

# WORKING PAPERS

## **Immigration policy ‘on the fly’: A critical review of pandemic policymaking in Canada**

**Maggie Perzyna, Marshia Akbar, Claire Ellis, Stein Monteiro,  
Lucia Nalbandian & Craig Damian Smith**

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## Abstract

Since January 2020 Canadian federal immigration policy has been shaped by the need to contain the spread of COVID-19 balanced against the need to protect the economy. This paper provides a critical review of key administrative trends and immigration policy responses and their significance for different groups of migrants. Using the newly developed [CERC Migration Covid-19 Immigration Policy Tracker](#) (2022), we<sup>1</sup> identify key trends in policymaking and practice beginning January 2020 through August 2022, and evaluate their impact on refugee claimants and refugees, immigration detainees, economic immigrants, temporary foreign workers and international students, and family class immigrants. We find that while the federal government responded with rapid border closures for non-citizens, it immediately began to carve out exceptions for non-discretionary purposes. Ultimately, *essential* mobility into Canada was defined according to economically driven criteria with the pandemic sometimes used as an excuse to exclude migrants considered undesirable, particularly asylum seekers, and to achieve administrative efficiencies. We conclude that while successful in reacting swiftly to modernize its operations and meet ambitious permanent levels targets, despite the lofty rhetoric recognizing the contributions of migrant workers and refugee claimants, ad hoc policymaking did not substantially deviate from the status quo. The government failed to take advantage of opportunities to undertake systemic changes and build a more inclusive citizenship and immigration model that would better promote equity, rights, and protections for migrants and asylum seekers who continue to be made vulnerable by Canada's immigration and refugee policies.

**Keywords:** COVID-19, Canada, immigration policy, essential mobility, non-citizens, migrant workers, inclusive citizenship

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<sup>1</sup> This Working Paper was a collaborative effort led by Maggie Perzyna, the creator of the Covid-19 Policy Tracker. Lucia Nalbandian contributed to the section on *The acceleration of technological changes in digital infrastructure & remote operations*. Marshia Akbar and Stein Monterio contributed to the sections pertaining to *Temporary Foreign Workers* and *international students*. Claire Ellis and Craig Damian Smith contributed to the section on *Refugees and refugee claimants*. Maggie Perzyna drafted the remaining sections. The authors wish to thank the anonymous Working Paper reviewers as well as Anna Triandafyllidou, Naomi Alboim, and John Carlaw for their thoughtful comments and suggestions on previous drafts of this paper.

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## Introduction

Over two and a half years have passed since the official declaration of a global pandemic by the World Health Organization (WHO) on 11 March 2020. While governments' initial responses to international mobility were by necessity brisk and reactionary, marked by border closures and quarantine mandates, the benefit of time allows us to review immigration policy responses to COVID-19 and assess the priorities and goals of Canada's ruling Liberal government. Using comprehensive data collected for the [Covid-19 Immigration Policy Tracker](#) (2002) developed by the Canada Excellence Research Chair in Migration and Integration Program (CERC Migration), we take this opportunity to reflect on immigration policymaking during an exceptional period in history – a pandemic which at the time of writing, is still on-going. The paper offers a critical appraisal of key federal migration policy responses, trends, and shifts in operational practices, focusing on their significance for several different groups of migrants, their role in post-pandemic recovery, and their implications for the future of Canadian immigration policy as we navigate through new global and national realities in the wake of the pandemic.

## Canadian immigration policy

As a settler colonial state, Canada's nation-building has been predicated on the use of selective immigration policies based on racial and later economic discrimination, strategically displacing and dispossessing Indigenous populations while securing territorial and political hegemony and growing the nation's wealth (Chatterjee, 2019; Dauvergne, 2016; Perzyna & Bauder, 2022). Both before and since the advent of official multiculturalism policies and the point system in the late 1960s and early 1970s, it has entailed hierarchical relationships between "exalted" white settler colonial subjects of European descent, Indigenous peoples, and othered and racialized immigrants and migrants whose membership in Canadian society is in effect more conditional and features increasingly complex social hierarchies and fault lines of class, education, gender, language and skill (Thobani, 2007; Winter, 2021). Contemporary immigration policy is shaped predominantly by economic considerations calibrated to falling fertility rates, the need for demographic replacement of an aging population, regional labour shortages and prospects of future economic growth (Hiebert, 2006). In recent years, both Conservative (2006-2015) and Liberal (2015-present) governments have significantly increased Canadian employers' ease of access to temporary migrant labour (Akbar, 2022; Carlaw, 2021; ESDC, 2022b) as a key strategy for mitigating sectoral labour shortages.

Canada is a federal state made up of ten provinces and three territories, each of which share significant powers of governance with the central government. According to the *Constitution Act, 1867*, immigration is an area of shared jurisdiction, although until the 1990s, the federal government was the dominant actor (Paquet, 2014). Since then, all the provinces and territories except Nunavut have signed immigration agreements with the federal government, giving them increased control to address specific regional labour and demographic challenges (Brosseau, 2019). Each year, the national government holds consultations to establish how many new immigrants it will accept as permanent residents with the eventual prospect of Canadian citizenship through each of its official permanent categories and pilot programs (Brosseau, 2019). While the pandemic has caused many countries to look inward and stem immigration, Canadian levels for 2022-2024 are the most ambitious to date, reaching a high-end target of 475,000 in 2024, with the majority allocated to the economic class, signaling the perceived importance of immigration to post-pandemic recovery (IRCC, 2022b). As the federal government in all provinces

except Québec<sup>2</sup> is still responsible for defining immigration categories, setting admission levels and requirements, determining refugee claims, and establishing criteria for settlement programs, we focus our commentary on policies executed at the federal level.

The onset of the pandemic in early 2020 was rapid, and the government was forced to respond and adapt to the evolving situation based on limited and changing information. Controlling the virus's spread had immediate implications for international mobility and, by default, for meeting immigration policy goals. These objectives are outlined in the *Immigration and Refugee Protection Act* (2001) and include: permitting Canada to pursue the maximum social, cultural, and economic benefits of immigration; supporting the development of a strong and prosperous economy; reuniting families; offering safe haven to those fleeing persecution; promoting successful integration; facilitating the entry of visitors, students, and temporary workers; protection of public health and safety; and the promotion of international justice and security by fostering respect for human rights (S. 3(1)).

In the sections below we identify key policy initiatives and changes in operational practice beginning January 2020 through August 2022 and provide critical reviews of their significance for different groups of migrants. We begin by outlining our methodology and explaining how data was collected and recorded. In Part One we identify some key trends in the types of administrative actions taken by the federal government throughout the pandemic with respect to border management and immigration policy. This includes emergency governance through Orders in Council, and temporary guidelines and rules changes aimed at enabling essential travel and preventing temporary residents from falling out-of-status and facilitating their continued work. This is followed by a review of policy innovations aimed at helping the government achieve target immigration levels. We conclude the section by looking at access to federal subsidies, and the implications of shifts to online service, digitization, and digitalization. In Part Two, we move from identifying key trends to a focus on the impact of pandemic policymaking on different migrant groups, namely refugee claimants, refugees, immigration detainees, temporary foreign workers, international students, Francophone migrants, family class, and visitors. Finally, in the conclusion, we take a bird's eye view of pandemic policymaking commenting on the implications for the future of immigration policy for post-pandemic recovery and beyond.

## Methodology

The data that informs this paper was collected as part of the [Covid-19 Immigration Policy Tracker](#) (2022) developed by CERC Migration at Toronto Metropolitan University (formerly Ryerson University). The project was undertaken to develop an online database tool that would facilitate the work of academics, researchers, and policymakers. Beginning May 2021, with the help of two research assistants, data collection began using online searches. Corresponding with early reports of the virus in the media, January 1, 2020, was chosen as the start date for data collection. The paper engages with data collected until, August 2022 (with small updates included before publishing). Researchers relied primarily on official government press releases, notices, and program delivery updates from the various departments and agencies involved in implementing and executing immigration and border policies. Orders in Council and Interim Orders were also tracked as they were the predominant means for regulating movement across the border. Through the process of discussing edge cases (Cameron-Blake et al., 2021) – policies that were executed

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<sup>2</sup> Québec is the only Canadian province that benefits from a formal decentralization agreement with the federal government and has a right to set admission levels and select its own economic immigrants and provide its own integration services supported by a substantive federal funding transfer (Beauregard et al., 2020; Vineberg, 2012). Québec is still bound by federal levels for family class and refugees.

during the selected time frame but not crafted directly in response to the pandemic – the decision was made early on to cast the net wide and include all policies impacting borders and immigration, whether the actual policies were made in direct response to COVID-19 or not. The rationale behind this choice was that an inclusive approach would provide a more comprehensive picture of immigration policy in the pandemic context. Media sources, gray literature – including reports and Working Papers, other policy and emergency measure trackers – as well as peer-reviewed journal articles were also consulted as they became available to double check that relevant data was not omitted. These sources were used to complement government sources in the compilation of this paper.

Official government source documents were identified and associated with each entry. Policies were documented chronologically using an Excel spreadsheet which became the source document for the online database. Each entry was coded and checked multiple times by researchers and research assistants to ensure accuracy and consistency. The final taxonomy used to organise data was developed over time using a deductive process, echoing back the language of the issuing departments and agencies (see Figure 1). Categories were then refined through consultations with academic experts. Given the volume of data, the different terminology used by the various government departments and the on-going nature of the pandemic, there were some subjective choices in finalising categories. In these cases, researchers erred in favour of simplicity and chose categories to facilitate online searchability. A full glossary of category definitions is included on the ‘[About](#)’ page of the tracker. Overall, more than 450 entries have been added. With the launch of the [COVID-19 Immigration Policy Tracker](#) (2022), we have the potential to add new entries, to refine existing entries, and to rectify omissions through crowdsourcing and a feedback form function.

**Figure 1. Covid-19 Immigration Policy Tracker Taxonomy**

Departments and Agencies	Type of Administrative Action	Immigration Category
Agriculture and Agri-Food Canada	<b>Agency Directives</b>	Citizens
Canada Border Services Agency	Border closures	Economic migrants
Canada Revenue Agency	Interim orders	Family class (reunification)
Department of Finance	Orders In Council	International students
Department of National Defence	Travel advisories	Registered Indians
Office of the Prime Minister		Parties to immigration proceedings
Privy Council Office	<b>Covid Prevention Measures</b>	Permanent residents
Immigration, Refugees and Citizenship Canada	Covid-testing	Prospective immigrants
Canada	Quarantine	Refugees
Immigration and Refugee Board	Vaccine mandates	Refugee claimants
Economic and Social Development Canada		Temporary foreign workers
Global Affairs Canada	<b>Federal subsidies</b>	Temporary residents
Health Canada	<b>Legislation and regulations</b>	Visitors
Public Health Agency of Canada	<b>Programmatic Changes</b>	
Transport Canada	Digital infrastructure	
Public Safety Canada	Guidelines and rule changes	
	Operations	

## Part One: Key trends in border management, policy innovation & operations

In this section we identify some key trends emerging from measures taken by the federal government throughout the pandemic and captured in the [Covid-19 Immigration Policy Tracker](#) (2022). We begin with a focus on border management, including border closures and the reliance on Orders in Council (OICs) for decision-making. This is followed by a survey of temporary exceptions and rule changes made to facilitate “essential” travel and prevent temporary residents



from falling out-of-status. The section then turns to examine the strategies employed by the government to reach ambitious immigration targets seeking to compensate for record low immigration numbers in 2020 resulting from closed borders. We then look at the development of new programs and relaxed criteria for existing immigration pilots. The section then turns to the Canada Emergency Response Benefit (CERB), the government's signature pandemic subsidy. We conclude by examining operations, specifically the acceleration of technological changes in digital infrastructure and the shift to remote operations.

### ***Emergency border management through Orders in Council***

Even before the official declaration of the pandemic on 3 February 2020, the government passed the first of many Orders in Council (OICs) to control mobility across the Canadian border through the “heightened oversight of all individuals arriving to Canada from Hubei Province, China”.<sup>3</sup> This OIC foreshadowed what would become the federal government's dominant instrument for emergency governance throughout the pandemic despite the early speculation of lawyers and legal scholars that emergency powers would be invoked through the *Emergencies Act* (Block & Goldenberg, 2020; Fluker, 2020; Kirkey, 2020). This, however, would have required that cabinet issue a proclamation of national emergency – something it had not done since the passing of the Act in 1988.<sup>4</sup> The *Emergencies Act* gives the federal government expansive powers to implement measures – in this case, to respond to the pandemic – consistently across the country, rather than leaving each province and territory to respond in its own way (Cameron-Blake et al., 2021).

Instead, the Liberal government chose to govern via emergency powers available through existing legislation, most notably section 58 of the *Quarantine Act*. Critics note that while efficient and swift, the use of emergency Orders in Council outside of a declared public emergency could be a cause for concern given their historic use to discriminate against ‘undesirable’ migrants (Kaushal et al., 2020). OICs sidestep parliamentary review and debate of legislation and, therefore, scrutiny and oversight. Indeed, as discussed below in the section on refugees, it was through an OIC that Canada closed off its border to asylum seekers entering from the United States (U.S.) for much of 2020 and 2021, against the practical recommendations and concrete advice of the UNHCR (Mercier & Rehaag, 2020; UNHCR, 2020).

Three OICs in particular have been brought into effect, amended, and renewed for the better part of the last two years (see Appendix A). The ‘Mandatory Isolation’ Order was used to manage everyone entering Canada by imposing quarantine, self-isolation, testing, and vaccine mandates, as vaccines became available. The two Orders prohibiting entry into Canada by foreign nationals – one from the U.S. and the other from all other countries – were used to selectively curtail mobility across the border. Whereas U.S. nationals were only barred from entering Canada if their entry was for an optional or discretionary purpose, all other foreign nationals were banned unless they fell within a range of designated exceptions *and* if their entry was not for an optional or discretionary purpose (Macklin, 2020). The differential treatment reflects the strong economic and political ties with the U.S. as the only other country with whom Canada shares a land border.

Looking at these two OICs in retrospect, it is clear that each repeal and renewal aimed to balance limiting mobility for “optional or discretionary purposes” while trying to “define certain exceptions”<sup>5</sup> and “broaden the scope of persons who are not prohibited from entering Canada.”<sup>6</sup> Early on, both citizens and permanent residents were called to return to Canada and repatriated

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<sup>3</sup> PC 2020-0059.

<sup>4</sup> Interestingly, the Act was invoked for the first time on February 14<sup>th</sup>, 2022, to handle ongoing blockades and protests against pandemic restrictions.

<sup>5</sup> PC 2020-0162.

<sup>6</sup> PC 2020-0185.



on government flights where possible (Office of the Prime Minister of Canada, 2020a). The OICs did not distinguish between citizens and permanent residents but did create new distinctions based on the immigration status of foreign nationals and whether they could prove ‘effective residence’ in Canada (Triandafyllidou, 2022). In addition, the OICs created a dichotomized status wherein some foreign nationals were deemed of use to Canada and thus “essential” and could cross the border, but not permanently remain, thus not meriting the same protections available to others in Canada (Kaushal et al., 2020; Macklin, 2020). The implications of these distinctions for different groups of migrants are discussed further in Part Two.

