

OUT/LAW IMMIGRATION NEWSLETTER ISSUE 2

Welcome to the second issue of the Out/Law Immigration Newsletter. We plan to issue newsletters periodically when we have information of interest to persons considering immigrating to Canada. If you do not want to continue receiving newsletters or email from us, please contact Rob Hughes at rhughes@smith-hughes.com and request to be removed from the list.

Tories reopen same-sex marriage debate

By SCOTT DEVEAU

Tuesday, November 29, 2005 Posted at 8:35 PM EST

Globe and Mail Update

Within hours of the writ being dropped, Conservative Leader Stephen Harper punched a hot-button issue from the last election.

In a press conference Tuesday, Mr. Harper said if Parliament supported the move in a free vote, he would endeavour to reinstate the traditional definition of marriage as prime minister.

The statement came under immediate attack from the other parties and advocacy groups.

"As Yogi Berra said, it's like déjà vu all over again," said Gilles Marchildon, spokesman for Égale Canada, an advocacy group for gay rights.

Mr. Marchildon said a lot has changed since the last time the Conservatives fought an election opposing same-sex marriage. "Even people who are not comfortable with same-sex marriage say it's time to move on," he said.

Nevertheless, Mr. Harper said he was determined to bring the legislation before a free vote in the House. He told reporters Tuesday he would not rein in cabinet ministers as Prime Minister Paul Martin did last summer when Parliament legalized same-sex weddings.

The Tories would restore the traditional definition of marriage — between one man and one woman — if that's what MPs decide, Mr. Harper said. But, if MPs voted it down, as they did in June with a clear majority, he said he would consider the matter closed.

"Defending rights is a government's most important responsibility," the Liberals responded in a statement on their website Tuesday. "Not just those that happen to apply to us, not just those that everyone agrees with, but all fundamental rights."

Likewise, NDP leader Jack Layton told reporters his party is clearly opposed to bringing the issue back to the House for another vote.

"The NDP does not support this, we don't want to turn the clock back, and we think it's time to move forward," said Jamey Heath, strategist for the NDP. "This is the kind of thing that is why the Conservative Party is stuck where it is."

The same-sex marriage debate dominated the 2004 campaign after Conservative MP Randy White said in a taped interview his party, if elected, would use the Charter of Rights and Freedoms' notwithstanding clause to preserve the traditional definition of marriage.

The Liberals capitalized on his remarks saying it revealed the "hidden agenda" of the Conservatives, and it cost the Tories key support in urban areas.

More than 3,000 gay couples have been married across Canada.

Mr. Harper said Tuesday those unions would be preserved even if a Conservative government returned the definition of marriage to being between one man and one woman.

But, reinstating the traditional definition of marriage would require the use of the notwithstanding clause to override rights enshrined in the Charter of Rights and Freedoms, the Liberals argue.

Nelson Wiseman, a political scientist professor at the University of Toronto, agrees.

Although Mr. Harper would be within his rights to try to bring the issue back to the House, he would be remiss to do so, Mr. Wiseman warned.

"Parliament can do and undo anything it has done before," he said, adding former Ontario premier Mike Harris did just that in the provincial legislature repealing laws intended to increase the number of women and minorities working in the government.

But, he argues, the Conservatives are not fighting the same fight they were in 2004.

The Supreme Court in December 2004 supported Parliament's right to change the definition of marriage. It said that the proposed bill to legalize same-sex marriage is constitutional and fits smoothly within the evolution of the law.

The same-sex marriage bill then passed into law in late July.

"[Mr. Harper] is barking up the wrong tree politically and he's in danger of falling out and hurting himself," Mr. Nelson said.

COMMENT BY ROB HUGHES - It should come as no surprise that Harper is raising this as an election issue. After he lost the vote in Parliament and the *Civil Marriage Act* was passed, he clearly stated that a future Conservative government would re-open the same-sex marriage debate. I take comfort in the polls that show the Conservatives trailing the Liberals. Even if the Conservatives manage to pull ahead the best they can hope for is a minority government. In such an event it would

be impossible for the Conservatives to get anything done without compromising with one or more of the other parties. None of the other parties is going to support rolling back same-sex marriage. If anything, Harper's intolerant rhetoric will just turn off moderate voters from supporting him.

http://www.rabble.ca/in_his_own_words.shtml?x=44127

A U.S. view: Thank Canada!

