



## **Enhancing Express Entry through Category-Based Selection to Better Meet Canada’s Evolving Economic Needs Consultation**

**Written Submission from World Education Services (WES)**

**January 6, 2023**

### **About WES**

World Education Services (WES) is a non-profit social enterprise dedicated to helping international students, immigrants, and refugees achieve their educational and career goals in Canada and the United States. For more than 45 years, WES has set the standard of excellence in the field of international academic credential evaluation. Through WES Global Talent Bridge, the organization joins with institutional partners, community-based organizations, and policy makers to help immigrants and refugees who hold international credentials fully utilize their talents and education to achieve their academic and professional goals. Its philanthropic arm, the WES Mariam Assefa Fund, supports catalytic leaders and organizations working to build inclusive economies and to ensure that immigrants and refugees can achieve their aspirations and thrive. Since 2013, WES has been a designated provider of Educational Credential Assessments (ECAs) for Immigration, Refugees and Citizenship Canada (IRCC).

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## **Addressing Labour Market Shortages; Policy Recommendations for the Future**

WES appreciates IRCC's efforts in conducting a strategic review of the Express Entry system to make it more responsive to changing economic and labour market needs. We share the **Government of Canada's goal** of "transform[ing] the way we serve Canadians and clients, positioning our immigration system for the future to the benefit of all Canadians".

In line with **IRCC's vision**, which focuses on building a nation that is economically, socially, and culturally prosperous, current policy review must adopt a holistic approach that considers both the recruitment of talent (economic class immigrants) and the pathways for integration once individuals arrive in Canada. This approach must be guided by the principles of transparency, accountability, and equity.

In this submission, WES provides general and category-specific recommendations for IRCC to help shape the category-based selection in Express Entry with an eye toward accelerating our country's economic recovery and supporting Canadian nation-building, including the development of a strong economy, a nurturing society, and resilient welcoming communities.

### **General Recommendations from WES**

#### **Create an accessible and transparent Express Entry consultation and selection process.**

- Make a concerted effort to consider the interests of stakeholders representing different groups in the development and implementation of the categories.
- Ensure that category-based selections are responsive to the needs and demands of the labour market and that they are also be guided by the principle of nation-building, which includes the development of a strong economy, a nurturing society, and resilient welcoming communities.
- Establish a permanent working group or task force with representatives from labour, business, and the not-for-profit sector to provide real-time input about labour market needs.
- Create an independent oversight body to monitor category-based selections and report to parliament in a timely manner.

#### **Ensure predictability for all stakeholders.**

- Release the category-based selection plans in advance and report on the profile of candidates in the Express Entry pool after each round of invitations (for example, the number of candidates with a particular National Occupational Classification (NOC) code).

- Ensure that applicants are processed within the standard processing time of six months or less.
- Invest in a robust IT system to reduce the risk of technical glitches and system errors.

**Create a more equitable immigration system.**

- Revise eligibility requirements of economic immigration programs managed under Express Entry to overcome the current “high-skill” and “low-skill” dichotomy.
- Catalyze innovation and support scalable solutions that acknowledge the intersection of a wide range of policy issues, including immigration, housing, community integration, and health care.

**Context for Our Recommendations**

Transparency and Accountability

The principles of transparency and accountability are critical components of policymaking and implementation. Appropriate attention to these principles generates higher levels of trust and confidence in Canada’s immigration system, which is crucial for maintaining Canada’s competitive edge on immigration. This attention also supports the creation of a sustainable immigration policy.

In this context, the newly proposed category-based selections in Express Entry should adhere to the principles of transparency and accountability. However, the goal of making use of Ministerial Instructions – the planned approach – in order to act swiftly may come at the cost of **transparency** by undercutting meaningful parliamentary or public oversight. Additionally, reporting to parliament on an annual basis after the fact may reduce accountability.

A case in point can be found in the 2008 *Action Plan for Faster Immigration* which left the Ministry unable to **explain precisely** why certain occupations were deemed to be in demand while others were dropped significantly.

To ensure transparency and accountability an **arms-length oversight mechanism** will need to be developed. This mechanism would be empowered to scrutinize and report on how IRCC is managing the category-based selection processes within Express Entry.

Sector Specific Working Group

Reliable labour market projections are required to assess future skill needs and the possibility of skill shortages. As such, these projections are essential tools informing policy planning. The

availability of labour market forecasting for example facilitates immigration planning by providing information concerning regional and sector-based skills needs. Difficulties and obstacles, however, are inherent in long-term labour market projections, and they must be acknowledged in order to create a more robust immigration policy.