### ***Temporary exceptions and rule changes to facilitate mobility for “essential” travel and to prevent temporary residents from falling out-of-status***

Immigration policymaking throughout the pandemic sought to compensate for the hardening of the physical border and arrested mobility necessary to protect society from Covid-19, balanced against the need to safeguard the continuity of trade, commerce, health and food security. Following the broad travel ban for foreign nationals from all countries except the U.S. introduced on 18 March 2020<sup>7</sup> and extended to U.S. nationals two days later,<sup>8</sup> the government immediately started to claw back exceptions for foreign nationals whose presence in Canada was deemed non-optional, essential, and in the national interest. Emergency governance through OICs meant that rules and regulations could be changed quickly and were able to respond to changing circumstances and needs. Sensitive to the importance of migrant labour and international students to the economy, early exemptions were made for seasonal agricultural workers, fish/seafood workers, caregivers and all other temporary foreign workers (TFWs), as well as international students with a valid study permit and approved permanent resident applicants not yet arrived in Canada (IRCC, 2020c).

The policies were also sensitive to pre-existing labour shortages, exacerbated by the pandemic (Bomal, 2021). Several extensions were made to the Post Graduate Work Permit (PGWP) for international students (see section on *International students* below (IRCC, 2020h, 2022h). Early on, help for employers came by way of easing rules for obtaining Labour Market Impact Assessments (LMIA) for TFWs to reduce the time to start a new job (IRCC, 2020g). The Agri-food Pilot recognized the ongoing labour needs for full-time, year-round employees in the meat processing, mushroom, greenhouse production, and livestock-raising industries by offering a pathway for temporary to permanent residence (IRCC, 2020i). To further benefit employers facing difficulties finding workers, IRCC made rule changes that allowed in-Canada visitors with valid job offers to apply for employer-specific work permits and, if approved, to receive these without having to leave the country (IRCC, 2020i). Rules were also relaxed for the Rural and Northern Immigration Pilot (IRCC, 2020r, 2020x), and immigration requirements were eased to allow temporary residents and eligible former temporary foreign workers to work while decisions on their work permit applications were still pending (IRCC, 2021d). Finally, the Atlantic Immigration Pilot became permanent as of 1 January 2022 (IRCC, 2021s).

Other exemptions and rule changes were made to compensate for operational and procedural barriers preventing applicants from following the rules set out in the *Immigration and Refugee Protection Regulations*. For example, PR applicants were excused from having to physically present a permanent resident visa to an officer to receive permanent resident status if all other documents were present (IRCC, 2020d). Some eligible in-Canada foreign nationals and their family members who had applied to become permanent residents were made exempt from the requirement to submit to a new Immigration Medical Examination (IRCC, 2021o).

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<sup>7</sup> PC2020-0157.

<sup>8</sup> PC 2020-0161.

Furthermore, individuals who applied through a new pathway to permanent residence were eligible for an open work permit allowing them to switch employers while awaiting the results of their application (IRCC, 2021p).

All these initiatives demonstrate the ability to react in quick and creative ways when the political will exists. The government's priorities were clearly focused on the needs of the economy – to ensure a continued supply of TFWs for the Canadian agri-food sector, to support educational institutions, and to prevent foreign nationals already living and working in Canada from falling out-of-status and having to leave. Given the severe decline in new arrivals caused by the pandemic and the importance of immigration to sustained economic growth in Canada (Fraser, 2021), the approach was well-suited. By contrast, Australia, which failed to implement similar measures saw an exodus of foreign nationals holding temporary visas and about half the number of international students residing there before the pandemic (Mackey et al., 2022).

Despite on-going bureaucratic dexterity in response to travel restrictions and operational challenges caused by the pandemic, policy responses exposed existing shortcomings and there is evidence to suggest that not all policies had their desired effects. Despite messaging regarding Canada's willingness to attract immigrants, processing delays have had negative impacts on business operations, including cancelled or delayed projects, the loss of international candidates as well as revenue losses (Canadian Employee Relocation Council, 2022). Reports also suggest that the government's messaging regarding the extension of work permits was inadequate, with employers wary of the 'implied (or maintained) status' granted through permit extensions. Temporary residents with implied status are those who apply for extensions to their residence permits *before their status expires and without leaving Canada*. Although residents with implied status were technically legally permitted to work, many employers were wary of residents without valid permits, resulting in difficulties securing employment and job losses exacerbating the financial precarity and vulnerability of workers without permanent status (Keung, 2020b; The Caregivers' Action Centre et al., 2020). Implied status also prevented foreign nationals from the ability to travel for work or family reasons (Canadian Employee Relocation Council, 2022). Furthermore, by acknowledging the on-going importance of essential temporary workers performing low-paid<sup>9</sup> (low-skilled) work underpinning the Canadian economy, the wisdom of existing immigration policy which favours high-skilled, educated migrants, is cast into doubt (Banerjee & Hiebert, 2021). It remains to be seen whether future policy will reverse prevailing trends and provide more pathways to permanence for lower-paid yet vital workers.

### ***Reaching ambitious immigration targets by focusing on temporary residents already in Canada***

The onset of the pandemic in March 2020 saw significant shifts in Canada's immigration policy landscape. After severely depressed immigration numbers in 2020 (184,370 compared to a target of 341,000), the Canadian government targeted immigration as an important policy lever to boost economic activity during the pandemic recovery phase (Fraser, 2021). Given the shortfall, targets for 2021 and 2022 were revised upwards in the Government of Canada's Immigration Levels Plan for 2020-2023. Canada successfully welcomed 401,000 (previously 351,000) new permanent residents in 2021 and expects to welcome an additional 411,000 (previously 361,000) in 2022 (IRCC, 2022b). The intake is large but only represents about 1 per cent of Canada's total population.

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<sup>9</sup> Although the government uses 'skill' as a basis of the National Occupational Classification (NOC) system to classify jobs, we chose to use the terms low-paid/high-paid in recognition of the fact that this dichotomy fails to capture actual skill levels and attributes of workers (Cepla & Dempster, 2021; Farris & Bergfeld, 2022).

Growing labour market shortages in many sectors and closed borders complicating the arrival of new immigrants led the Government of Canada to policy shifts that advantaged many temporary foreign workers already employed in Canada. The pandemic highlighted the extent to which Canada's economy depends on foreign-born construction workers, caregivers for seniors and children, health-care workers, and food processing workers. Although job vacancy rates in the third quarters of both 2019 and 2021 (there is no data for 2020 Q3 due to limited operations at Statistics Canada during the COVID-19 lockdown) rose across industries (by 2.1 percentage points), they increased most sharply in construction (2.7 percentage points) and hospitality and food services (7.7 percentage points) (Statistics Canada, 2022). The health sector had the largest number of vacancies, but since demand in this sector had been rising since before the pandemic, job vacancy growth has been moderate (Statistics Canada, 2021).

Several policy measures aimed at addressing these labour shortages stand out. The introduction of a one-time temporary residence to permanent residence pathway (TR2PR) to support foreign nationals already working in Canada was announced on April 14, 2021 (Alhmidi, 2021; IRCC, 2021f). This program, which ran from May 6, 2021, to November 5, 2021, targeted workers with a minimum of 1 year of work experience employed in hospitals and long-term care homes and other essential sectors as well as international graduates. The TR2PR pathway had an allocation of 90 000 spots: 20,000 applications for temporary workers in health care; 30,000 applications for temporary workers in other selected essential occupations; and 40,000 applications for international students who graduated from a Canadian institution. Three parallel streams with no intake caps were also launched for French-speaking or bilingual candidates residing outside of Québec (see Figure 2). This program, for the first time, allowed seasonal agricultural workers to apply for permanent residency with one year of Canadian work experience. Caregivers with temporary status were also given a chance to receive permanent status through this pathway. As of mid-July 2022, there were 51,392 applications in the queue for processing specifically for the TR2PR Pathway (See Figure 3 for a snapshot of processed applications from the end of March 2022) (Singer, 2022).

**Figure 2. TR2PR Applications – Streams and numbers submitted**

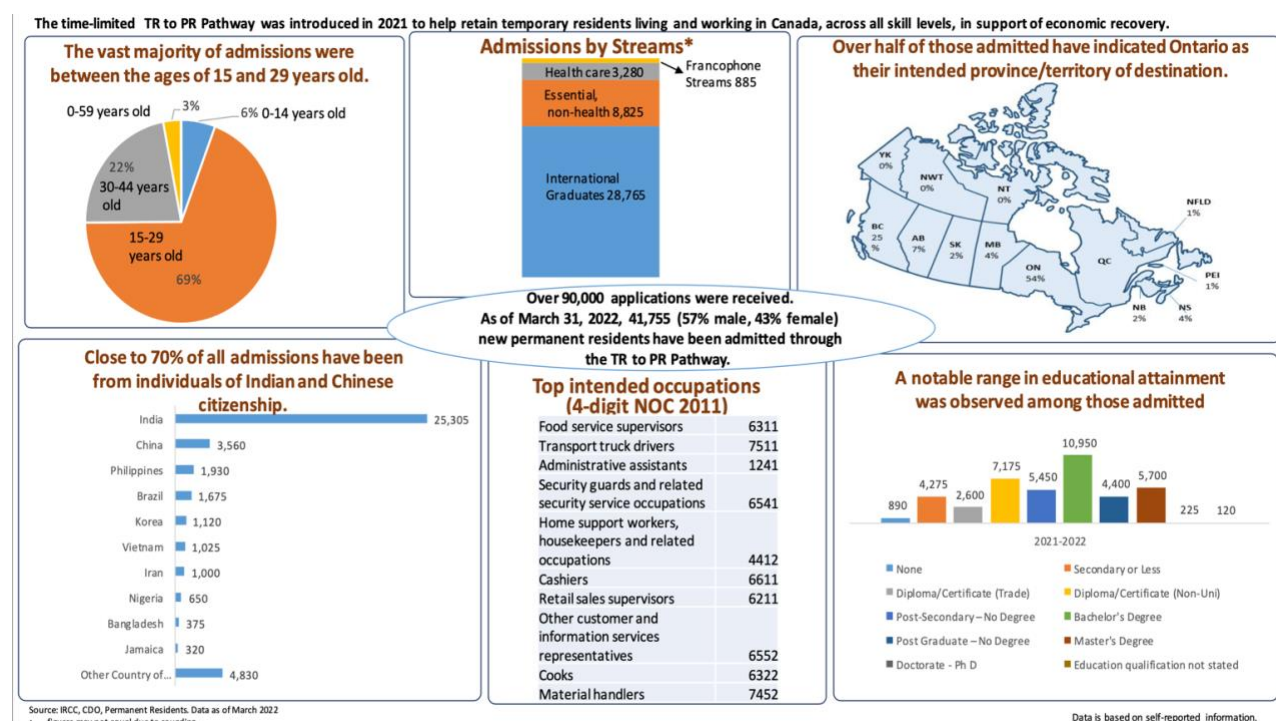
GENERAL STREAMS			
Stream Name	Number of applications that will be accepted	Number of applications that have been submitted	Date maximum reached
Workers in Canada: health care	20,000	7,155	Closed on Nov 5, 2021
Workers in Canada: essential, non-health care	30,000	30,000	Cap reached on July 16, 2021
Recent international graduates from a Canadian Institution	40,000	40,000	Cap reached on May 7, 2021
FRENCH-SPEAKING STREAMS			
French-speaking Workers in Canada: health care	Unlimited	271	N/A
French-speaking Workers in Canada: essential, non-health care	Unlimited	2,054	N/A
French-speaking recent international graduates from a Canadian Institution	Unlimited	4,697	N/A

\*Data from IRCC

Another notable measure was the Express Entry Draw that took place on 13 February 2021 and targeted candidates in the Canadian Experience Class program. This historic record-breaking draw offered 27,332 invitations to apply for permanent residency (the previous record was 5000) to those with a qualifying score, or Comprehensive Ranking System (CRS), as low as 75 (the previous low for an all-program draw was 413 in 2017) (Singer, 2021). The CRS, or more colloquially, the 'points system' is a points-based system used to assess and score the profile of applicants and rank applications in the Express Entry pool. Scores are based on a range of factors including age, education, work experience, language proficiency in English or French, as well as other factors. Compared to previous draws from this program, the skill-education composition of new permanent residents invited to the draw was relatively low. CRS scores have been shown to be a predictor of labour market earnings for new immigrants (Bonikowska et al., 2015).

This IRCC measure has received mixed responses from experts. Some have argued that the influx of new immigrants with lower skill levels will mean further joblessness for Canadians who lost work during the pandemic (Skuterud, 2021). This is true to an extent because low-paid foreign workers directly compete with low-paid Canadian-born workers, whereas high-skilled foreign workers are more likely to complement their Canadian-born counterparts. However, the evidence of these findings is very mixed (Giovanni, 2014). The underlying assumption is that candidates invited to apply are *new* workers to the Canadian labour market. It is, however, more likely that many of those selected were already working in essential or non-essential service

**Figure 3. Temporary Resident to Permanent Resident Pathway – Profiles (end of March 2022)**



\* Data courtesy of IRCC

\*\* TR2PR applications are processed in the order in which they were received. Since the international student stream filled up in 24 hours, the number of student applications processed is over-represented in the early data which represents a moment in time.

occupations in Canada or were international students who had graduated from Canadian post-secondary institutions. Furthermore, according to IRCC, the *average score* of those invited during the historic draw was 415, which is significantly higher than the 75-point minimum score (Vanmala, 2022). If more information such as the socio-economic characteristics of those selected through the CEC program was available to researchers, we would be able to better assess this policy's impact.

Based on the available data, integration outcomes appear to be mostly positive for foreign-born workers educated in Canada with Canadian work experience. They have better labour market outcomes than similar foreign-born and educated workers, but as expected fare worse than Canadian-born workers (Chen & Skuterud, 2018; Pandey & Townsend, 2017; Statistics Canada, 2020). Even if foreign-born Canadian educated workers have somewhat lower labour market outcomes than Canadian-born workers, the real question is whether they can fill existing labour market shortages. The answer is yes, because job vacancy rates in the construction, health services, and hospitality sectors have been high over the last two years (Statistics Canada, 2021). In addition, these sectors faced labour shortages, even before the pandemic (Bomal, 2021). The alternative scenario, in which Canada did not admit foreign workers to fill shortages in these sectors, would only further exacerbate existing labour shortages.

### ***New programs and relaxed criteria for existing pilots***

There were also other policy changes to facilitate the transition from temporary to permanent status. Requirements for existing (IRCC, 2020r) and future (IRCC, 2020x) applicants for the Rural and Northern Immigration Pilot (RNIP) were relaxed, providing increased flexibility by changing the requirement of one full year of continuous work experience in the preceding three years to one year cumulative, thus accounting for pandemic-related work interruptions.

