



Canadian Association of
Professional Immigration Consultants

L'Association Canadienne des
Conseillers Professionnels en Immigration

CAPIC Recommendations for Temporary Residence Application Processing to Reducing Immigration Application Backlog

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ABOUT CAPIC

The Canadian Association of Professional Immigration Consultants (CAPIC) is the professional organization representing the interests of Canadian immigration and citizenship consultants (4200 members). It serves Canadian Immigration Consultants (RCICs) on the four guiding principles of: Education, Information, Lobbying, and Recognition.

CAPIC is the sole association recognized by the Government of Canada as the voice of Canadian immigration and citizenship consultants. We are a major immigration stakeholder and consult with federal and provincial governments on legislation, policy, and program improvements and changes.

We are committed to promoting and protecting the competence of members and the integrity of the profession and the immigration system.

Our Mission

CAPIC leads, connects, protects, and develops the profession, serving the best interests of its members.

Our Vision

By 2024, CAPIC will:

- Represent a large majority of Citizenship and Immigration Consultants.
- Achieve optimum performance with sound governance principles centered on digital leadership.
- Lead as the point of reference in virtual and in-person professional development.
- Set the gold standard in immigration education.
- Remain the sole voice of the Canadian immigration system.

CAPIC Recommendations for Temporary Residence Application Processing to Reducing Immigration Application Backlog

It has been acknowledged by Immigration, Refugees, and Citizenship Canada (IRCC) that lengthy backlogs are occurring, and a review of processing times will confirm the same. The processing system is not yet to full capacity, yet IRCC is currently processing at more than 30% above 2019 levels. Unfortunately, the issue of application backlog is still at the center of application processing.

There are several areas of concern arising from the inability to communicate effectively (and the lack of response) with IRCC regarding the backlogs. The Call Centre has been essentially inoperable except for some emergencies, the webform has limited capacity and functionalities, and judicial reviews and Writs of Mandamus have skyrocketed. Inquiries have increased tremendously as applicants and counsel query as to the reasons for the long delays.

To address the backlog issue, CAPIC has been working closely with members to find practical solutions. Temporary residence applications comprise 60% to 70% of the backlog and CAPIC has focused on that area, for properly addressing the backlog for this type of application can aid in reducing the backlog immediately. Herein are our recommendations based on the background information.

Background

1. Overwhelming Temporary Residence Demand Examined

Temporary residency demand is driven by the following fronts:

- Visitors: The increase in visitor visa applications is driven by the travel and tourism industry preparing to make up for lean years, pent-up demand caused by COVID-19, and the increase in general business activity.
- Workers: The increasing demand for work permits is driven by labour shortages in sectors of increased economic activity.
- Students: The growing study permit demand is driven by the revenue needs of designated learning institutions (DLIs) that base their programs and admissions level on successful marketing and recruitment numbers.

2. A Fully Functional System Needs Time to Develop

Modern Technology alleviated the backlog to some extent but is also a contributing factor to some issues. The following facts show that online portals are often unstable; thus, there is a need for more time for further development:

- Portal issues:
 - New online portals have design flaws, e.g., confusing instructions, unexpected breakdowns, etc.
 - The Representative Portal suffers from glitches and fails from time to time.
- System integrity issues:
 - Multiple applications filed for the same benefit are clogging the system.
 - Bad actors make false promises to expedite files for enormous amounts of money.

3. Unintended Consequences Caused by the Backlog

The backlog dramatically impacts the economy, where businesses shorten hours or turn away contracts due to labour shortages. Meanwhile, desperate employers hire undocumented foreign nationals, which jeopardizes the integrity of our immigration system.

Even with clear and positive intentions, a system that was not fully developed has been brought in, along with innovative ideas that cause unintended problems. An example is allowing visitors to apply for work permits in Canada. The influx of such applicants caused a significant lengthening of processing times in CPC Edmonton for renewals and other business lines. This innovative measure launched as part of a solution to addressing the backlog, partially complicated the issue.

Recommendations

To effectively reduce the backlog caused by multiple factors, we recommend implementing some temporary measures. We believe that addressing temporary residence application challenges can significantly reduce the pressure on the entire processing system.

The temporary measures recommended are as follows:

Visitor Class

- Expand visa exemptions:

- Based on the immigration records, select some countries for temporary exemption from a temporary resident visa for short-term visits of nationals.
- Allow these foreign nationals to apply for a one-time short-term eTA instead of a TRV.
- Specify their entry for a maximum of six weeks.
- Automatic issuance of visitor records for the Spouse or Common-law Partner in Canada Class Applicants and their accompanying family members in Canada once the sponsor passes the eligibility assessment.

Worker Class

- Optimize work permit processing:
 - Work with Employment and Social Development to re-institute High-Demand NOC lists by provinces/territories and make these NOCs LMIA exempt.
 - Eliminate Employer Portal lifespan limits to reduce add-up applications.
 - Allow the Spouse or Common-law Partner in Canada Class Applicants to apply for their work permit via the Portal.

Student Class

- Expand the Student Direct Streams (SDS):
 - Based on the immigration records, select more countries for the SDS.
- More responsibilities to DLIs:
 - To determine if a study plan for an applicant is workable.
 - To set up a compliance system similar to the US SEVIS system, to actively monitor the compliance of their students.
- Automatic approval under chosen circumstances:
 - Students in good standing who have been studying at the same DLI or in the same program may receive automatic approval for their study permit extension applications.

Other Temporary Measures

- Reduce duplications:
 - Allow valid work permit and study permit holders to use their valid work permit and study permit as the re-entry authorization documents.
- Provide reasons for refusals:
 - Instead of using form letters, include the reasons for refusal in the refusal letters to reduce the request for GCMS notes and judicial review applications.

The recommended temporary measures can easily be implemented and can immediately reduce stress on the system. They may address the pressing core issues and afford the department more time to work on long-term solutions.