



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **IN DEMAND YET UNPROCESSED: ENDEMIC IMMIGRATION BACKLOGS**

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

**Sukh Dhaliwal, Chair**

**DECEMBER 2023  
44th PARLIAMENT, 1st SESSION**

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**Sukh Dhaliwal  
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

## **EIGHTEENTH REPORT**

Pursuant to its mandate under Standing Order 108(2), the committee has studied application backlogs and processing times and has agreed to report the following:



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## SUMMARY

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Canada continues to be one of the top countries attracting people from around the world and remains steady in its need for a robust labour force. In the era of globalization, people are highly mobile; they come to Canada to work, study or start a new life. This process takes place through forms that are submitted by hopeful applicants. These forms are reviewed by Immigration, Refugees and Citizenship Canada, which eventually makes a determination. Unfortunately, the number of applications has far outpaced processing capacity, while the transition to a digital processing environment has faced major challenges, forming a seemingly insurmountable backlog.

This report follows a study by the House of Commons Standing Committee on Citizenship and Immigration on application backlogs and processing times conducted from 5 May 2022 to 1 November 2022.

The report is divided into three Parts: Part I explores the problems that are affecting all streams of immigration processing, from small backlogs like the citizenship inventory to the largest backlog, that of temporary residents, and how these backlogs have caused massive hardships for millions of workers, students, refugees and asylum claimants in Canada and those waiting abroad. Part II examines the root causes to these application backlogs and processing delays, touching on capacity management and circumstantial impacts such as the COVID-19 pandemic. Part III discusses what witnesses before the Committee viewed as requirements and solutions for how to improve Canada's immigration system in the interest of equity and transparency, and how these proposals can be implemented.



# LIST OF RECOMMENDATIONS

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*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.*

## **Automatic Issuance of Post-Graduate Work Permits**

### **Recommendation 1**

**That Immigration, Refugees and Citizenship Canada automatically issue post-graduate work permits to students who have successfully completed their studies..... 18**

## **Comprehensive Plan for the Labour Market**

### **Recommendation 2**

**That Immigration, Refugees and Citizenship Canada, working with Employment and Social Development Canada and the governments of Quebec, the provinces and territories, which are more aware of the labour needs in their jurisdictions, take immediate steps to address the labour force crisis in Canada through developing comprehensive economic, education and training plans that will address labour market needs into the near-, mid- and long-term future..... 20**

## **Immediate Issuance of Acknowledgment of Receipt**

### **Recommendation 3**

**That Immigration, Refugees and Citizenship Canada issue an acknowledgement of receipt electronically when the file is submitted online..... 23**

## **Waiving UNHCR Determination Requirements for Privately Sponsored Refugees**

### **Recommendation 4**

**That Immigration, Refugees and Citizenship Canada waive the UNHCR refugee determination requirements for all privately sponsored refugees while respecting the jurisdiction of Quebec and the provinces that receive and approve private sponsorship applications..... 30**

**Expanding the List of Partners for Refugee Referral**

**Recommendation 5**

**That Immigration, Refugees and Citizenship Canada end its over reliance on the UNHCR to select and process refugee applications and instead expand the list of referral partners to include other credible, established organizations to help select and process refugee applications. .... 30**

**Program Integrity Framework for Sponsorship Agreement Holders**

**Recommendation 6**

**That Immigration, Refugees and Citizenship Canada address the concerns regarding the Program Integrity Framework and the new set of requirements for Sponsorship Agreement Holders. .... 31**

**Providing Clear Options for Citizenship Ceremonies**

**Recommendation 7**

**That Immigration, Refugees and Citizenship Canada make clear to all individuals that it is their choice to choose the citizenship ceremonies process best suited to their needs; and that while in-person ceremonies should be the default option, virtual ceremonies should also be allowed; and further, that any self-administered oath of citizenship be subject to robust integrity measures. .... 32**

**Increasing Visa Office Capacity**

**Recommendation 8**

**That Immigration, Refugees and Citizenship Canada increase the capacity of visa offices to process applications, and notably, to communicate effectively with clients. .... 44**

**Processing of Applications by Departmental Employees**

**Recommendation 9**

**That Immigration, Refugees and Citizenship Canada’s processing of applications in overseas visa application centres be done by departmental employees and not by outside contractors..... 44**

**Auditing Online Portal and Forms**

**Recommendation 10**

**That Immigration, Refugees and Citizenship Canada audit the online portal process for bugs and errors, commit to immediately correcting these bugs and errors, and ensure that all public facing internet forms are working properly. .... 50**

**Consulting with Users of the Online System and Portal**

**Recommendation 11**

**That Immigration, Refugees and Citizenship Canada consult with users of the online system and portals so that the government can properly troubleshoot the frequent portal glitches and technical problems. .... 50**

**Plain Language and Improving French**

**Recommendation 12**

**That Immigration, Refugees and Citizenship Canada immediately implement the use of plain language in all of its application processes, and that the website be updated to improve the quality of the written French in the online application process for francophone applicants. .... 50**

**Special Immigration Measures for Afghans**

**Recommendation 13**

**That Immigration, Refugees and Citizenship Canada immediately ensure that all individuals and their immediate families who supported the various Canadian missions in Afghanistan be granted special immigration measures into Canada without delay and that, if they have already undergone previous biometric examination as part of those missions, they be considered exempt until they are landed on Canadian soil. .... 54**

**Public Policy for Non-Discriminatory Treatment of Refugees**

**Recommendation 14**

**That Immigration, Refugees and Citizenship Canada create a public policy to ensure that, when there is a humanitarian crisis, all refugee applications are processed using the same criteria regardless of country of origin. .... 54**

**Accountability of Government in Clearing the Backlog**

**Recommendation 15**

**That Immigration, Refugees and Citizenship Canada set a deadline to clear the backlog and put in place accountability measures to ensure that the deadline is met; and that a special task force be established and a deadline be set to process older backlog applications..... 58**

**Real-time Updates on Cases**

**Recommendation 16**

**That Immigration, Refugees and Citizenship Canada update its online and public facing internet systems to provide real-time case updates to individuals, their appointed advocates and anyone else they authorize to see their private information on their behalf. .... 58**

**Accurate Processing Times**

**Recommendation 17**

**That Immigration, Refugees and Citizenship Canada post accurate processing times online. .... 58**

**Work Permits for Asylum Claimants in Canada**

**Recommendation 18**

**That Immigration, Refugees and Citizenship Canada grant open work permits to asylum claimants in Canada without delay. .... 59**

**Temporary Public Policy for Protected Persons**

**Recommendation 19**

**That Immigration, Refugees and Citizenship Canada create a temporary public policy for protected persons to allow them to obtain permanent residence automatically, as they have waited in the backlog, in some instances, for years..... 62**

**Acting on Ministerial Mandate Letter for Accelerated Family Reunification**

**Recommendation 20**

**That the Minister of Immigration, Refugees and Citizenship act on his mandate letter to speed up family reunification applications for both refugee applications and family class applications and that the government regularly publish the processing times for these streams..... 62**

**Temporary Public Policy for Issuance of Open Work Permits**

**Recommendation 21**

**That Immigration, Refugees and Citizenship Canada issue open work permits to all undocumented people and temporary foreign workers in Canada..... 63**

**Temporary Public Policy on Regularization**

**Recommendation 22**

**That Immigration, Refugees and Citizenship Canada create a temporary public policy to regularize undocumented people and temporary foreign workers in Canada, including caregivers who have worked in Canada to obtain permanent residence, and where the backlog has directly impacted their lives and livelihood. .... 64**

**Creation of Permanent Residence Portal for Caregivers**

**Recommendation 23**

**That Immigration, Refugees and Citizenship Canada create a specific permanent residence portal for the caregiver programs. .... 64**

**Removing Barriers for Home Support Workers, Home Child Care Providers and Caregivers**

**Recommendation 24**

**That Immigration, Refugees and Citizenship Canada remove the cap per program for the Home Support and Home Child Care Provider Pilots, and remove the two year work experience requirement for the Live-in Caregiver Program. .... 64**

**Outlining Criteria for a Clearer Understanding of the Determination Process**

**Recommendation 25**

**That Immigration, Refugees and Citizenship Canada develop proper criteria that are outlined clearly so that officers and the public can understand how these determinations are made..... 66**

**Recording of Interviews**

**Recommendation 26**

**That Immigration, Refugees and Citizenship Canada or third-party interviews be recorded for accountability purposes, and that the recording may be used as evidence for any judicial review of the application decision. .... 68**

**Cultural Awareness and Sensitivity Training for Officers**

**Recommendation 27**

**That Immigration, Refugees and Citizenship Canada survey various jurisdictions’ immigration officer trainings to determine whether there is a model for training that is most suited to the Canadian context; that Immigration, Refugees and Citizenship Canada consequently develop and conduct training to assist officers in making informed decisions with cultural awareness and sensitivity in mind when processing applications and conducting interviews. .... 68**

**Best Practices and New Training for Officers on Genuineness of Marriages**

**Recommendation 28**

**That Immigration, Refugees and Citizenship Canada work with external stakeholders, including Quebec stakeholders, lawyers specializing in Quebec civil law and faith community leaders, to establish best practices and new training and guidelines to assist visa officers in recognizing and understanding different cultural norms of marriage, and how to question applicants in a culturally sensitive way to assess the genuineness of a relationship..... 68**

**Training and Hiring Local Officers**

**Recommendation 29**

**That Immigration, Refugees and Citizenship Canada train and hire local officers and teams to specialize in the processing of specific applications and streams. .... 69**

**Provision of Officer Notes to Immigration Applicants**

**Recommendation 30**

**That Immigration, Refugees and Citizenship Canada issue all relevant officer notes to applicants at every stage to ensure that applicants get updates on their files through a more enhanced and efficient system. .... 70**

**Opportunity to Correct Minute Errors in Immigration Applications**

**Recommendation 31**

**That Immigration, Refugees and Citizenship Canada allow minor corrections to be made, including a missing document, and provide sufficient time to submit or correct errors before returning or refusing immigration applications in order to provide more client-oriented service. .... 71**

**Creation of an Immigration Ombudsperson**

**Recommendation 32**

**That Immigration, Refugees and Citizenship Canada create the position of an immigration ombudsperson to oversee the operations of Immigration, Refugees and Citizenship Canada, and who, with actionable powers, would have the authority to supervise processing times for all immigration streams, including temporary immigration streams, and to mandate changes to processing times and methods, as needed. .... 74**

**Processing Those Arriving in Canada from Emergencies Abroad**

**Recommendation 33**

**That Immigration, Refugees and Citizenship Canada create a departmental division independent of others in resources and staffing, for the processing of applications from people in emergency situations. .... 75**

**Investing in Emergency Preparedness**

**Recommendation 34**

**That the Government of Canada and Immigration, Refugees and Citizenship Canada invest in emergency preparedness programs to respond to global humanitarian crises so that resources are not removed from the delivery of existing programs. .... 75**

**Additional Resources for New Immigration Measures**

**Recommendation 35**

**That, when the Government of Canada introduces new immigration measures, additional resources and additional level numbers are provided to meet the demands of the new initiatives..... 76**

**Housing Supports for Afghan Interpreters**

**Recommendation 36**

**That Immigration, Refugees and Citizenship Canada provide housing supports to Afghan interpreters and their family members who have fled to third countries..... 76**

**Lifting Quota for Afghans Who Served Canada**

**Recommendation 37**

**That Immigration, Refugees and Citizenship Canada lift the quota for Afghans who served Canada and for their loved ones in need of safety. .... 76**

**Bringing Afghans Who Served Canada to Safety**

**Recommendation 38**

**That Immigration, Refugees and Citizenship Canada urgently and expeditiously bring Afghans who served Canada and their loved ones to safety in Canada. .... 76**

**Additional Funds for Immigration, Refugees and Citizenship Canada**

**Recommendation 39**

**That the Government of Canada provide additional staffing and resources at Immigration, Refugees and Citizenship Canada to fully address the application backlogs and processing delays that have plagued the department for years and caused massive upheaval in the lives of refugees, immigrants, temporary foreign workers, and students. .... 78**

**More Staffing in Call Centres**

**Recommendation 40**

**That Immigration, Refugees and Citizenship Canada allocate more staffing resources in call centres so that people can receive timely information about their cases..... 78**





# IN DEMAND YET UNPROCESSED: ENDEMIC IMMIGRATION BACKLOGS

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## INTRODUCTION

Many people have settled permanently across Canada from all over the world, going through the process of immigration, while others have come for temporary stays as visitors, students or workers. Immigration, Refugees and Citizenship Canada (IRCC) ensures, within the framework of the *Immigration and Refugee Protection Act*, that its officers process applications, in Canada and abroad, for these individuals to receive visas and status to stay in Canada.

On 1 February 2022, the House of Commons Standing Committee on Citizenship and Immigration (the Committee) decided to study application backlogs and processing times.<sup>1</sup> The Committee held meetings from 5 May 2022 to 1 November 2022, hearing from 44 witnesses such as lawyers and consultants, settlement workers, industry advocates and refugee organizations. Written in February 2023, this report reflects this 2022 testimony, and backlog and processing data from this period.

In June 2022, a brief submitted by the Canadian Immigration Lawyer’s Association (CILA) indicated that the backlog stood at two million applications, whereas it had been at one million before the COVID-19 pandemic.<sup>2</sup> On 14 December 2022, IRCC’s webpage showed a total inventory of 2,006,000 applications, with 819,000 applications in backlog. For IRCC, an application in backlog is defined as an application for which processing has not been finalized within service standards, timeframes established by the department “based on past experience, an assessment of [IRCC] business and what [IRCC] aims to achieve.”<sup>3</sup> When assessing if and when an application reaches backlog, the department starts the clock once an officer begins to process an application, after they have deemed it complete and possessing all supporting documentation, and have issued an

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

2 Canadian Immigration Lawyers Association (CILA), [Brief](#), 17 June 2022, p. 1.

3 Immigration, Refugees and Citizenship Canada (IRCC), [Service declaration](#); IRCC, [Building a stronger immigration system](#), updated as of 31 March 2022. On the difference between service standards and estimated processing times, see, IRCC, [“What is the difference between processing times and service standards?” Help Centre](#); IRCC, [“What are processing times?” Help Centre](#).



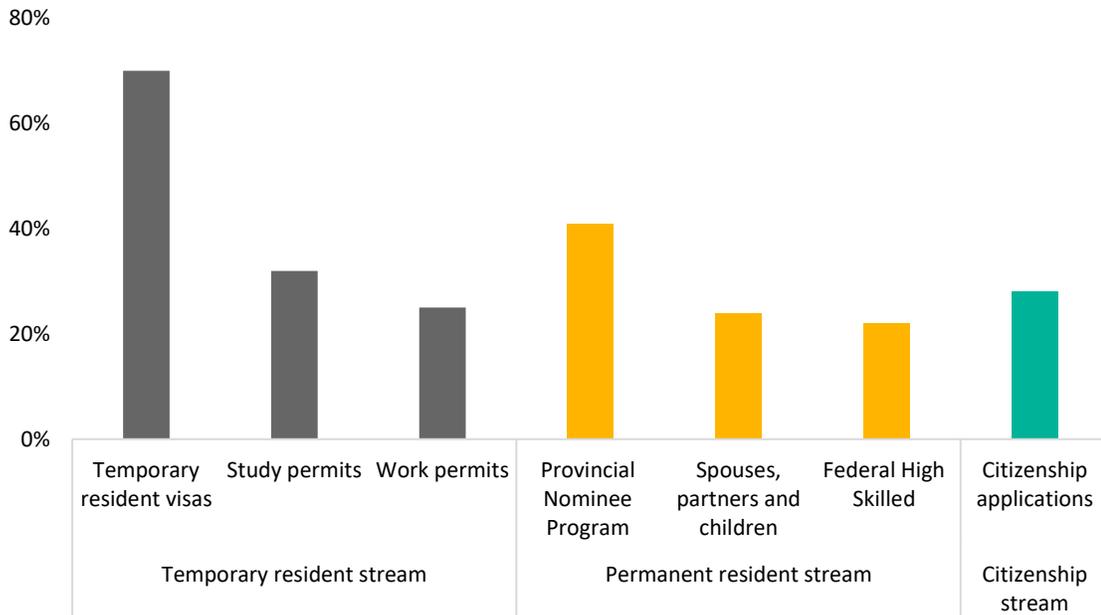
acknowledgement of receipt;<sup>4</sup> an incomplete application that is returned to the applicant is not counted.<sup>5</sup> The department also does not assign service standards to some permanent residence streams and pilot programs,<sup>6</sup> although it measures some of these programs against an expected 12-month processing time.<sup>7</sup> Overall, IRCC counts backlogs based on the number of applications rather than the number of unique applicants; in some streams, an applicant can make multiple applications, subject to the *Immigration and Refugee Protection Act* and IRCC processing rules.<sup>8</sup>

On 14 December 2022, 38% of all temporary resident applications, 51% of all permanent resident applications and 25% of all citizenship applications were in backlog.<sup>9</sup> For

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- 4 IRCC, [Building a stronger immigration system](#); IRCC, [Application submissions](#); IRCC, [“How can I check if my application has been received?” Help Centre](#).
- 5 IRCC, [Application submissions](#); IRCC, [Departmental Remission Policy Pursuant to the Service Fees Act](#).
- 6 For the period from 1 April 2021 to 31 March 2022, IRCC’s published service standards for eighteen lines of business, but not for programs such as the Caring for Children Program; the Caregiver Program (Live-in); the Self-employed Persons Program; the Rural and Northern Immigration Pilot; and the Federal Skilled Trades Program (not through Express Entry) (this list is not exhaustive). IRCC, [Immigration, Refugees and Citizenship Canada service standards](#); cf. Sessional Paper 8555-432-708, [Q-708](#), asked by Mr. Jasraj Singh Hallan (Calgary Forest Lawn), 30 April 2021, pp. 60–63 of PDF. The IRCC Help Centre notes that IRCC introduced service standards for “those services and activities that are measurable, cost effective and stable,” where stable means services and activities that “had a similar volume over several years, has not undergone any big changes in procedures and is facing no place changes in the near future that would affect processing times.” IRCC, [“Why did Immigration, Refugees and Citizenship Canada \(IRCC\) introduce standards for these specific services and activities?” Help Centre](#).
- 7 In its 19 October 2023 report on processing times and backlogs for permanent residence applications, the Auditor General of Canada noted that Immigration, Refugees and Citizenship Canada (IRCC) assigns these 12-month benchmarks for analysis of applications in the Sponsored Spouse or Common-Law Partner in Canada Program, the Government-Assisted Refugees Program, and the Private Sponsorship of Refugees Program, programs which have no service standard. Office of the Auditor General of Canada, [Processing Applications for Permanent Residence—Immigration, Refugees and Citizenship Canada](#), Report 9 in [2023 Reports 5 to 9 of the Auditor General of Canada to the Parliament of Canada](#), note to Exhibit 9.5, p. 9.
- 8 IRCC publishes its policy on processing multiple applications only for some streams. For citizenship applications, the department “must determine whether the later application should be processed at the same time as the earlier application is being finalized”; for applications to extend a study permit or work permit, “[o]fficers should process both applications and not administratively cancel the outstanding application.” IRCC, [Procedure: Multiple applications](#); IRCC, [Temporary residents: Maintained status during processing \(previously called implied status\)](#). More generally, *CIC News* reports that, in email correspondence with *CIC News*, IRCC noted that “The *Immigration and Refugee Protection Act* and Regulations do not prohibit multiple applications from being made in the economic stream. However, prior to concluding one of the applications, the immigration officer will advise the applicant that the other application(s) must be withdrawn.” Shelby Thevenot, [“Can you apply for 2 Canadian immigration programs at once?”](#) *CIC News*, 23 September 2023. On the other hand, the Immigration and Refugee Protection Regulations explicitly prohibit multiple applications for sponsorship applications (*Immigration and Refugee Protection Regulations*, Section 10 (5)).
- 9 IRCC, [Building a stronger immigration system](#), accessed on 14 December 2022.

December 2022, the department broke these backlog categories down into select major streams, as follows:

**Figure 1—Percentage in Backlog by Main Sub-Streams, in December 2022<sup>10</sup>**



Source: Figure prepared by the Library of Parliament using data obtained from Immigration, Refugees and Citizenship Canada (IRCC), *Building a stronger immigration system* (December 2022). Note: Provincial Nominee Program applications in this graph indicates applications made through Express Entry only.