Instead of taking South Park's "blame Canada" approach, as we engage in our annual mass slaughter of factory-tortured turkeys, let us raise our bottle of Sleemans and thank Canada.

by Keith Gottschalk
November 23, 2005

Americans are getting ready to celebrate our Thanksgiving, which, unlike the Canadian version, is far past the actual harvest and has lost much of its original meaning of actually "giving thanks."

For us down here, the holiday has become synonymous with three things — orgiastic consumption, football and the Official Start of the Christmas Shopping Season.

But while most of us will pause, if but momentarily, to give thanks for our ability to consume far more of the Earth's abundance than other nations, I thought it would be novel to give thanks to that most ignored and unappreciated of America's friends (if we can be said to have any left) and neighbours, Canada.

We many not realize it, but we should thank Canada for many things we take for granted as originating in the U.S. So instead of taking *South Park's* "blame Canada" approach, as we engage in our annual mass slaughter of factory-tortured turkeys (Benjamin Franklin's original idea for the national symbol), let us raise our bottle of Sleemans and thank all of you for the following:

Laughs — love it or hate it, there would have never been a *Saturday Night Live* if it hadn't been for a stable of comedy talent from Canada, led by SNL founder Lorne Michaels (who also gave us *Kids in the Hall*) with original cast Canuck Dan Ackroyd.

In fact, thanks to Canada and most notably, Second City Toronto, the list of America's favourite comedians reads more like a who's who of Canada: the whole SCTV cast (the funniest show ever on TV, in my humble opinion), Phil Hartman, Mike Myers, Rich Little, Leslie Nielsen, Jim Carrey, the Greens: Tom and Red, Norm MacDonald, Howie Mandel and, most currently, Samantha Bee of *The Daily Show* with Jon Stewart. Okay, Canadian John Aylesworth did foist *Hee Haw* on the American public, but the pluses far outnumber the minuses.

Peace, order and good government (an example of) — while Canadians may feel somewhat incredulous of this in light of the Gomery investigations, remember that scandal would have amounted to penny ante pocket change down here. Perhaps the best example, I can think of is whenever I get to see Question Period in Parliament, I wonder "why can't we do this?" I know the answer but I still wish we would drop the pretense of politeness and go at each other like they do in Ottawa.

Klaatu — remember them? You guys had us going down here for awhile back in 1976 when we thought they might, just might be the Beatles in disguise. They were still okay though, but we would

have liked them anyway without the hype. Unbelievably, they're still around, at least in re-releases and a fanatical fan following.

All right, there are better examples of Canadian music we should be thankful for: Gordon Lightfoot, Bruce Cockburn, The Cowboy Junkies, k.d. lang, Diana Krall, The Crash Test Dummies, Rush, The Tragically Hip, Neil Young, Leonard Cohen, Barenaked Ladies, Sarah McLachlan etc. etc.

Ok, ok, Anne Murray, Céline Dion, and, (sigh) new American Alanis Morissette too.

Now for some fun Canadian foodies:

Ginger Ale — sick kids all over North America were comforted by the invention of Canadian [John McLaughlin](#) because as all mums knew, flat Canada Dry was good for a sour tummy. Then we grew up and discovered that ginger ale made a great mixer with:

Canadian whiskey — traditionalists love Canadian Club but it doesn't matter — if it's true Canadian whiskey, made in Canada, it goes down smooth and easy, unlike some other whiskeys made elsewhere. On Thanksgiving, the CC will flow all over North America. Fine Canadian whiskey kept Americans suitably inebriated during prohibition, which, consequently, helped make the Bronfmans one of Canada's wealthiest families. Americans can enjoy that whiskey along with another Thanksgiving staple:

Instant mashed potatoes — thank (or blame) Canadian [Edward A. Asselbergs](#), who invented the dehydrated potato flakes in 1962.

