

OUT/LAW IMMIGRATION NEWSLETTER

ISSUE 4

Welcome to the 4th issue of the Out/Law Immigration Newsletter. Newsletters are issued 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.

The 2006 Federal Budget includes a 50 percent reduction in the \$975 [Right of Permanent Residence Fee](#). The new Right of Permanent Residence Fee is \$490 for immigrants who become permanent residents under all social, humanitarian and economic classes. The change is effective as of 12:00 a.m. EDT on May 3, 2006.

If you paid the Right of Permanent Residence Fee, but did not become a permanent resident until after 12:00 a.m. EDT on May 3, 2006, you are entitled to a refund.

The Budget also provides for two years of additional settlement funding (\$111 million in 2006-07 and \$196 million in 2007-08) for newcomers across Canada (outside Quebec).

And, the Government will take action to establish the Canadian Agency for Assessment and Recognition of Foreign Credentials.

The Great Escape

A new documentary examines why Americans are flocking to the True North strong and free

In the summer of 2003, Canada legalized same-sex marriage and decriminalized marijuana (although the laws making recreational use of marijuana illegal were reinstated several months later), moves that made U.S. politicians nervous. It also made many of our neighbours to the south jealous, and large numbers of Americans crossed the border to either get married or get stoned or just get out of a country they felt was losing its civil liberties. Filmmaker Albert Nerenberg decided to make *Escape to Canada* about Canada's "Summer of Legislation" and its implications on both sides of the border. Nerenberg, best known for directing the cult 2003 documentary *Stupidity*, will be in Vancouver this month to screen *Escape to Canada* at the DOXA Documentary Film Festival, May 23-28. Nerenberg took some time to speak with *Shared Vision's* Jon Azpiri from his office in Toronto.

How did this film come about?

It originally was a much less ambitious project. We had discovered that marijuana and same-sex marriage were legalized, in effect, on the same afternoon, which is a little-known fact. Originally, the film was going to be a little film about this funny coincidence and did it reflect something about Canada. When we started following both issues, they both basically exploded. Same-sex marriage spread across the country and became a huge factor in the American election, and that originated in Canada. And the marijuana story became much bigger with the Summer of Legislation and the Prince of Pot Marc Emery getting involved. It became these two things that were speaking about what was going on in North America.

Do you think the election of Stephen Harper will affect our status as a cool country?

Harper represents an absolute backlash, a carefully disguised backlash. It's really about the frustrated angry rural sentiment to attack the Sodom and Gomorrah of urban freedoms.

I actually asked him, moments after he won the Conservative Party leadership, if Canada was a cool country. He hesitated for a second and said, "Actually, this has been one of the coldest winters on record." I don't even think he was being ironic.

You spent a lot of time with Vancouver-based pot activist Marc Emery. What was your impression of him?

I have mixed feelings about him because I do think the guy is a bit imbalanced. He's just a little unhinged. My conclusion is that, for all of his flaws, he really has been an important and influential Canadian. He's single-handedly alter-ed the course of Canadian destiny by promoting the fact that Canada is a great cannabis-producing country. He also created the Pot Block, which is a part of Vancouver that is very interesting. Love him or hate him, he's been really instrumental in these things. I also think he is on the right side of the argument; he just happens to be annoying, at times.

Is there a risk of Canadians becoming smug about how progressive we are and not focusing on the many problems we do have?

Absolutely. We take pains to say there is a danger there. But I would say that the idea of being smug was an idea planted by neo-conservatives in this country. The minute Canadians start to feel pride, we're called smug. In fact, this is a country that's never had much pride. We've never really stood up for being Canadian and it's interesting that, when we do, we're called smug. That said, there is a phenomenon of Canadians who aren't very worldly who think we're great because we have human rights. But I think the smug debate isn't a real one. I think the issue will really matter now because now we're really going to have to fight for these things. We're going to have to fight for same-sex marriage again and marijuana legalization. We'll see if we're smug.

Escape to Canada will be the closing-night film at the DOXA Film Festival, May 28, 7 pm at the Empire Granville 7 (855 Granville). Cost: \$15. It will then have a one-week commercial theatre run from May 29-June 7 at 7 pm at the Vancity Theatre (1181 Seymour). The DOXA Film Festival runs from May 23-28. Info: doxafestival.ca.

<http://www.shared-vision.com/2006/sv1905/tidelines1905.html>

A U.S. view: Freedom, Canadian style

>by [Keith Gottschalk](#)
March 2, 2006

It's a weird feeling watching a movie you'd swear was made for you.

As I was watching Toronto-based documentarian Albert Nerenberg's latest offering *Escape to Canada*, the one theme that kept hitting me over the head was that one country in North America is a place where freedom is rising and another is a place where it is being frittered away.

Guess which country is which?

Nerenberg, who previously gave the human race its first comprehensive look at human stupidity with the documentary of the same name (*Stupidity*, get it?), portrays a Canada that a progressive American would love – pot, same-sex marriage, peace, sex and good beer. (Okay, I added the beer part).

This Canada is most assuredly not, as hinted in the first few minutes of the film, boring, even though in the film, Stephen Harper gets tagged with the sobriquet "The Baron of Boring."

Yes, it does seem the country American liberals (the *real* small-l ones) dream of.

It was 80 minutes of pure reinforcement for them and for me. For you see, I'm one of the Americans at whom Nerenberg seems to be aiming his siren song of Canada. By the end of the film I was ready to pack my bags. But there's still all that damn paperwork

Now, if you're a conservative, Bush-lovin' manifest destiny type American, you might feel differently about *Escape to Canada*. Nerenberg said he aimed his documentary at both audiences.

"It's funny that the film so far, has been received very well in the States," said Nerenberg. "I think most Americans like where it's going and it's not an attack on Americans by any means."