This report is divided into three parts. Part I summarizes how witnesses described these application backlogs and processing times and how persons both in Canada and abroad are affected by them. Part II delves into what is likely to have led to the current backlog, such as operations during the pandemic, issues with staffing and the digital transition.

10 In December 2022, service standards were 14 days for new visitor visas or temporary resident visa; 60 days for new study permits submitted outside of Canada; 120 days for study permits submitted in Canada; 60 days for work permits submitted outside of Canada; 120 days for work permits extensions submitted in Canada; 56 days for work permits under International Experience Canada; 180 days for Provincial Nominee Program via Express Entry; 12 months for Family sponsorship of spouses, partners and children submitted overseas; 180 days for the Federal Skilled Worker Program via Express Entry; and 12 months for citizenship applications. These service standards were most recently reviewed in February 2019, save for the service standard for Family sponsorship of spouses, partners and children (introduced in April 2010), and that for citizenship grant applications (introduced in November 2015). IRCC, *Immigration, Refugees and Citizenship Canada service standards*.



Part III sets out the requirements that witnesses believe will improve IRCC processing and the proposed solutions that they suggested to the Committee.

## PART I—LENGTHY WAIT TIMES AND THEIR IMPACTS

This section reviews witness testimony on wait times and their impacts. Le Québec c’est nous aussi, an advocacy group, indicated to the Committee how the current situation with backlogs and processing times has multidimensional effects: “The delays experienced by immigration candidates have major impacts on their lives and cause damage to various sectors of the Canadian economy, as well as Canada’s reputation.”<sup>11</sup>

When the Committee began its study, Kareem El-Assal, Director of Policy and Digital Strategy at CanadaVisa, said:

The backlog is undermining Canada’s economic, social and humanitarian objectives. We have the lowest unemployment rate on record and over 800,000 job vacancies. The backlog hurts our economic recovery effort, since we can’t bring newcomers into Canada quickly enough to address our labour shortages. For instance, it’s now taking 31 months to process Quebec’s skilled worker applications and 28 months to process paper-based provincial nominee program applications, even though the service standard for both is 11 months.<sup>12</sup>

For Kyle Hyndman, Chair of the Immigration Law Section at the Canadian Bar Association, “backlogs are about much more than waiting. The impacts of delayed processing are profound, personal and sometimes permanent and unfixable, and they’re often about a loss of rights.”<sup>13</sup> The then Minister of Immigration, Refugees and Citizenship, the Honourable Sean Fraser, told the Committee that “[e]very application represents a person whose life is in some way on hold or has been impacted. I know that. Our department is also very aware of the real-life impact that the challenges that our immigration system faces can have on individuals and families.”<sup>14</sup>

The Committee heard witnesses with working knowledge across IRCC’s programs. This section first provides an overview of the backlogs and processing delays specific to programs within the categories of temporary residence and permanent residence. It then develops key concerns with respect to Canada’s handling of vulnerable populations

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11 Le Québec c’est nous aussi, *Brief*, 14 November 2022, p. 2.

12 CIMM, *Evidence*, 5 May 2022, 1155 (Kareem El-Assal, Director of Policy and Digital Strategy, CanadaVisa).

13 CIMM, *Evidence*, 7 June 2022, 1215 (Kyle Hyndman, Chair, Immigration Law Section, Canadian Bar Association).

14 CIMM, *Evidence*, 12 May 2022, 1205 (Hon. Sean Fraser, Minister of Immigration, Refugees and Citizenship).

such as refugees and protected persons. It ends with an overview of processing Canadian citizenship applications.

## Backlogs and Temporary Residence

Temporary residence applications include visitors, students and workers. Visitors may want to come to Canada to travel or visit far away family. While students anxiously await the finalization of their application, so too do the universities that have accepted them and are waiting for their arrival. Workers for the most part have been identified by Canadian employers who need them to address labour shortages.

## Backlogs and Visitors

With respect to visitors to Canada, the Committee heard of business travellers who could not get their visas in time to attend important events here in Canada.<sup>15</sup> Claire Launay, President of the advocacy group Le Québec c'est nous aussi, told the Committee that "Canada's reputation abroad has been tarnished at some international conferences and events when participants were not able to attend as they couldn't get a visa."<sup>16</sup>

Beth Potter, President and Chief Executive Officer, Tourism Industry Association of Canada, said that some tour operators had challenges to get international groups into Canada. She indicated that these are lost opportunities for the tourism industry, that just add to the hardship of businesses in post-pandemic Canada.<sup>17</sup> In order to enter Canada, the Committee was also informed that people are submitting the same application more than once—a practice that is even encouraged by the New Delhi visa office for visitor visa applications.<sup>18</sup> This will be discussed further in Part 2 of this report.

## Backlogs and Students

With respect to students, the Committee was informed by the advocacy group, Le Québec c'est nous aussi, that IRCC's backlog and processing delays were such that thousands of students have had to postpone their arrival by a semester, or even a year

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15 CIMM, *Evidence*, 1 November 2022, 1645 (Beth Potter, President and Chief Executive Officer, Tourism Industry Association of Canada).

16 CIMM, *Evidence*, 27 September 2022, 1645 (Claire Launay, President, Le Québec c'est nous aussi).

17 CIMM, *Evidence*, 1 November 2022, 1650 (Beth Potter).

18 CILA, *Brief*, 17 June 2022, p. 2.



for some programs. For students, “this leads to anxiety and uncertainty” at a time when they are supposed to be preparing to move to another country. There are also financial impacts for those who have already paid for tuition. Le Québec c’est nous aussi’s brief concluded that “[t]heir new life in Canada therefore begins on a particularly negative note.”<sup>19</sup>

The Committee learned that the backlog and delays also had consequences for educational institutions:

The institutions receiving these students risk becoming less attractive internationally. In fact, if the situation is not resolved soon, international students who have options for a comparable education will choose to study in other countries to avoid the burden of lengthy and uncertain immigration procedures.<sup>20</sup>

The Committee recommends:

### **Automatic Issuance of Post-Graduate Work Permits**

#### **Recommendation 1**

**That Immigration, Refugees and Citizenship Canada automatically issue post-graduate work permits to students who have successfully completed their studies.**

### **Backlogs and Workers**

With respect to workers, Shervin Madani, Regulated Canadian Immigration Consultant, Regency Immigration Solutions, provided examples of wait times for work permits from three countries:

[I]n Iran a work permit currently goes typically about a year without any answers. In Brazil, which was very fast at one point in time, even under certain streams for which the government had committed to 15 days for work permits, such as the global talent stream, you’re looking at about 16 weeks right now. ... In India, ... [t]he fastest we had recently was about six months to eight months.<sup>21</sup>

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19 Le Québec c’est nous aussi, *Brief*, 14 November 2022, p. 2. This was echoed by Alain Dupuis : CIMM, *Evidence*, 1 November 2022, 1620 (Alain Dupuis, Director General, Fédération des communautés francophones et acadienne du Canada).

20 Le Québec c’est nous aussi, *Brief*, 14 November 2022, p. 3.

21 CIMM, *Evidence*, 21 October 2022, 1430 (Shervin Madani, Regulated Canadian Immigration Consultant, Regency Immigration Solutions). CILA, *Brief*, 17 June 2022, p. 1: a work permit from India takes 40 weeks.

The Committee also heard that Canada’s “unemployment rate is extremely low and yet the backlog include[d] 189,061 new work permits ... as of April 29, 2022.”<sup>22</sup>

CILA informed the Committee that there were several reasons why Canadian companies might want to bring a foreign worker to Canada. For example, there may be a need for a particular skill-set that can not be found in Canada. Further, “it’s just good business to move Canadian-based employees abroad and bring in talented people from a subsidiary in another country to Canada. It keeps the company, and the nation, competitive.”<sup>23</sup> CILA’s brief also highlighted how entire sectors such as IT, manufacturing and construction are preparing their own labour market research reports to prove they are suffering and to justify hiring from abroad.

For foreigners in Canada who wish to work, IRCC’s processing times are preventing thousands of people from obtaining work permits quickly. These individuals are put “in a situation of significant financial and mental insecurity.”<sup>24</sup> Claire Launay told the Committee that “employers are forced to temporarily shut down their operations or turn down contracts because they are unable to find workers.”<sup>25</sup>

### Temporary Foreign Worker Program

The Temporary Foreign Worker program is meant to be a last resort for employers. It was modified in 2014, notably by adding caps based on the number of Canadian employees and requiring employers to obtain a labour market impact assessment from Employment and Social Development Canada to demonstrate there are no Canadians or permanent residents available to do the job.

Michel Leblanc, President and Chief Executive Officer, Chamber of Commerce of Metropolitan Montreal, was emphatic: “The temporary foreign workers program is essential.” He continued by telling the Committee that “[u]nacceptable delays occur from the moment businesses find temporary foreign workers. Those delays may be as long as one year, which is really too long. The purpose of this program is to meet immediate needs by calling upon qualified and available resources.”<sup>26</sup>

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22 CILA, *Brief*, 17 June 2022, p. 2.

23 *Ibid.*, p. 1.

24 Le Québec c’est nous aussi, *Brief*, 14 November 2022, p. 3.

25 CIMM, *Evidence*, 27 September 2022, 1645 (Claire Launay).

26 CIMM, *Evidence*, 7 October 2022, 1345 (Michel Leblanc, President and Chief Executive Officer, Chamber of Commerce of Metropolitan Montreal).



Adrienne Foster, Vice-President, Policy and Public Affairs, Hotel Association of Canada, explained that temporary foreign workers “are that short-term solution for this major labour crunch we’re facing.” Speaking to the Committee in September 2022, she reported that in an August 2022 survey, 45% of the Hotel Association of Canada’s members indicated that none of their applications had been approved since January 2022.<sup>27</sup> She spoke of labour shortages in the tourism sector estimated at about 200,000 employees and how hotels have tried to cope:

Our members want to hire Canadians. Hotels have adapted to the changing work environment by offering more flexible hours, higher wages, signing bonuses and workplace programs, but the reality is that with record-low births and unemployment rates, and with boomers retiring en masse, there are simply not enough people in Canada to fill these vacancies. An August survey of our members found that 69% were forced to limit room availability to maintain service standards and 75% had to deploy staff to jobs they were not hired for.<sup>28</sup>

Beth Potter reported that businesses across the country are having difficulty getting their temporary foreign worker applications approved and permits issued. In her view, this “hinders the tourism sector’s ability to reach its full potential and compounds the reputational damage our sector has already suffered because of lockdowns, restrictions or other border vaccine and masking requirements over the last 30 months.”<sup>29</sup>

To address Canada’s ongoing and future labour needs, the Committee recommends:

### **Comprehensive Plan for the Labour Market**

#### **Recommendation 2**

**That Immigration, Refugees and Citizenship Canada, working with Employment and Social Development Canada and the governments of Quebec, the provinces and territories, which are more aware of the labour needs in their jurisdictions, take immediate steps to address the labour force crisis in Canada through developing comprehensive economic, education and training plans that will address labour market needs into the near-, mid- and long-term future.**

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27 CIMM, [Evidence](#), 27 September 2022, 1700 (Adrienne Foster, Vice-President, Policy and Public Affairs, Hotel Association of Canada).

28 CIMM, [Evidence](#), 27 September 2022, 1640 (Adrienne Foster).

29 CIMM, [Evidence](#), 1 November 2022, 1645 and 1650 (Beth Potter).

## Backlogs and Loss of Status for Temporary Residents

Most foreign nationals have legal status when they first come to Canada, and may lose their status for various reasons. Elizabeth Long, Barrister and Solicitor, Long Mangalji LLP, explained that “[m]any people ... are out of status because of issues in the system. It took too long—for example, over six months—for a work permit to be evaluated in Canada.” She also recalled a previous “law that said workers had to leave Canada if they’d been working here for more than four years. Many people couldn’t leave, and they had to stay.”<sup>30</sup> She informed the Committee that foreign nationals have only 90 days from the date they lose their temporary resident status to apply for restoration.<sup>31</sup>

Krishna Gagné, Lawyer and Vice-President for Economic Affairs, Quebec Immigration Lawyers Association, provided a more complete example of the implications of the interplay between delays and restoration of status for an individual:

Now let’s consider processing times for work permit applications, which run to approximately six months. That figure varies, but the delays have consequences. Individuals can readily file work permit applications when they already hold a valid permit but may ultimately lose it if their application is denied. As a result of the length of processing times, applicants awaiting a response may wind up with an expired work permit and must then request that their status be restored. However, between six and nine months may elapse before they receive a response to an application for restoration of status. In the meantime, applicants can’t work, access RAMQ, Quebec’s health insurance plan, or receive care, apart from psychosocial support if they are in distress. This causes genuine situations of vulnerability that are entirely attributable to delays in the processing system. The system thus simply renders vulnerable people who previously were not.<sup>32</sup>

## Backlogs and Permanent Residence

IRCC’s Immigration Levels Plan identifies targets for landing permanent residents in Canada for a given year. Economic applicants come for the most part through the Express Entry program, which is experiencing backlogs. The Committee also heard about backlogs in the caregiver pilots, family reunification and the start-up visa program. Refugees and protected persons are also submitting applications to establish themselves in Canada, far

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30 CIMM, *Evidence*, 21 October 2022, 1340 (Elizabeth Long, Barrister and Solicitor, Long Mangalji LLP, As an individual).

31 Ibid.

32 CIMM, *Evidence*, 7 October 2022, 1355 (Krishna Gagné, Lawyer and Vice-President for Economic Affairs, Quebec Immigration Lawyers Association).



from harm's way. For this population, long processing times can have particularly severe consequences.

## Issues Pervasive in All Permanent Resident Streams

The Committee heard that the following three documents impact all permanent resident streams: acknowledgements of receipt (AoR), confirmations of permanent residence and permanent residence cards.

### Acknowledgement of Receipt

The Committee was informed that lengthy delays are reported for an AoR. IRCC issues AoRs by email to permanent resident applicants after their application is received, and deemed to possess complete information and supporting documents. The purpose of the AoR is “to confirm that an application has met the requirements to be accepted into processing.”<sup>33</sup> If not, the application is returned unprocessed. As Kyle Hyndman explained to the committee,

[w]hen anyone files an immigration application, as many of you know, the first step in processing is that IRCC conducts a completeness check under section 10 of the regulations. Applications that are deemed complete are entered into the queue for processing. Those that are deemed incomplete, no matter how trivial the apparent deficiency, are returned unprocessed and are treated in legal terms as though they were never filed. Applicants are then required to start all over again.<sup>34</sup>

Witnesses reported significant delays in receiving either an AoR or a returned application. Peter Bhatti, Chairman, International Christian Voice, provided an example of submitting a refugee sponsorship application. As of October 2022, approximately a year later, he was still waiting for the AoR. The refugee he is sponsoring “continue[d] to ask us, ‘Did you submit the application?’ or ‘Do you have any proof?’ ... The refugee [was] in despair and very disappointed: ‘If it’s taking one year to get me the application acknowledgement, how long will it take until they process the application?’”<sup>35</sup> Kyle Hyndman similarly reported that AoR sometimes can take up to a year.<sup>36</sup>

Considering that some people find themselves in precarious situations before obtaining the AoR—such as temporary residents having to renew expired documents—witnesses

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33 IRCC, *Application Submissions*.

34 CIMM, *Evidence*, 7 June 2022, 1215 (Kyle Hyndman).

35 CIMM, *Evidence*, 1 November 2022, 1615 (Peter Bhatti, Chairman, International Christian Voice).

36 CIMM, *Evidence*, 7 June 2022, 1215 (Kyle Hyndman).

noted that “the impacts can be serious and sometimes permanent.”<sup>37</sup> To help reduce this vulnerability and, to give a more accurate picture of the timelines involved, the committee recommends:

### **Immediate Issuance of Acknowledgment of Receipt**

#### **Recommendation 3**

**That Immigration, Refugees and Citizenship Canada issue an acknowledgement of receipt electronically when the file is submitted online.**

### **Confirmation of Permanent Residence**

Le Québec c’est nous aussi, the advocacy group, wrote about people in Canada who are waiting for confirmation of their permanent residence (COPR): “These precarious situations have numerous implications, ranging from mental health ... to financial issues (access to the labour market and health insurance plans), as well as the countless procedures required to maintain status throughout the waiting period.”<sup>38</sup>

### **Permanent Residence Cards**

Permanent resident cards, which are issued to permanent residents and are required for travel, are also facing backlogs and delays. The advocacy group, Le Québec c’est nous aussi, estimated the current wait for a permanent resident card at several months.<sup>39</sup>

### **Express Entry**

Express Entry is an immigration stream that was specifically designed to avoid backlogs by having candidates submit an expression of interest. Top qualifiers in the pool are then invited on a regular basis to send in complete applications. Witnesses told the Committee that IRCC continued to issue invitations late into 2020 for the federal skills worker program and into 2021 for the Canada Experience Class—both part of the Express Entry program. The program paused in 2021 due to backlogs, only to resume in July 2022.<sup>40</sup> Express Entry functions with points allotted notably for education, language

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37 Ibid.; Le Québec c’est nous aussi, *Brief*, 14 November 2022, pp. 4–6.

38 Le Québec c’est nous aussi, *Brief*, 14 November 2022, p. 4.

39 Ibid., p. 5.

40 CIMM, *Evidence*, 1 November 2022, 1640 (Laura Schemitsch, Immigration and Refugee Lawyer, Race and Company LLP); CIMM, *Evidence*, 5 May 2022, 1230 (Kareem El-Assal).



skills and a job offer. Saint-Phard Désir, Executive Director, Ottawa Local Immigration Partnership, highlighted that Express Entry “doesn’t perform as well as it might because the slow processing of applications means that employers, after a certain time, cancel the job offer if people are unable to get their visa on time.”<sup>41</sup>

## Caregivers

This section highlights issues faced by caregivers that witnesses brought to the Committee’s attention. Caregivers with active applications have applied under several iterations of the caregiver program. Most recently, the Home Child Care Provider Pilot and the Home Support Worker Pilot programs were launched in June 2019 for a five-year period. The programs allow qualified caregivers and their family members to come to Canada to work with the goal of becoming permanent residents. Those who meet the requirements are given an open work permit for a specific occupation but must acquire 12 months of work experience to be eligible for permanent residence. These pilot programs replaced the Live-in Caregiver Program (LCP), which ended November 2014, the Caring for People with High Medical Needs and the Caring for Children programs, which ended June 2019, and the transition program, named the Interim Pathway for Caregivers, which ran intermittently from March to June, and then July to October, 2019.<sup>42</sup>

Currently, IRCC will continue to process applications that were submitted before each program ended. In the case of the LCP, applicants can also make new applications if they have two years of related work experience, and are already working in Canada under an LCP work permit or were approved for their first LCP work permit based on a labour market impact assessment submitted on or before November 30, 2014.<sup>43</sup>

As of 31 December 2021, some applications remained to be finalized under all six caregiver programs.<sup>44</sup> Vilma Pagaduan, Settlement Counsellor, The Neighbourhood Organization, told the Committee about backlogs faced by the various cohorts of caregivers:

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41 CIMM, [Evidence](#), 1 November 2022, 1655 (Saint-Phard Désir, Executive Director, Ottawa Local Immigration Partnership).

42 IRCC, [Caregivers](#); IRCC, [CIMM—Caregivers—March 3, 2022](#).

43 IRCC, [Caregivers](#).

44 IRCC, CIMM 6.5: *Applications in the Backlog*, IRCC’s response to a request for information made by the Standing Committee on Citizenship and Immigration on 15 February 2022.

I have clients who have been under the [Live-in Caregiver program] since 2015 and are still waiting for the approval of PR [permanent residence]. Some of those who applied in 2017 and 2018 applied under humanitarian and compassionate grounds because they could not find any way to achieve PR. ... I still have clients who applied in 2018 and 2019 during the introduction of the interim or new program. They still don't have an AOR at this time.<sup>45</sup>

She explained that the delays have eliminated the chance for these applicants who have applied for PR to obtain it since the program requires 24 months of work in a 36-month period, and the delays exceed this period.<sup>46</sup> Vilma Pagaduan reminded the Committee: "Caregivers are those individuals who look after the most important people in our lives: our parents, our children. They are highly skilled in soft skills and so they must be a top priority in the immigration industry."<sup>47</sup>

Elizabeth Long stated that "[c]aregiver applications haven't even been processed since the program opened in 2019. Temporary resident permits and other temporary resident applications that are filed in Canada and transferred to local offices now take two to four years to process."<sup>48</sup> For Omer Khayyam, Lawyer, Omni Law Professional Corporation, there is a lack of predictability when caregivers have to wait so long, but files in the 2021 pathway for temporary residents to permanent residents (TR to PR) were processed quickly.<sup>49</sup> For Vilma Pagaduan, caregivers were unable to access the TR to PR pathway, which was only conducted online, and COVID-19 restrictions closed community centres, libraries and organizations.<sup>50</sup>

## Family Reunification

This section highlights how delays in family reunification have harsh consequences. Kareem El-Assal advised the Committee that, in May 2022, spousal sponsorship took 16 months for inland applications, and 20 months for applications submitted outside of Canada.<sup>51</sup> The service standard for spousal sponsorship is 12 months. Chantal Desloges,

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45 CIMM, [Evidence](#), 18 October 2022, 1725 (Vilma Pagaduan, Settlement Counsellor, The Neighbourhood Organization).