Labour shortages tend to be short-term in nature, driven by temporary situations that can be resolved for example by better wages and working conditions. The previous occupation-focused Federal Skilled Worker (FSW) selections have **shown** that it is difficult to generate reliable long-term forecasts for labour demand. Moreover, the statistical information available at a local or occupational level is not always sufficiently reliable to accurately predict labour shortages. It is therefore difficult to determine the occupational mix necessary to address a long-term labour shortage issue.

In a climate of fast changing technology and business needs, input by diverse sources would support the development of reliable labour market projections. One remedy therefore is the formation of a sector-specific table or working group with representatives from labour, business, and the not-for-profit sector. Insights from this group could complement statistical data by providing real-time input about occupation-specific labour market needs. This process would help to generate more accurate labour market predictions.

#### Processing Times and Public Reporting

Rapid processing times are essential for category-based selections to be responsive to labour market needs. The pandemic has led to increased processing times for many applicants, including long waits for application updates. It is essential to ensure that Express Entry applications are processed within the standard processing time of six months or less. Managing thousands of online applications accurately and efficiently requires maintaining an IT system that is minimally compromised by **technical glitches** and **systems errors**. A robust IT system will benefit both applicants and Canada's immigration system.

Current Express Entry draws provide candidates with predictability regarding their likelihood of receiving an invitation to immigrate and insight into different ways to increase their comprehensive ranking score (CRS) points. This predictability gives candidates the ability to plan for the long term. For example, a candidate may decide to acquire additional educational credentials or may improve their language skills to increase their chances of being selected in one of the regular draws. By contrast, category-based selections may reduce predictability and – unless details of these selections are shared with the public well in advance – may impact candidates' ability to plan for the long term. Businesses and communities similarly lack details

about category-based selections and may struggle to make informed decisions and develop their own short- and long-term integration strategies. Adding volatility to an already complex system can make it **more challenging** to navigate.

WES welcomes the strategic review of the Express Entry system because it provides IRCC with an opportunity to look beyond the rigid dichotomy of so-called “high-skill” and “low-skill” jobs and instead to focus on “essential skills”. A focus on essential skills helps build a more inclusive and equitable immigration system by expanding the eligibility to candidates in all training, education, experience, and responsibilities (TEER) categories.

### **Category: Selecting Candidates Based on Work Experience in a Particular Occupation or Sector**

#### **Recommendations from WES**

##### **Address the underutilization of the newcomer talent.**

- Establish a national committee of diverse stakeholders (including businesses, licensing bodies, and settlement agencies) to promote best practices and programs that counter the underutilization of the newcomer talent.
- Improve IRCC’s data collection on educational background and intended occupation for all Express Entry applications.
- Gather and incorporate disaggregated immigration and workforce data related to race, gender, age, and other relevant intersections.
- Catalyze innovations (e.g., Skills Passports initiative) that improve labour market alignment with immigrants’ skills, credentials, and experiences.
- Ensure that prospective immigrants have access to information that is realistic, accurate, and timely regarding all the factors associated with success in employment, job satisfaction, and prospects for commensurate employment.

##### **Streamline licensing process for internationally trained professionals.**

- Require provincial occupational regulatory bodies to collect comparable standardized data on immigrants seeking registration in regulated professions and link that to data on employment outcomes.
- Work with provincial or territorial governments and regulatory bodies to create pathways to ensure that immigrants who have regulated occupational experience can be quickly and effectively assessed and integrated into the labour market.
- Convene relevant stakeholders to develop and implement a cohesive pan-Canadian health care workforce strategy that addresses the immigration, licensure, and workforce inclusion pathways of immigrant health professionals.

### **Create immigrant-inclusive economy and labour market.**

- Invest in social procurement models and Community Benefits Agreements that can drive local economies and provide social and economic benefits for all.
- Provide dedicated support for businesses, particularly small and medium enterprises (SMEs), (e.g., tax incentives) to adopt inclusive recruitment and retention strategies that incorporate immigrant talent, including competency-based assessment and hiring practices.
- Take tangible steps to confront racism (e.g., requesting Canadian experience) in Canadian society, which impacts immigrants' integration into the labour market and local communities.

