

JULY 2018

INCLUDING REFUGEES IN CANADA'S ECONOMIC PATHWAYS

IDEAS TO MAKE CANADA'S ECONOMIC PATHWAYS MORE
INCLUSIVE OF QUALIFIED REFUGEE APPLICANTS

DRAFT DISCUSSION PAPER

Rachel Lawrie
Dana Wagner
Veronica Wilson

TALENT BEYOND BOUNDARIES

[Talent Beyond Boundaries](#) (TBB) is a non-profit working to create labour mobility pathways for refugees by connecting them to international job opportunities and supporting their immigration. This solution is additional and complementary to refugee resettlement, which is open to less than 1 percent of the 25 million refugees worldwide.¹ TBB connects employers directly to refugees living in Jordan and Lebanon, where over 11,000 candidates have registered in a skills database, and works with governments to overcome the immigration barriers facing refugee candidates. TBB is working with employers in Australia, Canada, and other select countries to recruit refugee talent across diverse sectors including IT, healthcare, hospitality, and the skilled trades.

SEGAL IMMIGRATION LAW

Segal Immigration Law is a boutique law firm located in Toronto, Ontario founded by Heather Segal. Its practice is focused on US and Canadian immigration law. The firm has over twenty-five years of experience collectively and is known for its creative and practical solutions to corporate, family and small business immigration matters. Segal Immigration Law supports Talent Beyond Boundaries' candidates on a pro bono basis. This support is a reflection of the firm's commitment to equality and social justice.

CONTACT

For further information, please contact:

Dana Wagner

Talent Beyond Boundaries

dwagner@talentbeyondboundaries.org

Veronica Wilson, J.D.

Segal Immigration Law

veronica@segalilaw.com

¹ The three traditional durable solutions for refugee protection are voluntary return, integration into host communities, and resettlement.

TABLE OF CONTENTS

OVERVIEW 1

WHY OPEN ECONOMIC PATHWAYS TO REFUGEES? 1

WHY CURRENT ECONOMIC PATHWAYS EXCLUDE REFUGEE APPLICANTS AND HOW TO BETTER INCLUDE THEM 6

IMMIGRATION PROGRAM REQUIREMENTS 7

 WORK EXPERIENCE 7

 PROOF OF WORK EXPERIENCE 8

 SETTLEMENT FUNDS 8

 VALID PASSPORTS 9

 LAWFUL RESIDENCY 9

 POINTS SYSTEMS 10

 OCCUPATIONS OF FOCUS 11

 SKILL-LEVEL MOBILITY 12

 EDUCATION 13

 PROOF OF EDUCATION 13

 LANGUAGE 13

COSTS, PROCESSING, AND ADMISSIBILITY 14

 PROCESSING TIMELINES AND TEMPORARY WORK PERMITS 14

 DEPENDENT FAMILY 15

 HEALTH AND SOCIAL SERVICES NEEDS 15

 IMMIGRATION AND START UP COSTS 16

APPENDIX 1: SUMMARY OF RECOMMENDATIONS 17

APPENDIX 2: ECONOMIC STREAM PATHWAYS OPEN TO APPLICANTS LIVING ABROAD 19

OVERVIEW

Through a diversity of economic immigration pathways, Canada selects foreign nationals whose skills contribute to the country's prosperity. In recent years, Immigration, Refugees and Citizenship Canada (IRCC) has made significant improvements to immigration programs to make them more efficient and responsive to Canada's growing economic needs.

While these pathways support some 180,000 economic immigrants to Canada each year, they are not designed to include eligible applicants in refugee circumstances. Requirements in federal and provincial economic pathways present an array of unintended barriers for refugees, regardless of their skills and qualifications. As a result, Canada misses out on a major source of human capital that could contribute to growth sectors and communities across the country. Addressing the unintended barriers by making current programs more flexible or creating new economic programs can enable refugees to unlock their potential, to the significant gain of employers, Canadian communities, and the international community.

This discussion paper first covers the case for including refugees in Canada's economic pathways. It then outlines specific barriers refugees may face in accessing skilled immigration and provides recommendations to better include them as a source of talent for Canadian employers and communities. These recommendations are consistent with Canada's goal to address skills gaps and demographic challenges through skilled immigration, and its commitment to pioneer innovative solutions to the global refugee crisis.

WHY OPEN ECONOMIC PATHWAYS TO REFUGEES?

Canada's growing immigration targets aim to drive economic growth and address skills and demographic challenges across the country. Skilled immigration can also be part of Canada's approach to a sustainable refugee response. The international community recognizes that new responses are necessary to find solutions for unprecedented numbers of refugees and asylum seekers worldwide, and to encourage well-managed, regular and orderly migration. Opening skilled immigration to refugees can be a powerful solution. It can empower the private sector to play a meaningful role in providing refugees with a pathway to safety and self-reliance, while attracting skilled workers and their families to communities in need of talent.

Before fleeing their home countries, many refugees had higher education, professional or skilled trades experience, or entrepreneurial experience. Career aspirations continue after displacement, but the opportunities become increasingly rare. Refugees face restrictions on

work and study in host countries and many people are forced to work in unrelated fields to make a living. Their skills atrophy and qualifications go unused. Many aspire to immigrate to improve their lives, but the options left to refugees who can't go home are irregular and often perilous migration, or the lottery of resettlement.