46 Ibid.

47 Ibid., 1605.

48 CIMM, [Evidence](#), 21 October 2022, 1300 (Elizabeth Long).

49 CIMM, [Evidence](#), 21 October 2022, 1405 (Omer Khayyam, Lawyer, Omni Law Professional Corporation, As an individual).

50 CIMM, [Evidence](#), 18 October 2022, 1605 (Vilma Pagaduan).

51 CIMM, [Evidence](#), 5 May 2022, 1245 (Kareem El-Assal).



Senior Partner, Desloges Law Group, described what happens to families that are separated: “The impacts of delay that I have seen personally in my own practice over the last few years have been heartbreaking—marriages breaking down, two-year-old children who have never met their fathers, clients having mental breakdowns and experiencing financial ruin.”<sup>52</sup>

The Canadian Council for Refugees informed the Committee that IRCC sometimes creates additional barriers that only add to delays and expenses: “Some families, particularly those from Africa ... are required to undergo DNA testing to establish the family relationship. DNA tests are costly and getting the samples taken can be extremely challenging, especially where family members are in regions where there is armed conflict and political instability.”<sup>53</sup>

### Backlogs and the Start-up Visa Program

Siavash Shekarian, Lawyer, reminded the Committee that “[t]he Business Development Bank of Canada deems us a nation of entrepreneurs. It claims that our economy is unequivocally dependent on small and mid-sized businesses. [Small and Medium-sized Enterprises] account for 90% of all private sector jobs and 55% of our [gross domestic product].”<sup>54</sup>

IRCC’s Start-up Visa (SUV) program was developed to attract international entrepreneurs with innovative ideas to come to Canada to establish and scale their start-ups in Canada. Vikram Khurana, Chairman, Toronto Business Development Centre, told the Committee that Canada was the first country to establish this creative program and has indeed benefited from a number of successes that have contributed to creating jobs and exports.<sup>55</sup> Siavash Shekarian told the Committee that it is the only federal program targeting entrepreneurs. And yet, in October 2022, the SUV program had a backlog of more than 6,000 applications with processing times of well over 32 months.<sup>56</sup>

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52 CIMM, [Evidence](#), 18 October 2022, 1555 (Chantal Desloges, Senior Partner, Desloges Law Group, As an individual).

53 Canadian Council for Refugees, [Brief](#), 16 August 2022, p. 6.

54 CIMM, [Evidence](#), 21 October 2022, 1415 (Siavash Shekarian, Lawyer, Shekarian Law Professional Corporation, As an individual).

55 CIMM, [Evidence](#), 27 September 2022, 1540 (Vikram Khurana, Chairman, Toronto Business Development Centre).

56 CIMM, [Evidence](#), 21 October 2022, 1415 (Siavash Shekarian).

This is how Vikram Khurana framed the issue facing these entrepreneurs: “To put this in simple perspective, if a future Shopify founder is a South American, an Indian or a Nigerian and is waiting for multiple years to come to Canada, how long could we realistically expect them to wait before they go somewhere else?”<sup>57</sup>

## The Resettlement of Refugees and Protected Persons in Canada

In IRCC’s Immigration Levels Plan, a small portion of a yearly target of newcomers is set aside for refugees abroad and for protected persons in Canada.<sup>58</sup> For Janet Dench, Executive Director, Canadian Council for Refugees, speaking specifically about refugees’ family members waiting for permanent residence, the Immigration Levels Plan automatically creates backlogs and long wait times as there are more applications than there are spaces.<sup>59</sup>

There are two major programs through which refugees may come to Canada: as government-assisted refugees (GAR) or as privately sponsored refugees (PSR). The first are welcomed in communities where there are resettlement assistance program service provider organizations, and receive income assistance their first year from the Government of Canada.<sup>60</sup> As Mary Roman, Executive Director, Ottawa Community Immigrant Services Organization, said “[m]ost GARs are vulnerable, multibarrier clients, with a high percentage of disability cases. Most of them have challenges in language and digital literacy.”<sup>61</sup> The second are referred to IRCC by Sponsorship Agreement Holders who are given a number of spots each year, community groups or groups of five who commit to welcoming and assisting the refugees they sponsor financially for a year.<sup>62</sup> Protected persons is the term used for individuals in Canada who satisfy the definition of refugee after their claim is heard before the Immigration and Refugee Board of Canada (IRB).

Witnesses spoke about extremely long wait times, and how the response to specific crises such as those in Afghanistan and Ukraine had completely put on hold the processing of refugee applications that had been filed previously. As Deacon Rudy Ovcjak, Director, Office for Refugees of the Archdiocese of Toronto, told the Committee:

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57 CIMM, [Evidence](#), 27 September 2022, 1540 (Vikram Khurana).

58 IRCC, [Notice—Supplementary Information for the 2023–2025 Immigration Levels Plan](#), 1 November 2022.

59 CIMM, [Evidence](#), 21 October 2022, 1350 (Janet Dench, Executive Director, Canadian Council for Refugees).

60 IRCC, [Find help to adjust as a refugee in Canada](#).

61 CIMM, [Evidence](#), 21 October 2022, 1310 (Mary Roman, Executive Director, Ottawa Community Immigrant Services Organisation).

62 IRCC, [Sponsor a refugee](#).



“The problem we’ve always had is that resources are redeployed from processing existing refugee populations. ... That’s patently unfair to the refugee populations who have been already waiting in the queue for many years and living in very intolerable situations.”<sup>63</sup> As Janet Dench explained, “[t]he number of people ... and refugees in need of resettlement around the world is extraordinarily high. Canada needs to do more to be responsive ... to emergency situations in an equitable way. That would include emergencies in Africa, for example, which have always been neglected.”<sup>64</sup> Even though there seems to be inequitable neglect, delays have affected all refugees, even Ukrainians and Afghans. For Kareem El-Assal, the delays on the humanitarian side are “making refugees and displaced persons live in discomfort for far longer than necessary.”<sup>65</sup>

Luisa Veronis, Associate Professor and Research Chair in Immigration and Franco-Ontarian communities, University of Ottawa, described the domino effect of the administrative delays that also lead to delayed integration:

[I]n the case of refugees who have been admitted to Canada and wish to sponsor immediate or extended family members who remain in refugee camps and conflict zones, the delays are tremendous. These individuals undergo significant stress because they are concerned about the well-being of their loved ones, especially children, which as a result means they can’t fully focus or invest in their own settlement and integration here in Canada, which further delays their own well-being.<sup>66</sup>

Within Canada, IRCC processing policy also places pressure on Sponsorship Agreement Holders. Every year the Government of Canada’s Immigration Levels Plan establishes the number of permanent residents that Canada will admit each year—including the number of privately sponsored refugees. As part of this process, the government limits the number of new applications that Sponsorship Agreement Holders outside of Quebec can submit.<sup>67</sup> Deacon Rudy Ovcjak noted that the release of the number of spots open for 2022 applications at the end of July of that year, rather than at the end of February, as normal, put “enormous pressure on [Sponsorship Agreement Holders] to process and submit applications in the remaining five and a half months, essentially condensing a

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63 CIMM, [Evidence](#), 7 October 2022, 1500 (Deacon Rudy Ovcjak, Director, Office for Refugees of the Archdiocese of Toronto).

64 CIMM, [Evidence](#), 21 October 2022, 1340 (Janet Dench).

65 CIMM, [Evidence](#), 5 May 2022, 1155 (Kareem El-Assal).

66 CIMM, [Evidence](#), 5 May 2022, 1150 (Luisa Veronis, Associate Professor and Research Chair in Immigration and Franco-Ontarian communities, University of Ottawa, As an individual).

67 IRCC, [Notice—Supplementary Information for the 2024–2026 Immigration Levels Plan](#); IRCC, [Global cap for sponsorship agreement holders](#).

year’s worth of work into five and a half months.”<sup>68</sup> He argued that IRCC’s recently revised Program Integrity Framework for assessments of Sponsorship Agreement Holders exacerbates this pressure, particularly “a very onerous 34-question survey that is primarily focused on documenting policies and procedures that the [Sponsorship Agreement Holders] undertake.”<sup>69</sup> This framework was updated on 1 November 2023.<sup>70</sup>

The Committee also heard testimony about Canada’s partnership with the UNHCR, the United Nations Refugee Agency, in the administration of the resettlement program. The Minister of Immigration, Refugees and Citizenship at the time explained that the UNHCR has referred millions of people for refugee settlement and provided refugee status determination for individuals around the world. Applications for private sponsorship that are not submitted by Sponsorship Agreement Holders require a refugee status determination, which is usually done by the UNHCR in countries that do not have the capacity or are not signatory to the 1951 Refugee Convention.<sup>71</sup> Following the crisis in Afghanistan, IRCC developed several programs to receive those fleeing Afghanistan and has been working with a number of different referral partners.<sup>72</sup>

Chantal Desloges expressed the opinion that Canada over-relies on the UNHCR for the selection of refugees that come to Canada. She sees the UNHCR as an external organization with a different agenda and possibly different motives and expectations than the Government of Canada. She told the Committee that privately sponsored refugees should not require refugee status determination by the UNHCR prior to being considered for resettlement in Canada.<sup>73</sup> Peter Bhatti, Chairman, International Christian Voice, echoed this sentiment, suggesting that IRCC develop its own more nuanced evaluation of persecution.<sup>74</sup>

Deacon Rudy Ovcjak’s testimony referred to a *Wall Street Journal* article from 2016 that analyzed the arrival of Syrians to the United States. Of the 12,800 Syrian refugees who were resettled under President Obama’s administration, less than half of a per cent were Christians, despite the fact that Christians represented 10% of Syria’s pre-war population.

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68 CIMM, [Evidence](#), 7 October 2022, 1435 (Deacon Rudy Ovcjak).

69 Ibid.; IRCC, [Guide 5413—Sponsorship Agreement Holders to privately sponsor refugees](#).

70 IRCC, [Global cap for sponsorship agreement holders](#).

71 United Nations, [Convention and Protocol Relating to the Status of Refugees](#).

72 CIMM, [Evidence](#), 12 May 2022, 1130 (Hon. Sean Fraser).

73 CIMM, [Evidence](#), 18 October 2022, 1735 (Chantal Desloges).

74 CIMM, [Evidence](#), 1 November 2022, 1610 (Peter Bhatti).



Although there were a number of reasons for this, the reporter claimed that the UNHCR was the main cause for this underrepresentation of Christian minorities.<sup>75</sup>

Peter Bhatti told the Committee that his organization, the International Christian Voice, had submitted more than 100 sponsorship applications in Canada since 2016. He noted that “the average waiting time for the completion of the sponsorship process has been three years or more.”<sup>76</sup> He provided an example of a family waiting in Thailand, a country not signatory to the 1951 Refugee Convention. They were only successful after judicial review, nine years after they had first fled and by then their head of household had passed away.

Peter Bhatti shared some concerns regarding asylum-seekers persecuted for their faith:

In our experience, most of the refugees and asylum seekers who have been persecuted for their faith are from low-income backgrounds, have very little education and lack effective communication skills. They are at a significant disadvantage when trying to effectively share their stories of persecution with the visa officers, which can lead to the refusal of their applications.<sup>77</sup>

The Committee thus recommends:

### **Waiving UNHCR Determination Requirements for Privately Sponsored Refugees**

#### **Recommendation 4**

**That Immigration, Refugees and Citizenship Canada waive the UNHCR refugee determination requirements for all privately sponsored refugees while respecting the jurisdiction of Quebec and the provinces that receive and approve private sponsorship applications.**

### **Expanding the List of Partners for Refugee Referral**

#### **Recommendation 5**

**That Immigration, Refugees and Citizenship Canada end its over reliance on the UNHCR to select and process refugee applications and instead expand the list of referral partners**

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75 CIMM, [Evidence](#), 7 October 2022, 1445 (Deacon Rudy Ovcjak).

76 CIMM, [Evidence](#), 1 November 2022, 1535 (Peter Bhatti).

77 Ibid.

**to include other credible, established organizations to help select and process refugee applications.**

### **Program Integrity Framework for Sponsorship Agreement Holders**

#### **Recommendation 6**

**That Immigration, Refugees and Citizenship Canada address the concerns regarding the Program Integrity Framework and the new set of requirements for Sponsorship Agreement Holders.**

### **Backlogs and the Immigration and Refugee Board of Canada**

The IRB is the administrative tribunal that hears all asylum claims in Canada and determines if individuals are refugees according to the criteria in the *Immigration and Refugee Protection Act*. Irena Sompaseuth, Settlement Services Manager, LUSO Community Services, highlighted that refugee claimants in Canada “are individuals who have experienced unimaginable hardships and are in a situation where they have very few rights and options.”<sup>78</sup> And yet, Stéphanie Valois, Lawyer and President, Quebec Immigration Lawyers Association, informed the Committee that “the current waiting period is more than one year for persons who claim asylum within Canada and whose files must be processed by IRCC” before being referred to the IRB.<sup>79</sup>

Nevertheless, the Canadian Council for Refugees wrote in their brief that “[t]he number of people whose refugee claims are being accepted has been increasing dramatically ... as the [IRB] has increased its capacity, with the addition of significant numbers of new decisionmakers. In 2021, over 30,000 people were accepted as refugees by the IRB, up from 16,000 in 2020.”<sup>80</sup> The Committee also heard that the IRB’s refugee protection division made its life-and-death decisions on credibility assessments through videoconferencing during the pandemic.<sup>81</sup>

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78 CIMM, *Evidence*, 7 October 2022, 1350 (Irena Sompaseuth, Settlement Services Manager, LUSO Community Services).

79 CIMM, *Evidence*, 7 October 2022, 1410 (Stéphanie Valois, Lawyer and President, Quebec Immigration Lawyers Association).

80 Canadian Council for Refugees, *Brief*, 16 August 2022, p. 2.

81 CIMM, *Evidence*, 18 October 2022, 1555 (Chantal Desloges).



## Backlogs and Canadian Citizenship

Citizenship is the area where IRCC has the fewest applications in backlog. There are two components to Canadian citizenship where backlogs exist. The first is in the processing of applications for Canadian citizenship, which includes writing a test. Then, once applicants are successful, they must wait to be called to a citizenship ceremony.

Irena Sompaseuth told the Committee that processing times have reduced for citizenship applications that have been recently submitted, “[h]owever, there are still many applications in the inventory with no response or any update provided to the applicants regarding the status or any potential issues with their citizenship applications.”<sup>82</sup> She went on to say that “resuming in-person tests and in-person oaths at citizenship ceremonies would also help to expedite the processing times of citizenship applications, as there are many applicants who miss the ceremony or have to retake the test due to technical glitches at the time of the session.”<sup>83</sup> The Canadian Council for Refugees highlighted that citizenship is especially important for protected persons who are stateless and depend on Canada for safety.<sup>84</sup>

To address this issue, the Committee recommends:

### Providing Clear Options for Citizenship Ceremonies

#### Recommendation 7

**That Immigration, Refugees and Citizenship Canada make clear to all individuals that it is their choice to choose the citizenship ceremonies process best suited to their needs; and that while in-person ceremonies should be the default option, virtual ceremonies should also be allowed; and further, that any self-administered oath of citizenship be subject to robust integrity measures.**

## PART II—PROBABLE CAUSES OF APPLICATION BACKLOGS AND PROCESSING DELAYS

In the following section, this report will try to uncover the underlying causes of application backlogs and processing delays at IRCC. It will do so, firstly, by highlighting some data that helped the Committee to grasp the problem at hand; secondly, by

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82 CIMM, *Evidence*, 7 October 2022, 1350 (Irena Sompaseuth).

83 Ibid.

84 Canadian Council for Refugees, *Brief*, 16 August 2022, p. 7.

re-framing the issue of backlogs and picking apart the Express Entry and Temporary Resident Visa programs; and finally, by discussing the impacts of circumstantial events such as the COVID-19 pandemic and international humanitarian crises on processes within IRCC, including raising concerns about procedural fairness.

## Numbers, and What They Say About the Backlog

Data made publicly available by IRCC can be truly insightful, as it helps Canadians concretely understand how inventories and backlogs have clogged the department's processes. Furthermore, Rabea Allos, Director, Catholic Refugee Sponsors' Council, suggested that "a lot of data that ... IRCC is sitting on could be used to optimize the system ... and increase the efficiency of the process."<sup>85</sup> Representatives from the Bellissimo Law Group agreed that IRCC's "gold mine of data" could present "an opportunity to gain insight into how visa offices process applications," and help stakeholders "determine how best to approach processing moving forward to better standardize the decision-making process."<sup>86</sup>

Some crucial numbers will be showcased in the following sub-sections, notably: data demonstrating the growth of applications filed at IRCC, and numbers representing the current delays experienced by applicants.

## Increased Demand to Immigrate to Canada

Then Minister of Immigration, Refugees and Citizenship, Sean Fraser, explained to the Committee that Canada had become "the world's destination of choice" for foreign nationals, which is both a gift and a burden for IRCC, as it necessarily caused "the number of applications [to increase]."<sup>87</sup> The following data provided by IRCC demonstrates that there is indeed a consistent soaring demand from foreign nationals to immigrate to Canadian soil.

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85 CIMM, *Evidence*, 27 September 2022, 1605 (Rabea Allos, Director, Catholic Refugee Sponsors Council).

86 Bellissimo Law Group Professional Corporation, *Brief*, 7 June 2022, p. 4.

87 CIMM, *Evidence*, 12 May 2022, 1215 (Hon. Sean Fraser). Kareem El-Assal also recognized that there "certainly is a higher demand to immigrate to Canada," CIMM, *Evidence*, 5 May 2022, 1230 (Kareem El-Assal).



**Table 1—IRCC Applications by Year, 2017–2019**

Approved	310,236	326,877	349,223
Withdrawn	9,701	11,055	5,088
Total	344,340	369,011	396,808

Source: House of Commons, [Sessional Paper Q-97](#), 31 January 2022, Annex A, pp. 1–84.

From a public relations perspective, the then Minister put a positive spin on the issue by stating that the backlog is at least a good indicator that Canada is in high demand for skilled immigrants.<sup>88</sup> But some witnesses questioned whether increasing backlogs are compromising Canada’s reputation and deterring foreign nationals from applying.<sup>89</sup>

For example, Dory Jade, Chief Executive Officer, Canadian Association of Professional Immigration Consultants, indicated that the demand for the temporary resident program had risen by more than 30% compared to the 2019 levels.<sup>90</sup> As such, by October 2022, more than 70% of the backlog consists of temporary resident visa applications, totaling over 900,000 backlogged files.

### **Current Delays, Backlogs, and Ensuing Government Response–2022**

At the beginning of 2022, Laura Schemitsch, Immigration and Refugee Lawyer, Race and Company LLP, indicated that the backlog was estimated at approximately 1.8 million total applications.<sup>91</sup> By May 2022, IRCC reported that their backlog had increased by 600,000 over the preceding ten months, and that the pending inventory totaled 2.1 million applications.<sup>92</sup> In May 2022, spousal sponsorship applicants were seeing

88 CIMM, [Evidence](#), 21 October 2022, 1415 (Siavash Shekarian).

89 Le Québec c’est nous aussi, [Brief](#), 14 November 2022, p. 2.

90 CIMM, [Evidence](#), 7 October 2022, 1430 (Dory Jade, Chief Executive Officer, Canadian Association of Professional Immigration Consultants).

