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October 12, 2017

Via email: Minister@cic.gc.ca

The Honourable Ahmed Hussen, P.C., M.P.
Minister of Immigration, Refugees and Citizenship
Immigration, Refugees and Citizenship Canada
365 Laurier Avenue West
Ottawa, ON K1A 1L1

Dear Minister:

Re: Global Skills Strategy Initiative

It has now been four months since the Global Skills Strategy (GSS) was launched by the government of Canada, and the Immigration Law Section of the Canadian Bar Association (CBA Section) would like to offer some initial feedback.

The CBA is a national association representing over 36,000 jurists, including lawyers, notaries, law teachers and students across Canada. Our primary objectives include improvement in the law and in the administration of justice. The CBA Section has over 1,000 members who are lawyers practising all aspects of immigration law. Our members deliver professional advice and representation in the Canadian immigration system to thousands of clients in Canada and abroad.

We welcome the goals and objectives of the GSS. The overall feedback from our members and their clients has been positive. There are some emerging trends and issues, however, that we would like to bring to your attention.

Processing Times

Our members report that the 10-day processing times are generally being met. However, IRCC also committed that processing times in other business lines would not increase because of the GSS, and processing times for extensions have almost tripled from four to 11 weeks since the GSS was launched. This increase may be unrelated and attributable to other issues – such as annual leave and a higher number of extension applications over the summer – but many of the GSS applications are being decided by officers at CPC Vegreville. The value of the GSS will be significantly diminished if this trend continues in the later part of 2017, and we urge the government to review it immediately.

Some of our members have also reported processing errors or refusals. For example, in one case, medical examination receipts were requested when a foreign national was seeking a work permit for less than six months and was exempt from requiring a medical examination. In another, a visa office failed to issue a request for passports for all accompanying family members, which is required for the Visa Application Centre to forward the passports to the visa office. By the time these procedural issues were resolved, program processing times were exceeded.

Our members have also reported that applications for C-10 significant benefit work permits were being routinely refused by decision makers at CPC Vegreville. This suggests that the decision makers had not considered the detailed information submitted, and were not sufficiently trained on these types of cases. This concern was brought to IRCC's attention this summer, and we understand efforts have been made to address the training.

RECOMMENDATION

- 1. The CBA Section recommends that, for future initiatives where the inland immigration network will be used for processing outside Canada applications, inland officers be trained on the broad scope of cases and circumstances that may result.**

GSS Point of Enquiry

CBA Section members report that, when issues arise with GSS cases, no dedicated resource is available to which they can be elevated. The IRCC Web form cannot currently accommodate specific GSS enquiries because it has no mechanism for identifying them – and its standard response time of 30 days would seriously impair GSS program objectives. Since applicants (and their counsel) do not know which office will be adjudicating their application, sending an inquiry to a specific visa office is also ineffective. A fast escalation mechanism, including a dedicated email address, should be created to deal with GSS issues in a timely manner and ensure that program processing times are achieved.

RECOMMENDATION

- 2. The CBA Section recommends that a fast escalation mechanism, including a dedicated email address, be created to deal with GSS issues in a timely manner and ensure that program processing times are achieved.**

Work Permit Exemption and Social Insurance Number Issuance

Foreign nationals who work in Canada with a GSS work permit exemption will only receive a Visitor Record authorizing work without a work permit if they are referred to a CBSA officer for a secondary examination. The CBA Section understands that CBSA is treating these foreign nationals as business visitors under Regulation 186(a), and as a result they are not routinely receiving a secondary referral.

Service Canada will not issue a Social Insurance Number (SIN) to persons who do not have a work permit or a visitor record that authorizes work without a work permit. The inability to obtain a SIN has negative implications for foreign nationals who may have reporting and filing obligations with other regulatory agencies and government departments. Canadian employers are required to ask for an employee's SIN within three days of their start date, and face penalties for failing to do so.¹

¹ *Employment Insurance Regulations, SOR/96-332 (at ss. 89(3), available [online](http://ow.ly/YnrQ30fQ4y5) (http://ow.ly/YnrQ30fQ4y5)).*

Foreign nationals admitted under the GSS risk returning to Canada on a subsequent entry without having the necessary documentation to apply for a work permit, and it is difficult for Canadian companies employing them on short term contracts to know with certainty whether they were admitted under the GSS exemption. This will cause a record-keeping problem for employers, cause delays and disruption to business plans, and use unnecessary resources at the port of entry while the issue is investigated.

There is also a significant risk of the GSS program integrity being compromised if foreign nationals or businesses take advantage of the lack of monitoring and tracking surrounding the strategy. The integrity of the immigration program should not be put at risk merely for the sake of expediency and simplifying the process. A tracking mechanism should be put in place to ensure a clear record of whether a foreign national has been admitted under the GSS exemption in the past. For example 1) issuing a Visitor Record indicating GSS work permit exempt entry, 2) a unique Employer Portal Offer of Employment 'B' series (instead of 'A' series), or 3) a hybrid of both.

RECOMMENDATION

- 3. The CBA Section recommends that a tracking mechanism be put in place to ensure there is a clear record of whether a foreign national has been admitted under the GSS exemption in the past.**

Port of Entry Officer Support

The CBA Section understands that achieving complete and uniform training can be challenging with a large workforce across multiple departments, and that CBSA officers often face overwhelming traffic and pressure at the ports of entry. We have, however, received a number of reports from our members about port of entry incidents that indicate a pressing need for better training on the GSS. In some instances, officers were even unaware of the GSS. CBSA officers should have access to IRCC Program Specialists who are available 24 hours, seven day per week to provide support on the GSS and other immigration related issues.

RECOMMENDATION

- 4. The CBA Section recommends that CBSA have access to IRCC Program Specialists who are available 24 hours, seven day per week to provide support on the GSS and other immigration related issues.**

Conclusion

Thank you for the opportunity to comment on the Global Skills Strategy (GSS). The CBA Section supports the objectives of the GSS, and has received positive feedback on the program, but some concerns with the strategy's implementation merit the government's prompt attention. We would welcome the opportunity to meet with you or a member of your staff to discuss our comments on the GSS further.

Yours truly,

(original letter signed by Kate Terroux for Barbara Jo Caruso)

Barbara Jo Caruso
Chair, CBA Immigration Law Section