



# CAPIC Submission Paper on Expression of Interest To Parliamentary Standing Committee on Citizenship & Immigration

(November, 2013)

**CANADIAN ASSOCIATION OF PROFESSIONAL IMMIGRATION  
CONSULTANTS (CAPIC)**

**CAPICs' Policy Submission Paper on Expression of Interest to  
Parliamentary Standing Committee on Citizenship & Immigration**

1. Executive Summary
2. Introduction
3. What we know so far (As stated on CIC website)
  - Main objective
  - Process
  - Information to be collected initially
  - Rationale for selection
  - Benefits
  - Launch
4. What we infer
5. Challenges that we perceive
6. Areas of Concern
7. CAPIC suggestions
8. Role of Consultants - HOW CAN AN AR HELP IN EOI PROCESS?

## 1. Executive Summary

The CAPIC Canadian Association of Professional Immigration Consultants - ACCPI L'Association Canadienne des Conseillers Professionnels en Immigration (CAPIC-ACCPI), founded on the four pillars of Education, Information, Lobbying and Recognition, CAPIC-ACCPI is the largest non-profit professional association for the regulated Canadian immigration consultants.

We are pleased to have the opportunity to submit this paper expressing our members concern and proposed solution to these concerns regarding the proposed changes to Canada's Immigration system.

The proposed Expression of Interest (EOI) system if implemented will result in a paradigm shift in the way Canada manages its immigration programs. CIC proposes that EOI will help it to proactively select the immigrants Canada needs, in a prompt, cost effective manner capitalizing on the benefits of available technological resources.

This paper presents CAPIC's view of the challenges CIC could face and our suggestions to overcome those.

## 2. Introduction:

Citizenship & Immigration Canada (CIC) has embarked on many changes to Canada's entire Immigration System in the last several years. Some of those include:

- ✓ Introduction of Canadian Experience Class (CEC) to retain foreign nationals with first-hand knowledge and experience of Canadian society
- ✓ Introduction of Ministerial Instructions to control the intake of Immigration Applications
- ✓ Gradual expansion of the role of Centralized Intake Office (CIO) to encompass additional immigration programs.
- ✓ Introduction of Federal Skilled Trades Program (FSTP) to facilitate selection of skilled tradespersons
- ✓ A revamped Federal Skilled Worker Program, introduced in May 2013, with new and revised criteria like:
  - Language – new minimum thresholds and higher points;
  - Age – lowering the maximum in the age bracket providing highest points for age;
  - Work Experience – reduced points for foreign work experience; increased length to achieve the highest points;
  - Education – Up-front equivalency assessment of foreign education;
  - Awarding points for spousal language ability and Canadian experience
- ✓ Introduction of Super Visa for parents and grandparents
- ✓ Revamped parent/grandparent sponsorship to be launched
- ✓ Revamped Refugee protection system and implementation of RAD

The proposed Expression of Interest [EOI] system seeks to change what Canada considers as an Application, thus further consolidating the above. EOI, as Citizenship and Immigration has

indicated in various media will be the gateway to Canada's immigration system involving not only the Economic immigration but more.

CAPIC believes that EOI will close the loop on CIC's wish to bring in a Canadian Just-In-Time Immigration model that eliminates uncontrollable inventories, and wishes to be a partner in the process and thus propose measures to address areas of concern for possible abuse and negative impact on program integrity.

### 3. What we know so far (As stated by CIC):

The Government of Canada recently introduced Bill C-4 'A second act to implement certain provisions of the budget tabled in Parliament on March 21, 2013 and other measures'<sup>1</sup>. Sections 290 to 293 in Division 16 deal with the legislative changes to the Immigration and Refugee Protection Act [IRPA], primarily related to the proposed Expression of Interest [EOI]. Prior to this, the EOI system and its broad contours have been mentioned in various communications from CIC.

This is what we understand about the proposed EOI system:

Main objective:

- ✓ From the Government of Canada's perspective, key objectives of EOI are improved application management and the ability to move from passive receipt of applications to a more active selection of candidates – i.e. those whose experience best aligns with Canada's needs and not necessarily those who applied first<sup>2</sup>
- ✓ The creation of a pool of skilled workers ready to begin employment in Canada<sup>3</sup>
- ✓ The goal of this new system will be vitally important. It's the culmination of the transformational changes I've been describing. It represents a new way of managing immigration applications that will create a new pool, a vast pool, of skilled workers ready to become permanent residents and to begin their employment, to hit the ground running, as labour market needs arise.<sup>4</sup>
- ✓ It is a technologically based system moving from paper based/manual application to a more system driven/based process.