### **Context for Our Recommendations**

With an aging population and low birth rates, Canada is one of many countries that **rely** on the migration of internationally educated immigrants for economic and workforce stability. Meanwhile, the Canadian job vacancy rate across all sectors surged to a new record throughout 2021 and 2022 – nearly **one million jobs** were unfilled in Q2 of 2022. Although unprecedented job vacancies have impacted nearly every sector, labour shortages are **more acute** in accommodation and food services; construction; agriculture; health care and social assistance; administrative and support, waste management, and remediation services; transportation and warehousing; and professional, scientific, and technical services.

Given this situation and Canada's goal of welcoming **82,880** immigrants through federal economic immigration programs in 2023, it is more important than ever to ensure that newcomers are able to fully contribute their skills and experience to the labour market through meaningful, commensurate employment.

#### **Underutilization, Deskilling, Licensure Barriers, and Xenophobia**

The issue of the underutilization of immigrants' skills is increasingly pressing. Immigrants to Canada arrive with educational credentials that are, on average, higher level than those held by individuals born in Canada. However, immigrants, especially those who are racialized, are about twice as likely to be **overqualified** for the positions for which they are hired. More than **50 percent** of immigrants trained in the science, technology, engineering, and mathematics (STEM) field do not work in STEM occupations.

Nevertheless, existing **research** shows that immigrants at all levels of education face significant barriers to employment in Canada, including the devaluation of educational credentials and

experience; bias in favour of Canadian work experience rather than assessment of competencies; limited social capital; and overt and covert xenophobia and racism. There is a fundamental mismatch between immigration policy, which assesses the value of an incoming immigrant's skills and experience, and the value that employers place on the same skills and experience. A **2021 study** by the Business Development Bank of Canada found that only a small percentage of businesses taps into immigrant talent even in the midst of hiring difficulties. Better strategies to integrate immigrant talent into the workforce are needed.

Immigrants seeking work in regulated occupations face additional obstacles. Regulated occupations are governed by provincial and territorial regulatory bodies and/or professional associations. Entrants to these occupations must often fulfill lengthy and cumbersome licensing requirements.

A 2019 **WES research paper** focused on labour market outcomes. It demonstrated that immigrants who wish to work in regulated occupations experienced lower rates of employment than respondents who work in non-regulated occupations. An earlier **report** by Ontario Society of Professional Engineers found that only one in five internationally trained engineers in Canada works in their field of training. Challenges in the health care sector are similarly steep, despite the health care workforce crisis. Thousands of internationally educated health professionals (IEHPs), including physicians, nurses, and allied health practitioners, struggle with barriers to re-entering and advancing in their professions. According to **Statistics Canada**, in 2020, 47 percent of immigrants who received their health care education abroad were unemployed or employed in positions that did not make full use of their skills, education, and experience.

In 2022, **WES research** on the underutilization of IEHPs identified profound gaps in the data available on IEHP employment. WES noted that, despite numerous data sources capturing specific aspects of the IEHP landscape, it is nearly impossible to determine basic facts such as just how many IEHPs are in the country, how many are practicing in their intended professions, how many are attempting to re-enter their professions, or the extent to which downward mobility and de-skilling are occurring because of skill underutilization. Despite the data shortcomings, there are **clear indications** that this talent pool is significant. Before increasing the immigration intake of IEHPs, greater efforts are needed to integrate talent already existing within the country.

#### Remedies

Ensuring all immigrants can equitably and meaningfully contribute to the workforce is key to supporting both short- and long-term economic and labour market stability in Canada. Changes



to the Express Entry system, therefore, must be coupled with concrete policies that 1) address the underutilization of immigrants' skills and 2) strive for commensurate integration into the labour market. Additionally, predicting the labour market needs and filling the labour shortages require government to formulate an effective evaluation strategy that is based on accurate, comprehensive, and meaningful data.

Recent studies show that individuals who participate in interventions that promote skills development tend to earn higher incomes and have a **greater likelihood** of finding skills-aligned jobs. Wraparound supports, including childcare and mental health services, are critical to supporting immigrants as they enter and advance in the workforce. As educational and skills-training programs adapt to digital and hybrid delivery, ensuring equitable access to technology-enabled services will also be critically important. Digital literacy training is one aspect of equitable access. IRCC should also explore expanding the **Skills Passport initiative** to other sectors to support the recruitment efforts of businesses and the integration of immigrants into the labour market at a level that is commensurate with their skills and experience.