As for the siren song of Canadian freedom, Nerenberg says that's nothing new.

"There's been a long tradition of Americans having to go to Canada or choosing Canada because it represents a place where there's more freedom," Nerenberg continued. "And it's not freedom in the sense of, 'oh, we're so much more enlightened or so much more progressive.' It has to do with Canada's essential nature in my opinion which is this giant ungovernable cold natural wilderness that just can't be tamed. For that reason, it's more of a powerful symbol in some ways, of freedom, than America is."

A major *leitmotif* of the film is Canada's striving to break from the American influences over morality in lawmaking and the repercussions it suffers from that, including sharp words from the usual right-wing American talking heads.

Nerenberg is a master at imaging juxtapositions that draw (albeit broadly, but deliciously so) the differences that fuel the paranoia against same-sex marriage and the legalization of pot. Americans protesting Canada's same-sex marriage are damned with their own camera exposure as hate mongers (e.g., "What are they going to say when I want to marry my cow?")

And I wish Heather Mallick had laughed out loud at Bill O'Reilly in the clip from *The O'Reilly Factor* that's in the film. Nerenberg pushes the buttons of both American and Canadian liberals very well and I found myself doing a lot of cheering. I think it's a compliment to note that Nerenberg borrows some of Michael Moore's best techniques (including the line "maybe it was all just a dream").

But most Americans don't come off badly at all in *Escape to Canada*. Woody Harrelson and Tommy Chong have kind words for Canadian freedom and many Americans are shown both getting married and smoking pot in Canada.

Nerenberg says despite the antipathy many American conservatives have shown Canada in the wake of former Prime Minister Jean Chrétien's refusal to support the invasion of Iraq, most Canadians think well of Americans in general, if not of their government.

In fact, Nerenberg says many Americans have perked up Canadian politics and society with their outspoken nature.

"We've had a lot of Americans move here over the years and one thing Americans are always credited with is spicing up the public dialogue," Nerenberg said. "They're more outspoken; there's a tradition of public oration that is, I would say, superior to that of Canadians."

Nerenberg captures well the zeitgeist of the 2003 "Summer of Legalization" in Canada in all its splendour and the scenes of Canada's same-sex marriages are especially touching and powerful. I especially loved Nerenberg's juxtaposition of alcohol fueled riots across Canada with scenes of peaceful pot smokers.

Of course it's not all bliss in the land of the Maple Leaf. Nerenberg shows the eventual busts of marijuana clubs including the on-camera stroke of a woman arrested in one such police raid. Also shown are some home grown anti-same-sex marriage activists.

And then there are Stephen Harper and his Conservatives taking over the government. Even here, Nerenberg is not too worried, saying that the Canadian people wanted a change from years of Liberal government and that Canada's conservatives, unlike those in the United States, are more reflective of broader Canadian culture.

"Canada is almost the mirror image of the U.S., where Republicans will campaign on these issues (same-sex marriage, legalization of marijuana) and create a great amount of energy where here, that sort of thing would completely backfire," Nerenberg said.

"If Harper were to campaign on 'we're going to destroy or reverse same-sex marriage,' he risks being destroyed pretty quickly," Nerenberg added.

Nerenberg shares the view of many in his film that the legalization of marijuana is an eventuality and that same-sex marriage is here to stay because they both have taken root in Canadian society in very fundamental ways.

"Canadian marijuana has been tied to Canadian youth culture very powerfully and these are long term trends and they're much bigger than Stephen Harper and his Conservatives," Nerenberg said. "Same-sex marriage is a long-term trend and a small minority government is dwarfed by the actual scope of these events."

Another major part of Nerenberg's films shows American soldiers, such as Brandon Hughey of San Angelo, Texas, struggling with bouts of conscience over the Iraqi War also coming to Canada.

"The United States is supposed to be the land of the free but when I cross into Canada that's what I felt: I was entering the land of the free," Hughey said.

Remember that appreciation many Canadians have for American expatriates? Nerenberg said there's a bonus for the AWOL soldiers.

"When the AWOL soldiers arrived in Canada they became rock stars," Nerenberg said. "As far as I can tell they were getting laid right and left. They won't tell you that part because there would be widespread desertion."

But Nerenberg's point is that it's not the pot, the same-sex marriage or even the sex that is drawing Americans to Canada. It's what the sum of all of those parts represents.

"Were not leaving America because we don't like it," said one of the Americans Nerenberg interviewed. "We're going to Canada to seek more freedoms than in America, the 'land of the free.'"

Indeed: freedom, Canadian style.

Escape to Canada is currently running in Montreal and scheduled for showing in Toronto at the Bloor Cinema on March 10. From there it will spread across Canada. The film will run in festival showings in the U.S. and Nerenberg hopes to break into American theatrical release by summer or fall. Escape to Canada will also be [available for purchase](#).

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.

[HUMAN RIGHTS WATCH](#)

U.S. Immigration Law Inhumane to Same-Sex Couples

New Immigration Reforms Must End Discrimination against Lesbians, Gays

(Washington, D.C., May 2, 2006) – Thousands of U.S. citizens and their foreign same-sex partners face enormous hardships, separation and even exile because discriminatory U.S. immigration policies deprive these couples of the basic right to be together, Human Rights Watch and Immigration Equality said in a report released today.

As Congress debates immigration reforms, it must end the discrimination that lesbian and gay Americans and their foreign partners endure under U.S. immigration law. The 2000 U.S. Census estimated that in the United States there were almost 40,000 lesbian and gay couples in which one partner is a U.S. citizen (or permanent resident), and the other a foreign national. This figure does not include the many thousands of binational couples who have to

hide the fact they are partners, are forced to live apart, or who have been forced to leave the United States. Under discriminatory U.S. statutes, these couples have no recognition under the law.