In recent decades in Canada, refugees have been selected solely through humanitarian immigration pathways such as government resettlement and private sponsorship. It is critical to preserve these separate and dedicated humanitarian pathways to enable Canada to provide protection to the most vulnerable. But preserving these humanitarian pathways does not preclude extending access to economic pathways. To do this, Canada will need to design its economic pathways to be more inclusive and equitable. Economic immigration is not a level playing field among qualified applicants. In theory, anyone can apply; but in practice, it is impossible for many qualified refugees.

Canada has a unique opportunity to be a leader in addressing the global humanitarian crisis through developing innovative labour mobility solutions and promoting the recognition of refugees as assets rather than a burden.

Here are some of the benefits of advancing refugee access to economic pathways:

REFUGEES HAVE COMPETITIVE SKILLS THAT CANADIAN EMPLOYERS NEED.

Like many countries, Canada needs more immigrants of all skill levels. The planned immigration level in 2018 is at an all-time high of 310,000 and is projected to rise to 340,000 by 2020. Business leaders in Canada have called for an even higher annual target of 450,000 because many sectors and regions of the economy are struggling with talent shortages.² Canada's fast-growing tech sector will face a shortage of 220,000 workers by 2020 according to the Information and Communications Technology Council.³ ManpowerGroup reported in 2018 that 41 per cent of Canadian employers have difficulty filling jobs, a figure that represents a ten-year high, and for the eighth year in a row skilled trades roles are the hardest to fill in Canada.⁴ The talent need is more pronounced in some regions, leading Atlantic provincial governments to make immigration a central pillar in their economic strategies.⁵

² Andy Blatchford, "Finance Minister's key advisers want 100M Canadians by 2100," *The Toronto Star*, October 23, 2016, <https://www.thestar.com/business/2016/10/23/finance-ministers-key-advisers-want-100m-canadians-by-2100.html>.

³ Information and Communications Technology Council (ICTC), "Digital Talent: Road to 2020 and Beyond," March 2016, 8.

⁴ ManpowerGroup, "2018 Talent Shortage Survey Canada," 2018 Talent Shortage Survey, https://cdn2.hubspot.net/hubfs/2942250/Local%20Infographics/2018_TSS_Infographics-Canada.pdf?t=1532628258456.

⁵ "Atlantic Growth Strategy," Atlantic Canada Opportunities Agency, accessed May 14, 2018, <http://www.acoa-apeca.gc.ca/aos-sca/Eng/atlantic-growth.html>.

Refugees could be a source of skilled immigration to Canada in priority sectors and regions. The world's 25 million refugees include many whose careers have been interrupted by conflict or persecution. Many are professionals and tradespeople with skills that are in-demand across Canadian industry, who want the opportunity to rebuild their lives and careers. Talent Beyond Boundaries analyzed the skills and training of over 10,000 refugees living predominantly in Jordan and Lebanon who registered in an online "Talent Catalog" and found in this small sample nearly 700 skilled trades workers, 316 healthcare workers, and 331 engineers. Of those in the Talent Catalog, 4,000 reported English abilities and 351 reported French.⁶ There are millions of refugees globally with skills needed around the world, yet current immigration systems unintentionally exclude them.

CANADIAN EMPLOYERS WANT TO HIRE INTERNATIONAL REFUGEE TALENT.

Canadian businesses have demonstrated the will to hire refugee talent from outside Canada. At the time of writing, Talent Beyond Boundaries is working with twenty-one companies that are actively recruiting through a database of international refugee talent. Among this group are five companies that have extended employment offers to a refugee candidate following comprehensive interviewing. They represent diverse sectors such as software development, human resources, construction, manufacturing, healthcare, hospitality, and food production, and are based in small to big cities across the country. Each employer who has turned to this talent pool with Talent Beyond Boundaries shares the challenge of filling skilled positions with local talent. They view this unique international recruitment as an opportunity to find competitive skills and achieve the significant social impact of supporting a refugee family's immigration. One employer described his interest in hiring from this talent pool: "I heard about TBB and what they were doing. I thought what a brilliant idea, seemed like this was the solution we needed to help industry, promote the economy in Ontario and for that matter all of Canada." He continued, "as I interviewed each refugee it had a profound effect on me. These well-educated candidates were impressive on so many levels, yet what they have gone through would have left most people shattered." Another employer shared feedback from an employee after hiring a refugee candidate: "I am so proud of working for [this company] and knowing we support the people of the world who are skilled and just need an opportunity for a better life ... thank you!"

REFUGEE CAN MEET THEIR POTENTIAL, WHICH THEY CANNOT DO IN MANY HOST COUNTRIES.

Less than one per cent of the 25 million refugees worldwide have access to resettlement to

⁶ Talent Beyond Boundaries, "Mapping Refugee Skills and Employability: Data and Analysis from the Talent Catalog," September 2017, <https://talentbeyondboundaries.org/s/TBB-Data-and-Analysis-Report-September-2017.pdf>.

third countries like Canada. The rest are left in countries of asylum, often neighbouring host countries, where labour markets are not equipped to absorb the large numbers of arrivals. There are laws in many host countries prohibiting refugees from working legally. Even in countries that provide work permits, refugees can face systemic discrimination that forces them to work illegally or outside their field of training. As a result, refugees see their skills atrophy and economies lose significant human potential. There are efforts to increase economic opportunities for refugees in these countries, for example, through investment in entrepreneurship and skills building. However, additional solutions are needed to enable refugees to meet their full potential.