Achieving equitable labour market integration for immigrants requires an expansion of targeted, demand-driven training and re-skilling programs, including sector-based training. The success of Community Benefit Agreement **initiatives** supported by WES have facilitated high-quality employment opportunities for immigrants and refugees in the construction sector in Ontario. Such models, including social procurement policies that benefit marginalized communities (including newcomers), should be amplified and scaled to promote widespread benefits for workers and communities.

Achieving equitable labour market integration also depends on inclusive attitudes and behaviors on the part of businesses. Building an immigrant-inclusive economy demands innovative approaches to recruitment, hiring, and retention. For example, shifting towards a more holistic, **competency-informed approach** to hiring has the potential to support and accelerate the evaluation, recognition, and utilization of immigrant talent. Competency-informed assessment can inspire employer confidence in immigrant candidates' skills, knowledge, experience, and judgment – irrespective of where those competencies were obtained or developed. A focus on retention will also contribute to newcomer, business, and community success by minimizing the cost of repeated recruitment and making long-term use of immigrant skills and training.

An immigrant-inclusive economy and labour market ultimately also requires inclusive and welcoming attitudes from community members. Studies have shown that racialized immigrants are more likely to **perceive discrimination** in the labour market and engage in precarious low-wage jobs in comparison to non-racialized immigrants. The pandemic has **exacerbated** already

existing inequities within Canadian labour market. Ongoing **incidents** of xenophobia and racism in Canada must be firmly addressed to create an immigrant-inclusive economy and a stronger sense of community.

## **Category: Transitioning International Student Graduates to Permanent Residence**

### **Recommendations from WES**

#### **Streamline permanent residence pathways for international graduates with comprehensive eligibility criteria.**

- Count the work experience international students obtain while studying towards the minimum requirements of the CEC program.
- Ensure that international graduates who are employed in any occupation that exists in the NOC website are eligible to apply for permanent residency, regardless of the length of their employment.

#### **Support labour market integration and settlement processes of international students and international graduates.**

- Review eligibility requirements for government-funded Canada Summer Jobs and work-integrated learning (WIL) programs to ensure international students can qualify for and access them.
- Provide services to businesses, particularly SMEs, to better recruit, onboard, and retain international students and international graduates.
- Improve access to timely, disaggregated labour market information and tools so that international students and businesses can make informed decisions about training and employment options.
- Expand the scope of settlement services to include international students and international graduates and allocate adequate funding for settlement services.

#### **Ensure that international students receive ethical services and wrap-around supports.**

- Work with post-secondary institutions (PSIs) and provincial, territorial, and municipal governments to ensure international students have access to wrap-around supports, including financial and health services.
- Allocate more funding to PSIs and develop principles for PSIs that receive funding to ensure that tuition structures are applied equitably for international students, ensuring affordability.
- Establish a task force to investigate the relationship between PSIs and international student recruiters; incentivize PSIs to adhere to principles of equitable inclusion and ethical recruitment practices.

### **Establish policy coherence and ensure fair assessment of study permit applications.**

- Provide transparent, coherent, and timely information to international students and international graduates about their study, work permit, and permanent residency applications.
- Ensure that all study permit applications are evaluated fairly and consistently and that rejected applications receive detailed assessment and explanation.
- Implement mandatory and regular anti-bias, anti-racism, and cultural awareness training for all visa officers, and add these core competencies required for employment.

### **Context for Our Recommendations**

Canada remains a **top destination** globally for international students because of the quality of the education system and because of Canada's reputation as an inclusive, safe society. The international student population in Canada has **tripled** in the last ten years. In 2021, there were **621,600** international students, a 17 percent increase since 2020.

International students are a large and readily available source of talent and substantial contributors to the Canadian economy. International students make up roughly **18 percent** of Canada's post-secondary enrollment, contribute more than an estimated \$22 billion to the economy annually, and support over **170,000 jobs** each year. Many sectors have experienced gains in the **share** of workforce made up of international students over the past decades. The labour market share of international students is higher particularly in three sectors: accommodation and food services (26 percent); wholesale and retail trade (19 percent); and business, building, and other support services (16 percent). International students are an essential piece of the larger immigration puzzle needed to address labour market shortages.