And last but not least, two very important things every American should thank Canada for:

Our “non-negotiable” lifestyle — okay, this is tricky and I don't want anyone to be mad at me about mentioning this. You folks don't *have* to sell us oil, natural gas, lumber and water but you do. You've been royally screwed in the process to be sure (\$5 billion worth in lumber for which I am embarrassed by my government) but I for one am cognizant of the fact that much of the fuel for our “way of life” comes from Canada (number one for U.S. oil imports at 17 per cent compared to the Saudis with 14 per cent: 2003 statistics). This comes as a surprise to many Americans, but those of us who know the real deal appreciate the fact that despite the lousy trade deals, if it weren't for Canada, we'd be hurting — bad.

A place to go — no, not just for vacation, but, um, “just in case” if you get my drift (or draft). But rest easy — a draft is still not likely and most of us just talk a good game about leaving. After all, there's always another election coming around and most of us possess the almost childlike faith that whatever bad has happened can be set right. We're funny like that.

But you're always there for us, and for that and so many other things, as this American carves his slaughtered bird on Thursday, I'll be grateful for the fact there is a Canada.

If anyone wants the giblets, I can send them.

Keith Gottschalk has written for daily publications in the Midwest U.S. and was formerly a radio talk show host in Illinois. He frequents babble as the Américain Égalitaire.

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It's Great Up North

The US should look to Canada to find out how to balance both its budget and its life

by Henry Porter

I booked the train ticket from New York to Toronto feeling good about my carbon footprint and imagining a pleasant day gliding north up the Hudson river to Niagara and the Great Lakes. The landscape was stunning and I'm glad I went that way. However, I could not recommend it. For one thing, Amtrak has perfected a meal - the only meal available - which is the final evolution of convenience food: a molten cheesy, doughy mass which is optimistically called either a breakfast roll or cheeseburger, though it approximates neither. For another, the trip takes 13 hours and includes many stops, the longest of which comes at the Canadian border, where endearingly - or cunningly - half the station is occupied by an antiques shop.

Midway through the morning, I was drinking a cup of coffee, watching the Hudson slide by when we came to a bend in the river. On the far bank was a large, forbidding establishment. My neighbour, a big man in his thirties, caught my eye. 'That's West Point,' he said. I nodded. 'That's West Point! The US Military Academy,' he insisted, his jaw clenching with pride.

'Really. I assumed it was a prison,' I replied truthfully. I don't know what reaction he hoped for, but this was not it. What was I meant to do? Salute? Nod in respect for the great work being done in white phosphorus 'shake'n' bake' tactics? The train rolled on and West Point disappeared from view. Some minutes later, he turned to me. 'You a liberal or something?'

'Eh, no. I really thought that was a prison.' A silence followed. 'You're a liberal; I can tell,' he said aggressively. I was about to give him my standard lecture about the tragedy of American politics descending from the contest between Republicans and Democrats to the remorseless demonisation of liberals when he crushed his paper cup, got up, glared and stalked off.

And that, in short, explains why leaving America for Canada is done with no enormous regret. Behind you lies the weight of American touchiness and hysteria, the radio shock jocks, the twerpish, bow-tied TV pundits, the religious nuts who deny evolution with the phrase 'intelligent design' and the madness that descants on the ills of passive smoking, yet allows a tax break on SUVs that consume one gallon every 12 miles. This is to say little of a President who seems only confident when he is standing at a podium as commander-in-chief with bristling military types behind him talking about 'Amraaaaka'.

But one must not exaggerate. America is not in some proto-fascistic state and, actually, there is much I still love about the place, but the country is in a very weird mood. So much of its decency, cordiality, wit and thoughtfulness is drowned out by strident chaps wearing flags in their lapels and the babbling hatred that pours from the Fox Network. When you get to Canada, the clamour stops. Suddenly, you find yourself in the place that America should be and once was, though it would offend every American to think that Canada has anything the US should want.

Canada is the lame, slow-talking cousin up north where people say 'golly', 'cripes' and 'geeezzz' and the men wear cellphones on their belts. The origin of the name is held to be significant; it is commonly thought to derive from a Spanish cartographer who wrote on the early map of the land mass 'Aca-Nada', or 'nothing here'.

