

**SUBMISSION  
TO  
STANDING COMMITTEE ON CITIZENSHIP AND IMMIGRATION**

**PROPOSED AMENDMENTS TO BILL C-50 PART 6**

SUBMITTED MAY 12<sup>TH</sup>, 2008  
HOUSE OF COMMONS

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I want to thank the Citizenship and Immigration Standing Committee for this opportunity to make a submission on proposed amendments to Immigration Law. I want to especially thank members of the House who insisted that these amendments be put to public meetings of the Committee. We are opposed to the manner in which these major amendments are being presented to the House. Amendments of this importance should be debated in an Act to amend IRPA and not hidden inside the "Budget Implementation Bill C-50."

Likewise we would lament not having an opportunity to speak to C-50 Part 7. That part of the same legislation will see the transfer of \$54 Billion in accumulated surpluses in the EI account to the general account. I hope that the HUMA Standing Committee will deal with Part 7. But this is the problem with C-50. The government is using the back door, a budget implementation bill, to bring about fundamental changes to standing legislation for immigration and EI.

We want to make it clear that construction unions in BC are not against immigration. Labour market forecasts indicate shortages of skilled workers through the coming decade. Immigration policy needs changing but C-50 is not what is required.

Members, the fundamental problem with Part 6 concern the new discretionary powers given to the Minister,

- allowing for the rejection of immigration applicants who successfully meet the points based criteria (s.11) by substituting the word shall for may;
- the option to reject compassionate reunification by applicants outside of the country (s. 117(9)(d));
- allowing for "Ministerial instructions" (s.87.3) on categories including country of origin without Parliamentary oversight and the;
- denial of review and appeal processes under the current IRPA (s. 87.3 (4) (5)).

The government says they are welcoming record numbers of newcomers to Canada. This is true, but they aren't immigrants .... they're temporary workers. Last year there were over 10,000 fewer immigrants (a drop from 262,000 to 252,000) and over 24,000 more temporary workers. Temporary residents (over 180,000 in 2007) now outnumber any single immigrant class.

The backlog of 925,000 waiting to come to Canada will not be impacted C-50 amendments. The proposed changes only affect applications made after February 27, 2008. The solution is not to adopt unfair and arbitrary Ministerial exclusions. We need to rehire the staff that was laid-off at our foreign missions in the budget cuts by the previous government. It will take more CIC personnel to process the backlog. At the same time we need to increase immigration to one percent of our population, to 330,000 per year.

Building an immigration policy that gives flexibility to visa officers to fast track employer requests for labour is short sighted. There are serious problems with this

"just in time" approach to immigrant selection. Labour markets change, especially in the cyclical residential construction market. All booms eventually bust. In the construction industry a residential boom is an opportunity to train entry level workers. Selecting and basing immigration entrants on short term business needs completely disrupts domestic market forces. Instead of relying on off-shore labour the priority must go to training Youth, Women, First Nations, and expanding settlement services to current immigrants (for credential recognition and language training,). We need to foster mobility inside Canada and facilitate the transfer of skills between industries. Workers from industries in decline, forestry and manufacturing, need assistance to adapt their skills to sustainable industries like construction.

There is a frightening trend in the country's immigration policy to commodify newcomers. The growing preference for temporary resident work permits over permanent residents. It is now clear to us that C-50 is the enabling legislation that will allow the Minister room to squeeze in 25,000 new immigrants through the Canada Experience Class. The Building Trades support the CEC as long as there is monitoring and enforcement to stop the abuse of temporary workers. But we don't support using CEC to subvert other classes of immigrants, especially family reunification and refugees. Unless the total number of immigrants is allowed to rise C-50 gives the Minister the power to subordinate other classes of immigrants in favour of CEC applicants.

The Minister tells us that the Charter will protect against discrimination and abuses. The fact is that the Charter doesn't cover those who are outside of the country. In any case the Charter isn't being respected as it is. Charter contraventions are cited in a recent study by University of Montreal Research Associate Eugenie Depatie-Pelletier. Temporary workers, restricted to a single employer, are not provided with any orientation about their immigration status. The workers, vulnerable and dependent on their employer for employment and immigration status are unaware of the difficult process to change employers. It's a contravention of Charter protected rights to liberty and security of the person if you can't change employers. Freedom of association depends directly on a worker's opportunity to leave her/his employer and thus be hired by a new one.

The language and vernacular used by the Minister consolidates the commodity mentality towards newcomers. "Inventory", "stock" and "flow" are used to describe workers and their families. It's clear that the proposed changes under C-50 are all about facilitating access to global labour markets not building communities and a nation. The Building Trades have made our position on Temporary Workers clear. We support the importation of temporary workers, when there is a proven need and when the workers aren't used as a source of cheap labour. Yet broken promises by employers, exorbitant fees to labour brokers, the garnishing of wages for accommodation, food and transportation abound in the day-to-day life of many newcomers in the construction industry.

On behalf of the 40,000 unionized construction workers in BC I urge the Committee to recommend that the Minister withdraw the changes proposed in C-50. Let's change immigration policy in Canada but let's not subordinate our humanitarian and compassionate principles to the whim of employer needs.

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