91 CIMM, [Evidence](#), 1 November 2022, 1640 (Laura Schemitsch).

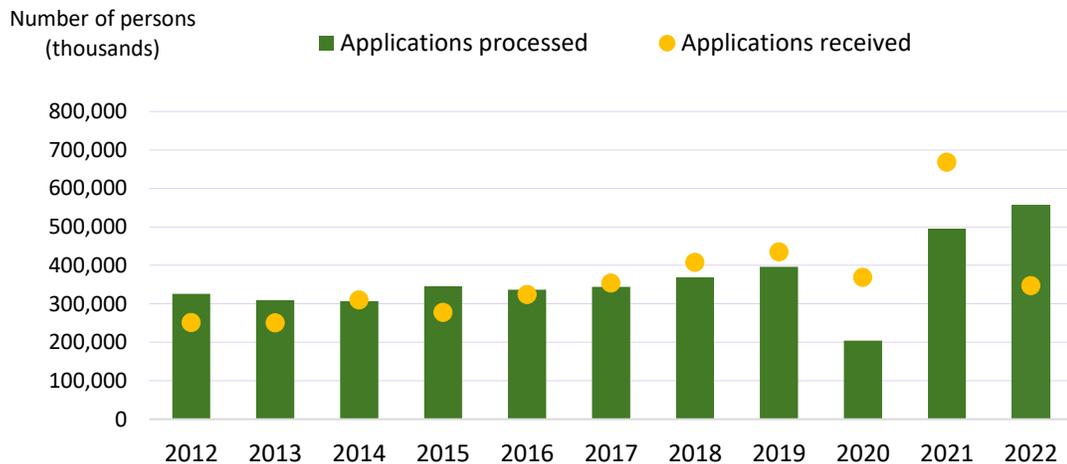
92 Bellissimo Law Group Professional Corporation, [Brief](#), 7 June 2022, p. 3.

processing times of 15 months for the in-land stream, and 22 months for the out-of-Canada stream.<sup>93</sup>

According to data released by IRCC on 30 September 2022, there were 2.6 million applications in IRCC’s inventory, 1.49 million of which were in backlog. Most backlogged applications were for temporary residence visas, followed by permanent residence and citizenship.<sup>94</sup> The surge was observed across many of IRCC’s programs: in September 2022, for instance, permanent residency under the Start-up Visa program had hit processing times of 31 months, instead of the regular 12-month service standard.<sup>95</sup>

By the end of 2022, the then Minister argued that “in spite of this increasingly large and complex workload,” IRCC was able to finalize processing 156,000 permanent residence applications in the first quarter of 2022, which doubled 2021’s numbers for the same period.<sup>96</sup> The following graphs demonstrate how the last 10 years (2012–2022) have unfolded for IRCC, in terms of handling applications received and finalizing those files.

**Figure 2—Processing of Permanent Resident Applications**



Source: Figure prepared by Library of Parliament using data obtained from IRCC, 30 March 2023.

93 Ibid., p. 7.

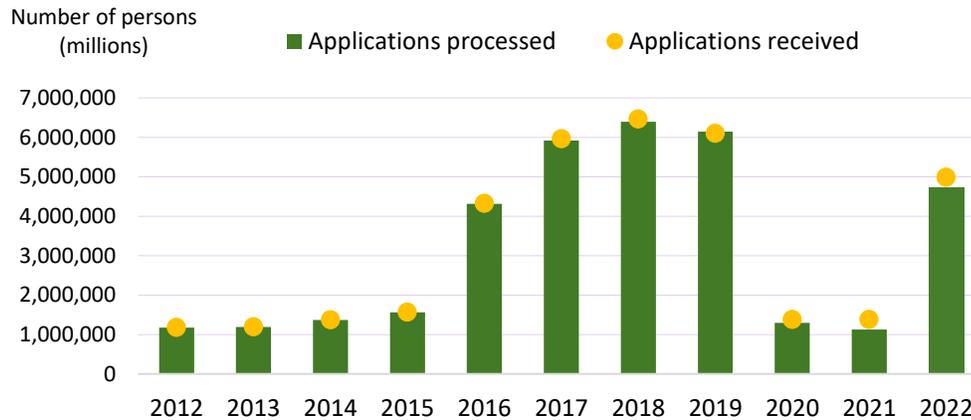
94 Ibid.

95 CIMM, *Evidence*, 27 September 2022, 1540 (Vikram Khurana).

96 CIMM, *Evidence*, 12 May 2022, 1205 (Hon. Sean Fraser).

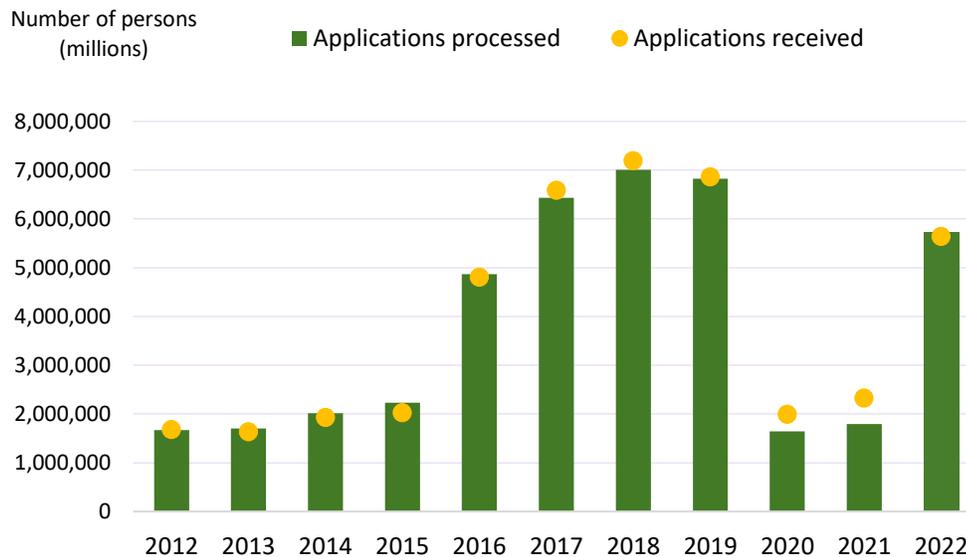


**Figure 3—Processing of Temporary Resident Applications and Extensions**



Source: Figure prepared by Library of Parliament using data obtained from IRCC, 30 March 2023.

**Figure 4—Processing of all Temporary Resident, Permanent Resident and Citizenship Applications**



Source: This data includes applications approved, refused and withdrawn from all temporary resident and permanent resident streams, as well as all citizenship grants and proofs. Figure prepared by Library of Parliament using data obtained from IRCC, 30 March 2023.

Siavash Shekarian made it clear that backlogs and delays are far from new problems for IRCC. Since 2012, the government has committed “billions” in total to address them.<sup>97</sup> More recently, in its Economic and Fiscal Update 2021, the government announced \$85 million for 2022–23 to “process more permanent resident and temporary resident applications and reduce processing times in key areas affected by the pandemic.”<sup>98</sup> In its correspondence with the committee, the department specified that:

It is expected that up to \$10 million will be spent to address citizenship ceremony and other application inventories in the citizenship program, \$35 million to address temporary resident visa, work permit, and study permit inventories, and \$40 million to eliminate the permanent resident card renewal inventory, reduce paper inventories for permanent resident lines of business and build capacity to electronically receive and manage applications for permanent residence.<sup>99</sup>

In its 2022 spring budget, the Government Canada announced \$2.1 billion over five years, and \$317.6 million ongoing in new funding, to support the processing and settling of new permanent residents as part of the 2022–24 Immigration Levels Plan. This money includes support for a commitment to settle 40,000 Afghan refugees as permanent residents. On the temporary resident side, the budget also proposed \$385.7 million over five years, and 86.5 million ongoing, for IRCC, the Canada Border Services Agency and the Canadian Security Intelligence Service to facilitate the entry of visitors, workers and students.<sup>100</sup> The 2022–23 portion attributed to temporary resident processing is added to the \$35 million that is part of the \$85 million promised in the Economic and Fiscal Update 2021.<sup>101</sup> Finally, the *2022 Fall Economic Statement* announced an additional \$50 million in 2022–23 “to address application backlogs, speed up processing, and allow newcomers to fill crucial labour gaps.”<sup>102</sup> It also restructured the multi-year support for the processing and settlement of new permanent residents, as part of the 2023–25 levels plan, to be \$1.6 billion over six years.<sup>103</sup>

Representatives from the Bellissimo Law Group warned that “[w]hile substantial funding is an important step, the challenge is building a new system on a tenuous foundation,

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97 CIMM, *Evidence*, 21 October 2022, 1415 (Siavash Shekarian).

98 Government of Canada, *Economic and Fiscal Update 2021*, p. 14.

99 IRCC, CIMM 6.1: *Breakdown of the \$85M Allocation, IRCC’s response to a request for information made by the Standing Committee on Citizenship and Immigration on February 15, 2022*, 28 March 2022, p. 1.

100 Government of Canada, *Budget 2022: A Plan to Grow Our Economy and Make Life More Affordable*, p. 118.

101 *Ibid.*, p. 127.

102 Government of Canada, *Fall Economic Statement 2022*, p. 35.

103 *Ibid.*



with visa offices overwhelmed due to massive numbers of applications. Absent transformative change, the backlog numbers will continue to soar.”<sup>104</sup> This begs the question—should we re-frame the issue of backlogs to better tackle it?

## Re-Framing the Issue of Backlogs

The Bellissimo Law Group argues that the backlog “is unquestionably a reflection of many factors, including underfunding, the practice of establishing annual quotas, and the underlying policy choices that drive those quotas.”<sup>105</sup> Siavash Shekarian also argued that by hinging Canada’s immigration strategy on hitting certain levels instead of having it rest on management of incoming flux, the backlog becomes inherent to the system. Put simply, “backlog is essentially a collection of [tasks] required to achieve a larger strategic plan. In other words, if you fix your strategy, you fix your backlog.”<sup>106</sup> Re-framing the question of backlogs may thus lead us to uncovering the root of the problem.

Immigration programs are often described as “pathways” to Canada. Eligible applicants can use one of more than 80 existing “roads”<sup>107</sup> developed by IRCC to obtain or to renew their status in Canada. Applications filed internationally travel through a “global network”<sup>108</sup> of visa offices, as they are queued to be processed through the IRCC infrastructure. Along the way, the applicants have to provide additional documentation (e.g., biometrics) before landing in Canada.

Analogously, Omer Khayyam, Lawyer, Omni Law Professional Corporation, argued that the Committee should consider the issue of backlogs pragmatically. According to Omer Khayyam, a parallel should be drawn between application backlogs and traffic jams in bustling cities:

There is a whole branch of mathematics that looks at [how cities manage traffic flows], and they observed that adding lanes to a highway increases traffic congestion. It’s called Braess’s paradox. ... When we add [another program], we added another lane. We have almost 80 programs in Canada, and congestion seems to be increasing. I think more

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104 Bellissimo Law Group Professional Corporation, [Brief](#), 7 June 2022, p. 3.

105 Ibid.

106 CIMM, [Evidence](#), 21 October 2022, 1415 (Siavash Shekarian).

107 CIMM, [Evidence](#), 21 October 2022, 1500 (Omer Khayyam, Lawyer, Omni Law Professional Corporation, As an individual).

108 CIMM, [Evidence](#), 7 June 2022, 1235 (Kyle Hyndman).

people want to pull onto the highway ramp. The backlog seems to have grown very quickly since some of these programs have come into being.<sup>109</sup>

In short, the Braess paradox occurs when a new avenue becomes so desirable for an overwhelming number of interested individuals, that they all decide, based on their individual interests, to choose it. What initially was a highly desirable option, for each, is diluted by its popularity and thus inconsequential, for all. The solution to this problem, paradoxically, is to close the main road so that the alternatives become more appealing.<sup>110</sup>

Two of the “main roads” that have built constant pressure in the IRCC processing system are the Express Entry program for permanent residency, and temporary resident visas for work permits.<sup>111</sup> Both streams have fallen victim to backlogs during the pandemic, as IRCC was unable to respond to applications from these streams within service standards.

### Backlogged Express Entry Applications

Express Entry is the main road on which most economic migrants will tread in order to acquire their Canadian permanent residency. Kareem El-Assal explained that “Express [E]ntry was launched in 2015 to give the government the ability to throttle the number of applications that were being submitted, because for you to submit your application, you needed to receive an invitation from the government.”<sup>112</sup> As such, the program was essentially created to eliminate the backlog.

To be found eligible, candidates must satisfy points-based criteria that triage applicants according to merit via the Comprehensive Ranking System, under one of the eligible sub-streams designated by the Minister.<sup>113</sup> The most popular sub-stream through which economic immigrants obtain an invitation to apply for permanent residency under Express Entry is the Federal Skilled Worker Program (FSWP). As its name suggests, this sub-stream favours candidates that work in skilled professional fields. Unfortunately, over the years, Express Entry has become “one of the main contributors to [backlogs and delays].”<sup>114</sup>

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109 CIMM, [Evidence](#), 21 October 2022, 1455 (Omer Khayyam).

110 Ibid.

111 Ibid.

112 CIMM, [Evidence](#), 5 May 2022, 1230 (Kareem El-Assal).

113 Ibid.

114 CIMM, [Evidence](#), 21 October 2022, 1415 (Siavash Shekarian).



As will be discussed below, in early 2020, the pandemic caused a progressive paralysis of IRCC operations, amidst the shelter-in-place restrictions. Although the department struggled to have its workforce continue processing files at a pace in line with the Minister’s immigration targets, IRCC continued to issue invitations to apply for Express Entry under the FSWP pathway.<sup>115</sup> By December 2020, IRCC realized it could not process all the applications in the system, and had to pause the FSWP temporarily by suspending invitations to Express Entry until July 2022.<sup>116</sup>

In early 2021, IRCC switched gears and issued invitations to Express Entry by way of the Canadian Experience Class stream, which prioritizes applicants who have accumulated working experience in Canada. By September 2021, IRCC realized once more that the invitations issued exceeded the capacity of the department to process the applications in due time, and had to pause the Canadian Experience Class program.<sup>117</sup>

A third bottleneck impeded the Express Entry program after the TR to PR pathway was introduced in April 2021. Thousands of applications were submitted under the TR to PR pathway, offering a unique opportunity for international students and essential workers residing in Canada to be fast-tracked, and obtain their permanent residency, without having to satisfy points-based criteria as they usually would.<sup>118</sup> In a way, the TR to PR short-circuited the processes in place at IRCC, as it caused a massive surge of PR applications. According to Ravi Jain, Steering Committee Member, CILA, the number of applications for the TR to PR pathway was not properly capped, and “resulted in more applications than intended.”<sup>119</sup> As a result, this stream is “cannibalizing Express Entry spots for 2022 and into 2023,” with over 80,000 applications added in the system, in less than a year.<sup>120</sup>

When asked about the design behind the TR to PR pathway, the then Minister explained that it was a function of the COVID-19 restrictions, which caused IRCC “to pivot [its] strategy to resettle more people who were already in Canada, rather than people who

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115 CIMM, [Evidence](#), 1 November 2022, 1640 (Laura Schemitsch).

116 Ibid.

117 CIMM, [Evidence](#), 5 May 2022, 1230 (Kareem El-Assal).

118 CIMM, [Evidence](#), 1 November 2022, 1625 (Alain Dupuis).

119 CIMM, [Evidence](#), 7 June 2022, 1205 (Ravi Jain, Steering Committee Member, Canadian Immigration Lawyers Association).

120 CILA, [Brief](#), 17 June 2022, p. 2.

were in third countries,” which, in turn “built up the number of cases of people who wanted to come.”<sup>121</sup>

Some witnesses such as Alain Dupuis, Director General, Fédération des communautés francophones et acadienne du Canada, and Vilma Pagaduan, noted that they would be in favour of repeating the experience of “rapid pathways to permanent residency”<sup>122</sup> for select groups such as francophone students, caregivers or migrants workers.<sup>123</sup> But other witnesses, such as Omer Khayyam argued that “adding lanes” by unveiling new fast-tracked programs is not a long-term solution to prevent bloating of the IRCC inventory.<sup>124</sup>

The evidence strongly suggests that IRCC is not using Express Entry as it was designed, that is, to throttle the number of incoming applications. Not doing so has deep consequences for the system. By halting the flow in such abrupt fashion, many applicants have no choice but to file interim applications to renew their temporary permits in order to continue maintaining the validity of their status through other IRCC avenues (e.g. work permit before obtaining an AoR, then a bridging open work permit), and other applicants decide to turn towards courts to have their cases processed (i.e. mandamus applications at the Federal Court in an attempt to prompt movement).<sup>125</sup> In some cases, confusion from extensive processing delays in this system is so debilitating for applicants that it leads to loss of status for temporary workers.<sup>126</sup> In short, systemic delays are “ultimately resulting in ... more work for the department, because ... all these people who are in Canada waiting for [Express Entry draws] to resume are losing their status and are required to submit new applications to IRCC, which is increasing the backlog.”<sup>127</sup>

## Temporary Resident Visa Backlogs and Issues with Visa Offices Abroad

In May 2022, the Bellissimo Law Group indicated that “more than half of the backlog [was] comprised of applications for temporary residence.”<sup>128</sup> In October 2022, Dory Jade

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121 CIMM, [Evidence](#), 12 May 2022, 1215 (Hon. Sean Fraser).

122 CIMM, [Evidence](#), 1 November 2022, 1625 (Alain Dupuis).

123 CIMM, [Evidence](#), 18 October 2022, 1605 (Vilma Pagaduan).

124 CIMM, [Evidence](#), 21 October 2022, 1455 (Omer Khayyam).

125 Le Québec c’est nous aussi, [Brief](#), 14 November 2022, pp. 4–5; CILA, [Brief](#), 17 June 2022, p. 3.

126 CIMM, [Evidence](#), 21 October 2022, 1340 (Elizabeth Long).

127 CIMM, [Evidence](#), 5 May 2022, 1230 (Kareem El-Assal).

128 Bellissimo Law Group Professional Corporation, [Brief](#), 7 June 2022, p. 7.



indicated that “the demands for temporary resident programs continue to rise by more than 30% of 2019 levels. More than 70% of the backlog consists of temporary residents’ visa files. The backlog continues to grow, increasing the stress on the system, with now more than 900,000 temporary files in the backlog.”<sup>129</sup>

From a labour perspective, the volume of applications submitted to IRCC to bring in foreign workers to Canadian businesses is not set to slow down. According to Beth Potter, “the most recent estimates suggest that the [tourism] sector has some 230,000 vacant positions. To meet growth forecasts as travel resumes, we will need to employ more than 900,000 more people in the next eight years.”<sup>130</sup> Adrienne Foster, Vice-President, Policy and Public Affairs, Hotel Association of Canada, reported that for industries such as retail, the labour shortage had hit around 110,000 missing employees; and for construction and manufacturing, the shortage had hit approximately 90,000 workers.<sup>131</sup>

There is certainly great pressure on IRCC to extend a helping hand to the industries mentioned in the previous paragraph by enabling foreign workers to come in greater numbers to address the labour shortage issues experienced by Canadian businesses. According to Elizabeth Long, “immigration levels need to be raised in accordance with labour shortages. We are in competition right now with the rest of the world for labour. It’s not just for high-skilled labour, but what the government says is low-skilled. It’s across the board. If we don’t increase immigration levels, we are going to lose out.”<sup>132</sup> As such, industries are driving the demand, but IRCC is struggling to match these targets with their current processing capacity.

There is also no question that visa offices are overwhelmed by the massive numbers of temporary visa applications. As examples, this report will discuss the New Delhi, India visa office, and the Dakar, Senegal visa office. The testimony demonstrated a clear imbalance between the processing volumes handled by Canada’s respective visa offices abroad.<sup>133</sup>

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129 CIMM, [Evidence](#), 7 October 2022, 1430 (Dory Jade).

130 CIMM, [Evidence](#), 1 November 2022, 1645 (Beth Potter).

131 CIMM, [Evidence](#), 27 September 2022, 1640 (Adrienne Foster).

132 CIMM, [Evidence](#), 21 October 2022, 1340 (Elizabeth Long).

133 *Ibid.*, 1300.