If only on the grounds of Canada's economic success, Americans should take more notice. Last week, the Liberal government announced that it would cut C\$30 billion out of the budget because of the enormous fiscal surplus, currently running at about C\$13.4bn a year. Just over C\$5bn is to be given back to Canadians on taxes collected this year. And in the future, some of the the surplus will be spent on training, the settling of new immigrants and student grants.

Paul Martin's Liberal government will probably fall within the next 10 days, causing an election campaign to run through Christmas, but this will only mean a temporary delay. The Conservatives must at least match the Liberals' promise on the budget in order to win.

The main point, which you never hear in Britain or America, is that Canada alone among G7 countries is balancing its budget. When you compare its performance with the Bush administration's (the US trade deficit is \$706bn; the budget deficit is predicted to be \$521bn this year), it's a wonder Canadians aren't a bit more cocky. But during a week in Toronto, I didn't hear the tiniest bit of chauvinism, economic or otherwise.

Canadians are sceptical to a point where they appear simply unable to recognise that they live in a very successful and civilised country. 'We peer so suspiciously at each other,' Pierre Trudeau once said, 'that we cannot see that we Canadians are standing on the mountaintop of human wealth, freedom and privilege.'

He was right. Some 32 million people occupy a territory which is larger than Russia and is blessed with enormous natural resources. Canada is democratic to its marrow, relatively enlightened on environment, health and welfare issues and its political discourse, unlike America's, is recognisably connected to the rest of the free world. That is almost certainly because the centre ground of politics, the place where you find a nation's core values and you can most easily read its character, is some distance to the left of the centre ground in the US.

Canadians are obsessed by two things - politics and national identity. I am on a book tour here and have been amazed how knowledgeable and intensely these things are discussed in ordinary conversation. Canadians are engaged in their politics in way that Americans aren't, and they read obsessively. Canadians spend as much money on books (C\$1.1bn) as on newspapers and going to the cinema and double the amount spent on sporting events.

To the outsider, Canadian politics is often mystifying and the conduct of the debate between Conservatives and Liberals seems slightly less genteel than a couple of ferrets in a sack. But on the big issues, the political class makes some good decisions. For example, Jean Chretien, the Prime Minister for 10 years who left office in 2003, refused to go to war with Iraq unless there was a second UN resolution, which is exactly the course Tony Blair could and should have taken. Canadians only grudgingly thank him for his sound judgment.

While a European may not feel entirely at home watching the news and reading the papers here, he does sense a familiar culture. On the news that serious fraud charges had been laid against Conrad Black in the US, it was quickly pointed out that since Lord Black had swapped his Canadian citizenship for a peerage and British naturalisation, he could well face expulsion from Canada because of the country's tough laws concerning those charged with indictable offences in other territories. The gleeful reaction in the press and at a party I attended in Lord Black's hometown had very much the ring of the old country about it, which is perhaps unsurprising since 30 per cent of Canadians originate from the British Isles.

There is also a sense that Lord Black sold his Canadian birthright for snobbish reasons and that does not go down well in a country so absorbed by its national identity. Someone once said Canadians were so busy explaining to the Americans that they weren't British and to the British that they weren't American that they hadn't found the time to be Canadian. I'm not sure that is true any longer and anyway an undue confidence in national identity and the mission that it suggests can get a country into an awful lot of trouble, as the British and Americans have found in the Middle East.

Just at the moment, Canadians seem to have got things about right.

COMMENT BY ROB HUGHES - While I chuckled over the fanciful explanation that Porter gives for the origin of the name Canada, the Canadian Encyclopedia at <http://www.thecanadianencyclopedia.com/index.cfm?PgNm=TCE&ArticleId=A0001216>, states that Canada was:

a name derived from the Huron-Iroquois kanata, meaning a village or settlement. On 13 August 1535, as Jacques [CARTIER](#) was nearing Île d'Anticosti, 2 Indian youths he was bringing back from France informed him that the route to Canada ("chemin de Canada") lay to the south of the island. By Canada they meant the village of Stadacona, on the future site of [QUÉBEC CITY](#). Cartier used the word in that sense, but also referred to "the province of Canada," meaning the area subject to [DONNACONA](#), chief at Stadacona. The name was soon applied to a much larger region. The "Harleian" world map of c 1547, the first to show the discoveries made on Cartier's second voyage, applied it to an area north of the gulf and river St Lawrence, and by 1550 maps were also placing the name south of the river.