“Discriminatory U.S. immigration laws turn the American dream into a heartless nightmare for countless U.S. citizens and their foreign partners,” said Scott Long, co-author of the report and director of the Lesbian, Gay, Bisexual and Transgender Rights Program of Human Rights Watch. “As Congress debates immigration reforms, it should end discrimination against lesbian and gay immigrants as well as their U.S. partners.”

The first-ever comprehensive report on the issue, “Family, Unvalued: Discrimination, Denial and the Fate of Binational Same-Sex Couples under U.S. Law,” documents how U.S immigration law and federal policy discriminate against binational same-sex couples. The 191-page report documents the consequences of this discrimination and shows how it can separate not only loving partners from one another, but also parents from children. It also shows how this policy has destroyed careers, livelihoods and lives.

“Our immigration laws are undermining the traditional American values of fairness and family,” said Rachel B. Tiven, executive director of Immigration Equality. “U.S. immigration policy is designed to keep families together. But the current law targets an entire class of American families and tears them apart.”

For more than 50 years, family reunification has been a stated and central goal of U.S. immigration policy. Immigration law places a priority on allowing citizens and permanent residents to sponsor their spouses and close relatives for entry into the U.S. Although the system remains imperfect, riddled with delays that rising anti-immigrant sentiment only intensifies, U.S. citizens and their foreign heterosexual partners can easily claim spousal status and the immigration rights that it brings.

U.S. citizens with foreign lesbian or gay partners, however, find that their relationship is considered non-existent under federal law. The so-called “Defense of Marriage Act,” passed in 1996, declared that for all purposes of the federal government, marriage would mean “only a legal union between one man and one woman as husband and wife.” Since lesbian and gay couples are excluded from the definition of “spouse,” U.S. citizens receive no legal recognition of their same-sex partners for purposes of immigration.

Based on interviews and surveys with dozens of binational same-sex couples across the United States and around the world, the report documents the pressures and ordeals that lack of legal recognition imposes on lesbian and gay families. Couples described abuse and harassment by immigration officials. Some partners told stories of being deported from the United States and separated from their partners. Many couples, forced to live in different countries or continents, endure financial as well as emotional strain in keeping their relationships together.

“No family should be forced apart, no matter what the sex is. This is how immigration laws have affected us,” a woman in North Carolina said, describing how her Hungarian partner and their children were forced to leave the United States. “We are separated and without each other.... We just want to be together, that’s all.”

Many U.S. citizens are forced into exile in countries where their relationships are recognized. At least 19 nations worldwide provide some form of immigration benefits to the same-sex partners of citizens and permanent residents, while the U.S. still refuses. These include Canada as well as 13 European countries (Belgium, Denmark, Finland, France, Germany, Iceland, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and the United Kingdom). On other continents, this list includes Brazil, Israel, South Africa, Australia and New Zealand.

Notably, the report details how current U.S. exclusionary policies are rooted in a long history of anti-immigrant sentiment, in which fears of sexuality have played a steady part. From the McCarthy era until 1990, U.S. law barred foreign-born lesbians and gays from entering the country. The United States is also one of the few industrialized countries that imposes a blanket ban on entry by HIV-positive individuals, a bar that reinforces irrational fears and

stigma but does nothing to protect public health.

Congress should immediately pass the Uniting American Families Act (UAFSA), Human Rights Watch and Immigration Equality said. The bill, sponsored by Representative Jerrold Nadler (D-NY) and Senator Patrick Leahy (D-VT) would offer binational same-sex couples' relationships the same recognition and treatment afforded to binational married couples.

The proposed law would add the term "permanent partner" to sections of the Immigration and Nationality Act where "spouse" now appears. Thus, a U.S. citizen or permanent resident could sponsor their permanent partner for immigration to the country, just as they can now sponsor such family members as siblings, children or husbands and wives. The bill was introduced in the current Congress on June 21, 2005; it has a total of 104 cosponsors from both houses.

In addition to repealing the Defense of Marriage Act of 1996, Congress should enact reforms to U.S. immigration law to guarantee respect for the human rights and labor rights of non-citizens. These reforms should include measures that end discrimination against lesbian, gay, bisexual, transgender and HIV-positive individuals.

The Lesbian, Gay, Bisexual, and Transgender Rights Program at Human Rights Watch, which is the largest U.S.-based human rights organization, advocates against abuses based on sexual orientation or gender identity worldwide. Immigration Equality is a national organization that fights for equality under U.S. immigration law for lesbian, gay, bisexual, transgender and HIV-positive individuals.

Related Material

[Family, Unvalued: Discrimination, Denial, and the Fate of Binational Same-Sex Couples under U.S. Law](#)

Report, May 2, 2006

From: <http://hrw.org/english/docs/2006/05/02/usdom13290.htm>

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Website to connect employers with skilled immigrants

By Jeffrey Hawkins

The Globe and Mail (Canada), March 22, 2006

<http://www.theglobeandmail.com/servlet/story/LAC.20060322.IMMIG22/TPStory/TPNational/>

Tom He spends his workdays moving boxes in a Markham factory.

Although Mr. He spent five years in his native China training to be a computer-systems developer and two years working as one, the job as a general labourer is the only one he has been able to find since moving to Canada nearly five months ago.

Like many skilled immigrants, Mr. He's foreign academic credentials and work experience have not impressed employers. A study by the Canadian Labour and Business Centre shows that six in 10 immigrants in Ontario are employed in jobs that are not related to their education and previous work.

'It's very hard for people like me to convince Canadian employers that I can do the job,' Mr. He said.

Three non-profit organizations launched a project last Friday that may have a solution. It's a website -- skillsinternational.ca -- that is designed to connect prescreened immigrant job-seekers with prospective employers.