### New Delhi, India Visa Office

Significant equity concerns were raised with the processing at the New Delhi, India visa office. Kyle Hyndman pointed out that “New Delhi is a sort of chronic offender ... with extremely long processing times for work permits [and] really no way of communicating with the visa office on these long-delayed applications.”<sup>134</sup> Ravi Jain testified that members of CILA received emails from the New Delhi office stating that any messages sent to them that were not transmitted via the web form would be deleted.<sup>135</sup> In its brief, CILA also highlighted that the New Delhi visa office encouraged applicants to submit multiple applications for a visitor visa.<sup>136</sup> Depending on IRCC’s processing rules for making multiple visitor visa applications—information unavailable to the public and to the Committee—this practice may add multiple applications to IRCC’s processing and backlog numbers.<sup>137</sup>

### Dakar, Senegal Visa Office

The Dakar, Senegal visa office is “experiencing a real problem in processing volumes,” an alarming situation that had prompted Claire Launay, President of the advocacy group Le Québec c’est nous aussi, to claim that there is “prejudice and discrimination toward francophone students, especially those from Africa.”<sup>138</sup> Yves-Gérard Méhou-Loko, Vice-President, Fédération des communautés francophones et acadienne du Canada, highlighted that this lack of processing capacity at IRCC visa offices is quite concerning, particularly for an office that serves one of the largest basins of francophone foreign nationals in the world, sub-Saharan Africa.<sup>139</sup>

Yves-Gérard Méhou-Loko informed the Committee that although the Dakar office handles applications from 16 countries that are mostly francophone, census numbers from November 2022 indicate that only two of the countries served by the Dakar visa office were in the top 20 for French-speaking immigrants who settle outside Quebec.<sup>140</sup> He expressed some relief that, in fall 2022, a long-awaited new visa office was opened in

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134 CIMM, *Evidence*, 7 June 2022, 1235 (Kyle Hyndman).

135 CIMM, *Evidence*, 7 June 2022, 1205 (Ravi Jain).

136 CILA, *Brief*, 17 June 2022, p. 3.

137 See, fn. 6 for IRCC’s published policies for multiple applications in other streams.

138 CIMM, *Evidence*, 27 September 2022, 1710 (Claire Launay).

139 CIMM, *Evidence*, 1 November 2022, 1530 (Yves-Gérard Méhou-Loko, Vice-President, Fédération des communautés francophones et acadienne du Canada).

140 Ibid.



Yaoundé, Cameroon, although this office does not process applications for the time being. He said that one thing is clear—IRCC needs to “increase processing capacity substantially.”<sup>141</sup>

Undue delays for francophone applicants can also be observed within Canada. Luisa Veronis indicated that throughout her research, she has noticed that “francophone applicants seem to be facing [delays] at higher rates.”<sup>142</sup> She highlighted the existence of a petition signed by 700 francophone immigrants whose files were still backlogged, after having applied to the Express Entry program with provincial nominee program approvals—these candidates should normally be prioritized in the system.

As such, the Committee recommends:

### **Increasing Visa Office Capacity**

#### **Recommendation 8**

**That Immigration, Refugees and Citizenship Canada increase the capacity of visa offices to process applications, and notably, to communicate effectively with clients.**

### **Processing of Applications by Departmental Employees**

#### **Recommendation 9**

**That Immigration, Refugees and Citizenship Canada’s processing of applications in overseas visa application centres be done by departmental employees and not by outside contractors.**

## **Impact of Circumstantial Events on Backlog and Procedural Fairness**

The following section discusses the impact of the COVID-19 pandemic on processes within IRCC, including technological transition and human resources challenges, international emergencies and the ensuing special measures put in place for Afghanistan and Ukraine, and finally, procedural fairness issues that have plagued the department’s processes.

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141     Ibid., 1625.

142     CIMM, *Evidence*, 5 May 2022, 1150 (Luisa Veronis).

## COVID-19's Initial Impact on Backlogs and Processing Times

The IRCC workforce was profoundly destabilized by the COVID-19 pandemic. Ravi Jain reported that, despite the departmental workers being described as part of Canada's "critical infrastructure" by Public Safety Canada, there were "extended periods of time" where 80% of IRCC's staff were unable to work.<sup>143</sup> During a liaison meeting with IRCC, CILA was informed that officers were unable to enter processing centres to work on paper-based files, and that visa offices were operating with skeleton staff due to the virus.<sup>144</sup>

According to Siavash Shekarian, the department was, at best, only able to return to operating at 80% of its capacity during the three years of the pandemic.<sup>145</sup> As such, the impacts of the pandemic on IRCC application backlogs cannot be understated, as they are pervasive and enduring across the IRCC infrastructure. Ravi Jain explained that the paralysis of the workforce had severe impacts on IRCC's backlog, and in turn affected Canada's "ability to respond to humanitarian crises, to reunite families and [its] competitiveness in terms of our economy."<sup>146</sup>

According to Chantal Desloges, "lack of investment into IT infrastructure" left IRCC "flat-footed when the pandemic hit." Remote access to the system for employees, which may be assumed in 2023, was novel only three years ago: "[T]here simply was no effective emergency plan put in place to deal with the work-from-home situation, no effective plan put in place for how to interview applicants remotely."<sup>147</sup>

Then Minister of Immigration, Citizenship and Refugees Fraser was quick to admit that IRCC had not anticipated how the turmoil created by the COVID-19 pandemic would have such an impact on the capacity of the department to process applications:

The past few years have posed real challenges that would have been beyond imagining just a couple of years ago. Immigration systems around the world have been affected by the pandemic as a result of lengthy border closures, travel restrictions and public health measures that have prevented people from going to work.<sup>148</sup>

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143 CIMM, *Evidence*, 7 June 2022, 1240 and 1245 (Ravi Jain).

144 CILA, *Brief*, 17 June 2022, p. 2.

145 CIMM, *Evidence*, 21 October 2022, 1420 (Siavash Shekarian).

146 CIMM, *Evidence*, 7 June 2022, 1250 (Ravi Jain).

147 CIMM, *Evidence*, 18 October 2022, 1555 (Chantal Desloges).

148 CIMM, *Evidence*, 12 May 2022, 1200 (Hon. Sean Fraser).



As IRCC scrambled through 2020 and 2021 to find solutions for employees to work from home, the backlog kept growing. Saint-Phard Désir, Executive Director of the Ottawa Local Immigration Partnership, believed that the paralysis caused by the pandemic, and the frustration induced by its incapacity to rapidly provide employees with work-from-home alternatives was even conducive to staff leaving IRCC.<sup>149</sup>

By May 2022, then Minister Fraser indicated the situation had mostly stabilized, “with 100% of IRCC offices and service providers open,” and although “capacity limits [linked to COVID-19] continue to require the majority of staff to work remotely, ... it’s not stopping processing [IRCC’s] ability to address the inventory of cases that have built up,” as the workforce had adapted to the new post-pandemic normal.<sup>150</sup>

Kareem El-Assal contended that backlogs can at the very least “be an opportunity for [Canada] to address the challenges [faced] during the pandemic and to get external oversight and expertise to set the bar even higher.”<sup>151</sup> These challenges include staffing shortages, and the digital transition.

### Staffing Shortages and Reallocation of Resources

Although the Committee was reminded by Siavash Shekarian that IRCC’s contingent of employees had grown by 30% since 2016,<sup>152</sup> some witnesses have stressed that there is still need for further support for staffing at IRCC. Oliver Thorne testified that “there are insufficient staffing resources to cover this influx of applications,”<sup>153</sup> and Peter Bhatti remarked that “a lack of sufficient human resources may be the root cause of the delays.”<sup>154</sup> As was discussed above, this is certainly the case for the capacity at IRCC sub-offices, such as the Dakar and New Delhi visa offices, which handle a comparative disproportionate amount of visa requests outside of Canada.

Michel Leblanc, President and Chief Executive Officer, Chamber of Commerce of Metropolitan Montreal, noted that “the federal government has invested additional funding in the past year and has committed to hiring more staff,” and although he

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149 CIMM, [Evidence](#), 1 November 2022, 1720 (Saint-Phard Désir).

150 CIMM, [Evidence](#), 12 May 2022, 1205 (Hon. Sean Fraser).

151 CIMM, [Evidence](#), 5 May 2022, 1240 (Kareem El-Assal).

152 CIMM, [Evidence](#), 21 October 2022, 1420 (Siavash Shekarian).

153 CIMM, [Evidence](#), 27 September 2022, 1630 (Oliver Thorne, Executive Director, Veterans Transition Network).

154 CIMM, [Evidence](#), 1 November 2022, 1535 (Peter Bhatti).

acknowledged that efforts were made, there was still “an obligation of result.”<sup>155</sup> When IRCC hired over 1,000 new employees, Irena Sompaseuth observed, through her work with newcomers, that IRCC processing capacity increased, and timelines scaled back to resemble pre-COVID metrics.<sup>156</sup> As such, she agreed that “allocating staff and resources to specific applications” by further hiring and training would help reduce the department’s backlog.<sup>157</sup>

But other witnesses stressed that solutions to the backlog should go beyond increasing sheer staffing numbers, and that IRCC should examine how exactly these resources are allocated and trained.<sup>158</sup> Roger Rai, Director, Regency Immigration Solutions, emphasized that training of inland and overseas officers seem to be deficient, as he observed that a “lack of knowledge of program requirements” was leading officers to ask for irrelevant documents and to render unjustified refusals of applications.<sup>159</sup>

The then Minister of Immigration, Refugees and Citizenship acknowledged that he perceived the problem of backlogs “not simply [as] a numbers or a resources challenge—[but] a human challenge.”<sup>160</sup> According to the Minister, “one of biggest challenges ... is realizing that it takes time to hire and train people and get them up to speed,”<sup>161</sup> although he believed that very serious investments would help IRCC reach these goals over time.

Representatives from the Bellissimo Law Group agreed that finding solutions to backlogs from a labour perspective should go beyond reallocation of staff. Citing a study published by Deloitte, they argued that re-framing the approach to training was essential:

A philosophy of facilitation and transparency are sorely needed, and it begins with training. The necessity for additional training was confirmed in a study by Deloitte, where it was determined that there is an opportunity within government departments to increase efficiency by improving organizational culture and behaviour. Deloitte suggests that IRCC should shift to an outcome-driven approach with an emphasis on training, high-level decision-making, and motivation. Leveraging technology ... and a

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155 CIMM, [Evidence](#), 7 October 2022, 1345 (Michel Leblanc).

156 CIMM, [Evidence](#), 7 October 2022, 1350 (Irena Sompaseuth).

157 *Ibid.*, 1420.

158 CIMM, [Evidence](#), 21 October 2022, 1425 (Siavash Shekarian).

159 CIMM, [Evidence](#), 21 October 2022, 1410 (Roger Rai, Director, Regency Immigration Solutions).

160 CIMM, [Evidence](#), 12 May 2022, 1205 (Hon. Sean Fraser).

161 *Ibid.*, 1210.



seismic shift to facilitation, transparency, and improved communication would be groundbreaking, and would support the required transition in culture.<sup>162</sup>

## Impact of the Digital Transition

Then Minister of Immigration, Citizenship and Refugees Fraser believed that IRCC was able to mitigate the consequences of the pandemic “through digital solutions and program innovations,” notably “by increasing the digitization of files, offering online intake for many lines of business and allowing for greater remote processing of applications.”<sup>163</sup> However, according to other witnesses, while the transition to online platforms may have been beneficial overall, it was not deployed with the appropriate amount of prior troubleshooting.

Chantal Desloges called the IRCC’s technological problems “nothing short of a dumpster fire.”<sup>164</sup> She enumerated the following glitches with the online portals: “You’ll be prompted in one of the online forms to hit a button, and that button doesn’t exist; applications that you’ve uploaded simply disappear; you’re unable to log in to various portals for weeks, or in some cases even more than a month.”<sup>165</sup> This constitutes a small sample of a wide range of glitches that were reported by immigration lawyers.<sup>166</sup> According to Chantal Desloges, the portals are so unstable that they have prompted lawyers to actively resist the move to mandatory online processing.<sup>167</sup> Laura Schemitsch stressed the following:

While it is very possible that a modernized system will lead to greater efficiency, it is still important to acknowledge there are significant issues with the technology and basically forcing representatives to move to online portals that either have not been tested properly or have a lack of technical support ... is going to eliminate the progress that could happen through modernization.<sup>168</sup>

Although various law firms have given feedback to IRCC regarding issues with the portal, Chantal Desloges believed that the burden of troubleshooting the system should not rest

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162 Bellissimo Law Group Professional Corporation, *Brief*, 7 June 2022, p. 3.

163 CIMM, *Evidence*, 12 May 2022, 1205 (Hon. Sean Fraser).

164 CIMM, *Evidence*, 18 October 2022, 1555 (Chantal Desloges).

165 *Ibid.*, 1705.

166 CIMM, *Evidence*, 1 November 2022, 1640 (Laura Schemitsch).

167 CIMM, *Evidence*, 18 October 2022, 1610 (Chantal Desloges).

168 CIMM, *Evidence*, 1 November 2022, 1715 (Laura Schemitsch).

with the users, but with IRCC, the service provider.<sup>169</sup> Stéphanie Valois also agreed that IRCC should have further tested its online portals before launching them.<sup>170</sup> Ravi Jain indicated that CILA had been “excluded altogether from new digital platforms developed by IRCC, with the excuse that they need to be rolled out quickly.”<sup>171</sup>

Online portals also create accessibility issues for applicants who have limited capacities in terms of language and digital literacy.<sup>172</sup> This is complicated by the fact that lawyers are not allowed to access certain portals on behalf of applicants, “so if a client has a problem or runs into difficulty, they are not allowed to ask their own lawyer to help them.”<sup>173</sup> As such, Irena Sompaseuth has argued that the option to submit a paper application should remain possible for applicants who may struggle with technology.<sup>174</sup>

Serious concerns were raised regarding implementation of technology in IRCC processes. For one, Mary Roman and Irena Sompaseuth indicated that the transition to digital should not be made at the expense of backlogged paper applications. Both their organizations have noticed that “applications submitted post-COVID, in 2021, were prioritized and finalized, whereas applications from 2019 and 2020 are still pending.”<sup>175</sup> Furthermore, Elizabeth Long warned the Committee that IRCC should be careful in deploying AI tools in order to solve the backlog as “many of [the] decisions that come from [those] systems are unjustly rendered,” and as a result, “lead to the Federal Court’s being clogged with challenges.”<sup>176</sup>

But, generally speaking, Vikram Khurana agreed that further modernization of the processing system would be helpful in resolving the backlogs at IRCC.<sup>177</sup> According to IRCC, modernization and digitalization of the citizenship processes have generated very positive results. Then Minister of Immigration, Refugees and Citizenship Fraser indicated

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169 CIMM, [Evidence](#), 18 October 2022, 1705 (Chantal Desloges).

170 CIMM, [Evidence](#), 7 October 2022, 1410 (Stéphanie Valois).

171 CIMM, [Evidence](#), 7 June 2022, 1205 (Ravi Jain).

172 CIMM, [Evidence](#), 7 October 2022, 1410 (Stéphanie Valois); CIMM, [Evidence](#), 21 October 2022, 1310 (Mary Roman).

173 CIMM, [Evidence](#), 18 October 2022, 1705 (Chantal Desloges).

174 CIMM, [Evidence](#), 7 October 2022, 1405 (Irena Sompaseuth).

175 CIMM, [Evidence](#), 21 October 2022, 1310 (Mary Roman); CIMM, [Evidence](#), 7 October 2022, 1350 (Irena Sompaseuth).

176 CIMM, [Evidence](#), 21 October 2022, 1300 (Elizabeth Long); House of Commons, Standing Committee on Citizenship and Immigration (CIMM), [Promoting Fairness in Canadian Immigration Decisions](#), Twelfth report, November 2022.

177 CIMM, [Evidence](#), 27 September 2022, 1635 (Vikram Khurana).



that, “through the combination of a digital application process and virtual ceremonies, [IRCC] was able to process an extraordinary number of people,” notably 41,000 new Canadian citizens in March 2022 alone.<sup>178</sup> The Minister attributed this specific increase in volume and capacity of the system to the adoption of technology.

In order to address problems with online portals and forms, and maximize the advantages of modernizing the processing system, the Committee recommends:

### **Auditing Online Portal and Forms**

#### **Recommendation 10**

**That Immigration, Refugees and Citizenship Canada audit the online portal process for bugs and errors, commit to immediately correcting these bugs and errors, and ensure that all public facing internet forms are working properly.**

### **Consulting with Users of the Online System and Portal**

#### **Recommendation 11**

**That Immigration, Refugees and Citizenship Canada consult with users of the online system and portals so that the government can properly troubleshoot the frequent portal glitches and technical problems.**

### **Plain Language and Improving French**

#### **Recommendation 12**

**That Immigration, Refugees and Citizenship Canada immediately implement the use of plain language in all of its application processes, and that the website be updated to improve the quality of the written French in the online application process for francophone applicants.**

## **International Emergencies and Their Impact on Application Processes**

Global insecurity and military conflicts tragically transformed the international landscape, as the world entered the ongoing decade. On 15 August 2021, the Taliban took control of Afghanistan, prompting mass displacements of Afghans who may have collaborated with occidental governments. On 24 February 2022, Russia attacked

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178 CIMM, *Evidence*, 12 May 2022, 1255 (Hon. Sean Fraser).

Ukraine, forcing mass displacement of its population towards Western Europe in millions—numbers not seen since the Second World War. The Canadian government responded by deploying special immigration measures as these international humanitarian crises unfolded.

For Afghanistan, IRCC announced a commitment to resettle 40,000 refugees by 2024 through several special programs. These programs have included one for persons with an enduring relationship with the Government of Canada and used Global Affairs Canada and the Department of National Defence as referral organizations. Another has been a humanitarian program for up to 5,000 individuals with occupations that could make them Taliban targets, such as human rights defenders. A program was also created to allow extended family members of former interpreters already established in Canada to find a pathway to permanent residence.

For Ukraine, IRCC quickly developed a program to welcome the displaced Ukrainians by issuing three-year temporary residence permits under the Canada-Ukraine authorization for emergency travel (CUAET) program.<sup>179</sup> The then Minister of Immigration, Refugees and Citizenship explained the decision not to proceed with visa-free travel for the Ukraine program by telling the Committee that IRCC’s capacity to process people exceeded the demand. As applicants were required to provide biometrics, appropriate facilities were augmented by IRCC in bordering countries. In May 2022, then Minister Fraser stated that 200,000 Ukrainians had applied by way of the CUAET in a matter of a month and a half.<sup>180</sup> The CUAET is an uncapped program, and according to numbers compiled by Hameed Khan, a former Afghan interpreter, in May 2022, up to 100,000 Ukrainians had been welcomed to Canada as temporary residents.<sup>181</sup> In February 2023, IRCC reported this number to have exceeded 135,000 arrivals.<sup>182</sup> Ukrainian applicants have seen a strong turnaround for their applications by IRCC, as the “14-day processing times [for the CUAET] are met for 90%” of applicants.<sup>183</sup>

Unfortunately, Afghans who applied under Canadian emergency measures did not experience the same level of coordinated readiness from IRCC as Ukrainians. Hameed Khan, a former Afghan interpreter, told the Committee that, despite assurances from the former chief of staff at IRCC that applicants would start receiving identification

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179 IRCC, [Immigration measures and support for Ukrainians and their families](#).

180 CIMM, [Evidence](#), 12 May 2022, 1240 (Hon. Sean Fraser).

181 CIMM, [Evidence](#), 5 May 2022, 1210 (Hameed Khan, Former Afghan Interpreter, As an individual).

182 IRCC, [Ukraine immigration measures: Key figures](#).

183 CIMM, [Evidence](#), 12 May 2022, 1255 (Daniel Mills, Senior Assistant Deputy Minister, Operations, Immigration, Refugees and Citizenship Canada).



numbers within a window of 24 to 48 hours, this did not occur.<sup>184</sup> In May 2022, then Minister Fraser reported that the IRCC had only been able to process 13,000 applications so far, and that the delays experienced in reaching the targeted goal were caused by “immense challenges on the ground.”<sup>185</sup> The Minister noted that “safe passage” for Afghan applicants to a third location in order for them to complete their biometrics examination was creating a significant barrier.<sup>186</sup> Oliver Thorne agreed that the evacuation effort from Afghanistan was hampered by the biometrics requirement, as entering countries in proximity to Afghanistan (e.g., Pakistan and United Arab Emirates), and satisfying those states’ “requirements for passports and visas” constituted in itself a great “administrative and financial burden.”<sup>187</sup>

Hameed Khan pointed out that Afghan interpreters who have applied through the special immigration measures program have encountered disproportionate administrative difficulties, such as lengthy delays for medical exams and over-rigorous and stringent processes, compared to Syrian and Ukrainian refugees.<sup>188</sup> Unpreparedness may have been a factor as, according to Oliver Thorne, the deficiency of the special immigration measures program for Afghanistan “is a direct result of the fact that the government was not prepared for the collapse of the Afghan government and the resulting humanitarian crisis.”<sup>189</sup>

Oliver Thorne, Executive Director, Veterans Transition Network, told the Committee about the costs of IRCC’s backlog for future Afghan-Canadians, for the Canadian veterans and for the charitable organizations that support them. He described life in Afghanistan for those who had assisted the Canadian Armed Forces:

For many ... their children are not in school. They are unable to work. They are unable to access what limited services the Government of Afghanistan may have to offer them. Things like the justice system, medical care and other services they cannot access for fear of their detection.<sup>190</sup>

Claire Launay recognized that, although the pandemic had major impacts on IRCC operations, “the problem [of increased processing times and backlogs for refugee

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184 CIMM, [Evidence](#), 5 May 2022, 1145 (Hameed Khan).