According to a recent survey from Canadian Bureau for International Education (CBIE), approximately **60 percent** of international students are interested in becoming permanent Canadian residents after completing their postsecondary education. The interest demonstrated by international students in the 2021 Temporary Residence to Permanent Residence (TR to PR) Pathway, which was offered at the height of the pandemic, was another indication of this population's desire to stay in Canada: The intake cap of 40,000 international students was **reached** in just 24 hours.

### **Ongoing Barriers**

Despite international students' clear potential as labour market contributors, they face significant barriers to becoming permanent residents and entering the Canadian labour market. At present

international students become permanent residents under three primary immigration programs: Canadian Experience Class (CEC), Federal Skilled Worker (FSW), and Provincial Nominee Programs (PNPs). Many students, however, experience difficulty in fulfilling the work experience requirement for permanent residency, especially since low-wage essential work, self-employed labour, gig work, and employment that lasts less than a year are **not accepted** as support for permanent residency applications. Also, the work experience gained **while studying** does not count towards the minimum requirements of the CEC program. **Temporary removal of the cap** on work hours allowing international student to work more than 20 hours per week, therefore, does not necessarily support their transition to permanent residency.

International students face a number of **challenges** in finding jobs that fulfill the work experience requirement for permanent residency. These include lack of social networks, limited industry experience, and language and cultural barriers. Limited or no access to Canada Summer Jobs and work-integrated learning (WIL) programs during their studies **further constrains their ability to find work** after graduating. These programs are essential to expanding social networks, gaining work experience, and becoming familiar with the workplace cultures in Canada.

**Employers' hesitancy** to recruit international students and international graduates constitutes another barrier. Employers often assume that hiring individuals with temporary status is risky for their business. They may also assume that international students and international graduates will require more on-the-job training than other candidates. Consideration of “cultural fit” may also be a barrier, leading employers to **discriminate** against international students and international graduates for little reason other than their ethnic or racialized background.

Additionally, for many international students, obtaining a Canadian education does not yield the desired return on investment. For **international tuition**, students are required to pay an average of \$20,000 to \$30,000 annually. This average is up to three times more than domestic tuition fees, and many international students make such an investment with the goal of obtaining professional work and becoming a permanent resident post-graduation. Some **recruitment agents** and **colleges** make false promises about Canadian employment and immigration opportunities for international students. Government does little to stop this unscrupulous activity. Unlike in **Australia** and **New Zealand**, recruitment agents are not subject to an oversight or regulatory framework in Canada (except in **Manitoba**).

Research shows that international students are not always able to secure a job post-graduation **commensurate** to their education and skills. For some international graduates **low-wage, precarious jobs** are the only employment opportunities available in the labour market.

According to a **Statistics Canada report**, international students earn less post-graduation when compared to their Canadian-born counterparts – this despite the fact that international students tend to hold more advanced degrees. The **earning gaps** tend to be larger for female and racialized international student graduates.

The pandemic and the rising cost of living have worsened the situation of many international students. Many report **feeling stressed and under pressure** to financially support themselves and their families.

#### Remedies

To better leverage international students as a driver of economic growth and recovery, the government should adopt a holistic policy approach that focuses not only on the recruitment of international students, but also on their retention. This approach would require ensuring greater policy coherence and transparency, amending the Express Entry system to include streamlined immigration pathways for international students, and providing settlement services to international students who choose to live in Canada as permanent residents.

To qualify for a study permit, international students must provide evidence that they will enter Canada temporarily and leave after completing their studies. Some prospective students, however, are **rejected** for study permits because they cannot prove their intention to leave. This creates policy incoherence. On the one hand, applicants are assessed based on their intention to come to Canada to study only. On the other hand, the government encourages international students to apply for permanent residency after completing their schooling. (Nova Scotia's **Study and Stay program** is one example of a government initiative focused on encouraging international students to remain in the province as permanent residents.)

Discrimination is another challenge facing some students. A **2022 report by the Standing Committee on Citizenship and Immigration (CIMM)** examined differential treatment of prospective international students, following allegations of racial bias within IRCC. The report found that the study permit rejection rates were particularly high for applications from certain African and South Asian countries. It also suggested that racial biases of IRCC visa officers may affect their decisions.

IRCC can increase transparency by providing a list of occupations in need and planning for the Express Entry draws well in advance. This information will help international students make informed decisions about their education choices and future plans. Transparency would be further improved by creating an **interactive platform** that describes permanent residency

pathways available for international students. Such a platform would help international students navigate Canada's immigration system. Access to clear information would also reduce the likelihood that international students are recruited to study in Canada under false promises.