The government also made permanent the Atlantic Immigration Program (AIP) to attract healthcare, accommodations, food services, and manufacturing workers to drive economic growth in the Atlantic provinces (IRCC, 2021s). An IRCC evaluation of the pilot project showed that applicants had higher retention rates than similar programs in the Atlantic region and that employers were able to effectively address labour shortages (IRCC, 2020o). The report identified close collaboration between IRCC, settlement provider organisations, and employers operating in the region as the main factor driving success.

In August 2020, in response to significant media attention regarding the number of refugee claimants working in the healthcare sector in Québec, the federal government announced a new 'Guardian Angel' permanent residency pathway through two programs: one inside Québec and one for the rest of Canada (IRCC, 2020w; Thevenot & Miekus, 2020). This temporary program, which ran from 14 December 2020 to 31 August 2021, targeted individuals with pending and failed refugee claims providing direct patient care in designated occupations such as orderlies, nurses' aides, nurses, assistant orderlies and certain home support workers, over a specified period, subject to medical, security and criminality screening (see *Refugees and Refugee Claimants* below for more discussion) (IRCC, 2021m).

IRCC also instituted special measures to assist temporary and permanent residence applicants affected by the closures of Visa Application Centres (VACs) as well as other procedural challenges in China (IRCC, 2020a), Hong Kong (IRCC, 2020s), Iran, and South Korea (IRCC, 2020b). A targeted pathway for Hong Kong residents was created to attract recent graduates (past five years) with a minimum two-year post-secondary diploma from a Canadian institution or equivalent foreign credential (IRCC, 2020s). The policy exempts qualifying Hong Kong residents from work permit restrictions and allows for the issuance of open work permits for themselves and their families for up to three years.

Aside from these programs, the pandemic and pandemic recovery phases did not generate any newly conceived programs to admit *new* permanent residents (that is, those who did not have pre-immigration work or study experience in Canada) other than some very targeted small-scale initiatives.<sup>10</sup> Given the reality of closed borders and travel restrictions, the focus was overwhelmingly on foreign nationals already working and studying in Canada.

### ***Casting the net wide with emergency federal subsidies***

Within days of the pandemic being declared and the first mandated lockdowns, the federal government fast-tracked legislation – the *COVID-19 Emergency Response Act* – for an \$82-billion emergency COVID-19 support package. This followed the recognition that, beyond the lack of administrative capacity to process the large volume of applications, the existing system of Employment Insurance (EI) would have failed to provide coverage to a significant proportion of vulnerable workers who would have been ineligible because of restrictive criteria, including those employed in part-time, non-standard or gig work (Robson, 2020; Segal et al., 2021). In normal times, over half of unemployed persons are not eligible to receive EI (Béland et al., 2021). The Canada Emergency Response Benefit (CERB) provided a \$2,000-a-month support for workers suspended for reasons related to COVID-19. Although less restrictive and more focused on providing immediate relief than standard EI, the CERB was still intended as a benefit payment for workers who had contributed at least some tax dollars through their labour rather than as a blanket subsidy. On 15 April 2020, in response to broad criticism, including a viral Twitter campaign with the hashtag #CERBWontHelpMe, the eligibility criteria were expanded to allow people to earn up to \$1,000 per month while still collecting the CERB. The benefit was also extended to seasonal workers who had exhausted their EI regular benefits and were unable to find a job or return to work because of COVID-19 (Office of the Prime Minister of Canada, 2020b).

The benefit was lauded for avoiding some of the administrative shortfalls of Employment Insurance (EI) and casting the net broadly, resulting in more inclusive coverage (Robson, 2020). In theory, CERB did not discriminate between citizens, permanent residents, and temporary residents. In this way, the emergency benefit was expansive, broadening membership in the liberal welfare state to everyone legally present in the territory who had contributed a set amount of their wage labour. However, the disproportional effect of the pandemic on the economically marginalized, immigrants, and racialized Canadians (Fraser, 2021; Hou, Frank, et al., 2020; Hou, Picot, et al., 2020; Shields & Abu Alrob, Zainab, 2020) also highlighted existing weaknesses in social security protection and reignited debates about the merits of a Universal Basic Income for post-pandemic recovery (Koebel et al., 2021; Segal et al., 2021).

In practice the criteria rendered many new immigrants ineligible for CERB (Jingco, 2020). To receive CERB, applicants had to have earned \$5,000 in 2019 or in the 12 months prior (Government of Canada, 2021). As discussed in more detail below (See *The differential impacts of pandemic policymaking on different groups of migrants*), this criterion excluded a significant number of newcomers to Canada including: newly-arrived international students with no earnings history; newcomers who arrived as permanent residents but had not found work in Canada yet; newcomers who came to Canada to start new jobs but were laid off or furloughed before earning the threshold income; foreign nationals with expired Social Insurance Numbers (SIN) who experienced processing delays; and, temporary foreign workers with implied status who lost their jobs (The Caregivers' Action Centre et al., 2020). While falling outside of the parameters of prevailing employment protection schemes, the importance of these current and future workers to the Canadian economy and society more broadly, justified more inclusive coverage. The

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<sup>10</sup> For example, the new permanent residence pathway for families of Canadian victims of the Ethiopian Airlines Flight 302 and Ukraine International Airlines Flight 752 tragedies (IRCC, 2021j).



pandemic provided an opportunity to step away from ‘palliative’ protection (Razavi et al., 2020) to more universal protections that would strengthen social cohesion and resilience to future crisis, rather than leaving the most vulnerable members of society exposed.

### ***The acceleration of technological changes in digital infrastructure & remote operations***

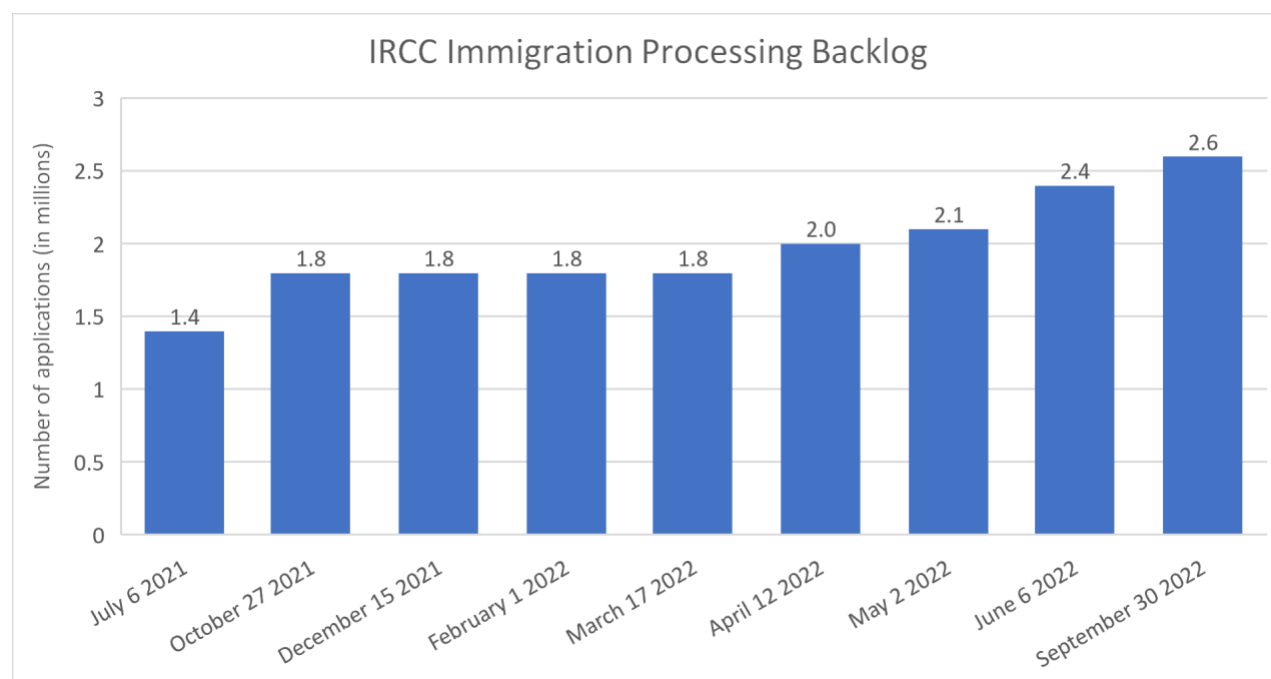
The pandemic laid bare the government’s technological weaknesses with respect to remote operations and overall service delivery. For departments like IRCC that were not yet digitally dexterous, the pandemic offered an opportunity to leverage crisis-driven, digital transformation (Wilson, 2018). There is a notable distinction between digitization, digitalization and digital transformation that should be noted here. Digitization refers to the conversion of existing objects into a digital format that can be processed by a computer. Digitalization refers to the improvement or enablement of processes through digital technologies and digitized data. Finally, digital transformation refers to changing business processes enabled by digitalization technologies. In Canada, changes already underway, innovations implemented during the pandemic, and future budgetary allocations for digital infrastructure, clearly indicate that CBSA, IRB and IRCC – the government bodies responsible for the administration of immigration policies – were already in the process of undergoing digital transformations, which the pandemic expedited (Balakrishnan, 2021; Citizenship and Immigration Canada, 2020; IRB, 2021a; Mendicino, 2022; Nalbandian, 2021). Budget 2021 proposes to invest \$428.9 million over five years, with \$398 million in remaining amortization, starting in 2021-22, to develop and deliver an enterprise-wide digital platform that will gradually replace the legacy Global Case Management System (Department of Finance, 2021). From 2020 through 2022, at CBSA, IRB and IRCC, digital tools and processes have been introduced to enable employees to work from home, streamline administrative processes, modernize infrastructure and increase efficiency, while combating the spread of COVID-19 (Citizenship and Immigration Canada, 2020; IRCC, 2020n, 2021e, 2021k; Lambert & Jadavji, 2022; Mendicino, 2022).

There is a strong case for technological change within Canada’s immigration system. As of 6 July 2021, Canada had a backlog of nearly 1.4 million immigration applications – a number that has continued to grow throughout the course of 2022, reaching 2.6 million by September 30th (see Figure 4) (CBC Radio, 2022; El-Assal, 2022). While some of this backlog might be attributed to the pandemic, Canada was struggling to keep up with processing applications long before March 2020 (Keung, 2019). Beyond backlogs, the current case management systems in place – the Global Case Management System for CBSA and IRCC and NOVA for the IRB – are outdated and have multiple challenges and shortcomings including multiple gaps in the IRCC’s ability to prevent fraud, poor data quality, and concerns about the protection of privacy (IRB, 2016; Parliament of Canada, 2017).

CBSA, IRCC and the IRB have responded to challenges posed by pandemic lockdowns by investing in virtual processes and digitization, some of which can be defined as “quick wins,” or endeavours that require low effort but lead to high value (for both the organizations introducing the solutions and clients) and “big bets,” or endeavours that require high effort but yield high value. Notably, effort can be defined through monetary investment, employment resources or any other investment that needs to be made to drive the endeavour forward (Nagji & Tuff, 2012).

On 26 March 2020, all in-person Service Canada Centres were closed, and efforts were made to take operations online (ESDC, 2020). These closures affected passport processing, benefit payments, and access to records of employment, among others. Prior to the pandemic, IRCC was working on transitioning employees from desktop computers to more mobile work arrangements but had not developed the capacity to answer calls remotely (Citizenship and Immigration Canada, 2020). It took five weeks to outfit agents with laptops, phones, and headsets



**Figure 4. IRCC Immigration Processing Backlog**

\* Data from IRCC

and to train workers to work from home. By December 2020, 95 per cent of IRCC's workforce was able to work remotely, as compared to 55 per cent before the pandemic (IRCC, 2020u).

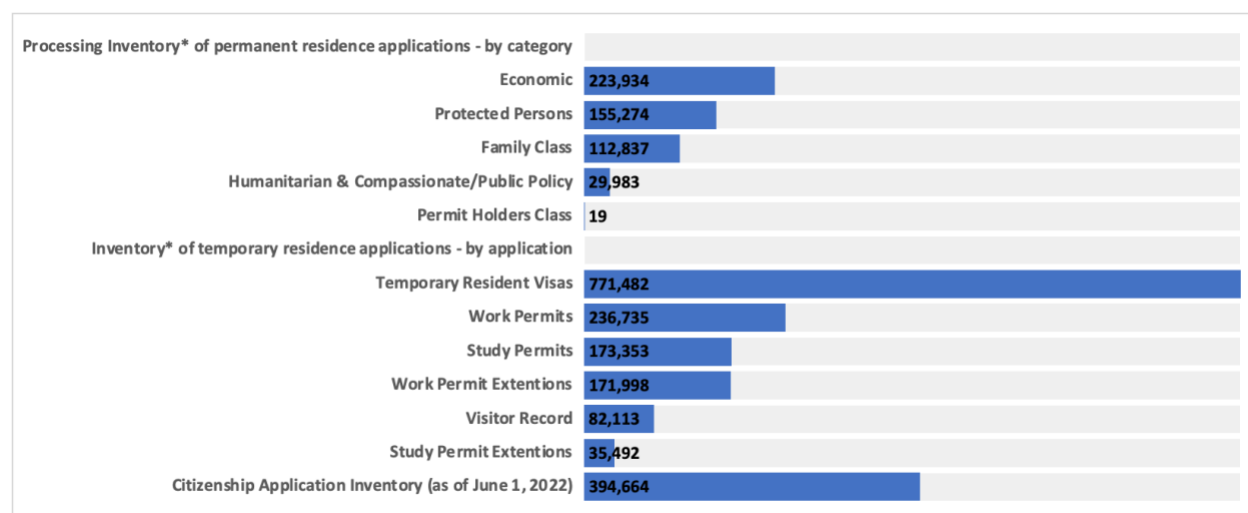
Early on, the IRB issued a new Practice Notice allowing members of the Immigration Division to use an electronic signature to sign their reasons for decision and orders (IRB, 2020a). Later into the year, paper applications for spousal immigration, economic class immigration, and protected persons were also digitized (IRCC, 2020n, 2021e, 2021k). Additionally, hearings for spousal immigration applicants (IRB, 2020b), pre-removal risk assessments (IRCC, 2020v) and refugees (IRB, 2020b) were offered digitally through tele- or video-conference tools. Other digitized procedures included the secure exchange of documents and the ability to view case information, including status and processing-related details across the various immigration streams. In addition, as a global first, the government began to offer virtual citizenship tests and to conduct citizenship ceremonies online (Fraser, 2021; Keung, 2020d) (see Appendix B for a list of tools and procedures digitized by the IRB and IRCC from 2020).

