



October 28, 2005

Hedda Blom
Economic Policy and Programs Division
Selection Branch
Citizenship and Immigration Canada
300 Slater Street, 7th Floor
Ottawa, ON
K1A 1L1

Dear Ms. Blom:

Further to Renald Gilbert's letter of October 3, the Citizenship & Immigration Section of the Canadian Bar Association (the CBA Section) welcomes the opportunity to comment on a possible regulatory change affecting holders of R186(l) temporary resident visas. We fully support your initiative to amend the *Immigration and Refugee Protection Act* (IRPA) Regulations so that Arranged Employment points can be awarded to religious workers.

Not awarding Arranged Employment points to foreign workers in Canada under R186(l) causes an unfair discrepancy between foreign workers engaged in religious work and those engaged in secular work or in non-religious work for religious institutions (for example, religious school administrators). Your observation that it is more difficult for religious workers to qualify for permanent residence is accurate. As well, religious workers under R186(1) have difficulty obtaining provincial health coverage for themselves and their dependents because they hold temporary resident visas instead of work permits. In our view, a regulatory amendment granting work permits to religious workers is a positive step towards addressing the system's current problems.

However, the proposed regulatory change does not entirely remedy the problems encountered by religious workers in meeting the requirements for permanent residence. Many religious workers do not speak English or French fluently. For example, a Hindu or Sikh priest or a Muslim imam does not need to speak English or French in order to perform their functions in Canada since the religious ceremonies are conducted in another language. These clergy members may not have achieved a high level of formal education, but instead received informal or religious training.

The lack of English or French language fluency and formal education make it difficult for many religious leaders to qualify under the skilled worker selection system. However, these

individuals are fully able to integrate into Canada and have excellent chances for successful establishment. They are in many cases able to communicate in English or French, and their fluency improves over time. They have virtually guaranteed permanent jobs and extensive support within their communities. Even if their skills do not meet the formal selection criteria, religious workers are an integral part of their religious order and their community.

We recommend that, concurrently with the proposed regulatory change, Citizenship and Immigration Canada issue operational guidelines to visa officers to apply substituted evaluations to the assessment of applications by religious workers. Among the factors for consideration in the substituted evaluation are the bona fides of the religious institution, the prospects of continued employment, and the ability of the congregation or order to provide settlement services.

Many of our members note that, prior to IRPA, permanent residence applications by religious workers were accepted under positive discretion. This practice recognized the unique role of religious workers in the fabric of the community. Citizens and landed immigrants of Canada benefit from clergy and religious workers of their own faith in their midst. The spiritual and mental benefits for the public of their being in Canada are intangible but very real. They provide much appreciated spiritual guidance, and often provide leadership and encourage good works within the community.

While we recognize the discretionary nature of an officer's decision to substitute their evaluation of a person's ability to become economically established in Canada for the point system assessment, we believe that visa offices require additional guidance given the unique nature of religious workers. Amending R186(1) is an important measure. But without the operational guidelines we propose, it may remain problematic for religious workers to qualify under IRPA. Both measures taken together should remedy the problem for religious workers.

Again, we thank you for the opportunity to comment on the issue of religious workers. If we can be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

(Original signed by Kerri Froc on behalf of Robin Seligman)

Robin Seligman
Chair, National Immigration & Citizenship Law Section