Process:

- ✓ It's a simple and accelerated process that will allow Canada, and Canadians employers – companies across this country – to select qualified candidates for skilled immigration who are best suited to our economic needs.<sup>5</sup>

Information to be collected initially:

- ✓ The form can include information that relates to, for example, language proficiency, work experience and assessed education credentials.<sup>6</sup>

<sup>1</sup> <http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=6263082&Col=1&File=314#60>

<sup>2</sup> <http://www.cic.gc.ca/english/departement/consultations/eis/index.asp>

<sup>3</sup> <http://www.cic.gc.ca/english/resources/enewsletter/2012/12/interest.asp>

<sup>4</sup> <http://www.cic.gc.ca/english/departement/media/speeches/2013/2013-09-26.asp>

<sup>5</sup> <http://www.cic.gc.ca/english/departement/media/speeches/2013/2013-09-26.asp>

#### Rationale for selection:

- ✓ It will be a system where the skills of the person in the pool will be chosen by the actor – government or private sector<sup>7</sup>.
- ✓ Candidates that best match a country's national and regional skills needs can be drawn and invited to submit an immigration application, subject to priority processing<sup>8</sup>.
- ✓ The EOI system will let Canadian employers, provinces and territories choose skilled immigrants from a pool of applicants that best meet Canada's economic needs<sup>9</sup>.

#### Benefits:

- ✓ EOI allows greater application inventory control and upfront automated processing leading to increased system efficiency. It would also remove the obligation to process all applications received.<sup>10</sup>
- ✓ EOI also offers the potential for the immigration system to be more responsive to the labour market (e.g. through the potential to link candidates and employers) and to introduce eligibility filters at the outset that support stronger immigrant outcomes and Canada's economic needs.<sup>11</sup>
- ✓ avoid the build-up of inventories and improve processing times; and make the immigration system more responsive to labour market needs and increase the likelihood of skilled immigrants' success.<sup>12</sup>
- ✓ EOI system will tie skilled immigration selection to our real current labour market needs. It will also be an effective means to match applications to our immigration level targets while staying within our capacity to process applications in a timely manner.<sup>13</sup>

#### Launch:

- ✓ It is envisioned that such a modernized system could be implemented towards the end of 2014<sup>14</sup>
- ✓ Our goal is to have this system in place by New Year's Day 2015.<sup>15</sup>

#### 4. What we infer

Based on the various announcements, recent Throne Speech by the Honorable Prime Minister and the amendments introduced through Bill C-4 'A second act to implement certain provisions of the budget tabled in Parliament on March 21, 2013 and other measures'<sup>16</sup>, CIC wants to introduce a new way of managing its immigration processing and selection programs, making greater use of technology to improve efficiencies. The system will pick-and-choose some aspects

<sup>6</sup> <http://www.cic.gc.ca/english/resources/enewsletter/2012/12/interest.asp>

<sup>7</sup> <http://www.cic.gc.ca/english/departement/media/speeches/2013/2013-09-26.asp>

<sup>8</sup> <http://www.cic.gc.ca/english/resources/enewsletter/2012/12/interest.asp>

<sup>9</sup> <http://www.cic.gc.ca/english/departement/media/backgrounders/2013/2013-06-21.asp>

<sup>10</sup> <http://www.cic.gc.ca/english/departement/consultations/eis/index.asp>

<sup>11</sup> <http://www.cic.gc.ca/english/departement/consultations/eis/index.asp>

<sup>12</sup> <http://www.cic.gc.ca/english/resources/enewsletter/2012/12/interest.asp>

<sup>13</sup> <http://www.cic.gc.ca/english/departement/media/speeches/2013/2013-09-26.asp>

<sup>14</sup> <http://www.cic.gc.ca/english/departement/consultations/eis/index.asp>

<sup>15</sup> <http://www.cic.gc.ca/english/departement/media/backgrounders/2013/2013-06-21.asp>

<sup>16</sup> <http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=6263082&Col=1&File=314#60>

of existing systems employed in other jurisdictions, with a view to create a made-in-Canada solution that would bring Canada's expertise in immigrant selection to the next level.