The free, on-line service, made possible with a \$441,000 grant from the Ontario Trillium Foundation, allows registered community agencies to post the résumés of up to 35,000 job-ready candidates with foreign credentials.

The website, a joint effort of the Waterloo Region District School Board, WIL Employment Connections in London and COSTI Immigration Services in Toronto, is expected to have more than 100 employers registered and 1,000 résumés posted by September.

'It is functional and easy to use,' said Sohail Khan, the project manager for the service. 'Employers can access a centralized pool of internationally educated professionals.'

Member agencies must approve and validate any changes to the profiles before they can go on the website and only these agencies can post résumés, he added.

'This way, the employer knows that the qualifications and credentials have already been checked out,' Mr. Khan said.

Employers can specify what skill sets they are after, and the system will produce the matches by ranking them in order of relevance, he said. For example, Mr. He is now on a list of flagged applicants for employers seeking IT specialists.

'This is the best way for people like me to get our names out there so Canadian employers know we're here,' Mr. He said.

Ontario Citizenship and Immigration Minister Michael Colle, who participated in the launch, praised the website as 'another tool to help the province regionalize the benefits of immigration outside the major urban centres.'

'This link is part of our regional distribution approach. There are tremendous opportunities across the province,' Mr. Colle said.

'It's clear that without Canadian work experience, newcomer professionals are having a very difficult and lengthy time trying to find work here in Ontario,' said Mario Calla, the executive director of COSTI.

'So, with this site we're providing a way to showcase both the employer and the applicant through a medium that ensures the highest quality on both ends.'

For its part, the federal government said this week that it will help set up an agency to streamline the assessment of foreign credentials. Citizenship and Immigration Minister Monte Solberg gave no specifics in making the announcement in Toronto on Monday.

Aging boomers may cause GDP growth slowdown

The Associated Press, March 15, 2006

<http://www.miami.com/mld/miamiherald/business/14099423.htm>

Ottawa (AP) -- Canada's healthy GDP growth rate, which now averages about 3 percent a year, will be slowed dramatically by an aging population and weak immigration in the coming years, warns a new economic forecast.

Yet living standards may still improve as a growing world economy demands more Canadian goods and employers make the most of every scarce worker, pushing up productivity, concludes the forecast outlined Tuesday by economists at Global Insight.

For now, unemployment is low, inflation tame and growth close to full capacity, analysts said.

"The Canadian economy is in solid shape relative to historical performance as well as relative to other developed countries" and will likely expand by a "very decent" rate of roughly three percent this year, said Dale Orr, Canadian managing director of the forecasting firm.

But serious problems loom by the end of the decade, as aging baby boomers begin to retire while the rate of immigration into Canada remains too modest to take up the slack, warns the forecast.

Making matters worse, new immigrants over the past 15 years have shown "disappointing" economic performance, which argues against trying to hasten the intake of new workers, added Wojciech Szadurski, senior economist.

Much of that sluggish performance is due to the continued difficulties many skilled immigrants face in trying to have foreign credentials recognized in Canada.

"Canada appears to be on the verge of economic transformation, driven by demographic change," said Szadurski. "GDP growth is going to slow down quite a bit over the long term and will fall from 3 percent to below 2 percent."

By 2020, it could drop as low as 1.7 percent -- almost half the current average pace of economic growth.

An employment growth rate of about 1.9 percent has helped sustain today's pace of GDP expansion, but the rate at which jobs are added will dramatically slow and even stall within about 20 years, he said.

Yet even as the economy slows, living standards should rise from current levels of C\$38,000 (\$32,760) per capita in this decade to slightly over C\$50,000 (\$43,100) per capita by about 2030, measured in constant 1997 dollars, according to Global Insight.

And governments could encourage more productivity -- and therefore, higher living standards -- by cutting capital taxes, reducing income taxes and improving the quality of post-secondary education, said Szadurski.

Despite its soaring deficit, the United States will continue to grow at a faster clip and enjoy stronger productivity than Canada well into the future, the economists said.

Still, for an exporting nation like Canada -- especially since more than 80 percent of this country's exports head south -- strong American demand is good news.

In Montreal, immigrants opt to live in city centre

By Ingrid Peritz

The Globe and Mail (Canada), March 14, 2006

<http://www.theglobeandmail.com/servlet/story/LAC.20060314.SUBURBMONT14/TPStory/?query=>

Montreal -- Immigrants have yet to transform the suburbs around Montreal as they have other Canadian cities.

When they settle in Canada's second-largest city, newcomers overwhelmingly choose the old-fashioned bustle and density of the city proper.

A whopping 70 per cent of all immigrants to greater Montreal stay right on the island itself, foregoing the strip malls and bungalows of the outer suburbs altogether.

'Montreal is pretty unique in North America in its hyper-concentration of immigration in the centre city,' says sociologist Annick Germain, a professor at the University of Quebec-affiliated INRS-Urbanisation.

Prof. Germain says their concentration in Montreal helps new Canadians integrate and has forestalled problems they may encounter in suburbia. 'The type of multiethnic neighbourhoods we have in the central city probably helps combat isolation,' she said. 'These are vibrant neighbourhoods where different communities rub shoulders.'

Part of the draw of Montreal is its stock of lower-cost rental housing.

Montreal doesn't tend to draw the wealthier immigrants who settle directly in single-family suburban homes in other cities across Canada.

Of those immigrants who do choose suburbia, they tend to get a social and economic foothold in Montreal first, then move on.

A case in point are Chinese Canadians who have settled in Brossard, a neighbourhood on the South Shore.

Some within the 6,000-member community do experience language and transportation problems that contribute to feelings of isolation, especially among older immigrants.