THE INTERNATIONAL COMMUNITY RECOGNIZES SKILLED IMMIGRATION FOR REFUGEES AS PART OF A GLOBAL SOLUTION.

The United Nations New York Declaration asks Member States to find solutions to global migration crises that expand pathways for regular migration. The Global Compact on Refugees, in its current draft form, encourages member states to increase the availability and predictability of admissions programs, including through “labour mobility opportunities for refugees.” Volker Turk, UNHCR Assistant High Commissioner for Protection, recognizes labour mobility and the employer-driven initiative of Talent Beyond Boundaries specifically as a possible solution for refugees to achieve self-reliance.⁷ The Global Compact on Safe, Orderly and Regular Migration also includes objectives to enhance the availability and flexibility of pathways for regular migration and to facilitate skills matching and assessment, enabling vulnerable migrants to make a living and contribute.

Some countries are beginning to experiment: Australia is exploring labour mobility for refugees through both private sponsorship and existing skilled immigration pathways; Germany is implementing a “3+2 regulation” which enables rejected asylum seekers to stay and complete vocational training and afterwards potentially extend their residency; and Sweden is implementing a work permit which enables, under some circumstances, rejected asylum seekers to continue to work. While they are diverse, these policies share a willingness to confront conventional assumptions about the profile of skilled immigrants and recognize the individual potential and agency of refugees and asylum seekers.

REFUGEES ARE WELCOME IN CANADA, BUT HUMANITARIAN PROGRAMS ARE LIMITED.

Canada has expressed the desire to do more to provide long-term solutions to refugees, but, as critical as they are, humanitarian programs are relatively small and resources to

⁷Volker Türk, “Statement to the 68th Session of the Executive Committee of the High Commissioner’s Programme,” UNHCR, October 5, 2017, <http://www.unhcr.org/en-us/admin/din/statements/59d4b99d10/statement-68th-session-executive-committee-high-commissioners-programme.html>.

support them are limited. For example, the federal government is facing processing backlogs in the refugee resettlement program. Current processing times can take as long as three years. Despite public demand to sponsor additional families, caps have been introduced on certain categories of private sponsorship due to the limited capacity to process applications. Meanwhile, there is overall more numerical capacity in the economic stream. As a proportion of the whole immigration program of 310,000 permanent residents in 2018, the humanitarian stream accounts for 14 per cent, while the economic stream is 57 per cent. Improving refugee access to the economic stream would open a new pathway for refugees to Canada that is additional to and distinct from the humanitarian stream. This inclusion would enable Canada to expand its commitment to solutions for displacement while meeting economic growth priorities. As earlier noted, strengthening dedicated humanitarian pathways is essential, and must be done in parallel to building more inclusive economic pathways.

REFUGEES MAY HAVE HIGH RETENTION RATES IN CITIES OF ARRIVAL IN CANADA.

Smaller and rural communities across Canada share the challenge of attracting and retaining immigrants. Atlantic Canada has a particularly high demand for newcomer talent and yet without a critical mass of recent immigrants, it struggles with retention rates, losing half of the immigrants that arrive over a five-year period.⁸ The Atlantic provinces have the lowest retention rates in the country.⁹ Data show that resettled refugees are more willing than others to relocate to obtain employment, will accept jobs that many others would reject, and have high retention rates with employers.¹⁰ Such data suggests the retention rates of refugees who move through economic pathways may prove higher than other immigrants for certain regions and jobs.

CANADA IS A LEADER IN INNOVATIVE PROTECTION SOLUTIONS FOR REFUGEES.

Canada is known for its leadership developing innovative programs to support refugees to seek protection and the chance to rebuild their lives, such as the Private Sponsorship of Refugees Program, a model that is being replicated in part by countries around the world through the Global Refugee Sponsorship Initiative (GRSI). Through a new initiative, the “Economic Mobility Pathways Project” implemented in partnership by Immigration, Refugees and Citizenship Canada (IRCC), Talent Beyond Boundaries, and RefugePoint,

⁸ The Canadian Press, “More immigrants coming to Atlantic Canada, but retention rates low: report,” *Maclean’s*, January 12, 2017, <http://www.macleans.ca/news/canada/more-immigrants-coming-to-atlantic-canada-but-retention-rates-low-report/>.

⁹ Public Policy Forum, “The People Imperative,” March 2018, 24, <https://www.ppforum.ca/wp-content/uploads/2018/03/PPF-The-People-Imperative-Vol1-Digital.pdf>.

¹⁰ Edward Brima, “How Refugees Stimulate the Economy,” La Trobe University, June 25, 2013, <http://www.latrobe.edu.au/news/articles/2013/opinion/how-refugees-stimulate-the-economy>.

Canada is also among the first countries worldwide to take concrete action to test the inclusion of refugees in economic pathways. Labour mobility is a cost-effective, dignified solution to displacement. There are global skill gaps that local populations are unable to fill while there are highly qualified refugees without avenues to contribute. Countries of immigration can make this connection. Canada can pave the way and further its global leadership by overcoming the identified barriers facing refugees across federal and provincial economic pathways.

