



THE CANADIAN  
BAR ASSOCIATION  
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BARREAU CANADIEN

April 14, 2023

Via email: [IEPU-UPELI@cbsa-asfc.gc.ca](mailto:IEPU-UPELI@cbsa-asfc.gc.ca)

Anders Sorensen  
Acting Manager  
Asylum and Irregular Migration Policy Unit  
Strategic Policy Branch  
Canada Border Services Agency

Dear Anders Sorensen:

**Re: Canada Gazette, Part I, Volume 156, Number 15: Regulations Amending the Immigration and Refugee Protection Regulations**

I write on behalf of the Immigration Law Section of the Canadian Bar Association (CBA Section) to comment on the proposed regulatory amendments announced in the Canada Gazette, Part I, Volume 156, Number 15<sup>1</sup>, which would see the automatic cancellation of work permits, study permits and Temporary Resident Permits documents when an unenforceable removal order is issued.

The CBA is a national association of 37,000 members, including lawyers, notaries, academics and students across Canada, with a mandate to seek improvements in the law and the administration of justice. The CBA Section has approximately 1,200 members across Canada practising in all areas of immigration and refugee law.

The intent of the proposed regulatory amendments is to save costs and promote efficiency. The CBA Section respectfully disagrees that the proposed amendments will achieve cost efficiencies. We believe they will create serious undue hardship for individuals unable to work and forced to live without status for lengthy periods of time.

The CBA Section fully supports the Canadian Council for Refugees submission<sup>2</sup> and submits further considerations as follows:

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<sup>1</sup> Canada Gazette, Part I, Volume 156, Number 15: Regulations Amending the Immigration and Refugee Protection Regulations, [online](#).

<sup>2</sup> Canadian Council for Refugees, Concerns re: IRPR regulatory change for automated document cancellation, February 2023, attached.

### **1. Loss of Temporary Status for Refugee Claimants**

Cancelling study permits and work permits for individuals with unenforceable removal orders effectively punishes refugee claimants by taking away their temporary status.

The CBA Section expects refugee claims to continue to be filed by individuals who came to Canada as regular temporary residents for various political reasons. For example, many Iranian international students are considering making refugee claims due to the increase in persecution by the government in their home country. If they make a refugee claim, they will lose their study permit and their ability to study and work off-campus. They will also lose the ability to qualify for work experience points for Express Entry after graduation.

In our view, the proposed amendments are incompatible with the Government's objective of helping Iranians, and other vulnerable populations, seek protection in Canada.

### **2. Significant Cost and Inefficiencies**

The objectives stated in the Canada Gazette include generating cost efficiencies. We respectfully submit that the proposed amendments would have the opposite effect, as those impacted would be without status and lose their ability to work or study for prolonged periods of time. They would have to apply for new status documents, which would consume valuable processing resources.

Canadian work permits currently take over half a year to process. Study permits take months to be reviewed, and Temporary Resident Permits often take over one year to be processed. The proposed amendments would leave productive members of our workforce without the legal ability to work or study for prolonged periods of time. The hardship that will result from applicants losing their ability to work or study is unreasonable and unnecessary.

The immigration system is already overburdened and will likely face tens of thousands of additional re-applications for work permits, study permits, and Temporary Resident Permits each year because of the proposed amendments. We respectfully submit that the assertion that these provisions will create cost savings for the government is inaccurate.

### **3. Financial burden**

The CBA Section is concerned that the provisions will place a significant financial burden on individuals faced with removal orders. The hardships also extend beyond the individuals themselves, impacting their families, employers, schools, and the Canadian economy and society as a whole. The recommendations may also increase pressure on social welfare systems, as many will be forced to seek financial assistance to support themselves and their families.

The need to support oneself and family members is a basic human need. As such, the proposed amendments may trigger constitutional challenges under sections 7, 15 and 24(2) when coming into force.

### **Conclusion**

The CBA Section recommends that the proposed regulatory amendments for the automatic cancellation of work permits, study permits, Temporary Resident Permits and unenforceable

removal orders be withdrawn. Alternatively, we recommend that individuals with a valid Temporary Residency status at the time of their removal orders be exempted.

We appreciate the opportunity to share our views and would be pleased to discuss our recommendations further.

Kind regards,

*(original letter signed by Véronique Morissette for Lisa Middlemiss)*

Lisa Middlemiss  
Chair, CBA Immigration Law Section