But, according to Xixi Li, executive director of the Sino-Quebec Centre of the South Shore, most members of the community arrive with a social network. 'They already have social relations with others,' she said, 'so they feel less lonely than people who have just arrived.'

Human-rights victory brings little relief

Sikh immigrant faced discrimination over job application, tribunal rules

By Michael Valpy

The Globe and Mail (Canada), February 27, 2006

<http://www.theglobeandmail.com/servlet/story/LAC.20060227.DISCRIMINATE27/TPStory/?query=>

As his dreams of finding work in his professional field crumbled, Sikh immigrant Gian Sangha took off his turban to make himself look more Canadian and prayed that his job application to a federal government agency would be successful.

He was fluent in four languages, had postgraduate degrees, including a PhD from Germany in environmental science, had co-written two books, authored numerous research papers and taught at India's Punjab University.

Mr. Sangha was working as a landscape gardener in Greater Vancouver -- mowing lawns and weeding flower beds -- when he applied in 2001 for a mid-level position as a regulatory officer with the Mackenzie Valley Land and Water Board. And he scored among the highest of the 12 applicants the board chose to interview.

Yet to his shock a few days later, he was told his application had been rejected because he was overqualified. The board felt he would become bored with the job's routine nature and quit prematurely.

Mr. Sangha complained to the Canadian Human Rights Tribunal in 2002 and in a groundbreaking decision released Friday, the tribunal ruled that the board's action discriminated against Mr. Sangha and visible-minority immigrants in general. It awarded him \$9,500 for pain and suffering.

Most significantly, it ordered the board to cease using any hiring policies or practices that would automatically disqualify visible-minority immigrants on the grounds they are overqualified -- a ruling all federally regulated public and private employers will be required to take note of and one that will be applauded by immigrant professionals struggling to find jobs commensurate with their qualifications.

Although the tribunal stopped short of ordering the board to hire Mr. Sangha, it said that, with visible-minority immigrant applicants, 'It is incumbent on the board to make some inquiry into the candidate's motives for applying for the job, in order to obtain a more accurate prognosis of the candidate's behaviour if hired.'

Tribunal chairman Grant Sinclair, who wrote the ruling, relied heavily on testimony from University of Toronto sociologist Jeffrey Reitz, a leading scholar on ethnic and race relations in Canada and barriers to immigrant employment.

Prof. Reitz presented an array of data showing that most immigrants to Canada are visible minorities, are on average more highly educated than native-born Canadians but face employment barriers that force them to seek lower-skilled jobs.

Mr. Sangha, now 56 and working at a clerical job in Surrey, B.C., faced a classic Catch-22 after immigrating to Canada in 1995. He was told repeatedly he couldn't be hired for work at the level of his qualifications because he lacked Canadian experience. Yet when he applied for jobs in his field below his qualifications to gain experience, he was rejected because he was overqualified.

After the Mackenzie Valley board rejected him, Mr. Sangha sought treatment for depression from his family doctor. He later suffered two heart attacks and required arterial bypass surgery. The only work in his field he has been able to find is as a tutor for an on-line U.S. university.

Mr. Sangha said in an interview he is upset the tribunal did not order the board to hire him. The tribunal said it was satisfied the persons the board hired -- there were four jobs offered -- were qualified and it faulted the board only for automatically ruling out Mr. Sangha on the grounds of being overqualified.

Mr. Sangha said the barriers he has encountered to finding work in his professional field are similar to so many people he knows.

'They're all driving taxis, they're driving trucks,' he said.

He said he chose to come to Canada because immigration consultants in India told him he'd have no trouble finding work in his profession. When he arrived, he said he travelled throughout B.C. looking for a job and was prepared to move anywhere in Canada. He even removed his turban and cut his hair.

He said his children, now both in university, 'every day were telling me, 'Don't be upset, Daddy.' My credentials are superb. The Canadian government paid nothing for my education. It's a crime.'

Well-paying jobs elude minorities born in Canada Racial bias is the reason, says CLC study, which offers French riots as a warning

By Michael Valpy

The Globe and Mail (Canada), February 22, 2006

<http://www.theglobeandmail.com/servlet/story/LAC.20060222.INCOME22/TPStory/?query=>

Toronto -- Canadian-born visible minorities face the highest barriers to steady, well-paying jobs of any group in the country, a circumstance expected to worsen as huge numbers of non-white young people enter the labour market, says a Canadian Labour Congress study to be released today.

The CLC bluntly describes the situation as racial discrimination and suggests parallels to the underlying causes of riots last autumn by jobless and alienated visible-minority young people in the suburbs of Paris and other French cities.

'As Canadians, individually and collectively, we must come to grips with the harsh realization that every day we are straying further and further away from our goals of equality,' said Hassan Yussuff, the congress's secretary-treasurer.

The study, by Leslie Cheung of Simon Fraser University, says the workplace inequality cannot be explained by education disparities because native-born non-whites are better educated as a whole than native-born whites and immigrants.

'We're educated in Canada. We have the same education [as Canadian-born whites]. Language skills are not an issue. It can't be called a 'catch-up' event. We've already caught up,' Ms. Cheung said in an interview. 'There's no other explanation than discrimination.'

Ms. Cheung's paper, Racial Status and Employment Outcomes -- to be posted today on CLC's website -- says the average annual earnings for native-born visible minorities (\$21,983 in 2000) lags more than \$3,000 behind earnings for immigrant visible minorities and \$8,000 behind earnings for Canadian-born whites.

Even worse, the earnings gap between native-born visible minorities and other groups actually widened over the preceding five years, Ms. Cheung said.

Visible minorities do not include aboriginal people; they are included in the data for whites. They generally have high rates of unemployment and low incomes, but because they are a comparatively small group, their impact on data for whites is small.

