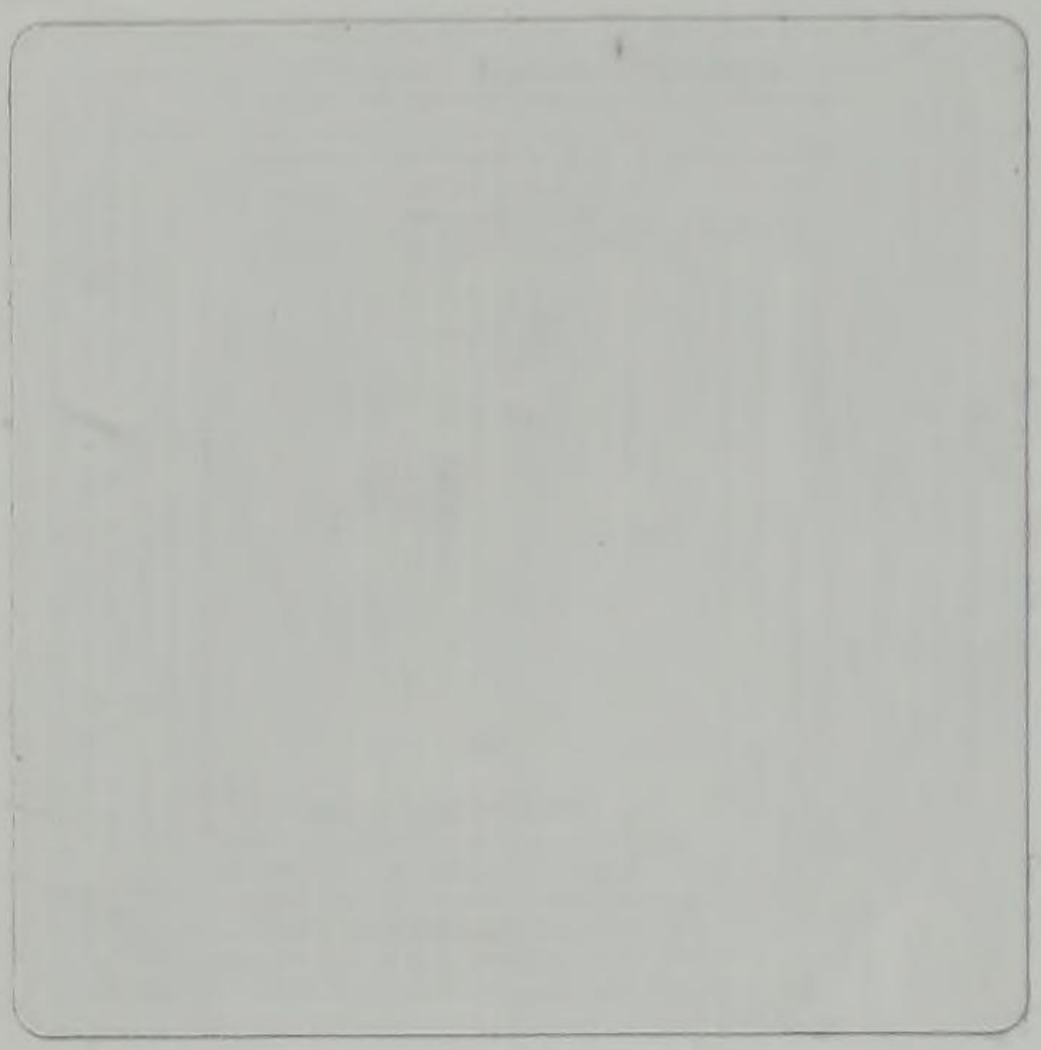
TORONTO PUBLIC LIBRARY
37131 057 163 560
CED Cedarbrae



Canada after September 11

Immigration & Settlement

Sam M. Bayat, B.Sc., LL.B.
Barrister & Solicitor



WITHDRAWN
From Toronto Public Library

CED

Canada after September 11

Immigration & Settlement

Sam M. Bayat, B.Sc., LL.B.
Barrister & Solicitor

CONTENTS

Chapter 1: The immigrant image after September 11 9
Chapter 2: Migration across the world 15
Chapter 3: A nation of immigrants 18
Chapter 4: The new face of Canada 42
Chapter 5: Canada's economic and development planning 52
Chapter 6: New world foreign policy at crossroads 63
Chapter 7: A country of freedoms and rights 73
Chapter 8: Immigrating to Canada 81
I. APPLICATION FOR RESIDENCY 87