FEDERAL-PROVINCIAL AGREEMENTS ON OFF-CAMPUS WORK FOR INTERNATIONAL STUDENTS

There has been a series of announcements by the Minister the last week about agreements with several provinces to allow international students to work off-campus.

Agreements have been signed with Manitoba, Nova Scotia, Quebec, and Ontario. Apart from federal agreements with the provinces, study permit holders were generally limited to finding employment on campus.

The Minister and his Manitoba counterpart announced an agreement making an innovative two-year pilot program allowing international students to work off campus a permanent part of Manitoba's highly successful international student recruitment and immigration strategy.

The Off-Campus Work Permit Program for International Students was launched as a pilot in partnership with Citizenship and Immigration Canada, Advanced Education and Training, and Labour and Immigration in 2003. The two-year pilot allowed international post-secondary students to obtain off-campus work permits, replacing the previous restriction of employment to the campus they were attending.

Manitoba's success with the pilot program garnered interest from other jurisdictions, national organizations and international students and was instrumental in making this initiative available to other provincial governments and educational institutions. Under the first year of the pilot project, a total of 528 applications were received from Manitoba's public post-secondary institutions. This figure represents 46.2 percent of the 1,143 international students eligible to participate in the program.

A new agreement with Quebec opens the door to off-campus work for international students in all regions of Quebec, including Montréal and Québec City. In total, nearly one hundred institutes of higher education in Quebec will be eligible to participate in the program.

An off-campus pilot project was implemented in the summer of 2004. Since the project does not apply to the Montréal and Québec regions, over 85% of international students are currently excluded from it. The new agreement is therefore raising a great deal of interest.

Aside from including the Montréal and Québec regions, the new program will also be open to students enrolled in pre-university college. The program will be offered to recognized private institutions that are considered to be in the public interest and that are subsidized by the Ministère de l'Éducation, du Loisir et du Sport (MELS) and to public institutions that are subsidized by a ministry other than the MELS. The new agreement provides for a limit of 20 hours of off-campus work per week during the school term rather than 15 hours as is currently the case. In compliance with the memorandum of understanding between the two governments, eligible students must obtain satisfactory grades in order to receive an off-campus work permit. The work permit will now be valid until the expiry date of the study permit.

Before students can apply for an off-campus work permit, the provinces will have to come to an agreement with each post-secondary educational institution wanting to participate in the program. Agreements between the province and the educational institutions must make provision for monitoring foreign students. The monitoring, in the form of reports, must show that students are in good standing with their institution.

To be eligible for any of the programs, international students must complete six months of full-time study at a public post-secondary institution. To remain eligible, they must maintain their full-time student status, sustain satisfactory academic standing and work no more than 20 hours a week off-campus while classes are in session and full-time during study breaks. Implementation of the programs will begin once federal government funding is approved.

Ineligible international students include exchange students, students enrolled in English or French second language programs, and students who have received awards from the Canadian Commonwealth Scholarship Program, the Government of Canada Awards Program or the Canadian International Development Agency. Implementation of this program will begin once federal government funding is approved.

International students who are participating in an exchange program or who are registered in English- or French-as-a-second-language courses, as well as those who have received scholarships from the Canadian International Development Agency, the Canadian Commonwealth Scholarship and Fellowship Plan or the Government of Canada Awards Program are not eligible for the off-campus work program for international students.

Hopefully, the agreements with these four provinces will serve as models that can be expanded across the country to allow study permit holders to be able to help pay for the costs of obtaining an education in Canada. Since tuition fees for international students are twice as much or higher than for citizens and permanent residents of Canada they should be allowed the opportunity to work while they are on a study permit.



