

Looking Back for a Glimpse of the Future:

What to Expect from the Harper Government on Immigration and Refugee Laws c 2011 by Avvy Go

The Conservative Government under Stephen Harper’s leadership first came into power in 2006. During the last five years serving as a minority government, the Harper regime has introduced a number of legislative and policy changes to the immigration and refugee determination systems as well as citizenship law.

Knowing what these changes were could help prepare Canadians for what to expect from a Harper majority Government. The chart below highlights some of the major changes – both positive and negative – to immigration, refugee and citizenship laws passed by the Conservatives between 2006 and 2010. The Chart does not include changes that have been proposed but are pending.

Area	Positive	Negative
Permanent Residence Fee	Right of Permanent Residence Fee reduced by half	
Family Class Immigrants		Continued decline of family class immigrants from 70,512 in 2006 to 60,207 by end of 2010
		Increased processing time for parents and grandparents up to 14 years in some cases
		Definition of “bad faith” marriage changed so that officers can reject spousal sponsorship even when the marriage is proven to be genuine
Temporary Foreign Worker Program		Steady and significant increase in the number of TFW to a total number of 283,096 TFW present in Canada by 2010, 2008 was the first year that number of people entering Canada with temporary status outstripped permanent resident acceptances.

	Employer found to be in violation of the regulations, or failed to fulfill certain conditions banned from hiring any foreign workers for two years.	A foreign worker will only be permitted to work in Canada for a total of four years. Once the four years has ended, the foreign worker will be required to wait at least four years before reapplying for a work permit.
	More rigorous assessment of the genuineness of an employer's work offer.	
Live-in Caregivers	Live in Caregivers have up to four years (up from 3) from the date of their arrival in Canada to complete the employment requirement to be eligible for permanent residence	
	Caregivers may choose between 24 months of employment <i>or</i> 3900 hours of authorized full time employment	
	Caregivers who apply for permanent residence and are approved as a member of the live in caregiver class are not required to undergo a second medical exam.	
	Employers must submit a detailed and signed contract to Service Canada (HRDC) at the time of filing their LMO application. In the past, the employer/ employee contract was only required to be submitted to the visa post	
Policy on Moratoria Countries		Lifting moratoria on removals to countries like Burundi, Rwanda and Liberia
		Close the door on nationals of moratoria countries at the US-Canada border, by

		eliminating the rule exempting them from the Safe Third Country Agreement
Visa Requirements		Imposition of visas on Mexicans and Czechs to reduce the number of refugee claimants
Refugee Determination System		Creation of a list of “Designated Countries” from which nationals of that country making refugee claims will have less preparation time for hearings
		Personal Information Form (PIF) which is to due 28 days after initial claim is replaced by an interview conducted by a public servant with the Refugee Protection Division (RPD) 15 days after filing of the claim.
		Hearing before a different public servant of the RPD within 60 days after the interview for those from designated countries, 90 days for those from other countries
		No right to apply for PRRA or TRP within 12 months of negative refugee decision. While failed claimant can still file H&C, risks factor will not be considered in the H&C application
	Implement Refugee Appeal Division	Appeal must be filed 15 days after negative decision
Immigration Consultants	Make it an offence for anyone other than lawyers, notaries in Quebec and consultants who are members in good standing of a governing body	

	designated by the minister to provide advice for a fee at any stage of a proceeding or application, including the pre-application period.	
	CIC can disclose information relating to the ethical or professional conduct of a representative to CBSA or RCMP	
Citizenship	Children born outside Canada and adopted by a Canadian become citizens at the time of adoption.	Limit citizenship to the first generation born abroad -- so that a child born in another country will not be a Canadian citizen if her parent was also born abroad to, or adopted by, a Canadian parent

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