1a) Permanent Residency Application
A. FAMILY CLASS IMMIGRATION
B. INDEPENDENT (ECONOMIC) CLASS IMMIGRATION 93
B1 The Skilled Worker Class 94
B2 The Business Immigration Class 105
i. Entrepreneur 105
ii. Investor 111
iii Self-employed 115
C. REFUGEE CLASS 117
D. IMMIGRATING TO QUEBEC 120
E. PROVINCIAL NOMINEE PROGRAM 127
1b. Temporary Residency Application 142

II. MAINTAINING PERMANENT RESIDENCY 147
III. CANADIAN CITIZENSHIP 152
Chapter 9: The Job Market 176
Chapter 10: Doing Business in Canada 184
Chapter 11: Canadian rights to healthcare 203
Chapter 12: Education in Canada 212
Chapter 13: Settling in Canada 216
Chapter 14: Talking About Tax 237
Chapter 15: Buying a house or property 243

Appendix: Immigrant Profiles 249
Immigrant Serving Agencies in Canada 261

This book is dedicated to all those, whether professional, NGO or volunteer, who are helping people cross borders and begin a new life. The proceeds of this book shall go towards setting up a fund that will aid, in small measure, non-profit organizations involved in the settlement of refugees

Copyright ©2003 Sam Bayat

All rights reserved. No part of this book may be reproduced or transmitted in any form by any means without permission in writing from the publisher, except by a reviewer, who may quote brief passages in a review.

ISBN: 0-9730000-2-3

A publication of
Touch BASE
2099 Gottingen Street, Ste 201
Halifax, N.S., B3K 3B2
Canada
Tel: 1-902-429-7356
touchbase@myexcel.ca
http://www.touchbase.ca

Touch BASE gratefully acknowledges the Copyright permission granted by Citizenship and Immigration Canada for excerpts taken from its website and reproduced in Chapter 8: *Immigrating to Canada.* It also acknowledges copyright permission granted by the Treasury Board of Canada for passages sourced from the HRDC *Report on Plans and Priorities – Estimates 2003-2004* <http://www.tbs-sct.gc.ca/est-pre/20032004/HRDC-DRHC/HRDC-DRHCr34_e.asp> and reproduced in Chapter Five: *Canada's Economic and Development Planning*. These excerpts and passages have been reproduced with the permission of the Minister of Public Works and Government Services, 2003.

References:

Forging our Legacy: Canadian Citizenship and Immigration (1900-1977)
Coming Canadians: Jean R. Burnet with Howard Palmer
The Doukhobors of British Columbia: Harry B. Hawthorn
Clifford Sifton in Relation to his Times: J.W. Dafoe
Canada's Immigration Policy 1896-1910 : Mabel F. Timlin
The Blacks in Canada - A History: Robin W. Winks
History of the Jews in Canada: Vangeois

The author also gratefully acknowledges the copyright permission to quote and reproduce from some works granted to him by Robin Arthur, Editor *Touch BASE*

Foreword

In the modern times we live, the crossing of borders are not the hurdles. But culture is. That is because, as many accept today, nationhood is not defined as a notion confined within borders, but one in which cultural roots grow.

Having said that, immigration is probably one of the most challenging decisions one has to take amid the compulsions - whether social, political or economic - that force people to leave home and adopt another country as one's own. In having to come to grips with a new environment and a society that's out on its own, several challenges surface: the distancing from home and friends but not of national rootedness, the desire to integrate, burdened by the clash of civilizations; a propensity toward economic progress, restrained by the unwillingness to accept a progressive society.

Immigration is one big challenge. And yet, it's happening across the world. Never before, in peaceful times, has one seen the movement of people across borders as one does today. That challenge is made lighter by an understanding of what immigration is all about, the hurdles and the opportunities.

That is precisely what I have set out to provide the reader of this book. In providing a guided tour of the new Immigration and Refugee Protection Act, I have outlined the new opportunities across the spectrum of immigration floodgates, the implications of the lower pass mark, the opening up of immigration to foreign students and the new provincial nominee programs which fast track skilled workers and entrepreneurs into Canada.

