreena Ghaffar-Siddiqui pointed out its limits compared to expanded hiring practices. As she summarized a body of research on cultural competence training, “we’ve come to realize that no one can be competent in another culture. You can be aware, but you can’t gain competence.”²³¹ Insider cultural knowledge is always much more subtle and accurate. More important, she argued, is to diversify the pool of visa officers, “so that those who have an already existing understanding and awareness of another culture can provide their experience and expertise.”²³²

In the focus groups on racism at IRCC summarized in the Pollara Strategic Insights report, participants highlighted the simultaneous diversity of IRCC staff and the overconcentration of that diversity in entry-level, rather than intermediate and senior, positions. In her testimony to the Committee, Sabreena Ghaffar-Siddiqui highlighted that this imbalance decreases the likelihood of racialized employees being employed in decision-making and visa evaluation positions.²³³

Drawing from testimony on visa officer refusals and refusal rates, the Committee recommends:

Promote Racialized Candidates to All Levels of Foreign Service Positions

Recommendation 29

That Immigration, Refugees and Citizenship Canada include a focus on visa officers in its strategies to increase representation at intermediate job levels, and remove discrimination and other barriers to the promotion of racialized Canadian candidates for all levels of foreign service positions as visa officers.

230 Ibid., 1125.

231 Ibid.

232 Ibid.

233 Ibid.

At the same time, Voices4Families highlighted the danger of hiring local staff all from the same ethnic and cultural populations. As the organization’s brief discussed the experience of its members with spousal sponsorship visa processing, “[t]he visa offices do not appear to employ diverse staff, risking Canadian [spousal sponsorship applicant]s to potential biases towards already marginalized minority groups of a particular country.”²³⁴ Given that some visa offices rely on locally engaged staff to judge applications, and that regional racism can also affect the success rates of applications, visa offices must promote diversity at all levels.

The Committee thus recommends:

Diversity Among Locally Engaged Staff

Recommendation 30

That Immigration, Refugees and Citizenship Canada consider diversity among locally engaged staff, and promote measures to increase representation among locally engaged staff from different ethnic and cultural groups.

Many witnesses called for IRCC to collect and make public disaggregated data on funding, applicant and processing technology decisions.²³⁵ While IRCC is increasingly collecting this type of data under the mandate of its ARTE, these witnesses argued that such information should be made publicly available.

More broadly, many witnesses called for the creation of an independent ombudsperson office to address racism in visa applications decisions and at IRCC.²³⁶ This echoed the same recommendation made by IRCC employees who participated in the Pollara Strategic Insights focus groups.²³⁷ While IRCC is making progress in addressing discrimination and racism, this transformative change also needs outside support. The Committee recommends:

234 Voices4Families, *Brief*, pp. 4–5.

235 CIMM, *Evidence*, 22 March 2022, 1140 (Gideon Christian); CIMM, *Evidence*, 29 March 2022, 1155 (Gurpartap Kals); CIMM, *Evidence*, 22 March 2022, 1135 (Steven Meurrens).

236 CIMM, *Evidence*, 22 March 2022, 1135 (Gideon Christian); CIMM, *Evidence*, 22 March 2022, 1220 (Fatima Filippi); Voices4Families, *Brief*, p. 3; CIMM, *Evidence*, 22 March 2022, 1125 (Jennifer Miedema); CIMM, *Evidence*, 22 March 2022, 1250 (Anila Lee Yuen); CIMM, *Evidence*, 22 March 2022, 1250 (Beba Svirgir); CIMM, *Evidence*, 29 March 2022, 1115 (Siham Rayale); CIMM, *Evidence*, 29 March 2022, 1135 (Gurpartap Kals).

237 CIMM, *Evidence*, 29 March 2022, 1245 (Craig Worden, President, Pollara Strategic Insights).



Create Ombudsperson Office

Recommendation 31

That Immigration, Refugees and Citizenship Canada provide the appropriate resources for the establishment of an ombudsperson’s office to review the department’s policies, receive and review complaints, review regular reports on racism and training procedures; and that the office be empowered to take appropriate enforcement measures in relation to these activities.

Establishing a Legislative Foundation for the Federal Anti-Racism Secretariat

Recommendation 32

That the Government of Canada give the Federal Anti-Racism Secretariat a legislative foundation to strengthen its work, and subject all government legislation and regulations to a racial equity review.

Working with Experts and Stakeholders to Develop Anti-Racism Training

Recommendation 33

That Immigration, Refugees and Citizenship Canada work with external experts and internal stakeholders to develop anti-racism training with a gender-based lens, and that this training be mandatory for all employees and contractors.

Facilitating Creation of Employee-Driven Support Groups within the Department

Recommendation 34

That Immigration, Refugees and Citizenship Canada facilitate the establishment of adequately resourced employee-driven groups to provide support and share experiences with discrimination, and that these groups be a regularized part of the organization.

Providing Decision Makers with Procedural Fairness and Impartiality Training

Recommendation 35

That Immigration, Refugees and Citizenship Canada establish a Service Delivery Anti-Racism Working Group and provide mandatory trainings to support decision makers in the understanding of procedural fairness and impartiality.