WHY CURRENT ECONOMIC PATHWAYS EXCLUDE REFUGEE APPLICANTS, AND HOW TO BETTER INCLUDE THEM

Many of the requirements for immigration to Canada through current economic pathways present refugees with significant challenges and unintended barriers. For example, as refugees have been displaced from their homes, many have expired travel documents; many are unable to obtain work in the fields to prove their eligibility; many have limited or no funds for the costs of applying to immigrate. This section highlights some of these barriers and provides recommendations for overcoming them, while maintaining program integrity. These recommendations show how policies and processes must be deliberately designed to provide equitable access, otherwise qualified refugees do not have a fair shot to apply. The analysis draws on the experience of organizations working directly with refugees who aspire to immigrate to Canada, such as Talent Beyond Boundaries and Segal Immigration Law. The focus of this analysis is on federal and provincial economic pathways that are open to applicants residing outside Canada, many of which require a job offer with a Canadian employer.

These recommendations are intended to advance immediate changes to program requirements where possible, and to inform a longer-term strategy of including refugees in Canada's economic stream. Officials in some provinces and territories and at the federal level have already begun to think about smarter program design that better includes refugee applicants. Immigration departments across Canada can:

- Immediately evaluate existing economic pathways to identify unintended barriers for refugees;
- Make improvements in the short-term that are within their jurisdiction; and
- Work towards longer-term innovation such as new pilots and structural, legislative change.

Although this analysis is focused on refugee access, some of the barriers facing refugees are problems that exclude qualified applicants of any status. Consider points systems that are stacked against those in the skilled trades who may have fewer education credentials

or lower language proficiency; or inflexible documentation requirements. Design change that works for refugees can improve Canada's economic pathways for everyone.

IMMIGRATION PROGRAM REQUIREMENTS

WORK EXPERIENCE

Many provincial nominee skilled worker programs, as well as the Federal Skilled Trades program, require the applicant to have at least two years of full-time, paid, related work within the last three to five years. Meeting the requirement of recent work experience is a common immigration barrier for refugees because many face work restrictions in their host country, in law or in practice. As a result, they may work informally or in unrelated fields to make a living. Refugee-producing situations vary in length, but in 1993 the average was nine years, and in 2003 it was 17 years.¹¹ These figures correspond to research showing the average lifespan of a civil war is 10 years,¹² and even longer when foreign support is involved.¹³ This means many refugees will have no recent work experience in their field, and perhaps no prior work experience in the case of younger graduates.

Employers have shown they are willing to hire candidates without recent or prior related work experience, if they have the required level of education or training. However, the work experience requirement makes it impossible for refugees in these circumstances to apply. For example, a Talent Beyond Boundaries candidate, Ahmad, is a 23-year-old refugee currently residing in Lebanon. He holds a Bachelor of Science in Nursing but is unable to gain any work experience in nursing due to his status as a Palestinian. Ahmad has received and accepted a job offer from a Nova Scotia employer as a Continuing Care Assistant in Training. The employer can demonstrate the labour market need and is providing the job offer at comparable industry wage.

The employer is attempting to bring Ahmad through the Atlantic Intermediate Skilled Program. However, as he has not accumulated at least one year of full-time (or part-time equivalent) work experience in the occupation within the last three years, his application will be refused.

¹¹ UNHCR, "Protracted Refugee Situations," EC/54/SC/CRP.14, June 10, 2004, <http://www.refworld.org/pdfid/4a54bc00d.pdf>; Tina Rosenberg, "For Refugees, the Price of Dignity," *The New York Times*, September 1, 2011, <https://opinionator.blogs.nytimes.com/2011/09/01/for-refugees-the-price-of-dignity/>.

¹² James D. Fearon, "Why do Some Civil Wars Last so Much Longer than Others?" working paper, July 12, 2002, <https://web.stanford.edu/group/ethnic/workingpapers/dur3.pdf>.

¹³ James D. Fearon and David D. Laitin, "Civil War Termination," working paper, September 12, 2008, <https://web.stanford.edu/group/fearon-research/cgi-bin/wordpress/wp-content/uploads/2013/10/civil-war-termination.pdf>.

RECOMMENDATION: *Provide flexibility for applicants without related work experience due to their refugee status. This flexibility could include an exemption from this requirement, or a temporary work permit to build experience in Canada, for refugees who have related formal education or training.*

PROOF OF WORK EXPERIENCE

Refugees who work informally, as many who have limited work rights do, may be unable to provide typical documentation of their work experience. For example, they may not have pay stubs, bank account records or contracts; and previous employers may be unwilling to provide an employment letter fearing repercussions. Instead, refugee applicants may need to rely on alternative proof, such as co-worker affidavits, receipts for personal work-related purchases, or photographs. These alternatives can be included in program guides to ensure immigration officers have the discretion to accept alternative documents.