In line with these innovations, on 31 January 2022, the new Minister of Immigration, Refugees and Citizenship, Sean Fraser, announced further measures to improve client experience and modernize the immigration system (IRCC, 2022a). These measures are intended to address key challenges faced by IRCC's clients, including more predictable processing times (see *Family Class and Reunification* below). An important facet of this overall strategy is expanding the use of advanced data analytics to aid officers in the sorting and processing of visitor visa applications submitted from outside Canada. Regarding *digitalization* – which includes the process of capturing and assessing data to improve decision-making – IRCC must tread carefully to ensure that life-changing decisions are not made without consideration of the real-life impacts on end-users. Tools like artificial intelligence have the potential to enhance processes, but must be developed in line with ethical, privacy and security considerations (Balakrishnan, 2021; Molnar, 2018; Molnar & Gill, 2018). Risks, including data breaches, poor data quality,

inappropriate data use and moving too quickly for the sake of leveraging an emerging technology have the potential to become major issues if not accounted for early on.

Together, these changes showcase the Canadian government's acceleration of digitizing services, processes, and procedures that can be viewed as core initiatives that pair existing challenges (that may have been exacerbated by the pandemic) with existing solutions (e.g., online citizenship tests leverage pre-existing technologies). For example, electronic signatures, online portals, and databases allowing the exchange of documents are not new digital tools and have been incorporated by large enterprises for several years now. These initiatives require low effort. Yet, while these digitization efforts streamline administrative processes and can help reduce the administrative burden, there is still a staggering backlog of applications which has continued to grow (see Figures 4 and 5) (El-Assal, 2022). It also remains to be seen whether the client experience has improved (an area that would benefit from further exploration – both through client interviews and service-design focused workshops to better understand the current state of the client journey). In the case of immigration, measuring impact (i.e., the government's key performance indicators) should be sensitive to not only the number of clients served but the *type* of client. A worthwhile point that merits further consideration is the chronology of digitization. When digitizing, organizations should innovate for their most vulnerable client first. When digital processes centre the most vulnerable client – in this case, for example, a refugee – then the process itself is likely to serve the needs and respond to the context within which other, non-vulnerable clients operate in.

**Figure 5. Inventory by Application and Immigration Category (as of June 6, 2022)**



\* Data from IRCC

The Canadian government has proven to be innovative throughout its pandemic response. Quick pivots to online operations and responsive ad hoc policymaking demonstrate that the capacity to innovate and explore creative solutions exists within IRCC and the IRB. If technical capacity is required, the Canadian government can explore opportunities to identify the skills necessary and build the relevant muscles. At the same time, the COVID-19 pandemic clearly identified gaps in the client experience in Canada's immigration process. The quick wins introduced during this period should act as a springboard for the Canadian government to push towards a clear strategy informed by past and current clients' experiences and one that is responsive to their needs. While the IRB and IRCC have made strides in digitizing immigration processes and relevant related tasks and procedures, it remains to be seen how the digital tools

and procedures introduced during the pandemic fit within broader digital strategies and an overall digital transformation that is anchored in a clear vision.

Although these recently introduced digitized processes are welcomed, the Canadian government's migration-focused digital strategy must go beyond quick wins and core initiatives. Rather, both IRCC and the IRB need to work together to develop digital strategies that are aware of and sensitive to one another. These strategies also need to include the broader settlement sector which the IRCC contracts to execute much of its programming (Liu et al., 2021) and social services, to support short-, medium- and long-term immigrant settlement and integration efforts. If Canada is betting on migrants to support its economic recovery (Department of Finance, 2021; Mackrael & Uribe, 2021), then the impetus for a holistic and well-defined digital strategy that includes tools and procedures that are migrant-focused and have the potential to be a migrant's first interaction with the Government of Canada's services need to be clear, focused and most importantly, offer a positive client-experience.

Furthermore, IRCC and IRB should consider human-centred design in developing and deploying digital technologies. A human-centred design approach puts real people at the centre of the challenges that are being solved, enabling the creation of products, services and programs that not only resonate with and are tailored to the user - but that are responsive to their needs and diverse abilities (Landry, 2020; Nalbandian & Dreher, 2022). If IRCC and IRB are looking to leverage digital technologies, it is imperative that these technologies are developed with due consideration for individuals with disabilities and diverse levels of digital literacy, making sure that their interests are at the forefront of the design process.

## **Part Two: The differential impacts of pandemic policymaking on different groups of migrants**

In Part Two, we turn to the differential impacts of pandemic policymaking on different migrant groups. Despite the many innovations in pathways to permanence for temporary residents, not all migrants were included, revealing a chasm between the discourse of who was perceived to be doing 'essential work' and the reality of the policy landscape, which continues to favour highly educated migrants (Keung, 2021b). The following sections highlight differences in the treatment of different groups based on immigration category and the impact of administrative actions taken throughout the pandemic.

### ***Refugees and Refugee Claimants***

The federal government's emergency policy during the COVID-19 pandemic towards some refugees, and particularly for refugee claimants, demonstrated a clear decision to limit access to international protection under the guise of health policy. We use the term refugee to refer to people Canada has selected abroad for resettlement as part of its Resettlement Assistance Program. Resettled refugees become permanent residents as soon as they arrive in Canada. Refugee claimant (sometimes referred to as asylum seeker) is the legal term used in Canadian law to refer to "a person who has fled their country and is asking for protection in another country." It is not known whether a claimant is a refugee or not until their case has been decided by the Immigration and Refugee Board (Canadian Council for Refugees, 2010). New limitations allowed the government to achieve border control objectives regarding refugee claimants that it had not been able to attain via legislative means before the pandemic (Rehaag et al., 2020). While the threat of COVID-19 warranted sometimes restrictive public health measures, pandemic-era refugee resettlement and border policy introduced new layers of precarity and insecurity for people on the

move or in the resettlement pipeline. Recognized refugees faced longer waiting periods for resettlement, and migrants already en route to Canada faced drastically reduced pathways to seek asylum. Whether shutting the door on prospective refugee claimants attempting to reach Canada via the U.S. border by instating emergency OICs or suspending resettlement through extensive travel restrictions (Abu Alrob & Shields, 2022), refugee protection in Canada was characterized by severe backsliding throughout the pandemic.

### **Border closures and broken pathways**

When the pandemic was declared in early 2020, governments worldwide enacted blunt border closures on the grounds that international travel restrictions were necessary to prevent contagion. Despite initial indications that asylum seekers would have access to non-discriminatory screening and self-isolation measures, in March 2020, Canada and the U.S. announced a temporary agreement to halt non-essential travel across the border, including for asylum seekers (Mercier & Rehaag, 2020; Perzyna, 2020; Public Safety Canada, 2021). The first OIC<sup>11</sup> barred people from making refugee claims at ports of entry and non-official border crossings, allowing authorities to direct claimants back to the U.S. without access to Canadian asylum procedures. Officials in the Federal Government argued that claimants who were turned back would be eligible to return later to claim asylum yet provided no details on the mechanisms for such procedures (Coletta, 2020).

The move was particularly troubling given that the Canada/U.S. Safe Third Country Agreement (STCA) had been struck down in the Federal Court on the grounds that it subjected asylum seekers to punitive and abusive detention, and the federal government's appeal of the decision was pending at the time (the appeal was ultimately successful, and the Supreme Court of Canada has now heard all arguments, with a decision expected in 2023). The bilateral STCA allows either country to turn back asylum seekers, although it previously only applied to official ports of entry, meaning asylum seekers could lodge claims at irregular crossing points (Abu Alrob & Shields, 2020). In the four years before the COVID-19 restrictions, almost 60,000 people had claimed asylum at Roxham Road on the border between New York and Québec. While some were long-term residents in the U.S., the majority had entered the U.S. on visitor visas and transited to Canada. The OIC meant they would become unauthorized to remain in the U.S. within 6 months, thus rendering them vulnerable to incarceration and deportation – which the Biden Administration continued throughout the pandemic. This opened the door for abrogating the fundamental norm of *non-refoulement* enshrined in the Refugee Convention. This principle protects individuals from being returned or expelled from one authority to another when there are substantial grounds for believing that their rights may be violated. There is evidence that several migrants who were pushed back to the U.S. were incarcerated in facilities in Batavia, New York facing deportation orders, and that at least one individual has been deported (Coletta, 2020).

One month later on April 20<sup>th</sup>, 2020, a second OIC<sup>12</sup> allowed refugee claims at ports of entry but not at unofficial border points. The distinction was clearly targeted at the irregular Roxham Road crossing, used by the large majority of refugee claimants to cross into Canada from the U.S. In normal circumstances, the STCA does prevent refugee claimants from seeking asylum at 'unofficial border crossings' (Mercier & Rehaag, 2020). The OIC effectively extended the STCA across the border by eliminating the exception (Ellis et al., 2021; Macklin, 2020). While specific groups such as NHL hockey players or business executives received permission to enter with a required two-week quarantine (Mohammed, 2020; Rehaag et al., 2020), those seeking asylum were denied their fundamental right to seek refuge in Canada. From April 2020 to October 2021, at least 544 would-be refugee claimants were directed back to the United States (Paperny,

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<sup>11</sup> PC2020-0160.

<sup>12</sup> PC2020-0263.

2021b). In May 2021, the Canadian Association of Refugee Lawyers filed a legal action in federal court claiming the policy was unlawful because it failed to consider the situation of asylum-seekers and whether they had reasonable alternatives available (Paperny, 2021a). During the same period, 1,400 people were able to enter Canada irregularly and register asylum claims despite the restrictions, which suggests that they fell under unaccompanied minor and family exemptions (IRB, 2022a; Public Safety Canada, 2021).

Overall, restricted cross-border mobility and limits on international travel to airports as a result of pandemic restrictions meant that by the end of 2020, Canada recorded a 63 per cent decrease in new refugee claims compared to 2019 (IRCC, 2022c). Backlogs at the Immigration and Refugee Board declined from a record high of 87,270 in 2019 to 47,106 in 2021 (Smith et al., 2021). Over the 20-month period of border restrictions, Canada experienced a relatively steady number of claimants arriving at airports, with the highest from India and Mexico, source countries with low recognition rates: 43 and 36 per cent respectively from 2019 to 2021 compared to overall averages of roughly 62 per cent for all claims, and roughly 54 per cent of claims at Roxham Road (IRB, 2022b). When restrictions were lifted in November 2021,<sup>13</sup> Roxham Road asylum claims picked up again, with 845 crossing in November and 2,811 in December (Government of Canada, 2022b). It is yet to be determined whether these people had effectively lived unauthorized in the U.S. for two years or were relatively new to transit through the U.S.

International travel restrictions also decimated global refugee resettlement, which fell by almost two-thirds in 2020 and 2021. The number of departure countries dropped from 84 to 69 and receiving countries from 27 to 22. Only 22,800 refugees were resettled in 2020 – the lowest global resettlement figures in a decade. The figure rose to 39,266 in 2021 (UNHCR, 2022b). Canada's refugee resettlement program shrunk by 70 per cent from 2019 to 2020 – from over 30 000 to 9200 (Fraser, 2021; IRCC, 2021n). Despite the challenges, this figure placed Canada as the global resettlement leader for the third year in a row (UNHCR, 2022b). While largely driven by Trump Administration policies to slash resettlement quotas and global pandemic travel restrictions, the decline is particularly troubling since the majority of resettled refugees are selected based on acute vulnerability in host countries, often with far weaker protection standards and public health capacity. Refugees wait for resettlement in low- and middle-income countries, many of which continue to experience low vaccination rates due to global vaccine supply inequality and depleted health systems (UNHCR, 2022a).

Refugee resettlement quietly resumed in June 2020, with quarantine requirements in place, prioritizing refugees with valid Permanent Resident Visas processed before March 18, 2020 (Public Safety Canada, 2020c). IRCC also continued to process a small number of urgent needs cases (IRCC, 2020t). As of November 2020, the government indicated that it was resettling about 250 refugees per week based on the capacity to quarantine (Esses et al., 2021; Harris, 2020; Perzyna & Agrawal, 2022).

Over the course of 2020 and 2021, the classification of refugee resettlement as not 'essential' drew sustained criticism from advocates and sponsors alike (Abu Alrob & Shields, 2022; Harris, 2020; Macklin, 2020; Mohammed, 2020). Some scholars have suggested that reflections on the pandemic experience should push IRCC to recalibrate its resettlement targets in favour of Government Assisted Refugees, rather than divesting responsibility to private sponsors, as has been the trend in recent years<sup>14</sup> (Esses et al., 2021). Private sponsorship was established on the principle of additionality – to buoy resettlement numbers 'over and above' the commitments made by the government (CCR, 2022; Martani, 2020). Over the years, IRCC has increasingly shifted targets in favour of private sponsors to a point where these now represent 60% of resettled refugees (IRCC, 2022b). Challenges with the private sponsorship program have been well documented both prior to and during the pandemic (Agrawal, 2019; Bond et al., 2020;

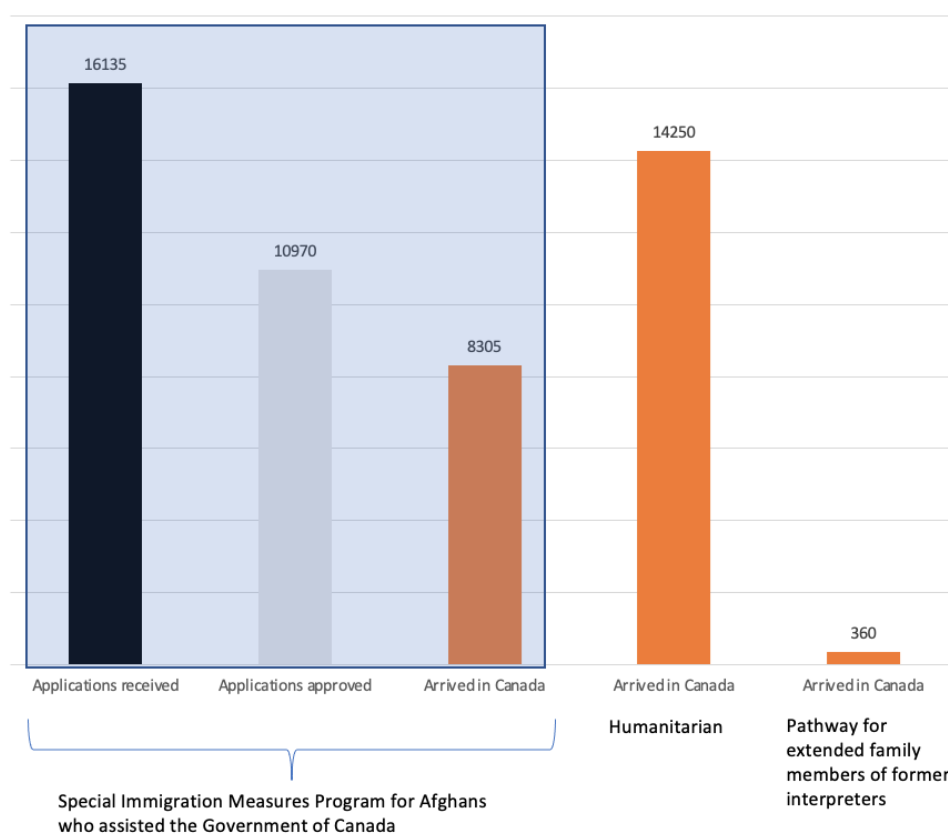
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<sup>13</sup> PC2021-0961.

