

The Honourable Sean Fraser, P.C., M.P.  
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Government of Canada  
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CC: The Right Honourable Justin Trudeau, P.C., M.P.  
Prime Minister of Canada  
[pm@pm.gc.ca](mailto:pm@pm.gc.ca)

June 10, 2022

## **Re: Working Towards Re-Establishing an Effective Processing System**

Dear Minister,

At the recent National Citizenship and Immigration Conference held by the Canadian Association of Professional Immigration Consultants (CA PIC) in Ottawa, the Minister indicated that the path towards restoring the capability of the immigration processing system would be based on three factors: increased funding, policy changes, and technology.

We would like to propose changes to the policy that is in line with recent changes to the rules concerning Post Grad Work Permit extensions and other measures, which are designed to give the processing system some breathing space so it can heal and improve.

### **BACKGROUND**

In March of 2020, the global pandemic resulted in the shut-down of a processing system that was handling over 8,000,000 individual applications per year. This system involved multiple large processing centres in Canada, more than 60 smaller processing centres located in embassies and consulates around the world, and more than 100 Visa Application Centres. While the shutdown was hoped to be temporary, successive waves of COVID-19 meant that the system still has not been brought up to speed more than two years later. Many workers remain working from home in Canada, while visa posts and application centres in many countries are at very limited capacity.

In 2020 and for the most of 2021, the demands on the system were far lighter than in pre-pandemic times, so the full impact of the shutdown could not be understood. Several innovations and some heroic measures kept a reasonable level of services

open. But in the Fall of 2021, the reopening of Canada to vaccinated travellers combined with the crisis in Afghanistan, the urgency to meet the 2021 permanent residency targets, and the recovering Canadian economy and education sectors resulted in ever more applications being filed, truncating the system.

2022 has seen the continuation of the trend with the Ukraine crisis demanding resources, the Canadian economy demanding more workers with unemployment levels at historic lows, and increased targets for permanent residency. At the same time, continuing waves of the pandemic have prevented the processing system from returning to full capacity.

## **SHORT TERM OUTLOOK**

Unfortunately, the outlook for the short and medium-term can only be described as getting worse.

In other times, one answer would be to drastically limit intake while the system resets, heals itself and uses the additional allocation of funding to get back to normal and even improve.

For various reasons, limiting intake on any specific business line is simply not possible. The economy needs workers to recover and grow. Universities and colleges are heavily dependent on international students to fund their operations. The tourism industry, perhaps the most badly hit by the pandemic, needs a large influx of visitors after two years of virtual shutdown. And families are desperate to return to the normal level of contact including a huge pent-up demand of people wanting to make up for two years of hardship.

Finally, there is no predicting when the next international crisis will occur and put demands on the system.

## **A SYSTEM IN CHAOS**

As immigration practitioners, we are in a unique position to see what is happening in the system on a day-to-day basis, and how it is affecting the users of the system. We can

say with certainty that, despite the increase in funding and the increased use of technology, the system is getting worse, not better.

We are now at the point where every well-intentioned improvement has the potential to make things worse, not better because the processing systems foundation is not yet restored.

The signs of a worsening situation include:

- A growing backlog of temporary resident applications exceeding anything previously experienced
- Communications systems in chaos with call volumes exceeding call answering capacity exponentially
- Poor decision-making by overworked visa officers resulting in huge increases in requests for reconsideration, intervention by elected officials, and a huge increase in Federal Court Appeals. Legal action by consumers is up 700% in three years.
- Completely unpredictable processing times at visa posts, many of which are exceeding 12 months.
- Incorrect documents such as COPRs being sent to applicants
- Insufficient reasons given for refusals which do not match ATIP reports
- Refusal reasons given which have no basis in the regulations under which an application was filed
- Rapid increase in applications at ports of entry due to other alternatives being overwhelmed
- Documents going missing after submission
- Privacy rules being violated due to poor document handling
- Processing times for certain types of applications exceeding any practical expectation, rendering programs incapable of delivering on their promises (i. e. SUV program)
- Repeated failures of new, online portals, rushed into service without sufficient development time to eliminate bugs, causing wastage of time handling multiple applications for the same person for the same benefit
- No identifiable use of FIFO principles in any program, leaving applicants confused when friends and associates who filed after them, receiving AOR and approvals before their files are opened.

We can substantiate all these claims with specific examples. The list gets longer every day.

## **PREVENTING SYSTEM COLLAPSE**

As stakeholders who are working constantly with the program, authorized representatives share a unique detailed understanding of the processes, similar to those who work in the Department itself, but have the advantage of not being so enmeshed in the day-to-day work that we are able to see the forest, not just the trees.

It is completely counterproductive at this time to try and assign blame for the situation as it is. We must also recognize that the current situation with regards to staff returning to their workplaces as well as hiring and training new and replacement staff will take time to resolve. Yet, this is essential for the processing system to once again function properly. Any proposed solutions must recognize this fact, including a timeline that could be six to twelve months or even longer. If we can provide this time without compromising demand, once the system is back to full function, all the investment and new technology can provide an even better standard in the future.

It is clear to us that there must be substantial changes in policy in high-volume processing lines, that will not reduce capacity, but at the same time will enable the system to devote more time to restoring its historical base of operations.