RECOMMENDATION: *Accept alternative documents to validate work experience, such as co-worker affidavits, to ensure applicants can count informal work experience. Program guides can offer these alternatives.*

SETTLEMENT FUNDS

Many pathways include a settlement fund requirement which varies regionally according to cost of living estimates. In the Atlantic Immigration Pilot, required funds are 12.5 per cent of the low-income cut-off (LICO) totals, which can be met through sufficient funds that are “unencumbered by debts or obligations,” meaning that funds cannot be borrowed. For a family of three, funds total \$4,773.¹⁴ In the Federal Skilled Worker Program, funds for a family of three rise to \$19,093.¹⁵ Proof of sufficient funds include bank statements, evidence of a savings balance, and deposit statements. This requirement may be prohibitive for refugees with few to no savings after years outside their home country. Further, their funds may not be in accepted forms such as bank accounts or other savings vehicles due to limited banking access.

¹⁴“Proof of funds – Skilled immigrants (Atlantic Immigration Pilot),” IRCC, accessed May 21, 2018, <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/atlantic-immigration-pilot/proof-funds.html>.

¹⁵“Proof of funds – Skilled immigrants (Express Entry),” IRCC, accessed May 21, 2018, <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry/become-candidate/eligibility/proof-funds.html>.

RECOMMENDATION: *Provide alternative ways for applicants with refugee status to satisfy the settlement funds requirement. For example, by accepting a direct grant or a guaranty-backed loan held with a Canadian financial institution. In addition, include alternative and informal methods of savings among the accepted proof of funds.*

VALID PASSPORTS

All federal and provincial economic pathways require a valid (current) passport as part of the application process. A copy of the passport is to be included with the application and original presented upon landing. Refugees may have an expired passport or no passport, and they may be unable to renew or obtain a new one. The requirement excludes refugees in these circumstances even if they have alternative means of identification. For example, the Ontario Immigrant Nominee Program (OINP) Employer Job Offer – Foreign Worker stream requires that an applicant’s passport be valid for two years prior and two years after the time of application submission. A Talent Beyond Boundaries candidate, Mohammed, is a 26-year-old Syrian refugee living in Lebanon. He has accepted a job as a Full Stack Developer (type of Software Engineer) at a company in Kitchener, Ontario. However, the Syrian Arab Republic only offers passports valid for two years at a time to males between the ages of 18 and 42, who have not completed military service.¹⁶ Therefore, this passport validity requirement of the OINP program excludes Mohammed.

RECOMMENDATION: *If the purpose of this requirement is to provide identification, expand the requirement to include alternative forms of ID including an expired passport. If the purpose of this requirement is for travel, the Government of Canada can and does use alternative travel documents.*

LAWFUL RESIDENCY

Lawful residency in the current country of residence is another common requirement that prevents many refugees from applying through current economic streams. Applications

¹⁶“Syria: Requirements and procedures to obtain, renew, and replace passports and national identity cards, including in Canada and in neighboring countries; information and details contained in each document, including physical characteristics,” Canada: Immigration and Refugee Board of Canada, published 11 September 2017, <http://www.refworld.org/docid/59d384c14.html>.

Often require that applicants provide a copy of their visa for the country in which they are currently living. For example, the program guide for the New Brunswick Provincial Nominee Program (NBNP) Skilled Worker Applicants with Employer Support stream explicitly states, “applications are not accepted from applicants who are not lawfully residing in their country of residence at the time an application is received at the NBNP Office. Proof of lawful residence is required.”¹⁷ This requirement inadvertently excludes refugees, as many do not have lawful residency in their country of asylum. This occurs for many reasons, such as policies restricting refugees to designated camp areas, or prohibitive fees for renewing residence permits.

RECOMMENDATION: *Offer alternatives to lawful residency, such as refugee status or circumstances with endorsement from the UNHCR. In addition, program guides can offer a more flexible definition of “lack of status.”*

POINTS SYSTEMS

Canada’s Federal Express Entry program and several provincial nominee programs operate within points-based systems. Candidates must meet certain criteria – often language proficiency, educational background and qualifications, work experience, age, and financial situation – to create a profile to enter a pool to express their interest in immigrating to Canada. Draws are done from this pool and the best-qualified applicants with point scores upwards of the drawn score are invited to apply. Although refugee applicants may meet many of the human capital requirements to be eligible for skilled immigration programs, they tend to fall below the typical cut-off for invitations to apply. For example, points systems reward work and study in Canada, favouring those already in-country.

Talent Beyond Boundaries candidate Hussein, a 31-year-old Syrian refugee living in Lebanon with his wife and two young children, received a job offer for a position at a roofing company in British Columbia making \$52,000 CAD annually. He meets all eligibility requirements for the British Columbia Provincial Nominee Program (BC PNP) Skilled Worker stream. This program requires applicants to register through an online portal to create a profile where points are assessed based on skill level of the job offer, wage, regional district of employment, directly related work experience, highest level of education,

¹⁷“Guide for Skilled Worker Applicants With Employer Support,” Government of New Brunswick, accessed July 6, 2018, <http://www2.gnb.ca/content/dam/gnb/Departments/pet-epft/PDF/PopGrowth/GuideSWApplicantsEmployerSupport.pdf?random=1530847010444>.

and language. Hussein scored approximately 60 points. BC PNP provides guaranteed invitations to those who score 135 points. In 2018 so far, the minimum score for an invitation to apply for candidates in the Skilled Worker category was 75 points. Hussein currently holds an expired passport, which prevented him from even creating an online profile.