185 CIMM, [Evidence](#), 12 May 2022, 1220 (Hon. Sean Fraser).

186 *Ibid.*, 1230.

187 CIMM, [Evidence](#), 27 September 2022, 1620 (Oliver Thorne).

188 CIMM, [Evidence](#), 5 May 2022, 1145 (Hameed Khan).

189 CIMM, [Evidence](#), 27 September 2022, 1610 (Oliver Thorne).

190 *Ibid.*, 1545.

resettlement] goes deeper than this and is linked to the way the department is managed.”<sup>191</sup> She contended that during the Afghan and Ukrainian crises, “IRCC became a crisis management department whose resources were systematically redeployed from one file to the next,” at the expense of “permanent residency, working permit and study visa applications and basically gummed up IRCC’s normal operations.”<sup>192</sup> CILA also underlined that navigating international emergencies should not be an excuse for IRCC “to shut down communications with applicants.”<sup>193</sup>

Deacon Rudy Ovcjak noted that, although it is laudable of the Canadian government to provide assistance to displaced people when international crises arise, redeploying core resources towards those emergencies results in a “significant increase in the backlog for [other] refugee claimants” that are still in the system.<sup>194</sup> Rabea Allos, Director, Catholic Refugee Sponsors’ Council, indicated that this tendency to deal with immediate issues to the detriment of core responsibilities was also at play during the Syrian humanitarian crisis, when “resources were pulled from different visa offices across the world and moved over to Syria and Turkey so that they could [resettle] 25,000 Syrians within a few months. Refugees across the rest of the world were left hanging.”<sup>195</sup>

The Canadian Council for Refugees indicated that in January 2022 there was an inventory of over 70,000 permanent residency applications for protected persons and their family members. Taking into consideration that the target for this stream was capped at 24,500 for 2022, and 25,000 for 2023, any emergencies that divert employees from core tasks necessarily implies that the gap between applications and immigration targets will grow.<sup>196</sup>

Deacon Rudy Ovcjak recognized that IRCC had taken important steps to reduce processing times prior to the pandemic.<sup>197</sup> But Janet M. Bigland-Pritchard, Coordinator, Migration Office, Roman Catholic Diocese of Saskatoon, indicated that as a result of successive international crises,

the improvements in processing times that had been made [by IRCC’s Resettlement Operations Centre] were, of course, damaged and reversed. Sponsorship agreement

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191 CIMM, [Evidence](#), 27 September 2022, 1645 (Claire Launay).

192 Ibid.

193 Canadian Immigration Lawyers Association, [Brief](#), 17 June 2022, p. 3.

194 CIMM, [Evidence](#), 7 October 2022, 1435 (Deacon Rudy Ovcjak).

195 CIMM, [Evidence](#), 27 September 2022, 1555 (Rabea Allos).

196 Canadian Council for Refugees, [Brief](#), 16 August 2022, pp. 2–3.

197 CIMM, [Evidence](#), 7 October 2022, 1435 (Deacon Rudy Ovcjak).



holders were not allowed to submit any new [privately sponsored refugees] applications this year before May. That puts pressure on our whole system and increases wait times for the refugees in our queues.<sup>198</sup>

This is compounded by the fact that, as reported by Janet M. Bigland-Pritchard, the refugee caseload for IRCC had quadrupled since 2014.<sup>199</sup>

To address past and future international crises more fairly and effectively, the Committee recommends:

### **Special Immigration Measures for Afghans**

#### **Recommendation 13**

**That Immigration, Refugees and Citizenship Canada immediately ensure that all individuals and their immediate families who supported the various Canadian missions in Afghanistan be granted special immigration measures into Canada without delay and that, if they have already undergone previous biometric examination as part of those missions, they be considered exempt until they are landed on Canadian soil.**

### **Public Policy for Non-Discriminatory Treatment of Refugees**

#### **Recommendation 14**

**That Immigration, Refugees and Citizenship Canada create a public policy to ensure that, when there is a humanitarian crisis, all refugee applications are processed using the same criteria regardless of country of origin.**

### **Procedural Fairness Issues at IRCC**

According to Laura Schemitsch, during the COVID-19 pandemic the frustration and angst slowly trickled down from IRCC employees to applicants waiting for their files to be processed: “While Canada and the world faced unprecedented uncertainty throughout the early stages of the pandemic, essentially grinding Canada’s immigration system to a halt, by 2022 patience from applicants and representatives for solutions to the growing backlog was wearing thin.”<sup>200</sup>

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198 CIMM, *Evidence*, 27 September 2022, 1650 (Janet M. Bigland-Pritchard, Coordinator, Migration Office, Roman Catholic Diocese of Saskatoon).

199 Ibid.

200 CIMM, *Evidence*, 1 November 2022, 1640 (Laura Schemitsch).

Dory Jade emphasized that IRCC’s opacity is engrained in its system, and that, although it became a pressing issue in the last three years with the surge in backlogs, “the system hasn’t really changed. It’s just that since the beginning of the COVID-19 pandemic, it has become even more impenetrable.”<sup>201</sup>

As backlogs grew, more and more applicants started to experience what has become commonplace for Canadian immigration law representatives: that it is “virtually impossible to communicate with IRCC” regarding long-delayed applications.<sup>202</sup> The department has “put a complete wall around all of their communication,” be it by phone (via the IRCC telecentre) or by electronic correspondence (via webform).<sup>203</sup> This impenetrable system was notably qualified as a “black box”<sup>204</sup> by Kareem El-Assal.

Kareem El-Assal said that applicants and representatives “should not have to rely on access to information requests, as has been the case during the pandemic, to remain informed about the immigration system.”<sup>205</sup> He argued that IRCC should at the very least issue monthly updates on critical items such as the backlog reduction plan, in order “to restore the trust in our immigration system eroded during the pandemic.”<sup>206</sup>

This has been acknowledged by the government, who announced on 25 June 2022 the creation of an IRCC ministerial task force “to help reduce application backlogs and improve customer service.”<sup>207</sup> As was requested, this task force publishes monthly data to help inform Canadians of the current status and near future forecast of backlogs.

As noted above, many witnesses have struggled with IRCC’s general opacity in providing applicants with updates on the status of their requests, particularly through IRCC’s webform, which is the department’s designated electronic mailing system through which updates on files can be requested.<sup>208</sup> Laura Schemitsch said that “Canada’s immigration

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201 CIMM, [Evidence](#), 7 October 2022, 1455 (Dory Jade).

202 CIMM, [Evidence](#), 18 October 2022, 1710 (Chantal Desloges).

203 Ibid.; CIMM, [Evidence](#), 7 June 2022, 1245 (Kyle Hyndman).

204 CIMM, [Evidence](#), 5 May 2022, 1155 (Kareem El-Assal).

205 Ibid.

206 Ibid.

207 CIMM, [Evidence](#), 1 November 2022, 1640 (Laura Schemitsch).

208 CIMM, [Evidence](#), 21 October 2022, 1310 (Mary Roman).



system was being jeopardized by the backlog, particularly in light of a lack of transparency and inability to obtain application status updates through webform requests.”<sup>209</sup>

According to the Bellissimo Law Group, “substantial time and resources are wasted by applicants, IRCC and even Members of Parliament seeking simple updates on applicant files.”<sup>210</sup> Indeed, although IRCC has instructions on its website to contact the department in case of technical issues with the portals, “since the pandemic, web form requests result in extremely delayed generic responses.”<sup>211</sup>

As previously noted, IRCC may also send a file back to an applicant for incompleteness. Kyle Hyndman explained that, legally, it is equivalent to the applicant having never filed the documents. He stated, however, that this may indirectly contribute to further backlogs at IRCC: “people have permanently lost rights to include children, or they no longer qualify for a program because an application has been returned many months after filing. That, in turn, creates a cascade of other applications to try to address the issues.”<sup>212</sup>

Furthermore, applications that are sent back often give “no insight into why [the] applications were refused,” leaving applicants with “no opportunity to address whatever the perceived deficiency was.”<sup>213</sup> For example, Dory Jade explained that a negative decision may be rendered simply because one document is missing, without it being specified in IRCC’s response.<sup>214</sup> Lawyers often have to file access to information and privacy requests to IRCC in order to obtain copies of processing agents notes, and sometimes even decide to file their cases to Federal Court in order to simply obtain the reasons for refusal. Claire Launay highlighted that it would be insightful for IRCC to be more transparent about “the directives given to its officers, so that [applicants] can better understand how decisions are made,” and may help identify systemic problems within IRCC’s processes.<sup>215</sup> In particular, Krishna Gagné, Lawyer and Vice-President for Economic Affairs, Quebec Immigration Lawyers Association, highlighted that not much is known about how IRCC prioritizes files over others, and, more precisely, how the department

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209 CIMM, [Evidence](#), 1 November 2022, 1640 (Laura Schemitsch).

210 Bellissimo Law Group Professional Corporation, [Brief](#), 7 June 2022, p. 4.

211 CIMM, [Evidence](#), 1 November 2022, 1640 (Laura Schemitsch).

212 CIMM, [Evidence](#), 7 June 2022, 1230 (Kyle Hyndman).

213 Ibid.; CIMM, [Evidence](#), 7 October 2022, 1420 (Krishna Gagné).

214 CIMM, [Evidence](#), 7 October 2022, 1455 (Dory Jade).

215 CIMM, [Evidence](#), 27 September 2022, 1710 (Claire Launay).

handles files that are not processed within IRCC’s posted service standards, as they “are not processed in accordance with the first-come, first-served rule.”<sup>216</sup>

Witnesses emphasized that additional procedural fairness should be instilled in IRCC processes by allowing a greater number of applicants to correct minor deficiencies without setting the clock back to zero. This would “avoid a lot of spinoff applications and other steps that applicants need to take,” as is the case, for example, when a foreign national falls out of status, or when they are refused because they are believed to have misrepresented some information.<sup>217</sup> When the Federal Court, upon reviewing a decision, orders IRCC to reconsider a failed application from scratch, this “further contributes to the backlog.”<sup>218</sup>

With respect to the possibility of reforming the judicial review, there was no consensus amongst witnesses. As set out by article 72 of the *Immigration and Refugee Protection Act*, an application for leave and judicial review of a negative IRCC decision can be filed to the Federal Court within 15 days of the decision for an inland application, and within 60 days for an application made outside of Canada.<sup>219</sup> Janet M. Bigland-Pritchard argued in favour of scrapping the judicial review process. According to her assessment, “the judicial review process doesn’t work well,” as it “ties up applications for years, [is] very expensive, [and] all you get if you win is another trip back to the same visa office.”<sup>220</sup> On the opposite side of the spectrum, Omer Khayyam and Siavash Shekarian said that they were in favour of keeping the judicial review process intact, as it serves an important purpose: it offers foreign nationals the possibility of redress before a Canadian judge.<sup>221</sup>

### PART III—REQUIREMENTS AND SOLUTIONS

This section sets out what witnesses argued is required of the immigration system in Canada in order to correct the probable causes that created the backlogs, namely, accurate and equitable processing times for applications submitted to IRCC, transparency throughout the immigration process, rapid responses to emergencies and required additional resources for the department. It also offers specific solutions that the

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216 CIMM, *Evidence*, 7 October 2022, 1355 (Krishna Gagné).

217 CIMM, *Evidence*, 7 June 2022, 1230 (Kyle Hyndman).

218 Bellissimo Law Group Professional Corporation, *Brief*, 7 June 2022, p. 8.

219 *Immigration and Refugee Protection Act*, S.C. 2001, c. 27, art. 72.

220 CIMM, *Evidence*, 27 September 2022, 1650 (Janet M. Bigland-Pritchard).

221 CIMM, *Evidence*, 21 October 2022, 1450 (Omer Khayyam).



Committee to recommends so that IRCC can fix what has increasingly become a cumbersome immigration system.

## **Accurate and Equitable Processing Times**

As has been discussed in the previous sections, various immigration streams maintain vastly different processing times. Many witnesses noted that, in order to maintain processing standards, older applications are often shelved to process new applications more rapidly, giving the illusion that the processing times have improved. So even within a particular immigration stream, there are some applications that are processed as quickly as possible, while others can wait years. This is not an equitable system between, and within, streams, and it is not an accurate representation of processing times. Witnesses called for accurate processing times for streams, which would be made available for the public to reference, and said that processing within streams should not be egregiously over or under the stated wait times. As such, the Committee recommends:

### **Accountability of Government in Clearing the Backlog**

#### **Recommendation 15**

**That Immigration, Refugees and Citizenship Canada set a deadline to clear the backlog and put in place accountability measures to ensure that the deadline is met; and that a special task force be established and a deadline be set to process older backlog applications.**

#### **Real-time Updates on Cases**

#### **Recommendation 16**

**That Immigration, Refugees and Citizenship Canada update its online and public facing internet systems to provide real-time case updates to individuals, their appointed advocates and anyone else they authorize to see their private information on their behalf.**

#### **Accurate Processing Times**

#### **Recommendation 17**

**That Immigration, Refugees and Citizenship Canada post accurate processing times online.**

## Delays for Work Permits for Refugees

Processing delays for work permits have led to many eligible workers in Canada unable to work legally. This issue was raised by various witnesses, with particular emphasis on the effects that this has on asylum claimants and protected persons in Canada. Irena Sompaseuth explained that there are significant delays in obtaining refugee protection claimant documents, getting interviewed and obtaining a work permit, thus limiting asylum claimants' access to supports and services: "these are individuals who ... are in a situation where they have very few rights and options."<sup>222</sup>

To alleviate this situation, one witness suggested reattributing staffing resources to focus on work permit applications for asylum claimants. Irena Sompaseuth said that "[w]ithout these vital resources and tools refugee claimants are at a much higher risk of homelessness and other hardships that could further affect their life and health."<sup>223</sup>

Mary Roman, from the Ottawa Community Immigrant Services Organization, offered a different solution, arguing that without residency status, asylum claimants are not able to leave Canada or begin the process for reunification with their family:

[G]rant open work permits right away to all claimants to alleviate the pressure until the processing of their case is done. We are asking for this as it aligns with the approach adopted by IRCC regarding the Canada-Ukraine authorization for emergency travel, CUAET, which was a successful experience. It put them into employability immediately. We hope to apply this to all refugee claimants as well.<sup>224</sup>

Knowing that this backlog has caused negative impacts on some of the most vulnerable and high-risk applicants to the Canadian immigration system, asylum claimants and protected persons, the Committee recommends:

### Work Permits for Asylum Claimants in Canada

#### Recommendation 18

**That Immigration, Refugees and Citizenship Canada grant open work permits to asylum claimants in Canada without delay.**

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222 CIMM, [Evidence](#), 7 October 2022, 1350 (Irena Sompaseuth).

223 Ibid.

224 CIMM, [Evidence](#), 21 October 2022, 1310 (Mary Roman).



## Regularization as a Temporary Measure to Address the Backlog

The Canadian Council of Refugees submitted a brief to the Committee that laid out some stark realities regarding the current timelines for family reunification for refugees in Canada:

People who have been found to be a refugee in Canada, often after years of waiting in the refugee claim process, face years of further delay before they receive permanent residence. While they wait, it is difficult for them to get on with their lives in Canada, as they are still considered a foreign national in many respects and their rights as Protected Persons are limited. The delays are particularly painful if they are waiting to be reunited with their immediate family members—to be reunited with their spouse and children in Canada, a refugee must first receive permanent residence and then wait for Canada to issue permanent residence visas to the family members overseas. These delays are partly due to inefficiencies in processing, but more importantly they result from the government’s decision to set the annual immigration targets too low for the number of refugee applicants.<sup>225</sup>

The Canadian Council for Refugees brief highlighted that a refugee must obtain permanent residence before they can bring their families to Canada through family reunification. The pandemic exacerbated wait times, but these processing delays have significant and harsh impacts on refugees, as was also noted in the previous section on work permits. The brief explains that although in principle, the refugee “retains the right to work” while waiting for the renewal, “employers are often confused about this, leading in some cases to people losing their jobs;” this in turn compromises refugees’ ability “to contribute to Canadian society—a loss not only for them and their families, but for all Canadians.”<sup>226</sup>

The solution proposed by the Canadian Council for Refugees is very clear: amend the *Immigration and Refugee Protection Act* “so that, barring any inadmissibility issues raised by the Canada Border Services Agency or IRCC, accepted refugees acquire permanent residence by operation of law, without the need for an application.”<sup>227</sup> This would negate the immigration levels issue, as most refugees would become permanent residents automatically and, the brief argued, would return resources to IRCC. The Canadian Council for Refugees also argued that citizenship is of particular importance to refugees as “they are effectively stateless—they have no State [*sic*] that they can call on to protect them fully, or to issue them a passport, until they become Canadians,” and

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225 Canadian Council for Refugees, *Brief*, 16 August 2022, p. 1.

226 *Ibid.*, p. 7.

227 *Ibid.*, p. 8.

that the longer it takes to become permanent resident, the longer the wait for them to apply for citizenship.<sup>228</sup>

Multiple witnesses agreed with proposals for similar regularization efforts. Chantal Desloges offered:

[T]ake all of the borderline cases and simply waive the interviews and push those cases through, in the interest of getting through a large volume of cases quickly. Yes, that will mean that a few people will get through the system who shouldn't have, but frankly, at this point it is the cost of doing business because the damage that's being imposed by the backlog far outweighs any potential damage that could be caused by the odd person who gets erroneously approved. ... I would never suggest [pushing through borderline cases] if it was a security-related issue. I'm talking about, for example ... Sometimes an officer might have a question about somebody's job reference letter, an education diploma or maybe their English or their French is not quite at the standard that it should be, so they maybe earmarked that for an interview situation. Or maybe it's a marriage case and they're not 100% convinced about the genuineness of the marriage. In those cases, they're not really sure and they don't have massive concerns, but at the same time they would normally interview them. I'm saying, if it's in the grey zone, give them the benefit of the doubt and just push it through.<sup>229</sup>

Claire Launay also said that lifting some criteria temporarily should be seriously considered: "I think we need a framework to determine Canada's responsibility. Once the standards of processing have been surpassed, let's say 12 or 18 months after processing, maybe we lift some criteria."<sup>230</sup> Siavash Shekarian and Omer Khayyam, however, hesitated to agree, warning that it may send the wrong message that future applicants would be scrutinized more than those processed during such a grace period. Siavash Shekarian did acknowledge, however, that those new applicants would not be affected by the same years-long backlogs as the current applicants have been.

Chantal Desloges reminded the Committee that IRCC had in the past provided status to failed refugee claimants that were in Canada for years:

Years ago, back when I was very junior, there was something called the "deferred removal orders class." That was a situation where the government recognized that there were a lot of failed refugees in Canada who had been sitting around in limbo for quite a long time. The government decided to make this program to just ram them all through. As long as they were admissible and there were no criminal or medical issues, they would just be accepted en masse under this program. It was a way of clearing out that

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228 Ibid., p. 7.

229 CIMM, [Evidence](#), 18 October 2022, 1555, 1710 (Chantal Desloges); CIMM, [Evidence](#), 21 October 2022, 1340 (Janet Dench).

230 CIMM, [Evidence](#), 27 September 2022, 1715 (Claire Launay).



backlog of people who were just hanging around for a long time without having been removed.<sup>231</sup>

Siavash Shekarian's suggestion was that Canada should "create a lottery and be proud of it. The U.S. had lotteries and they were straightforward about it."<sup>232</sup>

Several witnesses argued for other forms of regularization. Adrienne Foster and Beth Potter argued for creating a pathway to permanent residency for temporary foreign workers. Adrienne Foster noted that temporary foreign workers have "already established relationships with their employers. They have networks in Canada, and they have a proven track record of being excellent community members and economic contributors."<sup>233</sup> Beth Potter also argued that undocumented workers should be given status.<sup>234</sup>

Having heard all the testimony, the Committee recommends:

### **Temporary Public Policy for Protected Persons**

#### **Recommendation 19**

**That Immigration, Refugees and Citizenship Canada create a temporary public policy for protected persons to allow them to obtain permanent residence automatically, as they have waited in the backlog, in some instances, for years.**

### **Acting on Ministerial Mandate Letter for Accelerated Family Reunification**

#### **Recommendation 20**

**That the Minister of Immigration, Refugees and Citizenship act on his mandate letter to speed up family reunification applications for both refugee applications and family class applications and that the government regularly publish the processing times for these streams.**

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231 CIMM, [Evidence](#), 18 October 2022, 1730 (Chantal Desloges).