To support the transition of international students to permanent residency, there should be a clear, streamlined, and stable immigration program for them under the Express Entry system. The Temporary Resident to Permanent Resident Pathways (TR to PR Pathway) pilot shows a clear path forward: Specifically, those international graduates who are employed in **any occupation** listed on the NOC website must be eligible to apply for permanent residency. This proposed change will support the creation of a more equitable program, as eligibility is not tied to a particular length of employment or a certain TEER category. Additionally, work experience gained in Canada while studying can be counted towards the minimum requirements of the CEC program.

International students must be set-up for success if they make the decision to stay in Canada as potential immigrants. These students need to have access to the same supports – and in some cases additional, unique supports – to facilitate their transition to labour market and permanent residency. This approach requires expanded access to, and funding for, Canada Summer Jobs and work integrated learning programs. It further requires equitable access to federally funded **settlement services**. Transition to permanent residency can take years, and international students navigate the interim period with limited or no support. By the time they become eligible for settlement services, they have likely already faced the most significant barriers associated with settling in Canada.

Supporting international students will help bolster the labour market in the short term and contribute to nation building over the long term.

### **Category: Transitioning Temporary Workers to Permanent Residence**

#### **Recommendations from WES**

##### **Expand pathways to permanent residency for migrant workers.**

- Revise the eligibility requirements for economic immigration programs managed under Express Entry to provide equitable access to migrant workers from all TEER categories.
- Create a long-term, stable immigration pathway for migrant workers who are currently working in Canada and for those with recent work experience in Canada.
- Determine language requirements as per an applicant's TEER category.

- Prioritize essential occupations and sectors that are underrepresented in current programs, including accommodation and food services, agriculture, healthcare, construction, and transportation.
- Facilitate access to open work permits and expedite permanent residency status for IEHPs.

**Address the broader range of needs of migrant workers.**

- Include migrant workers in the eligibility for federally funded settlement services and allocate adequate funding for settlement services.
- Establish systemic monitoring across Canada to ensure migrant workers' rights are protected.
- Gather and incorporate disaggregated data on migrant workers to facilitate timely and comprehensive policy responses in line with labour market needs.

**Context for Our Recommendations**

Canada increasingly relies on migrant workers to address the labour shortages, and work permit holders have become an integral part the labour force. The number of work permit holders has increased six-fold, from **66,600** in 2000 to **416,846** in 2021. Between 2016 and 2020, about **77 percent** of work permit holders were in NOC C and D occupations (corresponding to TEER 4 and 5 in NOC 2021). Additionally, work permit holders are **overrepresented** in certain sectors that require different levels of education and skill: agriculture (15 percent); accommodation and food services (10 percent); administrative and support, waste management and remediation services (10 percent); professional, scientific, and technical services sector (6 percent); and information and cultural industries (5 percent).

**Inequitable Access to Permanent Residency**

A sizeable percentage of work permit holders transition to permanent residency **every year**. In 2021, over **50 percent** of new economic immigrants were former migrant workers, up from **8 percent** in 2000. The pathways and access to permanent residency, however, **vary** significantly by skill level. While migrant workers in jobs deemed “*high skilled*” transition to permanent residency (mostly through the CEC and PNPs), those in jobs deemed “*low skilled*” make the transition mostly through PNPs, the Live-in Caregiver Program, and the family class. Economic immigration programs managed under the Express Entry system heavily favour the selection of candidates with higher educational attainment and language proficiency. By design, these programs place restrictions on the pathway to permanent residency for migrant workers in TEER 4 and 5 occupations.



The type of work permit a migrant worker holds is another factor that affects the ability to transition to permanent status. Holders of open work permits and those who enter under the Live-in Caregivers Program are more **likely** to transition to permanent residency than other groups of temporary workers. The precarious immigration status of many migrant workers, who are also highly likely to be **racialized**, affects their ability to transition to permanent residency. Limitations on the right to access social services are similarly constraining.

Migrant workers on work permits that are tied to a single employer often have few rights and are prone to **exploitation**. Under the existing work permit regime, many are dependent on their employers for such things as renewal of their work permit, housing, and access to basic information about their rights. There is no systemic monitoring across Canada to ensure these workers' rights are protected, and the pandemic has **exacerbated** the migrant workers' pre-existing precarities. **The Auditor General's 2021 Report to the Parliament of Canada**, for example, has shown that non-compliance with pandemic regulations was common among businesses who hire migrant agricultural workers. Moreover, federal government inspections failed to do enough to ensure those workers' rights were protected.