We have looked at the various streams and consistent with the example given by the Minister, where policy changes can help to mitigate the situation, we would like to propose the following actions for consideration, which will greatly reduce the time it takes for individuals to obtain temporary immigration benefits. As these actions affect the highest volume processes without compromising the integrity of the system, they may be sufficient in and of themselves.

1. Most or all Study Permit applications should be processed through the SDS system with appropriate, short-term adjustments for countries where purchasing Canadian bank bonds has been difficult. History has proven that the SDS process greatly reduces the processing time and improves the success rate significantly.
2. (a) Temporary Resident Visas are labour intensive and require significant input from visa officers, especially if there are refusals. We suggest that the list of visa-exempt countries be greatly expanded to include most or all of the high-volume

countries for the next 6-12 months. While this may be controversial, given the urgency of the problem we believe it is justified. The eTA system already works very well when it comes to preventing criminal elements from travelling to Canada. Most applicants for TRVs from countries like China and India are not a threat to Canada's security, yet huge resources are tied up processing files and refusing them for reasons such as travel history, likelihood to leave Canada or ties to their home country. Refusals take much longer than approvals to process. TRVs are subject to very conservative evaluations by visa officers resulting in many refusals from several countries, prompting periodic accusations of profiling or prejudice. By making countries such as these visa-exempt and requiring them to get eTA's, (possibly with a much shorter validity period i.e. 6-12 months) we will free up substantial resources that are desperately needed elsewhere.

To add further protection, we would recommend two additional steps to help ensure that Canada is not swamped by hordes of job seekers willing to work illegally, in the hope of one day becoming Canadian citizens and permanent residents. This would include 1) having CBSA officers issue much shorter entry approvals (VRs) consistent with the purpose of the application, and 2) inland processing in Edmonton to shorten the processing time for extensions of Visitor Records, to as little as 24 hours from the current 6 plus months. So an individual entering from a visa-exempt country who claims to be in Canada for a holiday of two to three weeks could be issued a four-week Visitor Record. If they then seek to "game the system" by applying for a Visitor Record extension, they would receive a refusal immediately. Along with the refusal would be a letter explaining what the consequences of not leaving Canada immediately would be including misrep. Consistent with this approach the Minister could implement an automatic charge of misrepresentation in such cases if the individual did not leave within a very short, prescribed period, including a 5-year ban.

So, a small investment in a few additional resources at inland processing could make a huge reduction in the pressure on the system. In terms of risk, saving the system would seem to justify some potential increase in individuals staying and working illegally in Canada, especially during a time of critical labour shortages. Again, this would be a temporary measure and could be rescinded as soon as the processing system was functioning properly.

To be fair to those individuals from countries which will become visa-exempt, and who have applications pending, their applications should be processed to completion if opened, or fees refunded. This will have an immediate positive effect on the number of files in the backlog and in freeing up other resources to reduce what is left of the backlog to a reasonable level - that is, within standards of performance.

(b) As an alternative to the above, we could suggest an even simpler plan that would not involve extra efforts by CBSA or Inland Processing:

- Current TRV-exempt countries would be treated the same as they are now, with six-month stays and VR extension eligibility.
  - Newly exempted countries would require an eTA which was for one entry only, not 10 years.
  - The eTA issuance would include a requirement that the individual leave Canada within 30 days, no extensions allowed.
  - Any overstay would be punishable by a 5-year ban.
  - Individuals wanting to stay longer would have to apply for a TRV as before.
  - High-risk countries would require TRVs.
3. Many applicants for work permits have been stuck in the system for times exceeding one year. Those files, many of which are residing at visa posts that are not fully operational yet, should be given immediate priority by the resources freed up in numbers 1 and 2 above. Visa officers should be instructed to give deference to positive opinions from ESDC. Currently, many visa officers do not believe that opinions from ESDC are credible. This is an internal issue between ESDC and IRCC, which should not be allowed to affect applicants.

If possible, priority should be given to work permits such as Intracompany Transfers, Treaty Investors and entrepreneurs with positive LMIA's, all of whom have invested substantial time and funds to create employment in Canada but cannot start their businesses or complete the acquisitions without a work permit.

4. A substantial effort needs to be made to provide access for applicants to question refusals, as there is repeated proof of decisions being made in error, due to visa officers either making simple mistakes, or documents being misdirected due to the chaos in the processing system. That means that a

special communications protocol could be set up exclusively for individuals who have been refused. A special link could be set up for them to communicate directly with the officer handling the file, by email, as well as the program manager. Factual errors and processing mistakes could be corrected immediately. Secondly, in such cases, applicants could be given immediate access to the GCMS notes. We rarely, if ever, see any portion of the GCMS notes redacted, but must wait months and months for them to be made available. Including a copy of the GCMS notes with the refusal letter would help guide the response for the applicant, should it be clear that a mistake was made. Currently, there is no guaranteed response in a timely fashion to requests for reconsideration, requiring applicants who are victims of mistakes, any other option than the Federal Court. They cannot even re-apply as the fact base in support of their application would be the same.

By doing this, significant amounts of time would be saved and large numbers of calls into the system would be avoided.

Sincerely,

Dory Jade, C. Dir.  
Chief Executive Officer  
CAPIC-ACCPI