232 CIMM, [Evidence](#), 21 October 2022, 1450 (Siavash Shekarian).

233 CIMM, [Evidence](#), 27 September 2022, 1715 (Adrienne Foster).

234 CIMM, [Evidence](#), 1 November 2022, 1710 (Beth Potter).

## Temporary Public Policy for Issuance of Open Work Permits

### Recommendation 21

**That Immigration, Refugees and Citizenship Canada issue open work permits to all undocumented people and temporary foreign workers in Canada.**

### Caregiver Stream

As mentioned above, another stream that has been significantly impacted by backlogs throughout the pandemic is the caregiver stream, whose processing has been left practically dormant. Elizabeth Long testified that the applications for caregivers have not been processed since the program opened in 2019.<sup>235</sup> Vilma Pagaduan also noted that the processing time for the two caregiver pilot programs has never been updated.<sup>236</sup> She offered many recommendations, among them:

I would also like to recommend regularization for all migrant workers and caregivers. Create a unique humanitarian scheme where caregivers or migrant workers who might not be eligible can apply for permanent residency. Reduce the demands and create an amnesty program for them.

I would also like to recommend that IRCC remove the cap per program for the home support and home child care programs, or at least increase the number of PR applications for caregivers within the immigration levels.<sup>237</sup>

Chantal Desloges echoed these recommendations, highlighting that this type of regularization is not without precedent:

[I]t's not like we've never done anything like this before. I would suggest that if there are caregivers who are sitting in the system for a long time, then one thing the government should at least consider is whether to just push them through. Maybe relax the eligibility a little bit. Maybe relax the checking a little bit. Make sure they're admissible and just push them through.

It would be pretty easy. All they would have to do is use section 25 of the act, the [humanitarian and compassionate] provision, to make a policy and just say we're going to waive certain things for a specific period of time; we're going to give them a bit of a pass on certain requirements.

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235 CIMM, *Evidence*, 21 October 2022, 1300 (Elizabeth Long).

236 CIMM, *Evidence*, 18 October 2022, 1605 (Vilma Pagaduan).

237 Ibid.



It's not hard to do. They don't even have to change the law. They just have to make the policy.<sup>238</sup>

Based on this testimony, the Committee recommends:

### **Temporary Public Policy on Regularization**

#### **Recommendation 22**

**That Immigration, Refugees and Citizenship Canada create a temporary public policy to regularize undocumented people and temporary foreign workers in Canada, including caregivers who have worked in Canada to obtain permanent residence, and where the backlog has directly impacted their lives and livelihood.**

#### **Creation of Permanent Residence Portal for Caregivers**

#### **Recommendation 23**

**That Immigration, Refugees and Citizenship Canada create a specific permanent residence portal for the caregiver programs.**

#### **Removing Barriers for Home Support Workers, Home Child Care Providers and Caregivers**

#### **Recommendation 24**

**That Immigration, Refugees and Citizenship Canada remove the cap per program for the Home Support and Home Child Care Provider Pilots, and remove the two year work experience requirement for the Live-in Caregiver Program.**

### **Increase Immigration Levels**

Though on the face of it, increasing immigration levels may sound counter-intuitive to resolving backlogs of applications, the reality is that these delays are in part the result of a target numbers set by the government, restricting the number of refugees admitted to Canada per year. Janet Dench elaborated on this in relation to family reunification:

The problem [with the speeding up processing of family reunification for refugees], which is what we are highlighting in our brief, is that you can have efficient processing, but if the levels prevent people from being landed, it doesn't matter how efficient your processing is. They are still going to wait until next year. That's what happens. If the levels are set for only 24,500 this year, once they have landed that number of people,

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238 CIMM, *Evidence*, 18 October 2022, 1730 (Chantal Desloges).

they are not going to process any more until the next year. The levels are the key issue there.<sup>239</sup>

The brief submitted by the Canadian Council for Refugees calls for “the immigration targets for Protected Persons in Canada and Dependents Abroad be increased, for 2022 and subsequent years, to match the numbers of applications.”<sup>240</sup>

On a similar point, Saeed Shajjan spoke to the Committee about the challenges Afghans are facing in bringing their family to Canada:

I think the number of visas is limited to some 18,000. I think that is unfair. The way the expectation was given to those people was that they had an enduring relationship with the Government of Canada. That number needs to be increased as much as possible. We thought that of the initial 40,000, at least 35,000 visas or something like that would be given to those who had enduring relationships with the Government of Canada, and then the remaining visas could be provided on humanitarian grounds, but right now we are seeing that only 18,000 are provided to people who have this relationship with the Government of Canada.

We are seeing that people are brought in from different cases, but they’re counted under this 40,000. Again, I think that is unfair. That needs to stop, and we need to take immediate action to make sure that we really bring to safety those people who are in danger in Afghanistan just because of their relationship and services to the Government of Canada.<sup>241</sup>

Ghulam Faizi, Hameed Khan and Kareem El-Assal all recommended that the simplified Ukrainian process be applied to the Afghan process.<sup>242</sup>

## Transparency Throughout the Immigration Process

This section discusses what witnesses suggested with respect to tackling the issue of transparency throughout the Canadian immigration system, with recommendations as small as the provision of the specific reason or reasons an application is refused, and as big as the creation of an independent immigration ombudsman. In general, witnesses reported a lack of transparency in officer decisions on applications. Elizabeth Long argued that,

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239 CIMM, *Evidence*, 21 October 2022, 1350 (Janet Dench).

240 Canadian Council for Refugees, *Brief*, 16 August 2022, p. 8.

241 CIMM, *Evidence*, 7 June 2022, 1255 (Saeed Shajjan).

242 CIMM, *Evidence*, 5 May 2022, 1235 (Ghulam Faizi, Former Afghan Interpreter, As an individual); CIMM, *Evidence*, 5 May 2022, 1240 (Hameed Khan); CIMM, *Evidence*, 5 May 2022, 1240 (Kareem El-Assal).



[W]e need to develop proper criteria that are outlined clearly so that the officers and the public can understand how these determinations are made. Currently the criteria for an [officer] making this vague decision about whether they feel an applicant is going to return back to the country are much too vague, and that leads to frustrations on both sides, as well as clogging up the Federal Court with challenges to decisions that are unreasonable.<sup>243</sup>

To address this issue, and to promote transparency, the Committee recommends:

### **Outlining Criteria for a Clearer Understanding of the Determination Process**

#### **Recommendation 25**

**That Immigration, Refugees and Citizenship Canada develop proper criteria that are outlined clearly so that officers and the public can understand how these determinations are made.**

Mario Bellissimo of Bellissimo Law Group summed up some of the other main issues in regard to transparency at IRCC:

Amongst the greatest challenges facing IRCC that must be acknowledged are the lack of transparency and accessibility. Despite many laudable efforts to modernize the immigration system, there remain significant barriers to communicating with IRCC. The Call Centre has limited utility. IRCC's on the ground working relationship with authorized representatives, which should expedite processing, is often distant at best. These limits on communication in turn result in delays, litigation, and repeat or incorrectly filed applications, which overwhelm the system.<sup>244</sup>

Many of these other issues will be addressed in the following paragraphs.

### **Recording of Interviews and Training for IRCC Staff**

Many witnesses suggested the recording of interviews as a mechanism for transparency, as well as to verify the reasons for which an immigration officer may have refused an application in the event that the decision is reviewed. Chantal Desloges spoke to the idea of recording interviews casually, comparing it to how people sometimes record their meetings, as well as to court proceedings: "If everything is being done according to the way it should be, why would anyone want to hide behind a wall of secrecy with respect to taping?"<sup>245</sup> She argued that all non-security-related interviews should be defaulted to

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243 CIMM, *Evidence*, 21 October 2022, 1300 (Elizabeth Long).

244 Bellissimo Law Group Professional Corporation, *Brief*, 7 June 2022, p. 3.

245 CIMM, *Evidence*, 18 October 2022, 1720 (Chantal Desloges).

video so that the interviews can be conducted “without being limited by geography or logistics. If the refugee protection division can make life-and-death decisions on credibility assessments judged by video, surely we can manage administrative interviews in the same way.”<sup>246</sup> She added that not only should the interviews be recorded, but all notes, internal conversations and transcripts should be provided to the applicant as part of due course.<sup>247</sup> Siavash Shekarian agreed, and said that there is no good reason for IRCC not to tape interviews.<sup>248</sup>

Peter Bhatti raised other persuasive reasons for interviews to be recorded. He said that recording interviews would prove useful when an applicant submits for judicial review or to appeal the case, because video recordings have “verified that there are incorrect interpretations of conversations during interviews between visa officers and applicants.”<sup>249</sup> He detailed that these misunderstanding can sometimes be the result of various differences related to cultures or of political and religious conflicts in some countries where refugees are coming from and subsequently where interviews are being held. The recording of interviews, he said, would help to justify “that either the refugee has a problem or the interpreter has a problem or the visa officer gave a wrong decision.”<sup>250</sup> He also recommended training to visa officials on different cultures and demographics to help bridge the gap and alleviate some of these misunderstandings.<sup>251</sup>

Mario Bellissimo agreed that training is required and cited a Deloitte study that determined the Canadian government could “increase efficiency by improving organizational culture and behaviour.”<sup>252</sup> According to his brief, Deloitte suggested that IRCC shift to an outcome-driven approach with emphases on training, high-level decision-making, and motivation. He recommended that training for officers in Canada should draw from the Australian example:

Other countries have deemed it necessary to reformulate training of immigration officers. One successful example has emerged from Australia, where a College of Officers of Immigrants was implemented in 2006. The College focused on standardized training for their immigration officers and allowed for specialized training. Through these methods, the College attempted to increase efficiency in application processing

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246 Ibid., 1555.

247 Ibid., 1720.

248 CIMM, *Evidence*, 21 October 2022, 1440 (Siavash Shekarian).

249 CIMM, *Evidence*, 1 November 2022, 1535 (Peter Bhatti).

250 Ibid., 1550.

251 Ibid., 1535.

252 Bellissimo Law Group Professional Corporation, *Brief*, 7 June 2022, p. 4.



and reduce the number of processing errors made. ... [T]he implementation of comprehensive and wide-ranged training should be similarly adopted. The gains from following the Australian model are potentially dramatic.<sup>253</sup>

When Minister Fraser testified before the Committee, he said:

One of the things that's really important for me to reflect on is that we have to be honest in government about what we do well and the areas where we need to improve. I think in every organization the size of our department and across government we need to constantly be pursuing equity and fairness and anti-discrimination initiatives.<sup>254</sup>

Having heard the testimony of witnesses and testimony from the Minister himself, and knowing that the impacts of decisions made by officers everyday will reverberate long after the application process is completed, the Committee recommends:

### **Recording of Interviews**

#### **Recommendation 26**

**That Immigration, Refugees and Citizenship Canada or third-party interviews be recorded for accountability purposes, and that the recording may be used as evidence for any judicial review of the application decision.**

### **Cultural Awareness and Sensitivity Training for Officers**

#### **Recommendation 27**

**That Immigration, Refugees and Citizenship Canada survey various jurisdictions' immigration officer trainings to determine whether there is a model for training that is most suited to the Canadian context; that Immigration, Refugees and Citizenship Canada consequently develop and conduct training to assist officers in making informed decisions with cultural awareness and sensitivity in mind when processing applications and conducting interviews.**

### **Best Practices and New Training for Officers on Genuineness of Marriages**

#### **Recommendation 28**

**That Immigration, Refugees and Citizenship Canada work with external stakeholders, including Quebec stakeholders, lawyers specializing in Quebec civil law and faith**

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253 Ibid.

254 CIMM, *Evidence*, 12 May 2022, 1240 (Hon. Sean Fraser).

**community leaders, to establish best practices and new training and guidelines to assist visa officers in recognizing and understanding different cultural norms of marriage, and how to question applicants in a culturally sensitive way to assess the genuineness of a relationship.**

### **Training and Hiring Local Officers**

#### **Recommendation 29**

**That Immigration, Refugees and Citizenship Canada train and hire local officers and teams to specialize in the processing of specific applications and streams.**

### **Officer Notes**

Multiple witness called for access to immigration officer notes for various reasons linked to transparency, but also for the simple reason of understanding the ultimate decision, and whether a correction to the file, or a new submission of the application, would resolve any issue that had led to a negative response.

Kyle Hyndman explained that currently, when applicants receive a negative response from IRCC, the letter is pro forma, meaning that it is a general refusal letter, usually without a reason for the refusal checked off, so applicants are “given no insight into why their applications were refused. This means that they don’t have an opportunity to address whatever the perceived deficiency was.”<sup>255</sup> Instead, in order for applicants to know what the reason was for the refusal, they often create an access to information and privacy request, which further bogs down IRCC resources. Because of this, Kyle Hyndman recommended that “[g]iving clear and complete reasons for refusals will reduce some of those extra steps and may actually reduce follow-up applications if the people genuinely don’t qualify. It will reduce people going to Federal Court. ... Certainly there are efficiencies to be found there.”<sup>256</sup>

Krishna Gagné agreed and added that often in access to information and privacy requests for the details of the refusal, the reasons are still not clear. She recommended that the reasons for refusal should be clearer: “It’s not enough to say in a short sentence that the officer did not believe the applicants would return to their country owing to their financial status. Details about what precisely is missing from the application are

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255 CIMM, *Evidence*, 7 June 2022, 1230 (Kyle Hyndman).

256 Ibid.



needed to answer questions or address officers' concerns."<sup>257</sup> Similarly, Laura Schemitsch said that applicants should receive "specific responses about their current applications. It is not enough to provide a status update tool."<sup>258</sup>

Mario Bellissimo had similar arguments in his brief submitted to the Committee and called for real-time access to officer notes:

Substantial time and resources are wasted by applicants, IRCC and even Members of Parliament seeking simple updates on applicant files. ... [Access to notes on file] would include information on the stage of processing, place of processing, processing notes, and/or reasons for refusal. Access to notes would allow for concerns to be identified earlier, help preserve the individualization of the process, and act as a second set of eyes for IRCC by those equally interested in the process and the outcome—the applicants IRCC serves. This will in turn support faster processing in certain cases, as issues can be better identified and addressed expediently.<sup>259</sup>

Dory Jade provided the example that if an applicant is missing evidence of financial means, a notification may be sent saying their application is refused for the reason that "they do not intend to return to their country."<sup>260</sup> If they were aware that it is due to one document missing, they would be able to correct that or resubmit their application with the additional document; Dory Jade agreed that applicants should be provided with this level of information for reasons of transparency.<sup>261</sup>

Based on the witness testimony, the Committee recommends:

### **Provision of Officer Notes to Immigration Applicants**

#### **Recommendation 30**

**That Immigration, Refugees and Citizenship Canada issue all relevant officer notes to applicants at every stage to ensure that applicants get updates on their files through a more enhanced and efficient system.**

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257 CIMM, *Evidence*, 7 October 2022, 1425 (Krishna Gagné).

258 CIMM, *Evidence*, 1 November 2022, 1715 (Laura Schemitsch).

259 Bellissimo Law Group Professional Corporation, *Brief*, 7 June 2022, pp. 4–5.

260 CIMM, *Evidence*, 7 October 2022, 1455 (Dory Jade).

261 *Ibid.*

## Opportunity to Correct Minute Errors in Immigration Applications

### Recommendation 31

**That Immigration, Refugees and Citizenship Canada allow minor corrections to be made, including a missing document, and provide sufficient time to submit or correct errors before returning or refusing immigration applications in order to provide more client-oriented service.**

### Creation of an Ombudsperson

The creation of an ombudsperson has been raised over the years by various stakeholders, and in his brief submitted to the committee, Mario Bellissimo explains why he thinks the creation of an official immigration ombudsperson is a good idea now and what mechanisms would be required for such an office to successfully carry out its mandate:

There is a need to mandate not only systematic external audits of IRCC programs, but also follow-ups to the results of these audits. While problem areas may be identified in consultation between IRCC and stakeholders, there is no current requirement that these issues be addressed in law or in practice. ... To be successful this official must have power and resources.

Any Ombudsperson may be tasked initially with overseeing program improvements, ensuring that changes are maintained and enforced. Efforts may then be made to transform immigration delivery, focusing on the implementation of measures for transparent, responsible, and innovative governance. If properly resourced, an Ombudsperson could be an important part of the solution.<sup>262</sup>

This recommendation led the Committee to ask other witnesses if they supported the creation of an ombudsperson for Canada's immigration system. The following individuals and organizations that testified before the Committee agreed that an official immigration ombudsperson should be created:

- a) Kareem El-Assal, Director of Policy at CanadaVisa;<sup>263</sup>
- b) Luisa Veronis, Associate Professor and Research Chair in Immigration and Franco-Ontarian communities at the University of Ottawa;<sup>264</sup>

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262 Bellissimo Law Group Professional Corporation, *Brief*, 7 June 2022, p. 7.

263 CIMM, *Evidence*, 5 May 2022, 1240 (Kareem El-Assal).

264 CIMM, *Evidence*, 5 May 2022, 1240 (Luisa Veronis).



- c) Ravi Jain, Steering Committee Member of the Canadian Immigration Lawyers Association, who said there is a need for more accountability and transparency;<sup>265</sup>
- d) Janet M. Bigland-Pritchard, Coordinator of the Migration Office at the Roman Catholic Diocese of Saskatoon, who thought that an ombudsperson would be a good idea to deal with difficult immigration cases;<sup>266</sup>
- e) Rabea Allos, Director of the Catholic Refugee Sponsors' Council;<sup>267</sup>
- f) Oliver Thorne, Executive Director of the Veterans Transition Network, who supported the idea of an ombudsperson, so long as it would not hamper IRCC in processing applications;<sup>268</sup>
- g) Vikram Khurana, Chairman of the Toronto Business Development Centre;<sup>269</sup>
- h) Claire Launay, President of Le Québec c'est nous aussi, who said an ombudsperson is a necessary step to make sure IRCC meets its targets, so that when targets are not met, concrete solutions can be implemented;<sup>270</sup>
- i) Krishna Gagné, Lawyer and Vice-President for Economic Affairs at Quebec Immigration Lawyers Association, who said an ombudsperson "would provide enhanced monitoring and more transparency, thus generating more confidence in the system;"<sup>271</sup>
- j) Elizabeth Long, Barrister and Solicitor at Long Mangalji LLP, who told the Committee that an ombudsperson would be good so long as they had sufficient power to make changes;<sup>272</sup>

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265 CIMM, [Evidence](#), 7 June 2022, 1240 (Ravi Jain).

266 CIMM, [Evidence](#), 27 September 2022, 1700 (Janet M. Bigland-Pritchard).

267 CIMM, [Evidence](#), 27 September 2022, 1630 (Rabea Allos).

268 CIMM, [Evidence](#), 27 September 2022, 1630 (Oliver Thorne).

269 CIMM, [Evidence](#), 27 September 2022, 1630 (Vikram Khurana).

270 CIMM, [Evidence](#), 27 September 2022, 1645 and 1710 (Claire Launay).

271 CIMM, [Evidence](#), 7 October 2022, 1420 (Krishna Gagné).

272 CIMM, [Evidence](#), 21 October 2022, 1355 (Elizabeth Long).

- k) Saint-Phard Désir, Executive Director of the Ottawa Local Immigration Partnership;<sup>273</sup> and,
- l) Laura Schemitsch, an Immigration and Refugee Lawyer at Race and Company LLP, who believed that an ombudsperson is a good idea so that applicants can receive specific responses about their current immigration applications.<sup>274</sup>

Other witnesses had feedback on the idea as well. Dory Jade told the Committee that the creation of an ombudsperson should be given “serious consideration,” but that “adding to the bureaucracy is not always a good idea.”<sup>275</sup> Additionally, Chantal Desloges emphasized that the creation of an ombudsperson is a good back-up solution to the lack of communication from IRCC to its clients.<sup>276</sup> She explained:

Let me show you how secrecy breeds delay though a very typical example that happens in my office every day. A file has exceeded its processing times, and we don't know why. Government instructions tell us to send a web form inquiry. We do it, but either it doesn't get answered at all, or we get a nonsense response that tells us nothing, usually more than four weeks later, which is way too late to be useful. Then that forces us to go and bother the good folks at the case management branch. Sometimes that works, and sometimes it doesn't.