Migrant workers in the health care sector also face **significant barriers** to professional registration and access to skills-commensurate employment. For example, in Ontario, nurses from the Philippines who work in Canada as personal support workers or in-home caregivers arrive through closed work permits that allow them to work only in those occupations. These nurses are not eligible to obtain nursing a license as registration is restricted to Canadian citizens, permanent residents, or to open work permit holders. Their immigration status may also make them ineligible for bridging programs that offer additional training. Licensing requirements are even more restrictive for internationally trained physicians. Applicants for registration must hold Canadian citizenship or permanent resident status. Internationally educated health professionals (IEHPs) have been and will continue to be a core part of the Canadian health care workforce, and there should be a clear, expeditious pathway to permanent residency.

In this context, Canada's reliance on migrant workers to fill job vacancies is neither ethical nor a prudent long-term labour market solution.

The creation of programs for migrant workers was a strategy to fill **temporary gaps** in the Canadian labour market. These labour shortages, however, continue to widen and persist, while labour supply is still labelled as temporary. In some sectors, thousands of migrant workers return to the same communities in Canada year after year. De facto, they have become **permanently temporary**. The situation in the agricultural sector is increasingly critical: The **gap**



between demand and supply for migrant agricultural workers stood at 59,200 people in 2016. This number is expected to double by 2025. As of 2022, the primary agriculture sector faced an estimated annual revenue shortfall of **\$2.9 billion** due to labour and skills shortages. Findings from recent **Canadian Federation of Independent Business (CFIB) survey** highlight that nearly two-thirds of agri-businesses do not have the staffing they need and find it increasingly difficult to recruit workers. An estimated 78 percent of agri-business owners rely heavily on migrant workers to operate, with work permit holders making up nearly one-quarter of the workforce – more than any other sector. Clearly, a policy shift to promote permanent migration rather temporary migration is long overdue.

### Remedies

The pandemic has shown that migrant workers are essential to the economy and that they fulfill long-term needs in sectors that experience ongoing demands. Findings from a 2021 Nanos Research poll indicate that nearly **80 percent** of Canadians are in support of a plan to retain migrant workers in Canada. Immigration policy must be designed to recognize the benefit and contributions of migrant workers to the economy and communities in Canada. It must also provide pathways to permanency for all migrant workers, regardless of their educational attainment and language proficiency.

If eligibility for category-based selections is restricted to the candidates who meet the requirements of the economic programs managed under the Express Entry system, the system will continue to deny equitable access to critical migrant workers employed in jobs that are deemed “low skilled”. This restricted eligibility will deprive thousands of migrant workers of the opportunity to transition to permanent residency despite their significant contributions to Canadian economy. Meanwhile, Canada will lose out on economic growth opportunities as it restricts the ability to sustainably fill the labour shortages in occupations that require fewer language skills and years of education. Labour market projections for 2019-2028 predict that over **30 percent** of job openings in each year will be in sectors that traditionally employ migrant workers with modest educational attainment and language proficiency.

The design of immigration policy should aim to leverage human resources for long-term prosperity by expanding pathways to permanent residency for migrant workers in all TEER categories. As observed in a **recent policy paper** by Pura Banerjee and Daniel Hiebert, such an expansion will support the instrumental objective of reducing job vacancies given that “many of these individuals are employed in jobs with sustained demand, and permanent jobs should be filled by permanent residents”. The creation of a pathway for migrant workers must also ensure that potential candidates have equitable access to application opportunities. This has not always

been the case. For example, TR to PR Pathway had a **complex, time-consuming** application process, like other immigration pathways. Those without the technical skills, education, and ability to navigate the application portal were left with few options. Settlement organizations could not help them either, because temporary status makes these workers **ineligible** for federally funded settlement assistance.

### **Category: Selecting Francophone and Bilingual Candidates**

#### **Recommendations from WES**

##### **Build a seamless settlement model for French-speaking immigrants outside Quebec.**

- Ensure availability and access to federally funded settlement services for French-speaking immigrants outside Quebec to support their economic, social, and cultural integration and community connections.
- Continue to work with provincial and territorial governments and settlement services agencies to improve coordination and culturally sensitive support for French-speaking temporary residents and immigrants outside Quebec.
- Encourage businesses outside Quebec to hire French-speaking immigrants
- Enhance efforts to showcase the advantages of hiring French-speaking and bilingual workers and to connect businesses with resources to facilitate hiring.