Ms. Cheung's study also says the native-born visible minority group is more likely to include blacks, Japanese and people who have multiple ethnic origins than the immigrant visible minority group is.

In 2000, according to Ms. Leung's research, the unemployment rate for Canadian-born visible minorities was 10.7 per cent, compared with 9.1 per cent for immigrant visible minorities and 7.1 per cent for immigrant and native-born whites.

The unemployment rates for people aged 15 to 24 show comparable gaps -- 15.5 per cent for native-born visible minorities, 14.8 per cent for all immigrant young people (75 per cent of all immigrants to Canada today are visible minorities) and 13.3 per cent Canadian-born whites.

But because non-white families tend to have more children than white families have, according to Ms. Cheung's study, the proportion of visible minority members in the 15-to-24 cohort will expand significantly in the next few years.

It is this group that concerns the CLC, and sparked the comparison by one congress official to disaffected young people in France, most of them of North African descent and pushed socially and economically to the margins of French society.

Ms. Cheung finds that Canadian-born visible minority workers, unlike immigrant visible minority workers, are overrepresented in part-time and temporary jobs even though as a group they have the highest proportion of people in the 25-to-44 age group with a bachelor's degree or higher -- 37.5 per cent, compared with 31.5 per cent who are immigrant visible minorities and 19.1 per cent of native-born whites.

Shades of unemployment

The Canadian Labour Congress says Canadian-born visible minorities are encountering the highest barriers to finding steady work at decent wages - a worrying situation as large numbers of young people from that population seek to enter the work force.

EDITOR'S NOTE: The Canadian Labour Congress report is available on line at:

http://canadianlabour.ca/index.php/emplois_conomie_et_1/Racial_Status_and_Em

Newcomers struggle alone with HIV

Cultural taboos, fear of deportation cited as factors that may discourage many from seeking medical treatment

By Hayley Mick

The Globe and Mail (Canada), February 17, 2006

<http://www.theglobeandmail.com/servlet/story/LAC.20060217.HIV17/TPStory/TPNational/>

Toronto -- It began with the mysterious weight loss.

Rosemary's muscular, 6-foot-tall uncle, who drove commercial trucks throughout Zimbabwe, slowly withered away to a skeletal shell.

Her parents explained that a 'sickness' had killed him, and Rosemary didn't ask questions.

Years later, her husband got sick. They had married in the capital city, Harare, in 1999 when she was a 25-year-old virgin and he was nine years older.

They separated two years later, but by the time she had immigrated to Toronto to live with relatives in 2001, his health had deteriorated.

When he died at the age of 36, his family said it was meningitis. Nobody asked questions.

But Rosemary knew better.

She put the clues together: the tuberculosis, the diarrhea and constant headaches. But her biggest clue was that she had the sickness, too.

Shortly after arriving in Toronto, Rosemary found a boil on her leg that wouldn't go away. She went to a clinic for a blood test, and the doctor told her she had HIV, the virus that leads to AIDS.

She was not alone. In Toronto, where Canada's largest African and Caribbean urban population lives, 19 per cent of new HIV infections last year occurred among people born in countries where HIV is endemic.

In Ontario, they are the second-largest HIV group: only gay men had a greater number.

It is a delicate situation that until recently had not been addressed by governments and policy makers.

And now, after winning their decade-long fight for recognition of the problem in Canada, AIDS groups in Toronto are seeking new partnerships with groups in African and Caribbean countries to understand better the community's needs, help members seek treatment and prevent new infections here.

Rosemary, 32, was all too aware of what HIV meant in Zimbabwe. Ignorance bred the widely held belief that it was a disease for prostitutes, gay people and adulterers. And she saw the treatment infected people received: the withheld hugs, the isolation and callous remarks (she heard her aunt call an HIV-positive man walking by a 'moving grave').

'That was a relative,' said Rosemary, tears welling in her big, brown eyes. 'Now imagine taking it out to your whole community.'

She said those stereotypes also exist in Toronto's African community, and so Rosemary, who is using a pseudonym for this story, has only told a trusted few that she has the virus. It is a choice many others have made.

According to the best estimates from Ontario's HIV Epidemiologic Monitoring Unit, 3,360 of Ontario's 24,250 HIV cases last year were among people from HIV-endemic countries, which include Trinidad and Tobago, Haiti, South Africa and much of sub-Saharan Africa. Men who have sex with men account for 14,900 cases, and injection drug users account for 650.

While refugees cannot be denied entry into Canada based on their HIV status, immigration applicants can be denied if they are judged to be too great a burden on the health-care system. Canada began testing all immigrants and refugees for HIV in 2002.

Robert Remis, a University of Toronto researcher, has modelled the alarming rise of the disease among people born in HIV-endemic countries since the mid-1980s.

His research has found that 20 per cent to 50 per cent of new infections occur after arrival in Canada, challenging the stereotype that immigrants are bringing the virus here.

Community health-care workers say cultural taboos, fear of discrimination and deportation and the shame associated with HIV may make people from regions where it is endemic reluctant to seek medical attention and be tested.

As newcomers, they are often disproportionately affected by social and economic factors, such as poverty and language barriers, that not only increase their vulnerability to HIV infection, but act as barriers to gaining access to prevention and treatment programs.

Now, community groups, with financial support from the federal and provincial governments, are working to tailor their prevention programs to meet the needs of these people.

'In order to reach a population, you have to understand a population,' said Winston Husbands, co-chair of the African and Caribbean Council on HIV-AIDS in Ontario (ACCHO), an umbrella organization of more than 20 groups working to address the problem.

'We have to understand aspects of their everyday life in order to craft a message that people can identify with . . . because the alternative, really, is to create confusion, stigma, and to ultimately make the problem worse.'

One of the ways they are doing that is by designing a Strategy for Life campaign to raise awareness of HIV among African and Caribbean communities in Ontario, and prevention guidelines for health-service providers.