But this book is not only about immigration. The impact of September 11 is far reaching. It has caused Canadians to look at security tools more closely, and introduce more vigilance in the lawmaking framework.

Even so, despite September 11, Canada has not lost its mature perspective. In foreign policy, it's committed to standing on its own, not being driven dogmatically by its neighbour south of the border. And in the realm of human rights, it stands committed more than ever to its Charter of Rights and Freedoms, the pillars upon which Canada's multicultural society relies for an environment of peace and justice.

Sam Bayat

Carter Hoppe, who has made an observation on the contents of this book on the back cover, is a founding partner of the Toronto Immigration Law Firm, Hoppe Bruner. He has practiced immigration law exclusively for over 25 years, lectured on Immigration Law at Osgoode Hall Law School of Toronto and at the Faculty of Law, Queen's University, Kingston, Ontario.

Chapter 1

The immigrant image after September 11

The September 11 crisis in the United States may have changed the world. In the aftermath of the tragedy, a cloud of distrust and suspicion swept across North America in respect of people of Arab and Muslim descent, although this was tempered and subtle and far from hostile. Indeed, some said that police patrols at the mosques on Fridays had increased. A couple of Arab youth had said that the mood in the campuses had changed where university students reacted a little differently to their peers from the Middle East. And some Arab women who wear the *hijab* said they did not feel as secure as before.

In tandem, the "clash of civilizations" hypothesis of American political scientist Samuel Huntington[1] had re-emerged. In the United States and Canada, popular discourse had come to accept a direct linkage between religion - especially Islam - and terrorism. Critics argued that Islam had been unfairly singled out ignoring other manifestations of terrorism including the Air India bombing, the Oklahoma City bombing, the troubles in Northern Ireland and India. Nevertheless, the common view that religion and terrorism are connected became harder to dislocate.

Furthermore, scholars began research on the more positive influences of religion in contemporary societies. These issues link well with the concept of "social capital" most recently popularized by American political scientist, Robert Putnam. His widely accepted thesis suggests high levels of trust, reciprocity and cooperation result in more cohesive and prosperous societies and research indicates that those who are active in religious communities are more likely to be engaged in charitable giving and voluntarism.

If this is the case, then the resulting social capital should contribute to more trust, reciprocity, cooperation and support in a

1. Samuel P. Huntington is the Eaton Professor of the Science of Government and Director of the John M. Olin Institute for Strategic Studies at Harvard University. The "Clash of Civilizations" hypothesis is the product of the Olin Institute's project on "The Changing Security Environment and American National Interests."

given society. That said, the critical question is whether this trust, reciprocity and cooperation benefit only the individual, religious communities or also benefit the broader society.

The importance of religion as a dimension of diversity within a pluralistic population has been increasing without a public dialogue on many of the issues that arise from religious diversity. It was just as well, that the Metropolis Project – an international think-tank on migration, organized its public dialogue "*Clash of Civilizations*" in March of 2003 to provide policymakers with insights into how religious or faith communities contribute to the overall stock of social capital in pluralistic societies and tackle head-on the perceived linkages between religious communities and terrorism.

On the heels of September 11, the Canadian government passed Bill C-36[1], an anti-terrorism security tool to protect our societies. Civil libertarians were quick to criticize the Bill from the point of view that the sweeping powers it gave law enforcing officials could easily undermine civil liberties. Other groups such as the Canadian Council for Refugees (CCR), the Canadian Bar Association, Muslim and Arab groups said that the climate that had been created was one that was holding immigrants and refugees suspect and assumed that dangerous terrorist elements existed within the immigrant settlement sector. The other criticism was that Bill C-36 proposed a guilt by association framework.

While these groups acknowledged that there were checks and balances in the Bill, they said they believed that the powers proposed in it could easily be misused to disproportionately target Arab and Muslim groups, organizations and individuals.

But Bill C-36, in a sense, was not unprecedented. The Vancouver Riots[2] of 1907, the internment of Japanese citizens in Canada after the bombing of Pearl Harbor and the hardships experienced by the Ukrainians, Poles and Hungarians, seen as enemy aliens in Canada after the First World War because of their former German citizenship, are precedents. Canada had subsequently apologized and made good. Nonetheless, how Bill C-36 will ultimately pan out as a security tool will now really depend on how well the checks and balances will work..