The federal and provincial governments could overcome this barrier to qualified applicants by conducting specific draws for certain occupations, helping to address the hiring needs of employers in occupations where candidates are not receiving invitations to apply. IRCC conducts targeted program-specific draws in the Express Entry system. Ontario has also conducted a targeted draw for IT candidates, lowering its minimum score of 400 points to enable more applicants to qualify. Other provinces and territories can develop similar approaches. In parallel, governments could allow for the application of "substituted evaluation," where an officer would make his or her own evaluation for the likelihood of the applicant becoming economically established in Canada. This method was previously applied to Federal Skilled Worker applicants and allows the officer to accept or refuse the applicant no matter how many points they have achieved.

An alternative solution is to consider experimenting with targeted draws for applicants who identify as refugees or adding additional points for those who have compelling humanitarian and compassionate considerations.

RECOMMENDATION: *Conduct specific draws for in-demand occupations in various skill levels and, in parallel, allow for the application of "substituted evaluation" where officers can accept or refuse applicants regardless of points totals. Or, consider specific draws for refugee applicants or additional points for humanitarian and compassionate considerations.*

OCCUPATIONS OF FOCUS

Canada uses a National Occupational Classification (NOC) system to categorize jobs. For immigration purposes, the main job groups are skill levels 0 (zero), A, B, C, and D. Applicants who want to come to Canada as skilled immigrants, such as through Express Entry, must be skill level 0, A or B. Few pathways allow those at lower skill levels to apply. Yet, Canadian employers in smaller cities and rural areas in particular have difficulty finding skilled workers in a wide range of occupations. A parliamentary committee study on Atlantic immigration addressed this issue of labour shortages at all skill levels. The Standing Committee on Citizenship and Immigration (CIMM) advised IRCC "to make room for

candidates with job skills classified as National Occupational Classification C or D to address the needs of Atlantic Canada including sectors such as agriculture, construction, fisheries, hospitality and transportation.”¹⁸ A broader skills focus across Canada’s economic programs could support refugee access to skilled immigration. While many refugees have advanced education and sophisticated skills, a significant number worldwide have training and experience in lower-skilled occupations. This can reflect interrupted education, exclusion from the formal economy in a host country, or years spent in conflict or fragile environments.

RECOMMENDATION: *Broaden economic pathways to include occupations at skill levels C and D, in accordance with local labour market needs.*

SKILL LEVEL MOBILITY

Immigrants of any status often find their first job in a new country in a position that is related, but below their level of training. For example, a refugee who was a lawyer in their home country may receive a job offer to be a law clerk in Canada. However, some economic immigration pathways will not recognize work experience in a higher NOC level to meet the requirements of a lower NOC level position. This is sometimes referred to as ‘downward mobility.’

For example, the Atlantic Intermediate-Skilled Program requires the applicant to have accumulated at least one year of full-time (or part-time equivalent) work experience in their primary occupation at skill level C within the last three years. A Talent Beyond Boundaries candidate, 26-year-old Ibrahim, has been working as an Intensive Care Unit Nurse (skill level A) in Lebanon since August 2014. He has received and accepted a job offer from a Nova Scotia employer as a Personal Support Worker (skill level C). Although all other program requirements have been met, Ibrahim’s application will be unsuccessful because the program does not allow an applicant with skilled work experience to accept a job within a lower-skilled position.

RECOMMENDATION: *Enable skill-level mobility for higher-skilled applicants into lower-skilled positions in related fields.*

¹⁸“Standing Committee on Citizenship and Immigration (CIMM), 2017, “Immigration to Atlantic Canada: Moving to the Future,” November 2017, <https://www.ourcommons.ca/DocumentViewer/en/42-1/CIMM/report-14/page-72>.

EDUCATION

Many economic pathways require a minimum education level. Refugees may be excluded by this requirement, for example, if conflict interrupted their education at a young age. There are occupations at all skill levels ranging from IT to food services that do not require formal education. Economic pathways in some provinces provide a higher degree of flexibility: Ontario's Employer Job Offer - Foreign Worker Stream and Saskatchewan's International Skilled Worker: Employment Offer stream both target skill levels 0, A and B, and are among those with no listed education requirements.

RECOMMENDATION: *Remove the listed education requirement within a greater number of pathways, enabling the employer or position to determine any required degree or qualification.*

PROOF OF EDUCATION

Federal pathways and many provincial pathways require an Educational Credential Assessment (ECA) for education obtained outside Canada. Recognizing that refugees may be unable to obtain records of their education from home-country institutions, World Education Services (WES) Canada piloted an Alternative Credential Assessment (ACA) process for Syrian refugees. The pilot aimed to develop an assessment that could be rigorous enough to serve as a proxy for authentication for those unable to meet usual WES document requirements for Syria. The pilot clients had to be in possession of at least one piece of credible evidence of academic study. After its successful pilot, WES plans to scale its ACA initiative beyond Syria.

RECOMMENDATION: *Accept Alternative Credential Assessment reports from refugee applicants who are unable to meet usual document requirements.*

LANGUAGE

Many economic pathways require a minimum language score on the Canadian Language Benchmark (CLB) or the Niveaux de compétence linguistique canadiens (NCLC). This requirement could keep qualified refugee applicants, especially those with limited access to formal language training, from accessing many economic programs despite possessing the

skills and experience to qualify for the position. A good practice may be to introduce flexibility within certain pathways in each province, particularly at higher skill levels where health and safety are less likely to be occupational risks. For example, Ontario's Employer Job Offer - Foreign Worker Stream is a higher-skilled pathway which does not set language minimums.