November 21, 2005

CANADA AND ONTARIO SIGN HISTORIC IMMIGRATION AGREEMENT

TORONTO, November 21, 2005 — The Honourable Joe Volpe, Minister of Citizenship and Immigration, and the Honourable Mike Colle, Ontario Minister of Citizenship and Immigration, today signed the Canada–Ontario Immigration Agreement.

Under the terms of the agreement, the Government of Canada will invest an additional \$920 million over the next five years in Ontario. This is the first comprehensive immigration agreement between Ontario and Canada, and it is intended to help more newcomers reach their full potential in Ontario by increasing the funding for services to help them settle, integrate and access language training.

By formalizing how the two levels of government will work together in the area of immigration, the agreement signals a shared desire to optimize the economic benefits of immigration and ensure that immigration policies and programs respond to Ontario's social, economic development and labour market priorities.

"This is a significant milestone, laying a foundation for the governments of Canada and Ontario to work together in collaboration with municipalities and official language minority communities to improve the social and economic integration of immigrants in the province," said Minister Volpe.

"This is truly a landmark agreement for our province and a history-making investment in the successful integration of the 125,000 new immigrants Ontario welcomes each year," added Minister Colle.

Ontario welcomes more than half of all new immigrants coming to Canada every year. Increased settlement funding for immigrants in Ontario will help Ontario's newcomers successfully start their new life here.

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BACKGROUNDER HIGHLIGHTS OF CANADA–ONTARIO IMMIGRATION AGREEMENT

On November 21, 2005, the governments of Ontario and Canada signed the first Canada–Ontario Immigration Agreement. Through the agreement, the federal government will provide \$920 million in new immigration funding over five years to help newcomers successfully integrate more quickly into Ontario communities and achieve their full potential. The agreement outlines how the governments of Canada and Ontario will work together to expand language training and settlement programs.

Settlement Services

Under the agreement, the existing federal (Immigrant Settlement and Adaptation Program) and provincial (Newcomer Settlement Program) settlement services will be better coordinated. The goal is to expand the range of services for newcomers. A joint strategy will be established so that organizations providing settlement services can help newcomers more easily locate and access community services such as orientation, information, referrals, assessment and job search assistance.

Language Training

Language is an important factor for the successful integration of newcomers. The federal and provincial governments will work together to expand language training. For the first time, English as a second language classes will include occupation-specific language training, helping immigrants reach the level required to work in their fields or to enrol in post-secondary education.

Partnership with Municipalities

The Canada–Ontario Immigration Agreement is the first agreement to involve municipalities in planning and discussions on immigration. For the first time all three levels of government will work together to make sure programs are in place to meet the needs of immigrants in regions and municipalities across Ontario.

Almost 30 percent of Canada's immigrants settle in the city of Toronto. This agreement recognizes the unique challenge this creates for Toronto. The agreement establishes a mechanism within nine months for all three levels of government to discuss immigration and settlement to meet their respective objectives.

Provincial Nominee Program and Temporary Foreign Workers

Over the next twelve months, Ontario will develop a pilot Provincial Nominee Program. As well, during this time, Canada and Ontario will develop the terms of a Temporary Foreign Worker agreement. These programs will give Ontario the opportunity to identify newcomers who will help meet its economic priorities and labour market objectives. A number of provinces already have provincial nominee programs in place.

Immigration Portal

The Ontario government will launch the first Ontario Web site to provide potential newcomers with timely information on Ontario's communities, labour markets, skills accreditation and other important

information to successfully start their new life in Ontario. It will help newcomers access the information they need from all levels of government to settle, upgrade their language skills and get a job. Beginning with approximately 300 links, the site will expand over the next two years to include more information and features and become a virtual one-stop gateway for newcomers to Ontario. The Web site will complement and link with the Government of Canada's Going to Canada portal.

Newcomer Statistics

Ontario welcomes more than half the newcomers to Canada and has the most diverse population in the world. According to the Statistics Canada 2001 census, 27 percent of Ontario residents and 42 percent of residents in the Greater Toronto Area are foreign-born. Statistics Canada also reports that immigration is expected to account for all the net labour force growth in the province within the next decade.