Hyndman et al., 2017; Labman, 2016; Martani, 2020). The government should continue efforts to address processing times, excessive financial burdens, and sponsorship breakdown while realigning refugee resettlement to bring it back in line with the principle of additionality, wherein the program is led by the resettlement of government-assisted refugees.

In the midst of the pandemic, two additional global events had an impact on refugee resettlement in Canada: the withdrawal of U.S. forces from Afghanistan completed on August 30, 2021, and Putin's invasion of Ukraine on 24 February 2022. While both events spurred widespread humanitarian crises, Afghan and Ukrainian refugees were welcomed with very different policy responses. For Afghan's, the government created special immigration measures for those who worked with Canadian Armed Forces in Afghanistan based on their "significant or enduring relationship with the Government of Canada" (IRCC, 2021r). This program only applied to those who were in Afghanistan on 22 July 2021, when the program began and was capped at 18000 (IRCC, 2022j). On 13 August 2021, the government announced an additional special program to focus on particularly vulnerable groups that Canada already welcomed through existing resettlement streams, including, human rights defenders, women leaders, journalists, LGBTI individuals, persecuted religious minorities, and family members of previously resettled interpreters. Together, the target for both pathways was set at 40 000 (see Figure 6) (Government of Canada, 2022c).

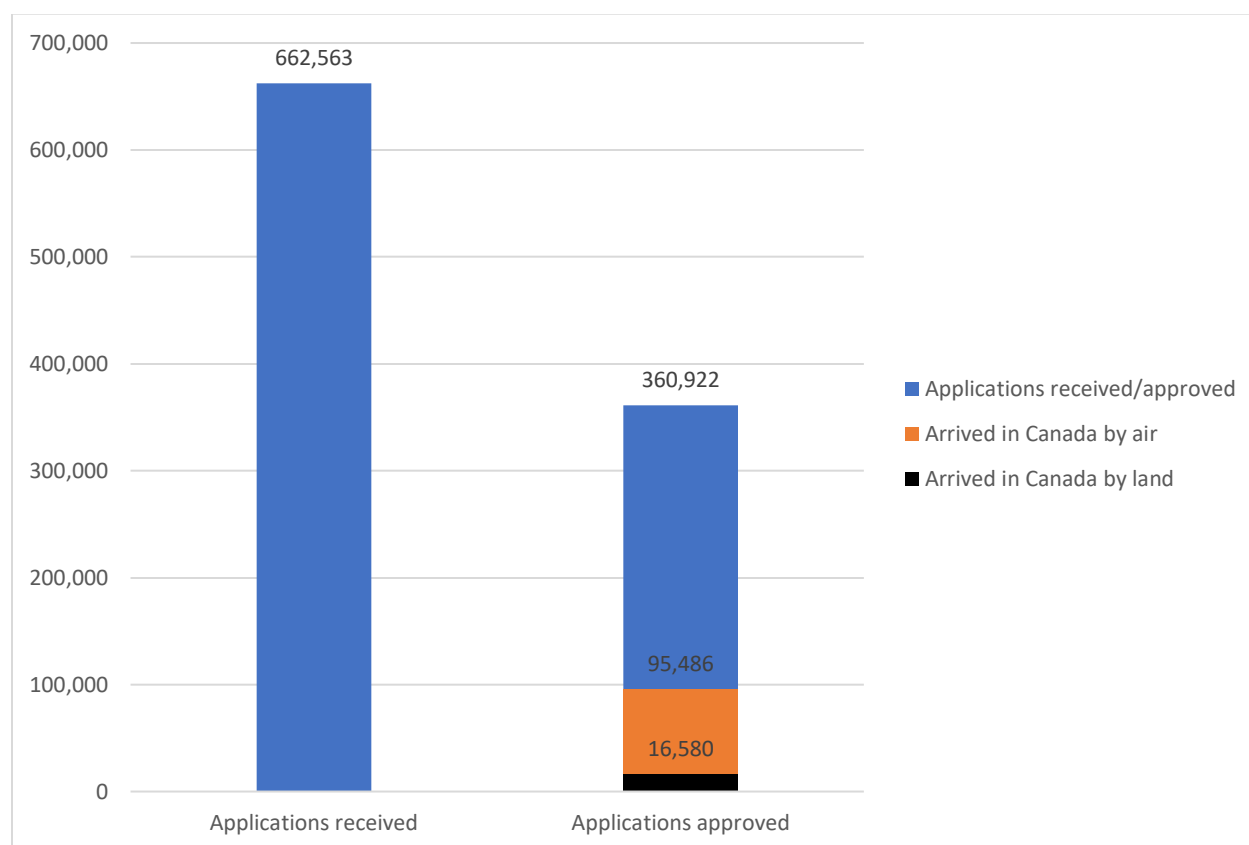
**Figure 6. Afghan Special Immigration Measures – Applications and Arrivals in Canada**



\* Data from IRCC. Current as of September 2022

In contrast, Ukrainian refugees were processed under a temporary pathway with no cap (see Figure 7) (Government of Canada, 2022c; IRCC, 2022i). Echoing measures taken in the European Union (Mencütek, 2022), on 17 March 2022, IRCC announced the Canada-Ukraine authorization for emergency travel (CAUET), which provides a special accelerated temporary pathway allowing Ukrainians to live in Canada for 3 years (IRCC, 2022d). While the bureaucratic difficulties posed by a lack of diplomatic relations with the Taliban, combined with the relative strength of the Ukrainian diaspora in Canada (1.3 million versus 84 000 Afghans, according to the 2016 census), should not be downplayed, the material effects of the different policies also must be acknowledged (Fong & Saar, 2022). As of 19 October, and 1 November 2022 respectively, Canada has welcomed 20 351 Afghans (Government of Canada, 2022c) and 112 066 Ukrainians, with an additional 360 922 CUAET applications approved (IRCC, 2022i).

**Figure 7. Canada-Ukraine Authorization for Emergency Travel – Applications and Arrivals in Canada**



\* Data from IRCC. Applications received as of 1 November 2022.

Numerous scholars have drawn attention to the inherent discrimination and differential treatment of the two groups (Cukier & Vogel, 2022; Fong & Saar, 2022; Garnier et al., 2022), which exposes inequities within the refugee system that are proliferated by reactive and politically imbued resettlement policies. While the speed and relative nimbleness of Canada's Ukrainian response is laudable, such programs need not come at the expense of other refugee groups, including those from ongoing conflicts in Venezuela, Somalia, or South Sudan, for example. Finally, as Parusel (2021) and others have argued, resettlement programs are not a replacement for



territorial asylum, as those without access to resettlement depend on making claims for protection via irregular migration routes and inland protection programs.

### **Precarity intensified by COVID-19**

The federal government recognized the need for regularized status for temporary workers, international student graduates and refugee claimants who supported pandemic responses and were identified as integral to post-pandemic economic recovery (Fraser, 2021). Yet the policies fell short in providing permanent residence to refugee claimants, who face ongoing economic and social precarity due to their temporary status in Canada. Although the ‘Guardian Angel’ temporary pathway for pending and failed refugee claimants was broadly reported in the media, as of 1 June 2021, only 380 of 3,825 applications representing 8850 persons, had been approved outside of Québec (IRCC, 2021m). In Québec, which runs its own program, 721 applications had been received as of March 2021, and only 3 had been approved (Serebrin, 2021). Reports point to restrictive criteria and a lack of political will in Québec as the reason for low acceptance rates (Rafiquddin, 2021). The broader TR2PR pathway directed at 90,000 essential workers and international graduates introduced in April 2021 excluded refugee claimants altogether (Gallardo, 2021).

While welcome developments for individuals eligible to apply for stable immigration status, both measures’ selective and ad hoc nature excluded claimants who worked in other ‘essential’ sectors during the pandemic, such as grocery store workers, cleaners, and drivers or even in non-direct patient care positions in the health or long-term care sectors. Furthermore, the strategy of permanent residence in exchange for particular forms of labour arguably commodifies secure immigration status. There is little doubt of the importance of the healthcare sector yet prioritizing one group heralded as pandemic “Guardian Angels” (IRCC, 2021m) for permanent residence demonstrated a short-term and severely truncated policy response that continued to exclude most refugee claimants. In fact, the pandemic has exacerbated the social and economic insecurity faced by many refugee claimants in Canada since those without permanent residence status face ongoing challenges in accessing stable employment, healthcare, housing, and education (Edmonds & Flahault, 2021).

For many refugees and refugee claimants the pandemic introduced new layers of insecurity to the already difficult processes of obtaining protection and settling in Canada. The government’s policy responses indicated an awareness of the need to provide protection and regularize immigration status – even during a pandemic – yet its piecemeal approach fostered inequity within Canadian refugee protection systems and risked infringement of Canada’s international refugee protection obligations.

### ***Immigration Detainees (Parties to Immigration Proceedings)***

One positive and immediate operational impact in response to the pandemic was a quick pivot to the use of alternatives to immigration detention (ATDs) for those being detained for non-criminal administrative reasons. The Canada Border Services Agency (CBSA) has the authority to detain permanent residents and foreign nationals if they have reasonable grounds to believe the person is:

- unlikely to appear (flight risk) for immigration processes;
- unable to satisfy the officer of their identity (foreign nationals only);
- inadmissible; and/or
- a danger to the public (CBSA, 2022).

Strong advocacy to severely limit, if not abolish, the use of detention for administrative immigration purposes had prompted the development of the National Immigration Detention Framework (NIDF) in August 2016 (CBSA, 2021a; Gros & Song, 2014; Nakache, 2011; UNHCR, 2014). One of the pillars of the framework was to provide alternatives to detention whenever possible. Despite these efforts, statistics released by Canada Border Services Agency (CBSA) show that the number of foreign nationals in immigration detention continued to grow each year from 2017 to 2020 (CBSA, 2021b).

Soon after the WHO declared the pandemic, it cautioned that people in detention, including migrants, would not be able to socially distance and were therefore particularly vulnerable to COVID-19, suggesting that “enhanced consideration should be given to resorting to non-custodial measures” (World Health Organization, 2020). This was echoed by the UN Network on Migration, whose practical recommendations underscored the responsibility of signatory states to operationalize Objective 13 of the Global Compact for Migration (Global Compact for Safe, Orderly and Regular Migration, 2018), “to prioritize non-custodial alternatives to detention that are in line with international law, and to take a human rights-based approach to any detention of migrants, using detention as a measure of last resort only” (Bruhn Bové, et al., 2020).

Neither CBSA nor the Immigration and Refugee Board (IRB) released official practice notices outlining their policy regarding the release of non-citizens from immigration custody. However, sharp declines were reported by the media based on CBSA data – from 353 immigration detainees held in provincial jails and immigration holding centres across Canada on 17 March 2020 to 147 detainees by 19 April (Browne, 2020). In August, Public Safety Canada (Public Safety Canada, 2020b) released a press briefing document stating that “in light of the novel coronavirus pandemic, temporary measures have been implemented to further mitigate the risks to more vulnerable detainees and limit the use of detention as much as possible”. Whereas fiscal year 2019-2020 saw 8 825 non-citizens detained by the CBSA, the corresponding period in 2020-2021 saw that number drop to 1 605 – an 82 per cent reduction. The decrease can likely be accounted for by a drop in entrants to the country – the same years saw a 91 per cent decline (CBSA, 2021b). However, the increasing use of ATDs does represent a shift in real numbers. According to a CBSA departmental report, 66% of detainees were released on ATD between 2020 to 2021, representing an increase of 133% compared to the previous year (Mendicino, 2021).

Early evidence suggests that one ATD strategy has been an increase in the use of electronic monitoring (EM) bracelets to keep track of the whereabouts of foreign nationals released from detention (Mofette, 2022; Ross, 2020). A project evaluating the viability of EM technology had been piloted in the Greater Toronto Area starting July 2018 as part of a two-year trial. In response to hunger strikes against conditions at the Immigration Holding Centre in Laval, Québec at the beginning of the pandemic, the CBSA extended the pilot into that province, before the end of the initial trial period (Mofette, 2022). Scholars have warned about the dangers associated with the proliferation of such technologies based on decades of research on the social stigmatization, psychological pain, and economic burden associated with their use (Gidaris, 2020; Mofette, 2022). The increased use of EM has caused alarm among solidarity groups and scholars who warn against the normalized use of criminal justice tools for the implementation of administrative immigration measures and the false sense of justice that is promoted when penal tools are disguised as a humane alternative (Kilgour, 2020; Mofette, 2022; Solidarity Across Borders, 2020).

There are some positive indications that the pandemic has tipped the scales in favour of a permanent move away from incarcerating immigration detainees in provincial jails. Several provinces have made moves to terminate their contracts with the CBSA. In July, 2022, B.C. announced that it would cut ties with the agency, a move followed by Nova Scotia in September and Alberta in October (Bureau, 2022b; Wentzell, 2022). Ontario, Quebec, New Brunswick and Saskatchewan have not made similar moves despite mounting pressure from

agencies like Amnesty International and Human Rights Watch (Bureau, 2022a; Gros, 2021). Given the breadth of research which supports the termination of use of criminal measures for non-criminal immigration infractions, the federal government should abolish immigration detention all together.

Legal scholars have also documented shifts in practice by the IRB Immigration Division, which started to consider the conditions under which detainees were being held – specifically the threat of COVID-19 – as conditions of release in their decisions (Arbel & Joeck, 2021). Detention conditions were not something given consideration prior to the pandemic. Arbel and Joeck (2021) argue that the threat posed by COVID-19 shifted the location of risk from “them” (detainees) versus “us” (the public) to “us” (detainees and the public) versus the virus, pointing out the “progressive possibilities” for that reconfiguration in Canadian law. It remains to be seen whether this more considered approach persists now that borders are fully open again.

Although reports in the media (Macdonald, 2021) drew attention to an increase in the number of deportations, subsequent research has noted that administrative removals were up five times on an annualized basis, representing a large proportion of the increase (Wallace, 2021). An administrative removal occurs when a foreign national who is the subject of a deportation order leaves Canada without advising CBSA, leaving the deportation file open because technically, the order has not been enforced. Figures from CBSA reveal that despite a moratorium between March and November 2020, Canada recorded more ‘removals’ than it had in the past 5 years (CBSA, 2021b). According to CBSA, the agency enforced 12 114 removals between March 11, 2020, and April 23, 2021. Although, a significant proportion of these are voluntary or administrative removals – including those who chose to leave on their own – the fact remains that 3230 forcible removals were made during the first 13 months, to 132 countries, including India and Pakistan, countries which had long-standing travel bans because of severe Covid 19 outbreaks (Macdonald, 2021).