Many groups are also working to build partnerships with countries where the disease is felt the most.

This year, the AIDS Committee of Toronto, for example, applied for a \$75,000 grant from the federal government to fund a project that would partner with a gay and lesbian group in Zimbabwe. They and other community groups will also participate in the International AIDS Conference, which will take place in Toronto in August. It will be a chance to network, share ideas, and create partnerships with thousands of activists and researchers from around the world, Mr. Husbands said. It will also be an opportunity for HIV-positive people to take part.

Charlene, who also requested anonymity, will likely not be one of them. She fled South Africa and entered Canada as a refugee in November of 2004. Diagnosed with HIV before coming to Canada, she has kept her diagnosis secret from almost everyone she knows, including her two grown sons, who are still in Johannesburg.

She wants to participate at the AIDS conference, but fears the repercussions of possible disclosure. 'There will be people from South Africa there,' she said. 'I don't want my children to find out through rumour about my sickness.'

Tracking infection

Researchers estimate that more than 3,350 people living with HIV in Ontario were born in African or Caribbean nations where the virus is widespread.

The count, which has been rising steadily, is estimated using HIV diagnoses, AIDS cases, AIDS deaths and other information.

Ottawa looks at changing immigrant mix

By Bruce Cheadle

The Canadian Press, February 15, 2006

<http://www.theglobeandmail.com/servlet/story/LAC.20060215.IMMI15/TPStory/?query=>

Ottawa -- Canada's new Immigration Minister says the Conservative government does not plan to restrict family reunification or change the

overall annual target number for newcomers.

But Monte Solberg said the mix of immigrants -- and the means they use to enter the country -- might need to change to reflect a greater emphasis on labour shortages.

'I don't think it's the overall number that's the issue,' he said in an interview yesterday. 'I think partly maybe it's the mix. But it's also using some of the other tools that we have to address some of the problems we have -- like the work visas.'

He is floating the idea of working with provinces and industries, especially the resource sector, to get more targeted, skilled labour into Canada on temporary work visas.

'Maybe ultimately if they're here for a time and they're doing a good job, well, permanently land them,' he said.

Mr. Solberg, 47, has been handed one of the federal government's hot-button portfolios. The former Alberta broadcaster and long-time finance and international affairs critic for the Reform, Canadian Alliance and Conservative parties is in a new role dealing with immigration matters.

He said his initial priorities are those identified in the Conservative campaign platform: cutting the \$975 landing fee; introducing new legislation to ease foreign adoptions; and creating a new federal agency to assist newcomers in getting their education and professional credentials recognized.

'I don't think any of those are necessarily contentious. Those are things we're going to focus on.'

But Mr. Solberg knows he's going to face some controversial issues.

In 2004, almost 236,000 newcomers gained permanent resident status in Canada. The country was on track for about 245,000 last year.

About 57 per cent of the 2004 admissions were in the economic classes, including family members, while the other 43 per cent were those who arrived on compassionate and humanitarian grounds, including 33,000 refugees.

Some former Liberal ministers spoke of increasing overall immigration targets to 300,000 annually, if not higher, in coming years.

Last April, the Martin government promised to triple the number of family reunification applications processed annually to 36,000. Some critics -- but not the Conservatives -- accused the Liberals of pandering to immigrant communities on the eve of what was considered a crucial confidence vote in a minority government.

'We have no plans to change the number of people coming in under family reunification,' Mr. Solberg said yesterday.

'But it also doesn't mean there aren't things we can do to ensure that we're dealing with the skills shortage in this country. . . . Right now, clearly we're not. We're not dealing with those issues.'

Mr. Solberg said there are 'big challenges respecting family reunification versus matching immigration to labour shortages.' He also said dealing with refugees remains a contentious matter. 'There's some real debates within these different portfolios.'

The Liberals made another round of immigration promises, including a \$700-million, five-year program to clear applicant backlogs, in November just before the government fell.

Interesting article on US conscientious objectors fleeing to Canada to avoid service in the Iraq war. Published in the Guardian, in Great Britain.

Ed Corrigan

Soldiers flee to Canada to avoid Iraq duty

By Duncan Campbell
Tuesday March 28, 2006

Guardian

Hundreds of deserters from the US armed forces have crossed into Canada and are now seeking political refugee status there, arguing that violations of the rules of war in Iraq by the US entitle them to asylum.

A decision on a test case involving two US servicemen is due shortly and is being watched with interest by fellow servicemen on both sides of the border. At least 20 others have already applied for asylum and there are an estimated 400 in Canada out of more than 9,000 who have deserted since the conflict started in 2003.

Ryan Johnson, 22, from near Fresno in California, was due to be deployed with his unit to Iraq in January last year but crossed the Canadian border in June and is seeking asylum. "I had spoken to many soldiers who had been in Iraq and who told me about innocent civilians being killed and about bombing civilian neighbourhoods," he told the Guardian.

"It's been really great since I've been here. Generally, people have been really hospitable and understanding, although there have been a few who have been for the war." He is now unable to return to the US. "I don't have a problem with that. I'm in Canada and that's that."

Mr Johnson said it was unclear exactly how many US soldiers were in Canada but he thought 400 was a "realistic figure". He had been on speaking tours across the country as part of a war resisters' movement and had come across other servicemen living underground.

Jeffry House, a Toronto lawyer who represents many of the men, said that an increasing number were seeking asylum. "There are a fair number without status and a fair number on student visas," he said, and under UN guidelines on refugee status they were entitled to seek asylum.

The first test cases involve Jeremy Hinzman, 26, who deserted from the 82 Airborne Division and Brandon Hughey from the 1st Cavalry Division. A decision on their applications is due within the next few weeks. If they are turned down the case will be taken to the federal appeal court and the Canadian supreme court, according to Mr House, a process that would last into next year at least.