RECOMMENDATION: *Remove the language requirement within a greater number of pathways, enabling the employer or position to determine any required fluency.*

COSTS, ADMISSIBILITY, AND PROCESSING

PROCESSING TIMELINES AND TEMPORARY WORK PERMITS

The average processing time to become a permanent residence within the federal Express Entry program and Atlantic Immigration Pilot pathways is six months. For Provincial Nominee Programs (PNPs), the current average is 19 months. Because these timelines are unworkable for many employers, IRCC offers temporary work permits that allow candidates to begin work in Canada while their permanent resident application is processed (except within Express Entry). This opportunity for a fast-tracked arrival, however, may be inaccessible to applicants in refugee circumstances. Among the criteria to apply for a work permit are a valid (current) passport and proof of legal status in the current country of residence.¹⁹ Further, applicants must demonstrate their ability to leave Canada at the end of the temporary work permit period (i.e. two years), should their application for permanent residence be refused. When making this assessment, an immigration officer will examine the individual circumstances of the applicant. It will be difficult to make the argument that applicants in refugee circumstances will leave Canada by the end of the period authorized for their stay. In addition, due to their circumstances and nationalities, refugees may be subject to comprehensive security screening that could extend the processing time even further.

If refugees are unable to access temporary work permits, and face over 19 months between application and arrival, they are de facto excluded from any stream that requires a job offer because they are unable to compete with other international candidates who can arrive in mere weeks. Unless employers are equipped with the resources and very likely also driven

¹⁹"Application for a Temporary Work Permit – Atlantic Immigration Pilot Program," IRCC, accessed May 21, 2018, http://www.cic.gc.ca/english/information/applications/atlantic-work.asp?_ga=2.92431957.936389766.1523622802-1756052233.1444878931.

by humanitarian purpose, they cannot commit to a hiring timeline of one to two years.

RECOMMENDATION: *Develop alternative criteria to provide refugee applicants with equitable access to temporary work permits, to ensure employers can hire international refugee talent to meet labour market needs as soon as possible.*

DEPENDENT FAMILY

In economic immigration applications, principal applicants can include family members as dependents to join them in Canada. Dependents include a spouse or a common-law partner, a dependent child, a spouse or common-law partner's dependent child and a dependent child of a dependent child. However, there are many other family members who might be dependent on a principal applicant who is also a refugee. Refugee status and circumstances create higher dependencies among family members beyond the nuclear family, which may relate to poverty, trauma, illness, or the loss of other caregivers and providers within the family. Refugees may therefore be more likely to have a dependent parent, grandparent, or sibling without whom they cannot move.

In humanitarian and compassionate applications, applicants can include “de facto” family members, if they are in a situation of dependence that makes them a de facto member of a nuclear family. For example, an elderly relative such as an aunt who has resided with the family for a long time. The consideration of “de facto” family members should be extended to economic applications for refugee applicants.

RECOMMENDATION: *Increase flexibility in the determination of dependents for applicants with refugee status or circumstances by extending consideration of “de facto” family members.*

HEALTH AND SOCIAL SERVICES NEEDS

The Government of Canada has announced plans to change the law that enables applicants to be determined inadmissible based on needs that would place “excessive demand” on Canadian Health and Social Services.²⁰ The *Immigration and Refugee*

Protection Act (IRPA) and Regulations currently define excessive demand as anticipated costs that “would likely exceed average Canadian per capita health services and social services costs over a period of five consecutive years.”²¹ The planned changes will remove certain services and raise the overall cost threshold. A more inclusive policy will likely benefit refugee applicants and their dependents. Refugee status and circumstances impact health, whether by direct cause of a conflict, or indirect cause of limited access to health and social services or to healthy lifestyles in host countries.

RECOMMENDATION: *Continue to review medical inadmissibility provisions and monitor disproportionate impacts on refugee applicants.*

IMMIGRATION AND START UP COSTS

The costs of immigration can be prohibitive for refugees. Costs at the application stage include processing fees, translation of documents, language testing, Educational Credential Assessments, medical exams, and police certificates; and these costs can accrue for each family member. After a successful application, there are costs associated with travel including airfare, ground transportation, and hotel stays at departure and arrival cities. After arrival, there are start-up costs before a first paycheck such as rent deposits, food, household goods, clothing, transit, and more. There is also the variable cost of healthcare during the first months of residence prior to qualifying for provincial or territorial healthcare coverage. For some immigrants to Canada, including resettled refugees, the Immigration Loans Program (ILP) is a critical source to pay for the immediate costs of immigration. Under current rules, applicants to the economic stream are not eligible for most ILP loans apart from the travel loan. Similarly, the Interim Federal Health Program (IFHP) covers healthcare costs for refugees and certain other groups who are ineligible for provincial or territorial health insurance, but it is not accessible to immigrants under the economic stream.

RECOMMENDATION: *Extend all loans within the Immigration Loans Program to economic stream applicants with refugee status or circumstances. For these applicants, consider extending the Interim Federal Health Program in the period between arrival and the start of provincial or territorial health insurance.*

²⁰ “Changes to Medical Inadmissibility Policy,” IRCC, accessed May 21, 2018, <https://www.canada.ca/en/immigration-refugees-citizenship/news/2018/04/changes-to-medical-inadmissibility-policy.html>.