Wallace (2021) argues that these were indeed voluntary removals by drawing attention to a corresponding decline in stay motions – motions brought by parties to immigration proceedings facing deportation to stop scheduled removals. He argues that these statistics corroborate CBSA’s argument that voluntary removals were truly voluntary. If this were not the case, Federal Court of Canada data would show deportees bringing motions to challenge scheduled removals. It appears that like the IRB, closed borders provided an opportunity for CBSA to reduce its backlogs and clear its inventory of cases (Mendicino, 2021). In 2020, an Auditor General’s report had critiqued CBSA for poor data quality resulting in missing cases, mounting backlogs and poor case management (IRB, 2021b). Given the stringency of Covid prevention measures imposed on international travel, while gaining administrative efficiencies may have been prudent, enforcing physical removals was at odds with prevailing wisdom about protecting the health and safety of both migrants and those in receiving countries. Furthermore, from a rights perspective, looking beyond the pandemic, significant issues arise with the enforcement of pre-pandemic removal orders in a post-pandemic context, particularly since the majority of removals are issued to failed refugee claimants rather than based on security threats to Canada (Wallace, 2021).

More research will be needed to see if processing efficiencies gained during the pandemic translate into increases in deportations, whether the shifts to ATDs were temporary responses to extreme circumstances, whether the pandemic has been an excuse for the proliferation of EM technologies, and whether the Court’s reasoning with respect to conditions of detention will remain embedded in future practice.

## Economic Migrants

### ***Temporary Foreign Workers***

Since the late-2000s, Canada has admitted an increasing number of foreign workers with a wide range of temporary work permits to meet local labour shortages and growing labour market demands. Unlike permanent residents, temporary migrants in Canada do not have access to federally funded settlement services. Canadian policies distinguish different groups of temporary foreign workers based on Employment and Social Development Canada's (ESDC's) National Occupational Classification (NOC) skill level and IRCC's work permit type to determine their eligibility for employment, labour rights, and permanent residency. Based on skill and visa type, current temporary labour migration in Canada is separated into two major programs: the Temporary Foreign Worker Program (TFWP) and the International Mobility Program (IMP) (Elgersma, 2014). The TFWP mainly includes low-wage workers including agricultural workers, caregivers, and various groups of workers in the construction, manufacturing, and services sectors as well as a small stream of high-wage workers (i.e., nurses) (Migrant Rights Network, 2021). These groups enter Canada with a closed work permit attached to a specified employer, employment position, and work location. On the other hand, the IMP includes predominantly high-wage foreign workers and international graduates with an open work permit which allows them to work for any employer anywhere (McCallum, 2016; Prokopenko & Hou, 2018). Low-wage TFWP workers are subjected to more restricted labour rights, occupational and locational mobility, and pathways to permanent residency compared to their high-wage counterparts admitted through both TFWP and IMP streams (Akbar, 2022a).

The pandemic has raised fresh debates about the variations between employment regulations and transition pathways applied to high- and low- paid temporary migrant workers. Canada's high reliance on low-wage TFWP workers for *essential* services – particularly, in agriculture, healthcare, food processing, and transportation – during the health emergency challenged the construction of high-skill/low-skill policy categories. Previously considered as disposable, ostensibly low-skilled workers were deemed essential due to their frontline roles during the pandemic. Most low-wage temporary foreign workers were exempted from the travel ban shortly after the lockdown so that they could enter Canada to work<sup>15</sup> (after the mandatory two-week quarantine period) (IRCC, 2020c; Kachulis & Perez-Leclerc, 2021; Triandafyllidou & Nalbandian, 2021). The skills of these essential workers proved to be crucial for the survival of the Canadian economy and society more broadly. In contrast, many high-paid TFWP and IMP workers were re-labeled as non-essential, and their services deemed relatively unimportant to cope with pandemic challenges. Many high-skilled workers, even those who had completed their paperwork, were denied entry to Canada during lockdown. For the first time, most low-skilled migrant workers were welcomed more than high-skilled professionals as their frontline services were deemed more essential in the time of crisis.

The changing lens of looking at essential work has further illuminated the long-standing exploitation and discriminatory treatment experienced by low-skilled workers. Social organizations, researchers, and practitioners are increasingly demanding permanent status and labour rights for all low-skilled workers who risked their lives to provide essential services during the pandemic (Migrant Rights Network, 2021; Rodriguez, 2021; Wadehra, 2021). These debates influenced the government to take policy initiatives to address the challenges they face in relation to their precarious status.

As discussed above, IRCC temporarily waived the normally required two-week recruitment period of the Labour Market Impact Assessment (LMIA) process so TFWs in Canada can continue to work without having to obtain a new work permit (IRCC, 2020g; Kachulis & Perez-Leclerc,

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<sup>15</sup> PC 2020-0184.

2021). Certain TFWs are also temporarily allowed to work in a new job while IRCC assesses their work permit application or renewal (ESDC, 2022a). In addition, the maximum allowable employment duration for workers in the TFWP low-wage stream was raised from one to two years to give them enough time to work and apply for permanent residency (Kachulis & Perez-Leclerc, 2021). The three-year-long Agri-Food Pilot introduced during the pandemic also provided a small number of non-seasonal agricultural workers (2,750 workers and family members) the opportunity to transition to permanent status (IRCC, 2020i; Kachulis & Perez-Leclerc, 2021; Triandafyllidou & Nalbandian, 2021).

Despite these initiatives, Haley et al (2020) argue that the pandemic both highlighted and exacerbated pre-existing inequities among TFWs, including:

- overcrowded living conditions
- isolation,
- lack of access to field sanitation and personal protective equipment (PPE)
- difficulty accessing health care and workers' compensation
- inability to switch employers
- removal to countries of origin when ill or refusing unsafe or undesirable work
- lack of access to immigration pathways.

The government provided \$1,500 for each temporary foreign worker to employers or those working with them to ensure that quarantine requirements (14 days) were fully met (Agriculture and Agri-Food Canada, 2020). Yet, many essential workers experienced a wide range of exploitation due to the absence of effective monitoring and enforcement (Ellermann & Gorokhovskaia, 2020). Rates of infection among agricultural workers in Ontario (home to 50 percent of TFWs working in agriculture) were 10 times higher than the average reflecting their crowded and substandard living and working conditions (V. Landry et al., 2021; UFCW Canada, 2022). A study based on a coroner's report of 9 agricultural workers' deaths in Ontario between March 2020 and June 2021 identified four domains of risk accounting for the disproportionate number of casualties: (1) recruitment and travel risks; (2) missed steps and substandard conditions of healthcare monitoring, quarantine, and isolation; (3) barriers to accessing healthcare; and (4) missing information (Caxaj et al., 2022). Their dependency on employers for work authorization, residency status, and housing make it difficult for agricultural workers to report health issues and crowded living conditions (Caxaj et al., 2022; Weiler & McLaughlin, 2019). Due to these vulnerabilities, this group has suffered disproportionately throughout the pandemic.

The pandemic also exacerbated the vulnerabilities of TFWs in Canada as part of the Caregiver Program. Advocates have long raised the alarm about the inherent vulnerabilities faced by caregivers in Canada, more than 90 per cent of whom are racialized women from the Global South (Vahabi et al., 2022). These critics have underscored the feminized, devalued, dehumanized, and underpaid nature of caregiving – both globally and historically – arguing that because caregiving occurs in the private sphere, it evades the application of labor laws, government surveillance, and unionization. A recent report by a coalition of migrant rights' advocates drew attention to a rise in incidents of unexpected job loss, labour intensification, unpaid wages, and poor health outcomes during the pandemic (The Caregivers' Action Centre et al., 2020). Many caregivers reported restrictions on their freedom and violation of their basic rights as they were prohibited from leaving their employer's homes and using public transit. One in three of those surveyed had lost their job because of the pandemic and feared losing their immigration status.

Before the pandemic, workers who came to Canada via the Live-In Caregiver Program or the more recent Home Child Care Provider Class or Home Support Worker Class endured six-to-eight-year periods of family separation while completing requirements and waiting for processing

to permanent residence status (Migrant Workers Alliance for Change, 2019). Despite program revisions – compounded by processing delays because of the pandemic – in March 2021, it was estimated that the backlog for permanent residence applications for caregivers exceeded 12,000 (Wadehra, 2021). The government did respond to pressure from advocates, announcing plans in April 2021 to accelerate processing for up to 6,000 caregivers who had completed their in-Canada work experience by 31 December 2021 (IRCC, 2021g). In January 2022, IRCC announced a temporary public policy to facilitate granting permanent residence for caregivers who applied under the Home Child Care Provider Class or the Home Support Worker Class in 2020, but whose application was not entered into processing due to delays related to the COVID-19 emergency (IRCC, 2021g; 2021). Given the pre-existing backlogs, the efficacy of these measures remains to be seen.

The absence of adequate pathways for obtaining permanent residency forces many essential workers to become permanently temporary in Canada. This is the case particularly for seasonal agricultural workers who for over five decades did not have any avenues to apply for permanent residence. Realizing their importance as essential workers, the TR2PR pathway discussed above did open the door for 90,000 essential workers and international graduates actively contributing to the economy throughout the pandemic (Alhmidi, 2021; IRCC, 2020f). However, critics have pointed out that the logistical challenges of booking recognised language tests, the first-come-first-served nature of the online application, the exclusion of temporary workers living in Québec (which chose not to participate in the program) and undocumented workers, and the limited spaces for essential workers outside of the healthcare sector prevented many from benefiting from this initiative. These restrictive criteria render the efficacy of this short-term program in terms of safeguarding vulnerable essential workers questionable (Jones, 2021).

On 4 April 2022, ESDC announced changes to the TFWP under the 'Workforce Solutions Road Map' in response to escalating labour shortages exacerbated by the pandemic (ESDC, 2022b). The road map lays out a five-point plan which includes:

1. eliminating caps on the number of TFWs in seasonal industries (like fishing) and increasing employment contracts up to 260 days;
2. increasing the validity of Labour Market Impact Assessments (LMIAs) up to 18 months (from 9 during the pandemic and 6, prior);
3. extending the maximum duration of high-wage and Global Talent Stream workers from 2-3 years;
4. allowing up to 30% of the workforce through the TFW Program for low-wage positions for one year for seven sectors with demonstrated labour shortages – food manufacturing, accommodation and food services, wood product manufacturing, furniture manufacturing, construction, hospitals, and nursing /residential care – while all other employers will be allowed to hire up to 20% of their workforce through the until further notice (an increase from the former 10% cap);
5. terminating the current policy that automatically refuses LMIA applications for low-wage occupations in the Accommodation and Food Services and Retail Trade sectors in regions with an unemployment rate of 6% or higher.

While welcomed by business associations and employers, others caution about relaxing regulations that were implemented to prevent the flagrant abuses of the TFWP under the conservative Harper government (CBC News, 2014; Press, 2022). Economists also question the wisdom of allowing employers to pay lower wages to TFWs, when the pressure of wages is needed to push businesses to invest in automation and other kinds of productivity-boosting measures (Brethour, 2022). It will be important to track the implementation of this policy to ensure that oversights are put in place to protect vulnerable workers and to ensure that the promised pathways to permanence are provided.

Many of the policy initiatives taken during the pandemic have helped migrant workers cope and pursue permanent status. However, the ad hoc nature of these special programs does not address the long-standing inequalities between high-wage and low-wage workers and different subgroups within the TFWP and IMP streams. Recognizing, the benefits of the special TR2PR pathway for essential workers *at all skill levels*, a motion was agreed to in the House of Commons on May 11, 2022, compelling IRCC to develop and publicly release a permanent TR2PR pathway within 120 days (by September 8, 2022) (Hall, 2022; Parliament of Canada, 2022). Building on the ad hoc program, the government should provide a permanent, high-volume program with more spots for lower-paid workers (Banerjee & Hiebert, 2021). Efforts must be made to ensure that low-wage migrant workers, particularly agricultural workers do not continue to experience restrictions on work authorization and residency status when the COVID-19 crisis is over (Akbar, 2022). The pandemic has shown that low-wage essential workers play buttressing roles in society as well as in the labour market. Canada will continue to need their service and support in the post-pandemic recovery period. It is, therefore, crucial for the government to give them an opportunity to gain residency status and exercise social and labour rights while living and working in Canada like their high-wage counterparts.

### ***International Students***

With almost three-quarters of a million international students in 2019, Canada became the third most popular destination for international students in the world, next to the U.S. and Australia. Over the past 20 years, the international student population has grown six-fold, tripling in the last decade alone. This growth has made them increasingly important to the Canadian economy. In 2018, international students spent \$22.3 billion on tuition, accommodation, and discretionary spending, contributing 19.7 billion to GDP (Global Affairs Canada, 2020). Since international students pay tuition at rates that are 4-5 times higher than domestic students, they have also become a de facto subsidy for domestic higher education, with provinces increasingly abdicating responsibility through under-funding, especially when it comes to colleges (Beattie, 2021; Statistics Canada, 2018). International students are also a vital source of highly skilled workers and new permanent residents. Because of their language facility, Canadian education and experience, the government has come to regard international students as ideal candidates for permanent residency and has encouraged them to stay through various policy innovations. A 2018 study conducted by the Canadian Bureau for International Education, found that 50.6% of students surveyed had plans to apply for permanent residence and that 61% planned to work in Canada after graduation (Esses et al., 2018), confirming that many students have come to perceive higher education as a pathway to permanent residence.

However, research suggests that there is a gap between the perceptions of international students as ideal skilled workers and their lived experiences in Canada, particularly with respect to labour market challenges after graduation (Scott et al., 2015; Sweetman & Warman, 2014). In addition, isolation, discrimination, and difficulties in accessing housing, employment, and social services often affect international students' ability to acquire the work experience and fluency in Canada's official languages required to qualify for permanent residency (Arthur & Flynn, 2011; Calder et al., 2016; Scott et al., 2015). Thus, the pandemic hit international students particularly hard, intensifying existing challenges and creating new ones related to job loss, reduced income, social isolation, lack of adequate health care, and social support.

Underscoring international students' important contributions to the federal government's annual immigration targets, in January 2021, IRCC acknowledged labour market challenges created by the pandemic and introduced a temporary program through which international graduates could extend their Post Graduate Work Permits (PGWP) for up to 18 months (IRCC, 2021a). Subsequent 18-month extensions were granted in August 2022 for former international



graduates and for TR2PR applicants whose PGWP expired or was set to expire between September 20, 2021 and December 31, 2022 (IRCC, 2022f, 2022h). PGWPs generally allow international students to stay and work in Canada after graduation for one to three years with an open work permit (depending on their length of study). After one year of full-time work experience, international graduates are eligible for permanent residency through the Canadian Experience Class (CEC) under Express Entry. The policy decision to extend PGWPs during the pandemic provided students with additional time to acquire the required Canadian work experience to qualify for permanent residency.

To qualify for the PGWP, students are required to study in-person in Canada (time spent studying outside Canada is deducted from the length of the work permit for which they are eligible). In May 2020, the government introduced flexibility in PGWP rules to help international students and Canadian post-secondary institutions (IRCC, 2020h). According to the new guidelines, students were initially allowed to complete up to 50 per cent of their program via distance learning to be eligible for the PGWP if they could not travel to Canada before 31 December 2020. These rules were further relaxed in August 2020. Students enrolled in a PGWP-eligible program from March 2020 until the summer 2022 semester could complete their entire program of study outside Canada and still retain eligibility for the PGWPP (IRCC, 2020m).