All deserters, past and present, are placed on an FBI wanted list. Earlier this month, Allen Abney, 56, who deserted from the US marines 38 years ago during the Vietnam war, was arrested as he crossed into the US, a journey he had taken many times before without problem. He was held in a military jail in California for a few days, then discharged.

"They have resuscitated long-dormant warrants," said Mr House. "I know 15 people personally who have crossed 10 or more times without problems and then all of a sudden they are arresting people. It seems like it would be connected to Iraq."

Lee Zaslofsky, 61, the coordinator of the War Resisters' Support Campaign in Toronto, said that he was impressed by the young men who were seeking asylum. "Some have been to Iraq and others have heard what goes on there," he said. "Mainly, what they discuss is being asked to do things they consider repugnant. Most are quite patriotic ... Many say they feel tricked by the military."

During the Vietnam war between 50,000 and 60,000 Americans crossed the border to avoid serving.

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Questions and Answers regarding the Public Policy for the Spouse or Common-law Partner in Canada Class

These Questions and Answers are a supplement to the related FAQs (Frequently Asked Questions) available on CIC's website. This purpose of this document is to answer a number of the more technical questions related to the public policy.

Q1: The Department re-issued this public policy on August 26, 2005. What has changed?

A: The essential direction of the public policy, which was originally announced on February 18, 2005, has not changed in that persons without legal status in Canada may apply for permanent residence in Canada. CIC has however clarified certain terms such as who is eligible for a deferral of removal and described who will be considered removal ready for the purpose of this policy (Please refer to section 5.F of the public policy).

Q2: Will applicants need to reapply now that the rules have changed?

A: In-process applicants will, in most cases, receive automatic consideration under this public policy. If the Department requires further information, clients will be contacted. Applicants who were refused before February 18, 2005, will need to reapply and pay a new set of fees to receive consideration under the new public policy.

Q3: Why does the Department have an overseas immigration process when spouses or partners can apply from within Canada to stay here permanently?

A: The overseas immigration process is advantageous to spouse or partner applicants as they benefit from priority processing. The Department aims to process 80% of these cases within six months in comparison to a wait of approximately 23 months for processing of an inland H&C application. The Department aims to reach first stage approval in the in-Canada spousal class within six months. Check current processing times at <http://www.cic.gc.ca/english/department/times/index.html>

There is no guarantee that a Spouse or Common-law Partner in Canada class application will be approved. It is less risky for applicants to apply from overseas as opposed to uprooting themselves, coming to Canada and facing possible removal action. Spouses and common-law partners who are without a valid permit are unable to work or study in Canada until they receive a first stage approval and become eligible to apply for a work or study permit.

This policy change will not affect pending spousal applications overseas and the Department will not be transferring applications from overseas to in-Canada processing centres.

Q4: With this policy announcement, why should people maintain legal status in Canada?

A: Persons who do not have legal status are not entitled to work or study in Canada. In addition, persons who overstay their status conditions can be found inadmissible to Canada and as such can be removed at any time. Notwithstanding receipt of "approval in principle", persons who are awaiting a final decision should maintain or restore their status, in order to reduce the possibility of a removal order being issued that may result in removal from Canada, if their application for permanent residence is refused.

Q5: May a person who is inadmissible to Canada apply for permanent residence under the spouse or common-law partner in Canada class?

Anyone may apply, but if a person is inadmissible for reasons other than "lack of status" (as defined in section 3 of the public policy), these inadmissibilities are not waived and the application will be refused. Persons who are inadmissible for other reasons should apply using the application package entitled "*Application for Permanent Residence in Canada — Humanitarian and Compassionate Cases*" found at: <http://www.cic.gc.ca/english/applications/handc.html>

Q6: May persons who are subject to a removal order remain in Canada under this public policy?

A: Persons who apply to remain in Canada after being told by Canada Border Services

Agency that they are ready for removal from Canada, may be removed from Canada notwithstanding their application.

The general principle is that applicants who are under a removal order who apply to remain in Canada *before* they are advised that they are ready to be removed from Canada may benefit from having their removal proceedings put on hold (may receive an administrative deferral of removal). This is provided no serious concerns have been identified in regards to criminality, security or abuse of the immigration system. (refer to section 5.F of the public policy for a list of circumstances where a deferral will not be granted) For persons who do not have their removal proceedings deferred, and are removed from Canada, the requirements for a positive decision differ depending on whether the client has applied specifically in the Spouse or Common-law Partner In Canada class or has asked for humanitarian and compassionate consideration. (This latter group includes those clients who asked for humanitarian and compassionate consideration before the public policy announcement and had their cases automatically converted into the Spouse or Common-law Partner class).

Persons who apply in the Spouse or Common-law Partner class must be living with their sponsor in Canada both at the time they apply for permanent residence and at the time the Department seeks to grant them permanent residence. If they have been removed from Canada, they do not meet this latter requirement and will not be given a positive decision.

Persons who apply and are considered under the humanitarian and compassionate process do not need to meet this cohabitation requirement. If a positive initial decision is given, they can have their return to Canada facilitated for the purposes of grant of permanent residence.

Q7: When is a client “removal ready”?

A: For the purposes of this public policy, by the time an applicant attends a pre-removal interview, he/she is generally “removal ready”.

A pre-removal interview is the interview with the CBSA, at which time the applicant is either offered the ability to make an application for a PRRA or is advised that they are not eligible to apply for a PRRA.

Q7: Is a person who attended a pre-removal interview before the announcement of the public policy eligible for a deferral of removal under the policy?

A: Deferrals negotiated for this group under the public policy are no longer available. (Please refer to section 5.F of the public policy).

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