²¹ *Immigration and Refugee Protection Regulations*, SOR/2002-227, s. 1, current to April 24, 2018 and last amended on April 11, 2018, <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/section-1.html>.

APPENDIX 1: SUMMARY OF RECOMMENDATIONS

Policy Area	Recommendation
Immigration Program Requirements	
Work Experience	Provide flexibility for applicants without related work experience due to their refugee status. This flexibility could include an exemption from this requirement, or a temporary work permit to build experience in Canada, for refugees who have related formal education or training.
Proof of Work Experience	Accept alternative documents to validate work experience, such as co-worker affidavits, to ensure applicants can count informal work experience. Program guides can offer these alternatives.
Settlement Funds	Provide alternative ways for applicants with refugee status to satisfy the settlement funds requirement. For example, by accepting a direct grant or a guaranty-backed loan held with a Canadian financial institution. In addition, include alternative and informal methods of savings among the accepted proof of funds.
Valid Passports	If the purpose of this requirement is to provide identification, expand the requirement to include alternative forms of ID including an expired passport. If the purpose of this requirement is for travel, the Government of Canada can and does use alternative travel documents.
Lawful Residency	Offer alternatives to lawful residency, such as refugee status or circumstances with endorsement from the UNHCR. In addition, program guides can offer a more flexible definition of “lack of status.”
Points Systems	Conduct specific draws for in-demand occupations in various skill levels and, in parallel, allow for the application of “substituted evaluation” where officers can accept or refuse applicants regardless of points totals. Or, consider specific draws for refugee applicants or additional points for humanitarian and compassionate considerations.
Occupations of Focus	Broaden economic pathways to include occupations at skill levels C and D, in accordance with local labour market needs.
Skill-level Mobility	Enable skill-level mobility for higher-skilled applicants into lower-skilled positions in related fields.
Education	Remove the listed education requirement within a greater number of pathways, enabling the employer or position to determine any required degree or qualification.
Proof of Education	Accept Alternative Credential Assessment reports from refugee applicants who are unable to meet usual document requirements.
Language	Remove the language requirement within a greater number of pathways, enabling the employer or position to determine any required fluency.

APPENDIX 1: SUMMARY OF RECOMMENDATIONS, CONT'D

Policy Area	Recommendation
Costs, Admissibility, and Processing	
Processing Timelines and Temporary Work Permits	Develop alternative criteria to provide refugee applicants with equitable access to temporary work permits, to ensure employers can hire international refugee talent to meet labour market needs as soon as possible.
Dependent Family	Increase flexibility in the determination of dependents for applicants with refugee status or circumstances by extending consideration of “de facto” family members.
Health and Social Services Needs	Continue to review medical inadmissibility provisions and monitor disproportionate impacts on refugee applicants.
Immigration and Startup Costs	Extend all loans within the Immigration Loans Program to economic stream applicants with refugee status or circumstances. For these applicants, consider extending the Interim Federal Health Program in the period between arrival and the start of provincial or territorial health insurance.

APPENDIX 2: ECONOMIC STREAM PATHWAYS OPEN TO APPLICANTS LIVING ABROAD

The following is a non-exhaustive list of the economic stream pathways open to applicants living abroad, which form the basis of analysis for this paper.

Government Responsible	Program Name
Canada	Federal Skilled Worker Program
Canada	Federal Skilled Trades Program
Canada	Atlantic High-Skilled Class
Canada	Atlantic Intermediate-Skilled Class
British Columbia	Skilled Immigration Stream - Skilled Worker
British Columbia	Skilled Immigration Stream - Healthcare Professional
British Columbia	Skilled Immigration Stream - Entry-Level and Semi-Skilled
British Columbia	Express Entry BC Stream - Skilled Worker
British Columbia	Express Entry BC Stream - Healthcare Professional
Manitoba	Skilled Worker Overseas Stream – Manitoba Express Entry Pathway
Manitoba	Skilled Worker Overseas Stream – Human Capital Pathway
New Brunswick	Skilled Worker Applicants with Employer Support
Newfoundland & Labrador	Skilled Worker
Newfoundland & Labrador	Express Entry Skilled Worker Category
Nova Scotia	Skilled Worker
Nova Scotia	Nova Scotia Demand: Express Entry, Category A
Nova Scotia	Nova Scotia Demand: Express Entry, Category B
Ontario	Employer Job Offer - Foreign Worker Stream
Ontario	Employer Job Offer - In-Demand Skills Stream
Ontario	Ontario's Express Entry Human Capital Priorities Stream
Ontario	Ontario's Express Entry French-Speaking Skilled Worker Stream
Ontario	Ontario's Express Entry Skilled Trades Stream
Quebec	Regular Skilled Worker Program (Programme régulier des travailleurs qualifiés)
Saskatchewan	International Skilled Worker: Employment Offer
Saskatchewan	International Skilled Worker: Occupation In-Demand
Saskatchewan	International Skilled Worker: Saskatchewan Express Entry
Yukon	Skilled Worker Program
Yukon	Express Entry
Yukon	Critical Impact Worker