The government also took steps to address the economic challenges facing international students. For example, the weekly 20-hour cap on work hours during the academic term was temporarily suspended (IRCC, 2020h). This was intended to help students secure an income source while also contributing to keeping the economy active during the pandemic. Nevertheless, researchers have noted that many international students lost their jobs because of Covid-related closures, thus suffering financial hardship (Esses et al., 2021; Firang, 2020; Fraser, 2021). International students who had been working part-time in the year prior to the pandemic were eligible for the Canada Emergency Response Benefit (CERB) if they met the minimum eligibility requirements (Firang & Mensah, 2022; Government of Canada, 2021). This was a relatively progressive policy when compared to other countries with large international student populations such as Australia, which did not extend support to international students which left them feeling alienated and unwanted (Coffey et al., 2021; Freeman et al., 2022; Nguyen & Balakrishnan, 2020). However, as these requirements included a minimum income from the previous year, the benefit automatically excluded students new to Canada as well as those who did not have part-time jobs or did not meet the 2019 income threshold of \$5,000. Although Canadian regulations stipulate that students should have enough money to support themselves throughout their studies, the reality of rising tuition fees (which can be 4-5 times higher than for domestic students) is that many must work throughout their studies in order to support themselves (Kahlon, 2021; Lange et al., 2022).

Combined, the temporary extensions to PGWPs, the introduction of the special TR2PR pathway, access to CERB, and the expansion of the invitation for Canadian Experience Class in Express Entry, are all policy initiatives that likely helped students overcome some of the challenges brought by the pandemic. These measures are a tacit recognition by the government that post-secondary education in Canada has become an important source of skilled immigrants and an unofficial pathway to permanent residence (Esses et al., 2021). However, in spite of these measures, reports suggest that international students already in Canada at the start of the pandemic suffered disproportionate economic and mental health challenges<sup>16</sup> (Garcha, 2021; Kahlon, 2021; Varughese & Schwartz, 2022). Their precarious migration status and their lack of access to services make them one of the most vulnerable migrant groups in Canada. International students and graduates are not eligible for federal government funded settlement services because of their temporary status. They turn to their educational institutions for academic,

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<sup>16</sup> Several reports of high rates of suicide among Indian students both before and during the pandemic make this a particularly pressing issue (Garcha, 2021; Kahlon, 2021; Keung, 2021c).

employment, health, and some immigration services, but find only limited support (Esses et al., 2021; Firang & Mensah, 2022).

The vulnerability of international students during the pandemic encouraged the government to think about their service needs and figure out measures to better support them as they pursue their education and transition from study to work. The federal government is considering whether and how to extend settlement and transition services to international students before they become permanent residents rather than after. In this respect Québec was way ahead of the game having extended integration programming to international students and temporary foreign workers before the pandemic (Bachelier et al., 2020). Because international students reside in Canada prior to attaining permanent resident status, they are not likely to need initial settlement services after they become permanent residents (unlike newcomer permanent residents that have never lived in Canada).

In August 2021, IRCC's Federal/Provincial/Territorial Settlement Working Group organized a workshop (on International Students in Canada: Employment, Transition and Service Needs) to assess the service needs of international students to support them while they hold temporary status. This initiative reflects how the pandemic has triggered new policy thinking to address not only the issues brought by the pandemic but also the long-term challenges affecting international students' transition and integration. The outcome of the workshop will take time to manifest, but it is a positive direction in terms of recognizing the importance of service provision for international students' integration.

To address international students' integration challenges, the government should also turn some of the ad hoc initiatives (taken during the pandemic) into long-term policies. For example, the opportunity to extend PGWPs for 1-2 years will allow many international graduates, who may be struggling in the labour market, to continue to look for a job and gain the requisite work experience to apply for permanent residency through the Canadian Experience Class. In addition, the permanent removal of the weekly 20-hour cap on work hours during the academic term will help international students plan their work and study hours freely like their Canadian-born counterparts (in October 2022, this policy was extended temporarily until December 2023) (IRCC, 2022k). The continuation of these two initiatives will most likely increase international students' retention rate and labour market success which are the main targets of the governments' policy objectives.

### ***Francophone Migrants***

In 2019, the government released its Francophone Immigration Strategy supported by the 'The Action Plan for Official Languages' – 2018-2023 (IRCC, 2019). The plan provided nearly \$500 million over five years in support of official languages, including \$40.8 million for Francophone immigration initiatives, to support the goals of attracting and retaining more French-speaking newcomers. The plan set a target of 4.4 per cent French-speaking immigrants outside of Québec by 2023.

The pandemic had disproportionately negative effects on Francophone immigration. For example, in Ontario, the number of Francophone permanent residents admitted in 2020 was 8 per cent lower than English speaking permanent residents (Esses et al., 2021). Despite the challenges caused by the pandemic, IRCC succeeded in increasing the percentage of Francophone immigrants outside of Québec from 2.82 per cent in 2019 to 3.61 per cent in 2020 (Fraser, 2021). Several initiatives were implemented to achieve this goal. In October 2020, IRCC announced that French-speaking and bilingual candidates would receive additional points under the Express Entry system – an increase from 15 to 25 for French-speaking candidates and from 30 to 50 for bilingual candidates (IRCC, 2020q). In 2020, 58 per cent of French-speaking economic admissions came through Express Entry, making this the most successful policy

measure at IRCC's disposal, including the targeted 'Mobilité Francophone stream' under IMP (Fraser, 2021; IRCC, 2019, 2021c). While successful, there is some new research suggesting that the federal government's targeting of Francophones through Express Entry has cannibalized some Quebec's programs, such as the Quebec Experience Program (PEQ), drawing from Francophone migrants that were already residing in Quebec (Niraula et al., forthcoming). Moving forward, federal policy makers need to ensure that there is policy integration and coherence between federal and provincial governments so that achieving the goals of one level of government does not come at the cost the other.

The government continued its focus on Francophone immigration in 2021, creating three additional streams in the TR2PR pathway favouring French speakers. These new streams focused on French speakers outside Québec, with recent work experience in health care, essential work outside of health care, and recent graduates with a credential from a Canadian post-secondary institution (see Figures 4 and 5) (IRCC, 2021i). Nevertheless, although 2020 projections suggested that IRCC would achieve and even exceed the 2023 target, the pandemic slowed the arrival of French-speaking permanent residents and has quashed early optimism that targets will be reached (IRCC, 2022e). This reflects a troubling trend which has seen the decline of Francophone populations in minority-Francophone communities outside of Québec, prompting a mandate for the Minister of Economic Development and Official Languages to develop a new plan for official languages (Canada Heritage, 2021; Canada & Office of the Commissioner of Official Languages, 2021; Government of Canada, 2022a).

Critics have also chastised the government for the loosening of linguistic obligations in public institutions during the height of the pandemic, at a time when these were arguably most important for reasons of public safety and health (Chouinard & Normand, 2020; Esses et al., 2021). Moving forward, the government will have to work hard to ensure that language laws are upheld in the event of future crises and continue to innovate new programs and pathways for Francophone speakers.

### ***Family Class and Reunification***

Pandemic border closures posed a particular challenge for transnational families separated from their loved ones at a time when childcare needs and endemic problems with institutional long-term elder care became a lived reality for many. COVID-19 underscored the well-established fact that "the economy" would not function without the largely unrecognized foundation of work provided by the "unpaid care economy" often provided by family members (Power, 2020). Nevertheless, travel restrictions and processing delays resulted in extended periods of separation for spouses, parents, grandparents, extended family, as well as those in intimate relationships. Relatively low target levels that failed to meet demand, coupled with long waiting periods for family reunification, had long been identified as an on-going problem within the Canadian immigration system, especially for those from countries of the Global South requiring visitor visas (Bélanger & Candiz, 2020; Keung, 2020c). In 2020, family reunification was down 46 per cent (Fraser, 2021).

Media coverage throughout the pandemic put a spotlight on the challenges faced by families, including exceedingly long processing times for spousal applications, restrictive interpretations of OICs by CBSA border guards, and a lack of transparency and communication on behalf of IRCC<sup>17</sup> (Keung, 2021a; Schemitsch, 2020). Additionally, narrow definitions of "immediate family" excluded adult children, extended family, and those in long-term committed relationships such as engaged couples, and LGBTQ+ couples (from countries that do not honour

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<sup>17</sup> The first fiscal quarter in 2021 saw a record of mandamus applications referred to IRCC by the Federal court – mandamus applications are made to compel immigration officials to act on files caught up in unreasonable delays (Jones, 2021).

same-sex relationships), thus preventing family members from entering Canada (Kulkarni, 2020; Lau, 2021). Refugee families were particularly affected, with processing times reaching a shocking 39 months (Canadian Council for Refugees, 2021).

In response, some steps were taken by the government to accelerate processing and make exceptions to travel restrictions for family reunification. OIC's from late March 2020<sup>18</sup> did provide exceptions for foreign nationals who were "immediate family members" of Canadian citizens and permanent residents but there was confusion about their implementation. CBSA border officials argued that meeting the definition of "immediate family" did not in and of itself guarantee eligibility to enter Canada – the individual's travel still had to be for a non-discretionary (essential) purpose (Keung, 2020a; Public Safety Canada, 2020a). The government responded in June by making further amendments enabling family reunification, provided the foreign nationals could establish their intent to remain in Canada for a period of at least 15 days.<sup>19</sup> These measures were expanded in October to include extended family and visits for compassionate grounds (Thevenot, 2020).

To reduce wait times for spousal applications, in October 2020 IRCC announced it was increasing the number of decision-makers by 66 per cent and leveraging new technology in a pilot scheme to digitize paper applications and conduct remote interviews (IRCC, 2020n). Through these measures the department aimed to finalize 49,000 decisions by the end of 2020. Before re-opening the 2020 Parents and Grandparents Program in October, IRCC relaxed minimum income requirements for sponsors of parents and grandparents, including provisions allowing sponsors to include CERB benefits as part of their income (IRCC, 2020p). These measures were extended more broadly to family class sponsors in December 2021 (IRCC, 2021t). Further capacity for processing family applications was added in March 2021 with the expansion of the Case Processing Centre in Sydney, Nova Scotia, and the hiring of 62 new employees (IRCC, 2021b). In July 2021, IRCC announced that it would accept up to 30,000 additional applications in the annual Parents and Grandparents draw (IRCC, 2021q). In addition, on July 4, 2022, 'enhancements' to the Super Visa program took effect which increased the length of stay for visa holders to 5 years per entry and opened the door to the possibility of obtaining health insurance from non-Canadian providers, thereby easing costs (IRCC, 2022g).

Despite these efforts, there was little discernable impact in ameliorating mounting processing delays by the end of 2021. Data from IRCC revealed that pre-existing backlogs compounded by the closures of Visa Application Centres around the world and reduced processing capacity in Canada, left a total of 1.8 million immigration applications (in all classes) unprocessed as of 27 October 2021 (see Figure 4 above) (CBC Radio, 2022). In a December mandate letter, Prime Minister Trudeau urged the new Minister of Immigration, Refugees and Citizenship to continue to strengthen family reunification and reduce application processing times, especially those impacted by COVID-19 (Office of the Prime Minister of Canada, 2021). The letter urged the Minister to introduce electronic applications for family reunification and implement a program to issue temporary resident status to spouses and children abroad while awaiting their permanent residency application to be processed.

Indications from 2022 suggest that IRCC is making a concerted effort to address backlogs and increase transparency. With the halt of CEC draws in September 2021 (only resuming in July 2022) and the closure of the TR2PR pathway on 5 November 2021, efforts have been focused on reducing inventory and returning wait times to acceptable standards (Major, 2022; Thevenot & El-Assal, 2022; Zaidi, 2022b). This has also meant reduced intakes in Express Entry (except PNP), with the first months of 2022 seeing smallest first quarter admissions since the program launched in 2015 (Thevenot, 2022). On 8 February 2022, IRCC announced that the average processing times for spousal sponsorship applicants had returned to the service standard of 12

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<sup>18</sup> See PC 2020-0162 and PC 2020-0184.

<sup>19</sup> PC 2020-0441.

months for new applications and that it was launching an online case-tracker for permanent residence applicants in the spouse, partner, and dependent child categories (IRCC, 2022a).

Despite the effort, newly released data from IRCC reveal that inventory has continued mounting, with the total backlog up to 2.6 million applications as of 30 September 2022 (See Figure 4 above) (El-Assal, 2022; Zaidi, 2022a). Furthermore, rule changes to the Super Visa, while welcome, do not change the fact that the program was originally introduced in 2011 in tandem with neoliberal shifts in favour of economic immigrants to assuage the temporary closure of the Parents and Grandparents program while backlogs were being reduced (Bragg & Wong, 2016). Numerous studies and advocates have drawn attention to the shortcomings of the program, arguing that temporariness is ‘officially’ introduced in the family reunification program through the Super Visa (Bélanger & Candiz, 2020), regarding it as a solution for the privileged few (due to high costs) and noting its bias against applicants from the Global South on which Canada imposes visa restrictions (Bragg & Wong, 2016; OCASI, 2012). Given the severe mental, emotional, and economic repercussions of extended delays for families and the disproportionate care burden that reunification poses on women (Bragg & Wong, 2016), IRCC must do more to facilitate entry for families and to ensure that processing is equitable.

### **Visitors**

For the better part of 2020 and 2021, visitors were prevented from coming to Canada as their travel was considered “optional and discretionary.”<sup>20</sup> In late April 2020, IRCC suspended the processing of non-essential visitor visa applications to refocus resources on critical services (IRCC, 2020e). Some processing resumed in July, but travel restrictions remained in place (IRCC, 2020j). The government directed its efforts to create policies to ensure that temporary residents in Canada did not fall out-of-status and could contribute their labour by relaxing immigration rules, extending deadlines, and allowing visitors already in Canada with valid job offers to apply for employer-specific work permits without having to leave the country (IRCC, 2020k, 2020l, 2021d).

Few exceptions were extended until vaccines became widely available in August 2021. An exception for visitors seeking to come to Canada on compassionate grounds to attend a death, funeral, or provide critical support for someone ill, was made available in October 2020 upon special determination by the Minister of Health.<sup>21</sup> This was followed by further exceptions in November for foreign athletes and support personnel, for whom the 14-day quarantine requirement for other non-discretionary visitors was waived.<sup>22</sup>

Border restrictions were finally eased for fully-vaccinated citizens and permanent residents of the U.S. and their unvaccinated dependants starting 9 August 2021.<sup>23</sup> Fully-vaccinated extended family members of Canadian citizens, permanent residents, or persons registered as an Indian under the Indian Act, were excused from demonstrating their intent to stay in Canada for a period of at least 15 days; the requirement to remain in government-authorized accommodations while awaiting COVID-19 PCR tests was also dropped. Fully vaccinated foreign nationals from countries other than the U.S. and their unvaccinated dependants were permitted entry into Canada for discretionary travel as of 7 September 2021. Requirements for everyone entering Canada to provide negative PCR tests were relaxed to the provision of negative antigen tests beginning 1 March 2022, and were dropped fully as of April 1, 2022 for all fully vaccinated travellers (PHAC, 2022).<sup>24</sup>

<sup>20</sup> PC2020-0157; PC2020-0161.