Then we have to bother you, members of Parliament, which, again, sometimes helps and sometimes doesn't. Then we're forced to bother the Access to Information Office. That takes months, which doesn't really help us. As a last resort, we're then forced to go to the Federal Court and bother the Federal Court and the Department of Justice through litigation.

You can quickly see how this goes exponential very fast, and it ends up making a lot more work for everyone, including IRCC. It's a waste of valuable resources at every level. If we could just get a clear reply the first time, we wouldn't have to do any of this.<sup>277</sup>

If this lack of communication from IRCC were resolved, and there were timely responses to clients' inquiries, Chantal Desloges argued that an ombudsperson would not be necessary.

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273 CIMM, [Evidence](#), 1 November 2022, 1725 (Saint-Phard Désir).

274 CIMM, [Evidence](#), 1 November 2022, 1715 (Laura Schemitsch).

275 CIMM, [Evidence](#), 7 October 2022, 1455 and 1500 (Dory Jade).

276 CIMM, [Evidence](#), 18 October 2022, 1720 (Chantal Desloges).

277 *Ibid.*, 1555.



Witnesses recommended alternative solutions for transparency at IRCC. In its brief submitted to the Committee, *Le Québec c'est nous aussi*, the advocacy group, recommended the introduction of a bill that would “create a regulatory framework to govern IRCC processing times and Canada’s obligations to candidates in the event of delays.”<sup>278</sup> Rabea Allos recommended to the Committee that a parliamentary immigration officer position be created. He said:

I agree that there is no transparency [at IRCC]. ... A lot of data that the IRCC is sitting on could be used to optimize the system and make it more efficient and increase the efficiency of the process. I believe a parliamentary immigration officer similar to the budget office in Parliament should be set up. It could be an independent body to oversee IRCC, have full access to their numbers, be able to mine their data, ask questions and get answers.<sup>279</sup>

After having heard all of the above testimony in regard to the creation of an ombudsperson, the Committee recommends:

### **Creation of an Immigration Ombudsperson**

#### **Recommendation 32**

**That Immigration, Refugees and Citizenship Canada create the position of an immigration ombudsperson to oversee the operations of Immigration, Refugees and Citizenship Canada, and who, with actionable powers, would have the authority to supervise processing times for all immigration streams, including temporary immigration streams, and to mandate changes to processing times and methods, as needed.**

### **Rapid Response to Emergencies**

The challenges that IRCC has faced in responding to international emergencies is immense, but many witnesses had suggestions on how their responses could be improved.

Claire Launay said that both the Government of Canada more broadly and IRCC specifically should invest in a long-term humanitarian emergency preparedness program that would systematically dispense resources in these situations; this would stop the IRCC from

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278 Le Québec c'est nous aussi, *Brief*, 14 November 2022, p. 5.

279 CIMM, *Evidence*, 27 September 2022, 1605 (Rabea Allos).

redeploying resources while in crisis mode that are required for the proper functioning of IRCC's normal operations.<sup>280</sup>

CILA made a similar suggestion in its brief submitted to the Committee:

IRCC could also invest in emergency-preparedness so it is not caught off guard the next time there is a crisis such as occurred in Afghanistan or Ukraine. More advance planning is required so Canada can respond to the next war or natural disaster and officers need not be re-deployed away from processing applications which are critical to Canada's economic and family reunification needs.<sup>281</sup>

Other witnesses agreed, including Oliver Thorne, who said that a dedicated emergency team within IRCC could only be to the department's benefit, and that it would help lessen the impact on processing within the rest of the immigration system.<sup>282</sup> Deacon Rudy Ovcjak agreed that having separate processes would be a strong approach, so long as additional resources were provided.<sup>283</sup>

In anticipation of future emergency situations and the need for IRCC to process people arriving in Canada from these emergencies rapidly, the Committee recommends:

### **Processing Those Arriving in Canada from Emergencies Abroad**

#### **Recommendation 33**

**That Immigration, Refugees and Citizenship Canada create a departmental division independent of others in resources and staffing, for the processing of applications from people in emergency situations.**

#### **Investing in Emergency Preparedness**

#### **Recommendation 34**

**That the Government of Canada and Immigration, Refugees and Citizenship Canada invest in emergency preparedness programs to respond to global humanitarian crises so that resources are not removed from the delivery of existing programs.**

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280 CIMM, *Evidence*, 27 September 2022, 1645 (Claire Launay).

281 CILA, *Brief*, 17 June 2022, p. 3.

282 CIMM, *Evidence*, 27 September 2022, 1610 (Oliver Thorne).

283 CIMM, *Evidence*, 7 October 2022, 1500 (Deacon Rudy Ovcjak).



## **Additional Resources for New Immigration Measures**

### **Recommendation 35**

**That, when the Government of Canada introduces new immigration measures, additional resources and additional level numbers are provided to meet the demands of the new initiatives.**

### **Housing Supports for Afghan Interpreters**

#### **Recommendation 36**

**That Immigration, Refugees and Citizenship Canada provide housing supports to Afghan interpreters and their family members who have fled to third countries.**

### **Lifting Quota for Afghans Who Served Canada**

#### **Recommendation 37**

**That Immigration, Refugees and Citizenship Canada lift the quota for Afghans who served Canada and for their loved ones in need of safety.**

### **Bringing Afghans Who Served Canada to Safety**

#### **Recommendation 38**

**That Immigration, Refugees and Citizenship Canada urgently and expeditiously bring Afghans who served Canada and their loved ones to safety in Canada.**

## **Additional Resources Required**

Prior to the pandemic, IRCC implemented changes that were lauded by Janet M. Bigland-Pritchard. She detailed some of those improvements, including email submissions of applications with automatic confirmations, the refugee sponsorship training program, the e-CAS system “that allows sponsors to check online about a case’s progress,” as well as the processing times were reasonable.<sup>284</sup> Janet M. Bigland-Pritchard also noted that, communication with Resettlement Operations Centre—Ottawa now comes with an officer identifier, meaning that they can be sure they “are getting to the right person rather than

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284 CIMM, *Evidence*, 27 September 2022, 1650 (Janet M. Bigland-Pritchard).

a faceless inbox;” additionally, she said that IRCC staff are more responsive to the SAH community “and senior staff seem more willing to intervene when we hit a brick wall.”<sup>285</sup>

Another witness, Roger Rai of Regency Immigration Solutions, spoke to the Committee about immigration officers and the delegation of decision making at the border to the Canada Border Services Agency officers:

I feel that the job they’re doing at this time is either not working well or that there need to be some changes made, because I think a lot of the officers are not happy with processing immigration at the border. ... There has been a very big disconnect at the border since 2004 about what [CBSA’s officers’] role is. They’ve been given the role of immigration officers as well as enforcement officers. Immigration is service-related, for the most part.<sup>286</sup>

Still, notwithstanding recent funding to address processing and backlogs, outlined in Part II,<sup>287</sup> witnesses called for increases in IRCC funding and staffing to deal with many of the issues outlined in this report. The following individuals and organizations agreed that the IRCC budget should be increased:

- a) Laura Schemitsch, who testified that hiring new staff would help reduce the backlog which would require more resources;<sup>288</sup>
- b) Bellissimo Law Group, who in its brief said the backlog is a result in part of underfunding of IRCC,<sup>289</sup> and,
- c) Le Québec c’est nous aussi, the advocacy group, which in its brief recommended that the yearly budget “[s]ubstantially increase” for IRCC “so that it can meet its own processing targets while treating candidates with humanity and decency.”<sup>290</sup>

## Additional Staffing

As part of the ask for additional resources, additional staffing for IRCC was a frequent recommendation to the Committee for tackling application backlogs and processing

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285 Ibid.

286 CIMM, [Evidence](#), 21 October 2022, 1410 and 1440 (Roger Rai).

287 See, p. 37.

288 CIMM, [Evidence](#), 1 November 2022, 1700 (Laura Schemitsch).

289 Bellissimo Law Group Professional Corporation, [Brief](#), 7 June 2022, p. 3.

290 Le Québec c’est nous aussi, [Brief](#), 14 November 2022, p. 6.



delays. Omer Khayyam suggested that IRCC might look to the provincial courts model, whereby on the weekend, in order to get ahead of the following weeks' schedule, "a judge, a prosecutor and a private bar lawyer will come in on the weekend to lessen the load."<sup>291</sup> He proposed that IRCC could offer incentives to experienced officers who would be willing to work longer hours or on the weekends.

Peter Bhatti agreed that more staff is required at IRCC.<sup>292</sup> Irena Sompaseuth similarly highlighted a specific need for staffing:

IRCC has hired over 1,000 new employees. ... While this is the right step in the right direction, further work is necessary to have more agents available through the call centres where applicants can have an opportunity to speak with an agent, ask questions and receive information and an update on their file, as not being able to contact IRCC to receive updates and information has been quite concerning and challenging for many individuals and their families.<sup>293</sup>

In recognizing that funding and staffing go hand in hand for any department, the Committee recommends:

### **Additional Funds for Immigration, Refugees and Citizenship Canada**

#### **Recommendation 39**

**That the Government of Canada provide additional staffing and resources at Immigration, Refugees and Citizenship Canada to fully address the application backlogs and processing delays that have plagued the department for years and caused massive upheaval in the lives of refugees, immigrants, temporary foreign workers, and students.**

#### **More Staffing in Call Centres**

#### **Recommendation 40**

**That Immigration, Refugees and Citizenship Canada allocate more staffing resources in call centres so that people can receive timely information about their cases.**

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291 CIMM, [Evidence](#), 21 October 2022, 1405 (Omer Khayyam).

292 CIMM, [Evidence](#), 1 November 2022, 1615 (Peter Bhatti).

293 CIMM, [Evidence](#), 7 October 2022, 1350 (Irena Sompaseuth).

## 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
<p><b>As an individual</b></p> <p>Ghulam Faizi, Former Afghan Interpreter</p> <p>Hameed Khan, Former Afghan Interpreter</p> <p>Luisa Veronis, Associate Professor and Research Chair in Immigration and Franco-Ontarian Communities, University of Ottawa</p>	2022/05/05	21
<p><b>CanadaVisa</b></p> <p>Kareem El-Assal, Director, Policy and Digital Strategy</p>	2022/05/05	21
<p><b>Department of Citizenship and Immigration</b></p> <p>Marian Campbell Jarvis, Senior Assistant Deputy Minister, Strategic and Program Policy</p> <p>Hon. Sean Fraser, P.C., M.P., Minister of Immigration, Refugees and Citizenship</p> <p>Jennifer MacIntyre, Assistant Deputy Minister, Afghanistan</p> <p>Daniel Mills, Senior Assistant Deputy Minister, Operations</p> <p>Catherine Scott, Assistant Deputy Minister, Settlement and Integration</p> <p>Hughes St-Pierre, Chief Financial Officer and Assistant Deputy Minister, Finance, Security and Administration</p> <p>Caroline Xavier, Acting Deputy Minister</p>	2022/05/12	23
<p><b>Canadian Immigration Lawyers Association</b></p> <p>Ravi Jain, Steering Committee Member</p>	2022/06/07	27

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>Shajjan &amp; Associates</b> Saeeq Shajjan, Founder and Lawyer	2022/06/07	27
<b>The Canadian Bar Association</b> Kyle Hyndman, Chair, Immigration Law Section	2022/06/07	27
<b>Catholic Refugee Sponsors Council</b> Rabea Allos, Director	2022/09/27	32
<b>Hotel Association of Canada</b> Adrienne Foster, Vice-President, Policy and Public Affairs	2022/09/27	32
<b>Le Québec c'est nous aussi</b> Claire Launay, President	2022/09/27	32
<b>Roman Catholic Diocese of Saskatoon</b> Dr. Janet M. Bigland-Pritchard, Coordinator, Migration Office	2022/09/27	32
<b>Toronto Business Development Centre</b> Vikram Khurana, Chairman	2022/09/27	32
<b>Veterans Transition Network</b> Oliver Thorne, Executive Director	2022/09/27	32
<b>Canadian Association of Professional Immigration Consultants</b> Dory Jade, Chief Executive Officer Avni Marfatia, Chair of the Board	2022/10/07	34
<b>Chamber of Commerce of Metropolitan Montreal</b> Michel Leblanc, President and Chief Executive Officer	2022/10/07	34
<b>LUSO Community Services</b> Irena Sompaseuth, Settlement Services Manager	2022/10/07	34
<b>Office for Refugees, Archdiocese of Toronto</b> Deacon Rudy Ovcjak, Director	2022/10/07	34
<b>Quebec Immigration Lawyers Association</b> Krishna Gagné, Lawyer and Vice-President, Economic Affairs Stéphanie Valois, Lawyer and President	2022/10/07	34

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>As an individual</b> Chantal Desloges, Senior Partner, Desloges Law Group	2022/10/18	36
<b>Syria-Antigonish Families Embrace</b> Mark Ballard, Vice-Chairperson	2022/10/18	36
<b>The Neighbourhood Organization</b> Vilma Pagaduan, Settlement Counselor	2022/10/18	36
<b>As an individual</b> Omer Khayyam, Lawyer, Omni Law Professional Corporation Elizabeth Long, Barrister and Solicitor, Long Mangalji LLP Siavash Shekarian, Lawyer, Shekarian Law Professional Corporation	2022/10/21	37
<b>Canadian Council for Refugees</b> Janet Dench, Executive Director	2022/10/21	37
<b>Ottawa Community Immigrant Services Organization</b> Mary Roman, Executive Director	2022/10/21	37
<b>Regency Immigration Solutions</b> Shervin Madani, Regulated Canadian Immigration Consultant Roger Rai, Director	2022/10/21	37
<b>Fédération des communautés francophones et acadienne du Canada</b> Alain Dupuis, Director General Yves-Gérard Méhou-Loko, Vice-President	2022/11/01	39
<b>International Christian Voice</b> Peter Bhatti, Chairman	2022/11/01	39
<b>Legal Assistance of Windsor</b> Shelley Gilbert, Coordinator, Social Work Services	2022/11/01	39
<b>Ottawa Local Immigration Partnership</b> Saint-Phard Désir, Executive Director	2022/11/01	39

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>Race and Company LLP</b> Laura Schemitsch, Immigration and Refugee Lawyer	2022/11/01	39
<b>Tourism Industry Association of Canada</b> Beth Potter, President and Chief Executive Officer	2022/11/01	39

## APPENDIX B LIST OF BRIEFS

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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](#).

**Bellissimo Law Group Professional Corporation**

**Canadian Aid to Persecuted Christians**

**Canadian Council for Refugees**

**Canadian Immigration Lawyers Association**

**Le Québec c'est nous aussi**



## 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. 21, 23, 27, 32, 34, 36, 37, 39, 48, 74 to 77, 79, 80, 85 and 86) is tabled.

Respectfully submitted,

Sukh Dhaliwal  
Chair



## **Supplementary Opinion by the Conservative Party of Canada**

The Conservative Party of Canada was pleased to contribute to the Standing Committee on Citizenship and Immigration's study on application backlogs and delays in our immigration system. Conservative Members of Parliament worked in a constructive spirit with their colleagues in the other parties and had hoped to achieve a unanimous report. Unfortunately, due to the intransigence of the NDP-Liberal coalition majority on the committee that sought to protect the government at all costs, this was not possible. Eight years of their leadership has left the Department of Immigration, Refugees and Citizenship (IRCC) in what one witness described as "nothing short of a dumpster fire."<sup>1</sup>

Conservative MPs can claim many victories throughout the study by bringing to the forefront key issues such as the failure of technology used at the Department of Immigration, Refugees and Citizenship Canada (IRCC), the role of the United Nations High Commissioner on Refugees (UNHCR), the situation in Afghanistan and Ukraine, the plight of minority Christians, the judicial review process, and issues related to citizenship. The main report reflects this contribution and has been structured around those topics. Additionally, many of the recommendations that CPC MPs proposed to the Committee were adopted, either as is or with minor amendments which all parties were satisfied with.

That said, some common-sense Conservative recommendations were summarily rejected by the NDP-Liberal majority, while other recommendations made by that same costly coalition simply could not be accepted by CPC MPs.

Conservative MPs accordingly make the following recommendations in order to strengthen the report:

### **Citizenship Ceremonies**

Conservative MPs recognize that recommendation 7 on citizenship ceremonies which reads "Immigration, Refugees and Citizenship Canada make clear to all individuals that it is their choice to choose the citizenship ceremonies process best suited to their needs; and that while in-person ceremonies should be the default option, virtual ceremonies should also be allowed; and further, that any self-administered oath of citizenship be subject to robust integrity measures" is a good start and represents a long-way from the NDP-Liberal position in Budget 2023 that called for click citizenship to become the norm for future citizenship ceremonies. However, Conservatives reject the premise that self-administered oaths of citizenship (click citizenship) should be allowed to take place, regardless of robust security measures or not. In-person citizenship ceremonies and the act of taking a citizenship oath are an experience that new Canadians will only have once in their lifetime. Moreover, the act of taking the oath of citizenship and becoming a new citizen of Canada should be treated with gravity and respect, which an in-person ceremony affords.

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<sup>1</sup> Chantal Deslonges - Senior Partner, Desloges Law Group CIMM, *Evidence*, 18 October 2022

The operational practice of the Department has been to offer only virtual ceremonies as an option with in-person ceremonies becoming the exception. The recommendation supported by the NDP-Liberal MPs is a welcome reversal of their position but does not reflect what witnesses and the public have told us.

Therefore, Conservatives would replace recommendation 7 with the following:

Immigration, Refugees and Citizenship Canada prioritize granting citizenship to new Canadians through in-person ceremonies as the default option; allow virtual ceremonies only if specifically requested by the individual when in-person ceremonies are impractical due to health or safety concerns; and cease citizenship by “self-administer a digital oath by signed attestation.”

### **Minority Christians**

That Immigration, Refugees and Citizenship Canada stop overlooking minority Christian refugees in Asia and Africa when selecting refugee claimants and instead ensure that minority Christian refugees are representative of their proportion of the population of the countries they are fleeing.

### **Priority for Existing Applications**

That Immigration, Refugees and Citizenship Canada ensure the inventory and backlog of existing applications is cleared before the government considers any program to address the position of out-of-status or irregular migrants currently in Canada.

### **Recommendations That Fail the Public Interest**

The Conservative Party of Canada disagrees with several recommendations made in the report. Conservative MPs do not agree with the majority’s approach of providing unlimited financial resources to the Department of Immigration, Refugees and Citizenship. Pouring more taxpayer monies to fix the chaos in the immigration system won’t fix the Liberal-made backlogs of around 2.2 million applications. Provincial governments, especially the Government of Quebec, have expressed strong concern regarding previous rates of illegal border crossing through Roxham Road and the pressure it places on health and social services. The public’s trust in the integrity of the immigration system is shaken and public polls reflect this Liberal caused loss of faith. Unfortunately, the costly coalition of NDP-Liberal MPs pushed forward with nine recommendations that fall into these two categories.

At a time when Canadians are cutting back on basic necessities, the NDP-Liberal government is still spending money with abandon, not understanding that their out-of-control deficit spending is fueling the cost-of-living crisis. Canadians know different. Indeed, the reckless spending by the NDP-Liberal government has been on full display at IRCC where budgets have increased by billions and staff by thousands as the backlog continues to grow. Throwing money and people

at the issue of backlogs has not and will not solve the problem. That is why Conservative MPs do not support recommendations 8, 35, 39, 40 which, if agreed to by the Minister, will only encourage the Government to waste more money.

Recommendations 1, 19, 20, 21, 24 are policies that if adopted by the Government of Canada, will bring more chaos to our existing immigration system. They will undermine legal paths to immigrate to Canada. They will encourage illegal entry into Canada and create new pull factors.

### **Conclusion**

Overall, the Conservative Party of Canada is happy that their common-sense view of the backlog situation at IRCC has been mostly adopted by all the parties represented on the committee and the report reflects this approach. More taxpayer money is not the solution. The Liberal government is on their fifth IRCC cabinet minister in 8 years. After 8 years we know this prime minister is not worth the cost and his Liberal-made immigration backlog is causing more chaos in the Department as well as destroying the faith of Canadians in the integrity of our immigration system.

Let's Bring It Home!

Respectfully Submitted,

Brad Redekopp, MP – Saskatoon West  
Vice-Chair, Standing Committee Citizenship, and Immigration Committee

Tom Kmiec, MP – Calgary Shepard  
Official Opposition Shadow Minister for Immigration, Refugees and Citizenship

Larry Maguire, MP – Brandon-Souris

Greg McLean, MP – Calgary Centre