COMMENT BY ROB HUGHES - Most of the Canadian provinces and territories now have similar agreements with the federal government and have developed their own Provincial Nominee Programs. This allows the province or territory to set its own selection criteria for choosing an agreed upon number of immigrants. Once the province selects an immigrant, the immigrant must still apply through a Canadian visa office and satisfy the criminal and medical admissibility requirements and background checks. PNP can be an attractive option for immigrants who qualify because of its front-end selection, removing the need for assessment of points or an interview by the visa office, therefore decreasing the over-all processing time. I always thought it peculiar that the province that is the number one destination for immigrants did not have its own program. Previous governments in Ontario gave immigration a low priority. It will be interesting to see what the Ontario PNP will look like and how many immigrants for selection will be given to Ontario.

IMMIGRATION MINISTER ANNOUNCES SIGNIFICANT INVESTMENT IN FIXING CANADA'S IMMIGRATION SYSTEM

OTTAWA, November 24, 2005 — The Honourable Joe Volpe, Minister of Citizenship and Immigration, today announced the Government of Canada will invest an additional \$700 million over five years to make important improvements to the federal immigration system. These improvements include funding to start reducing the current inventory of applications at Citizenship and Immigration Canada, and a new process to allow immigrants with Canadian experience or Canadian education to apply for permanent resident status under the new In-Canada Economic Stream in 2007.

"Today's announcement is an important step toward fixing and improving the immigration system," said Minister Volpe. "By beginning to reduce the number of outstanding applications and moving to actively recruit those who best meet Canada's labour market needs—such as temporary foreign workers and international students already in Canada—we will build on the improvements already under way to Canada's immigration system."

The new in-Canada stream is intended for applicants with experience in Canada's labour market or educational institutions. These immigrants are well positioned to integrate quickly and successfully into Canadian society and the economy, and this new stream will eventually be an important tool in promoting Canada as a destination of choice for immigrants. In ensuring that people with significant labour market or educational experience can make a smooth transition to permanent resident status, we will help build a more responsive and proactive immigration system.

“Today’s announcement builds on the major investments already made to help newcomers integrate more quickly into their local labour market and new communities,” said Minister Volpe. “These investments include \$398 million announced in the 2005 budget to improve settlement services and to launch the Going to Canada portal; funding for the Internationally Trained Workers Initiative; and a \$1.3 billion investment in settlement programs announced in the fiscal economic update of November 14, 2005.”

The \$920 million Canada-Ontario agreement announced earlier this week is funded through the fiscal framework and forms part of the \$1.3 billion announced by Minister Goodale.

This announcement reflects the key priorities identified by federal, provincial and territorial ministers on November 4, 2005. For further information, visit the CIC Web site at www.cic.gc.ca.

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BACKGROUND
Fixing the Immigration System

On November 24, 2005, the Government of Canada announced it would invest \$418 million for streamlining the immigration system and \$282 million for creating the in Canada economic stream totaling \$700 million over five years. These improvements include funding to start reducing the current inventory of applications at Citizenship and Immigration Canada, and a new process to allow immigrants with Canadian experience or Canadian education to apply for permanent resident status under the new In-Canada Economic Stream in 2007.

Ensuring the Immigration System is More Responsive to Labour Market Needs

1) Reducing the Current Inventory of Applications and Modernizing Service Delivery

The funding provided will allow for an increase in operational capacity for federal departments to more efficiently process applications and start to reduce processing times.

Together, these measures will help make the system more responsive to varied labour market needs, support improved immigrant outcomes, and streamline the system in order to enhance the processing of applications.

2) Creation of an In-Canada Economic Stream in 2007

Provinces, territories, cities and communities agree on the need for increased regionalization to spread the benefits of immigration all across the country. Introducing an in-Canada stream will help address this challenge by supporting the greater use of the temporary foreign worker stream as a means of addressing short-term labour market needs and providing a bridge to permanent residence for newcomers.

The introduction of the in-Canada economic stream is expected to lead to approximately 5,000 additional foreign students and 11,000 temporary foreign workers (including dependants) applying for permanent residence each year.