<sup>21</sup> PC2020-0795; PC2020-0796.

<sup>22</sup> PC2020-0966; PC2020-0967; PC2020-0968.

<sup>23</sup> PC2021-0823; PC2021-0824.

<sup>24</sup> PC2022-0178.

## **Conclusion: A bird's eye view of pandemic policymaking**

Few if any events to date have affected global mobility like the COVID-19 pandemic. Governments were forced to make quick pivots, recalibrating and refining policy in light of continually shifting dynamics. Ad hoc immigration policymaking in Canada at once demonstrated the dynamic potential existing within the government and served to expose infrastructural deficits and shortcomings. In contrast to the protectionist approach taken by many countries around the world, the Canadian government doubled down on immigration as key to post-pandemic economic recovery.

Policymaking throughout the pandemic was characterized by pro-immigration discourse emphasizing the value of 'essential work' performed by frontline migrant workers (Fraser, 2021; Trudeau, 2021). The government demonstrated flexibility in its approach to border control, fine-tuning policy in response to public health directives and changing realities on the ground. Accommodations to travel policies for essential workers, international students, and later for compassionate grounds showed sensitivity to evolving pandemic realities. Quick pivots and investments in remote work, video-conferencing, and digitalization offer lasting foundations for the future of work and the beginnings of a modern technological immigration infrastructure.

Early in the pandemic, rather than expelling non-citizens, Canada's treatment of foreign nationals was inclusive, with proof of 'effective residence' in Canada sufficient to satisfy thresholds for returning to the country. Similarly, emergency subsidies were available to foreign nationals on the same terms as Canadians. IRCC demonstrated incredible dexterity and innovative thinking when it came to adapting existing programs to new pandemic realities and developing new immigration pathways such as TR2PR to achieve ambitious immigration targets despite the challenges of closed borders.

While pandemic policymaking showcased the agility of Canada's immigration system, it also exposed its weaknesses and contradictions. The premise of Canada's long-term strategy to recruit the best and the brightest was turned upside down: suddenly workers previously regarded as 'low skilled' became touted as 'essential'. Yet large-scale programs like the TR2PR excluded many of the most vulnerable workers by using overly restrictive criteria, with only small-scale initiatives like the Agri-Food Pilot recognizing their importance.

The government failed the most vulnerable, the most profoundly. In particular, using the pandemic as an excuse to achieve policy goals such as stemming the flow of asylum seekers crossing the US-Canada border, will be remembered as a stain on Canada's humanitarian record. Similarly, even though the Prime Minister recognized the need for regularized status for undocumented essential workers in his December 2021 mandate letter to the immigration minister (Trudeau, 2021), the Minister has yet to create a program to regularize undocumented workers. Estimates of the number of undocumented workers in Canada vary widely – from 20,000 to 500,000 – but research shows that they are over-represented in sectors providing essential services at low pay (Borras et al., 2021; Hjalmarson, 2020; Villegas, 2018). Although some scholars and migrant rights advocates have expressed optimism regarding the announcement of a new program in September 2022 (Migrant Rights Network, 2022; Nyers & Mofette, 2022), the language of the Prime Minister's 2021 mandate letter refers to building on "existing pilot programs to further explore ways of regularizing status for undocumented workers" (Trudeau, 2021), which suggests sector-specific and small-scale programs like the program for out-of-status construction workers in Toronto (IRCC, 2021I), rather than more encompassing and innovative efforts called for by rights advocates.

Likewise, although the 'Guardian Angel' pathway for refugee claimants working in healthcare was given much lip-service, restrictive criteria gave no teeth to the program. While the pandemic clearly demonstrated that the work of all frontline workers was essential, the net for specialized programs like the TR2PR was cast very small. Despite loud voices of support from migrant rights activists and politicians alike throughout the pandemic, calling on the government

to provide pathways to permanent residence and income support to vulnerable frontline workers (Keung, 2020b; Rodriguez, 2021; The Caregivers' Action Centre et al., 2020) the rhetoric categorizing these workers as essential did not translate into the necessary political will to regularize their status.

Throughout the pandemic, the government missed opportunities to make systemic changes to immigration policy based on moral principles and human rights by centering the interests of business. Significant accommodations were made for international students reflecting their fiscal importance to the economy, but the contribution of unpaid labour, such as child and elder care – as well as the emotional and psychological support provided by transnational family members – was rendered inessential by prolonged travel restrictions, despite being in acute need. Overall, public health and safety objectives were balanced against the need for essential wage workers. The government was clearly aware of the importance and pent-up demand for family reunification (Trudeau, 2021), but the levels plan only recognized the importance of family reunification nominally, maintaining target levels at 24 per cent of total admissions for 2022/2023 (25 per cent in 2024) (IRCC, 2022b).

The release of the Workforce Solutions Roadmap in April 2022 relaxed limits on how many TFWs businesses could hire, eased labour market impact assessment requirements, and opened the door to the employment of TFWs in low paying retail, food and accommodation jobs, previously excluded from the program (ESDC, 2022b). This backsliding reflects a troubling trend that pre-dates the pandemic, which has seen an increased reliance on temporary migrant labour and gives cause for concern given the widespread exploitation of workers and politically charged controversies associated with the program as it rapidly expanded during the Harper years (Carlaw, 2021; Hari, 2018). Whereas the pandemic offered opportunities to move away from an over-reliance on temporary labour for the performance of permanent jobs, this policy choice indicates a continuity of the status quo (see also Triandafyllidou and Yeoh, forthcoming).

While immigration backlogs have continued to grow reaching unprecedented levels, significant funding for modernization in Budget 2021 and a plan to modernize Canada's immigration system in early 2022 indicate that achieving this objective will remain a priority (Department of Finance, 2021; IRCC, 2022a). Investments in the modernization of the immigration system through digitization combined with increased transparency will provide lasting benefits for future clients. The government should continue these efforts using a human-centered design approach to prevent inequities from being baked-in to the immigration process. In returning immigration processing to acceptable time frames, the government needs to consider its existing commitments, to prevent the prolonged periods of uncertainty and family separation being experienced by those waiting in the immigration queue.

The ad hoc nature of initiatives conceived to respond to crisis events – like the CUAET temporary resident visas issued to Ukrainians – demonstrates the government's ability to act quickly, decisively, and creatively to bring people in need to Canada quickly, qualities which should be drawn on to respond to other refugee movements. However, the ad hoc response has also given rise to issues of equity and fairness, opening the door to critiques of discrimination and the unequal treatment of different groups. Standard procedures must be in place to ensure that systemic bias is not embedded in policies meant to protect human rights. When it comes to humanitarian initiatives, while flexibility is important, it must be principled in its application.

The pandemic offered a unique policy window and the government demonstrated that it can respond to crisis in quick and innovative ways when pushed. It has also brought much needed attention to the importance of low paid but essential workers, who are equally deserving of pathways to permanent status. Hopefully, the permanent program mandated by the House of Commons will build on the positive aspects of the TR2PR program and provide high volume pathways for essential workers at all pay levels.

While demonstrating agility and innovation in some areas, the government's single-minded focus on the economy prevented it from taking advantage of opportunities to build a more



inclusive immigration model by making bold moves to regularize undocumented workers and decrease Canada's reliance on temporary foreign workers. Instead, the government succumbed to pressure from industry and signalled a willingness to increase rather than decrease its reliance on temporary foreign workers. It remains to be seen whether new and expanded pathways will neutralize this policy decision by providing pathways to permanence for workers at all pay levels. If the true measure of society is how it treats its most vulnerable, pandemic immigration policymaking has not always put Canada's best face forward. To truly "build back better," the government needs to harness lessons from the pandemic and move beyond small-scale and restrictive programs to craft inclusive policies that better reflect the importance of all kinds of contributions to the fabric of Canadian society.

**Appendix A. Main Orders in Council governing border restrictions, quarantine and testing**

<b>Order in Council</b>	<b>First brought into effect</b>	<b>Last renewed</b>
Minimizing the Risk of Exposure to Covid-19 in Canada Order <sup>25</sup> (Quarantine, Isolation and Other Obligations)	March 25, 2020 <b>PC 2020-0175</b>	March 31, 2022 <b>PC 2022-0321</b>
Minimizing the Risk of Exposure to Covid-19 in Canada Order (Prohibition of Entry into Canada from the United States)	March 21, 2020 <b>PC 2020-0161</b>	November 20, 2021 <b>PC 2021-0961</b>
Minimizing the Risk of Exposure to Covid-19 in Canada Order (Prohibition of Entry into Canada from any country other than the United States) <sup>26</sup>	March 22, 2020 <b>PC 2020-0162</b>	November 20, 2021 <b>PC 2021-0962</b>
Minimizing the Risk of Exposure to Covid-19 in Canada Order (Prohibition of Entry into Canada) <sup>27</sup>	January 28, 2022 <b>PC 2022-0041</b>	March 31, 2022 <b>PC 2022-0320</b>
Minimizing the Risk of Exposure to Covid-19 in Canada Order	May 31, 2022 <b>PC 2022-0567</b>	June 27, 2022 <b>PC 2022-0836</b> (expired Sept 30, 2022)

<sup>25</sup> The Order was originally called the *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Mandatory Isolation)* (PC 2020-0175) and numbered with each renewal until No. 8 or PC 2020-0967 on November 29, 2020. Thereafter (*Mandatory Isolation*) was replaced with (*Quarantine, Isolation and Other Obligations*). After the last order expired on May 31, 2022, the Order was merged into the *Minimizing the Risk of Exposure to Covid-19 in Canada Order* (PC2022-0567)

<sup>26</sup> As of January 28, 2022, the two Orders prohibiting entry into Canada were combined into one, *Minimizing the Risk of Exposure to Covid-19 in Canada Order (Prohibition of Entry into Canada)* (PC2022-0041).

<sup>27</sup> As of May 31, 2022, the two remaining Orders (PC2022-0320 & PC2022-0321) were combined into one: *Minimizing the Risk of Exposure to Covid-19 in Canada Order* (PC2022-0567).

**Appendix B. Tools and procedures digitized by the IRB and IRCC from 2020**

<b>Tool</b>	<b>Description</b>	<b>Pandemic-related Measure</b>	<b>Who it Impacts</b>
Adoption of Electronic Signatures	IRB allows members to use electronic signatures to sign reasons for decision and orders under Rules 11(2) and 11(3) of the ID Rules.	Yes	<ul style="list-style-type: none"> <li>• Economic Migrants</li> <li>• Family Class</li> <li>• Refugees</li> </ul>
National launch of ArriveCAN Mobile Application	The CBSA and the Public Health Agency of Canada (PHAC) co-created the ArriveCAN mobile application as an alternative to PHAC's online / paper COVID-19 contact tracing form.	Yes	<ul style="list-style-type: none"> <li>• Economic Migrants</li> <li>• Family Class</li> <li>• Refugees</li> </ul>
Digitized paper applications, biometrics, and online interviews for spousal applications	IRCC leverages new technology to digitize paper applications, facilitative biometrics measures and technology to conduct interviews with applicants remotely.	No	<ul style="list-style-type: none"> <li>• Economic Migrants</li> <li>• Family Class</li> <li>• Refugees</li> </ul>
My Case Pilot (Phase 2 Launch)	Phase 2 of the MyCase pilot to allow secure exchange of documents and ability to view case information and upcoming hearing dates on active case(s).	Yes	<ul style="list-style-type: none"> <li>• Economic Migrants</li> <li>• Family Class</li> <li>• Refugees</li> </ul>
Online Citizenship Test	A new platform to conduct citizenship tests online.	Yes	<ul style="list-style-type: none"> <li>• Permanent residents</li> </ul>
New remote videoconference hearings for pre-removal risk assessments	Option for the remote delivery of pre-removal risk assessment hearings using Microsoft Teams videoconference technology.	Yes <sup>28</sup>	<ul style="list-style-type: none"> <li>• Parties to IRB proceedings; Refugee claimants</li> </ul>
Refugee Protection Division <sup>29</sup> to hold virtual hearings	The IRB began scheduling virtual hearings for all refugee protection claims. <sup>30</sup>	Yes	<ul style="list-style-type: none"> <li>• Parties to IRB proceedings; Refugee claimants</li> </ul>
IRB moves to remote-only hearings	The IRB adopted a remote-only hearings model, with only urgent and particularly sensitive cases considered for in-person hearings on a case-by-case basis.	Yes	<ul style="list-style-type: none"> <li>• Parties to IRB proceedings; Refugee claimants</li> </ul>
Paper-based economic class <sup>31</sup> applications go digital	IRCC launched an online permanent residence application portal.	No	<ul style="list-style-type: none"> <li>• Economic migrants</li> </ul>

<sup>28</sup> The remote hearings option may continue as an option after the Covid-19 pandemic.

<sup>29</sup> The Refugee Protection Division is a part of the IRB.

<sup>30</sup> Claimants could request an in-person hearing be scheduled instead.

<sup>31</sup> Including applicants to the Non-Express Entry (base) Provincial Nominee Program, the Rural and Northern Immigration Pilot, the Agri-Food Pilot, the Atlantic Immigration Pilot, the Québec Selected Investor Program, the Québec Entrepreneur Program, and the Québec Self-Employed Persons Program.

Protected persons applications for permanent residence go digital	IRCC expanded the Permanent Residence Portal to include applicants applying for permanent residence as protected persons.	No	<ul style="list-style-type: none"> <li>Refugee claimants</li> </ul>
PR Online Application Portal launched	A new Permanent Residence Online Application Portal to allow authorized (paid) immigration representatives to submit permanent residence applications (non-Express Entry) online on behalf of their clients.	No	<ul style="list-style-type: none"> <li>Prospective immigrants; Temporary residents</li> </ul>
Online citizenship applications	A website tool to allow citizenship applications to be submitted online.	No	<ul style="list-style-type: none"> <li>Permanent residents</li> </ul>
Canadian Refugee Protection Portal (CRPP) launched	Persons in Canada wishing to make a claim for refugee protection can create a secure CRPP account, complete a questionnaire, and submit supporting documents online.	No	<ul style="list-style-type: none"> <li>Refugee claimants</li> </ul>
Advanced data analytics to help IRCC officers sort and process temporary resident visa applications	Expansion of the use of advanced data analytics to sort and process all TRV applications submitted from outside Canada.	No	<ul style="list-style-type: none"> <li>Temporary residents</li> </ul>
Advanced data analytics to support visitor visa application processing	Expansion of the use of advanced data analytics to help officers sort and process visitor visa applications submitted from outside Canada	No	<ul style="list-style-type: none"> <li>Visitors</li> </ul>
Online case status tracker for family class permanent residence applications launched	A new digital case status tracker to allow some family class permanent residence applicants, sponsors and their representatives check their application status online.	No	<ul style="list-style-type: none"> <li>Family class (reunification)</li> </ul>

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