CAPIC lauds the Minister and the Department officials for this strategic initiative.

## 5. Challenges that we perceive

*Frivolous Applications:* CIC is likely to continue to face the problem of plenty, as before. Since the initial application will involve completing an online form without any documentation and associated financial cost, CIC will likely receive a huge number of EOIs. Many of those may not meet the criteria and not result in an Invitation to Apply (ITA). This serves the CIC's objectives well.

However, a far higher number may have the information matching the programmed criteria resulting in an ITA, given that the Applicants are unlikely to grasp the importance/relevance of each and every question and the impact of inaccurate responses. In most cases, these will be assisted by unauthorized agents outside Canada's jurisdictions, and various websites and forums.

This will likely lead to a wide mismatch between the initial information and the completed application/documentation at the processing stage, resulting in refusal. CIC will continue to devote its resources to these 'frivolous applications' and may have a high refusal rate, find it difficult to meet its annual projections and will maintain longer processing times. Equally, employers extending an ITA through selection based on inaccurate information may not be satisfied, resulting in reduced support for the program.

CAPIC suggests an easy, vetted and accountable solution to this problem that can be implemented within the existing framework of CIC resources. A more proactive involvement of Authorized Representatives (ARs) in preparing and submitting the initial EOIs will greatly reduce the number of frivolous applications and hence increase efficiency in the use of CIC resources.

*Who will be allowed to represent the EOI applicants?* CAPIC suggests not to outsource the task of submission to non-Canadians and/or for-profit entities, but to use either the department itself and/or regulated professionals for reasons of accountability, job creation, and expertise.

*What happens if an employer chooses someone from the pool?* Will LMOs or similar programs still be employed? We suggest moving away from these programs to put the onus to comply entirely on the employer with potential penalties.

*What are the requirements for the employer?* We suggest that the old AEO requirements, which helped small and rather new (one year old) companies to qualify, be continued.

## 6. Areas of Concern

*Preventing abuse for province and federal government invitations:* Could the decision process be directly or indirectly manipulated? We suggest making the selection process for invitations transparent and verifiable – so that even EOI applicants will have no recourse possibility per se.

This would apply to the general set-up of selection criteria AND the specific applicant selection as well as publication of the numbers and source countries of selected EOI applicants.

Concerns about access to confidential & personal information – Privacy Act:

How will employers or their representatives comply with the confidentiality and privacy laws when accessing the EOI database? We notice that Bill C-4 includes a provision for disclosure of information to 'entities' specified in the instructions. CAPIC hopes that employers or their representatives are included in this group.

Concern about cost implications to CIC: CAPIC wonders whether the cost to implement and manage the EOI system will be neutral to the department, or if CIC plans to recover the cost of the upfront work of prescreening of invitation after invitation to apply? Experience from New Zealand where the EOI system has been implemented, has shown that there is a cost associated with the submission of EOIs which the country recovers at time of EOI. How will CIC come up with budget to manage the upfront costs? CAPIC hopes that CIC will explore New Zealand's cost recovery model and implement a similar Canadian model to mitigate costs to the tax payers.

## **7. CAPIC Suggestions**

How CAPIC could assist: CAPIC is a not-for-profit corporation and the national association of Professional Immigration Consultants. We are the country's largest organization representing the interests of Immigration Consultants. CAPIC is founded on the four pillars of Education, Information, Lobbying, and Recognition. Among other activities CAPIC conducts a variety of workshops and seminars on immigration for its members, with active participation from senior provincial and federal immigration officials.

CAPIC members are 'Authorized Representatives' as defined in s. 91 of the Immigration and Refugee Protection Act [IRPA]. As such, they are regulated by the Immigration Consultants of Canada Regulatory Council [ICCRC] or provincial law societies. Additionally, CAPIC members are subject to a robust set of By-laws and Code of Ethics.

CAPIC sets high professional standards for its members through continuous industry training. We would ensure immigration consultants are provided the proper training to submit EOIs that would be pre-screened to ensure they meet CIC's established requirements, resulting in better efficiencies for CIC. For CIC this would mean reliable information through one secure and effective entity; a Canadian not-for-profit corporation that is accountable and efficient.