Two types of foreign nationals will be eligible to apply for permanent resident status: students and temporary foreign workers in Canada. After entering Canada on a work or study permit, these individuals will be required to spend a minimum period of time working or studying before being eligible to apply for permanent resident status. The new in-Canada stream is designed for applicants who have Canadian experience in the labour market or in educational institutions.

Applicants are fully screened for criminality and security.

This issue includes a flurry of announcements from the Minister of Immigration for improvements to the system.

COMMENT BY ROB HUGHES - This initiative is badly needed when many visa posts are grossly understaffed and can take as long as 5 years to process a permanent residence application. The proposal for an In-Canada Economic Stream is a good initiative and is consistent with some of the changes introduced to the *Immigration and Refugee Protection Regulations* in June 2002 which gave 5 points for assessment on the selection system to skilled worker applicants if they had either a year of employment in Canada on a work permit or 2 years of study in Canada on a study permit. Presently, applicants who are study or work permit holders have the option of applying through the Regional Processing Centre in Buffalo, New York, if they are able to legally enter the USA.

As an election has been announced for January 23, 2006, it remains to be seen who will be the Minister of Immigration after that date and whether these proposal will ever see the light of day. Stay tuned.

FAQs

Because December 1st is World AIDS Day, I am devoting this issue's FAQs to consideration of how an HIV+ diagnosis can affect an immigration application.

Q1: Does every immigrant get tested for HIV?

A1: HIV testing is included in the medical examination. Generally, no medical examination is required for work permits of less than 6 months duration. However, a medical examination is required if an applicant is to work in an occupation in which protection of public health is essential. All foreign nationals who intend to be in Canada for more than 6 months and have resided in a designated country for more than 6 months within the year preceding arrival in Canada must pass the medical examination. The designated country/territory list includes most countries with exceptions such as countries in Western Europe, the U.S.A., Australia, New Zealand, Japan. You can see the complete list at <http://www.cic.gc.ca/english/visit/dcl.html>. Anyone 15 years or older applying for permanent residence must have a medical examination.

Q2: What will happen if I am sponsored for immigration to Canada by a Canadian and am HIV+?

A2: Spouses, common-law partners, conjugal partners, and dependent children who are HIV+ are exempt from medical inadmissibility due to excessive demand on health or social services. Grandchildren and grandparents are not exempt.

Q3: What will happen if I am immigrating to Canada in the Economic Class and am HIV+?

A3: There are guidelines that the medical officers for Citizenship and Immigration Canada use for determining if someone who is HIV+ will be medically inadmissible. Generally, the immigrant applicant must not be on anti-retroviral medication and must have high T cell counts to be considered admissible.

Q4: What will happen if I am a Convention refugee and am HIV+?

A4: Convention refugees who are HIV+ are exempt from medical inadmissibility due to excessive demand on health or social services.

Q5: What options do I have if I am a Family Class sponsored grandchild or grandparent who has been refused because I am HIV+?

A5: Filing an appeal with the IAD is probably the best of the options. The grounds for an appeal to the IAD are:

- Mistake of fact or law
- Humanitarian and compassionate considerations that warrant the granting of special relief. This is significant because it gives a broader authority for decision-making to the IAD than either the visa officer initially assessing the application or a Federal Court judge on a judicial review application would have.

Q6: What options do I have if I am a Economic Class applicant whose application has been refused because I am HIV+?

A6: HIV positive Economic Class applicants who have been refused because of a determination of medical inadmissibility due to excessive demand may:

- Apply for a Temporary Resident Permit
- Apply to Federal Court for leave for judicial review of the medical inadmissibility decision

Q7: How does Citizenship and Immigration Canada decide to issue a Temporary Resident Permit?

A7: A TRP is issued under discretionary authority. No applicant has the right to receive a TRP. The applicant must show compelling reasons-either humanitarian and compassionate or in the national interest.

A fuller discussion of HIV issues can be found in the article Overview of Canadian Immigration Law and Policies on HIV at: <http://www.smith-hughes.com/papers/border.htm>

If you have a question that you would like answered, email Rob at rhughes@smith-hughes.com