##### **Ensure fair assessment of all visa applications.**

- Ensure that applications are evaluated fairly and consistently and that rejected applications receive detailed assessment and explanation.
- Implement mandatory and regular anti-bias, anti-racism, and cultural awareness training for all visa officers and add these core competencies required for employment.

#### **Context for Our Recommendations**

Francophone immigration plays an important role in maintaining the vitality of Francophone communities across Canada, addressing labour market needs, and sustaining Canada as a bilingual country. Recognizing the importance of French-speaking immigrants, IRCC released a comprehensive **Francophone Immigration Strategy** in 2019. In collaboration with various stakeholders, the strategy has identified three major objectives: i) increase Francophone immigration to reach a target of 4.4 percent of French-speaking immigrants outside Quebec by 2023; ii) support the successful integration and retention of French-speaking newcomers; and iii) strengthen the capacity of Francophone communities outside Quebec.

French-speaking immigrants in Canada come from **diverse** source countries. In 2021, about one-third of French-speaking immigrants outside Quebec were from France while nearly two-thirds were from countries in Africa and the Middle East.

Over **70,000** French-speaking immigrants to Canada settled outside Quebec between 2003 and 2021. In 2021, the percentage of French-speaking immigrant admissions was 2 percent, a decrease from 3.61 percent in 2020. This drop was mainly due to the COVID-19 pandemic. Between 2017 and 2020, admission of French-speaking immigrants was on an increasing trend line from 1.77 percent in 2017 to 1.82 percent in 2018 and 2.82 percent in 2019. By 2023, the target of **4.4 percent** of French-speaking immigrants who settle outside of Quebec is likely to be met.

#### French-speaking Immigrants outside Quebec

Over the past few years, the **majority** of French-speaking immigrants have been selected under the Express Entry system, making Express Entry the most promising tool to increase French-speaking admissions outside Quebec. More specifically, in 2020 the CEC program was the main driver of French-speaking admissions outside Quebec, accounting for **47 percent** of French-speaking admissions under the economic class. An increase in the number of Express Entry **points** awarded to Francophone and bilingual Express Entry candidates in 2020 further increased the importance of Express Entry for French-speaking admissions outside Quebec.

IRCC's recent initiatives have also shown that permanent resident admissions that target French-speaking candidates play an important role in attracting French-speaking immigrants to settle outside Quebec. For example, through the TR to PR Pathway, IRCC **received** more than 2,300 applications for the stream dedicated to French-speaking and bilingual health care workers and other essential workers and about 4,700 applications for the stream dedicated to French-speaking and bilingual, recent international graduates.

Despite success of efforts to attract French-speaking candidates for permanent residency outside of Quebec, there remain opportunities to strengthen efforts, especially in terms of addressing racial bias.

#### Remedies

The goal of increasing French-speaking immigrants outside Quebec requires IRCC to examine and address the potential effect of systemic racism and individual bias on visa officer decisions and visa office refusal rates. In the context of study permit applications, the most recent

**Standing Committee on Citizenship and Immigration (CIMM) report** has shown that “in 2021, 72% of students applying from African countries with significant French populations were rejected, despite being accepted at DLIs [designated learning institutions] in Canada”. The report has suggested that racial biases of IRCC visa officers may affect their decisions.

Improving the attraction and retention of French-speaking immigrants outside Quebec necessitates **inclusive communities** in which French-speaking immigrants have access to services in their official language of choice (e.g., settlement services, health care services, and so on) as well as affordable childcare and housing. Developing programs addressing the **unique needs of French-speaking immigrants** will foster their sense of belonging and attachment to the communities they have settled in. Studies, however, show that French-speaking immigrants “**living in areas where they are a linguistic minority have serious difficulties accessing health services in French**”.

There are also critical barriers to the integration of French-speaking immigrants outside Quebec. Lack of employer demand, for example, is “**a major constraint to hiring and benefiting from French-speaking immigrants**”. It is essential to create **initiatives to inform businesses** about the ways through which hiring of French-speaking immigrants can support their businesses and help them meet their employment needs. It is also important to foster **strong employment opportunities** to increase the attraction and retention of French-speaking immigrants to settle outside Quebec.