CAPIC is ready and eager to participate in this initiative and requests to be included as an interested stakeholder in developing solutions that will assist CIC and other government departments deliver and meet immigration targets and needs.

EOI as a single-window Application portal for CIC: CIC should seriously consider making the EOI as a single point for ALL immigration applications, at federal and provincial levels.

Given that the EOI system seeks to involve employers at the ITA step, who will select the aspiring immigrant based on their business needs (thus, ensuring the economic suitability of immigrants), the disparate programs/ streams for different provinces to achieve the same



objectives may become redundant. In view of the comprehensive technological platform being created by CIC for the EOI system, such provincial programs would be duplication of the efforts and an unnecessary administrative burden for the provinces as well as CIC.

## 8. Role of Consultants - HOW CAN AN AR HELP IN THE EOI PROCESS?

*Role of representatives:* Authorized Representatives (AR) have the training, experience, and the professional knowledge to assist immigration clients effectively. ARs are accountable to their respective regulators, and are required to abide by the regulator's Code of Ethics and Professional Conduct. E.g. as RCICs, Immigration Consultants are regulated by the Immigration Consultants of Canada Regulatory Council [ICCRC], and are governed by the ICCRC Code of Professional Ethics. Additionally, CAPIC members are subject to a robust set of CAPIC By-laws and Code of Ethics.

CIC has already invested in an Authorized Representatives Portal, which is now up and running. The portal allows ARs to submit Immigration Applications for their clients to CIC, and thus facilitates direct communication between the AR and CIC. Many of our members have, or will be joining the AR Portal to improve efficiencies. This existing infrastructure allows CIC to ensure that initial application information is submitted by a vetted and trusted Canadian Authorized Representative.

It would be worthwhile for CIC to consider making submission via the CIC Authorized Representation Portal mandatory for EOI applicants. ARs can play a crucial role in the EOI initiative in many ways. Some of the roles ARs can play include:

### A. EFFICIENCY & COMPETITIVENESS

(1) In the competitive arena of countries seeking the best and brightest minds through immigration, Authorized Representatives as regulated professionals can actively seek out and market the benefits of immigrating to Canada to prospective applicants. ARs actively working within and outside Canada will be the outreach mechanism for promoting Canada, screening and putting quality prospects with the required credentials into the EOI pool, thereby maximizing CIC's use of resources, saving time and cost.

(2) Since the initial EOI submissions performed by ARs will be perfected, it will contribute to accurate selection for invitation and efficient response time, and will reduce overall time for processing.

(3) Accurately completed submissions will assist employers in easily identifying matches to their employee needs and excellent fit to both PR applicant and employer requirements. Active and upfront participation by ARs will improve and maintain the integrity of the program by ensuring that every EOI submission to CIC is thoroughly prepared and that the prospective applicant will be ready to respond to an ITA at short notice; thereby increasing efficiency and reducing wait times as well as reducing the number and likelihood of rejected and incomplete applications. ARs will ensure that no EOI submission is made without complete and ready credentials to back the application.



B. PROGRAM INTEGRITY

- (1) Through AR outreach and collaborative efforts outside Canada, the effective action and lobby to address the problem of unscrupulous and unregulated practitioners who prey on the public.
- (2) Identify and report unlicensed practitioners overseas to authorities overseas and Canadian law enforcement agencies.
- (3) Active upfront participation of ARs assists the public and prospective applicants to fully understand CIC's requirements for any given immigration class, and the expectation by CIC that those requirements are met and/or complied with by all interested applicants. The result will be increased efficiency and cost savings through better utilized resources, including tax dollars.

In closing, CAPIC believes that EOI system is a Canadian model for Just-in-Time Immigration management, that would help the Federal Government achieve the core objectives of IRPA, while providing a competitive edge to Canada in competing for the world's best. To ensure maximum possible program integrity and control over the proposed program, the government should seriously consider and include the active up front participation of authorized representatives who are effectively regulated by the act of parliament in sourcing, screening and submitting the expression of interest to the government for maximum returns on the utilization of governments scarce resources, thereby saving tax payers money. In this regard, CAPIC is ever ready and proud to participate in ensuring the successful implementation of the program once passed by the parliament.

Respectfully submitted,



Dory Jade, RCIC, C.Dir.  
President  
CAPIC-ACCPI