Improving the Diffusion of Information

Recommendation 36

That Immigration, Refugees and Citizenship Canada improve the application forms and update their website with as much detail as possible. The website should include transparency detailing the process, including but not limited to criteria that will be used to assess the authenticity of marriages.

Improve Coordination in Settlement Services

Recommendation 37

That the Government of Canada continue to work with provincial and territorial partners, as well as settlement services agencies, to improve coordination and the availability of support for newcomers, respecting the Canada-Québec Accord.

CONCLUSION

As this report brings out, decision-making at all levels can have differential and even discriminatory effects for applicants, employees, regions and local economies. Some of these effects reflect biases that directly undermine decision-making impartially. Others are more implicit and systemic, resulting from less obvious challenges to fairness, such as the distribution of immigration infrastructure, the quality control of processing technology and the results of funding decisions. To address conscious or unconscious bias, discrimination and racism is to understand the connected parts of the immigration system as whole. As witnesses made very clear, one differential outcome creates the conditions on another. Any solutions must be both targeted and comprehensive.

The Committee would like to thank the witnesses who appeared before it to address differential outcomes in the Canadian immigration system, and who submitted briefs and background material. We learned greatly from your contribution. The Committee will continue to attend to bias, racism and differential outcomes in its future studies.

APPENDIX A LIST OF WITNESSES

The following table lists the witnesses who appeared before the committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the committee’s [webpage for this study](#).

Organizations and Individuals	Date	Meeting
African Scholars Initiative Gideon Christian, President	2022/03/22	11
As an individual Steven Meurrens, Immigration Lawyer Jennifer Miedema, Executive Director, Remember Ministries	2022/03/22	11
Calgary Immigrant Women’s Association Beba Svigir, Chief Executive Officer	2022/03/22	11
Centre for Newcomers Anila Lee Yuen, President and Chief Executive Officer	2022/03/22	11
Rexdale Women's Centre Fatima Filippi, Executive Director	2022/03/22	11
Department of Citizenship and Immigration Farah Boisclair, Director, Anti-Racism Task Force Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship Pemi Gill, Director General, International Network Caroline Xavier, Associate Deputy Minister	2022/03/24	12
Alexene Immigration & Employment Services Inc Arlene Ruiz, Licensed and Regulated Immigration Consultant and Recruiter	2022/03/29	13
Kals Immigration Gurpartap Kals, Immigration Consultant	2022/03/29	13

Organizations and Individuals	Date	Meeting
National Council of Canadian Muslims Nadiya Ali, Diversity, Equity and Inclusion Specialist Siham Rayale, Director, Foreign Affairs	2022/03/29	13
Pollara Strategic Insights Craig Worden, President	2022/03/29	13
Université du Québec à Trois-Rivières Christian Blanchette, President	2022/03/29	13
As an individual Yusuf Badat	2022/04/07	16
Bellissimo Law Group Professional Corporation Mario Bellissimo, Specialist in Citizenship and Immigration Law and Refugee Protection	2022/04/07	16
J. Mendoza & Associates Canada Immigration Consulting Group Jeric Mendoza, Immigration Consultant	2022/04/07	16
Ontario Council of Agencies Serving Immigrants Debbie Douglas, Executive Director	2022/04/07	16
Spousal Sponsorship Advocates Marie Carmel Bien-Aimé, Co-Administrator	2022/04/07	16
Voices4Families Vishal Ghai	2022/04/07	16
Canadian Centre for Policy Alternatives Sabreena Ghaffar-Siddiqui, Professor and Member, Ontario Steering Committee	2022/04/26	17
Guide Me Immigration Inc. MD Shorifuzzaman, Regulated Canadian Immigration Consultant	2022/04/26	17
Rainbow Refugee Society Aleks Selim Dughman Manzur, Co-Executive Director, Programming and Advocacy Sharalyn Jordan, Chair	2022/04/26	17

Organizations and Individuals	Date	Meeting
<p data-bbox="298 432 829 468">Department of Citizenship and Immigration</p> <p data-bbox="298 483 565 543">Farah Boisclair, Director, Anti-Racism Task Force</p> <p data-bbox="298 560 602 621">Tara Lang, Director General, Central Network</p> <p data-bbox="298 638 760 667">Caroline Xavier, Associate Deputy Minister</p>	2022/05/03	19

APPENDIX B LIST OF BRIEFS

The following is an alphabetical list of organizations and individuals who submitted briefs to the committee related to this report. For more information, please consult the committee's [webpage for this study](#).

Association of Regulated Nigerian-Canadian Immigration Consultants

Bellissimo Law Group Professional Corporation

Ghaffar-Siddiqui, Sabreena

Spousal Sponsorship Advocates

Voices4Families

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* ([Meetings Nos. 11 to 13, 16, 17, 19, 20, 29 to 31, 33, 38 and 40](#)) is tabled.

Respectfully submitted,

Salma Zahid
Chair