But what also emerged, as a consequence, were grave concerns about how racism would resurface in the aftermath of September 11. A Human Rights Watch report, released at the time, contended that the US-led campaign against terrorism was being used by nations as an excuse to revoke civil liberties and that,

1. An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and to enact measures in respect of the registration of charities, in order to combat terrorism. 2. See "Vancouver Riots" on P29

likewise, terrorism could become the convenient catchword to unleash a new brand of racism. It was being said at the time that everything that's inherently racist in Canada would now have an excuse to surface. That observation was not far from the truth, apparently. Within weeks of September 11, Paul Fromm, the man who runs the Canada First Immigration Reform Committee, a 2,500-member group calling for a five-year moratorium on all immigration to Canada, said that there was a 10 per cent hike in membership.

September 11 may have ushered in a cloud of suspicion about people of Arab descent, but that said, the mainstream of Canadian society, today, do believe in a race-fee society. That's precisely why racial profiling is becoming a dirty word. There is almost zero tolerance for racism, racial discrimination and "racially-biased policing". In fact, now, the police services have even begun to reflect the diversity of the community they serve.

Indeed, several initiatives are mushrooming across the country to make Canada race-free. Only lately, the federal government pledged money towards the construction of the new Canadian Museum for Human Rights. That was, just as well, applauded by groups such as the Canadian Race Relations Foundation (CRRF). "It's definitely timely for Canada to document the human rights stories of the many Canadians and immigrants who have built this country," said Dr. Karen Mock, executive director of the CRRF. "The new Canadian Museum for Human Rights will be a lasting legacy for Canada and the world."

The new Canadian Museum for Human Rights to be located in Winnipeg will examine the several types of human rights issues and will provide all groups with the opportunity to submit proposals for exhibits.

The Canadian Race Relations Foundation has been supporting other initiatives as well as participating with organizations in their ongoing mission to seek redress for human rights violations of the past. "The Chinese Head Tax and Exclusion Act[1] were imposed for nothing more than racist reasons," says Dr. Mock. "They were wrong. As Canadians, it is necessary to say, especially to those who were affected directly and are still alive, that we are sorry the Canadian Government acted this way."

Unfortunately, some of Canada's history has been stained by discriminatory legislation. African Canadian communities including the Black Loyalists - and later Asian communities have experienced government sanctioned violations of their human and civil rights.

1. In 1885 Canada imposed a $50 head tax on Chinese immigrants after the completion of the Trans Canada Railway on which Chinese workers, earlier, were assigned to work. The head tax prevented all but a few wealthy Chinese from having their families join them in Canada.

The forced confinement by the Government of British Columbia of the Doukohbor children in the New Denver Sanatorium was another of those human rights violations Japanese Canadians suffered injustices during and after World War II. But the government of Canada has made amends and this is, thus, best left at history's door.

Today, most newcomers to Canada recognize that it is natural for people who are different from you to turn to you with some curiosity and, having said that, racism is hardly the newcomer's major hurdle or barrier to settlement. People appear to realize that on an individual level, racism may always be around, that it's not only black and white….that it's often a result of ignorance. But the fact is there is little one can do about ignorance. In time, a mature understanding of the world outside our borders will change all that. Even the fact that it took the horrifying spectacle of September 11 for Americans to realize that they are not liked in other parts of the globe, tells you that the average American on the street isn't bothered about what's going on outside the continent.

This whole thing about race makes no biological sense - it's probably a socio-historical construction based on the myopic view of history. The racial divide between the supremacy groups and the marginalized is a product of economics. The effect of the shift from culture to race can be seen in the wide disparities created by the wealthy. Thus you see the civilization of the West in stark comparison to the economic underdevelopment of Africa; debt in the Third World and the siphoning off of interest payments to the West; unequal trade and so on.

That said, what one can do, is make sure that racism – which can be discriminatory and affect whole societies - does not get through the cracks of corporate policy or government legislation. That is something we can and must stop. What has evolved today, as a consequence of marginalizing communities, is Environmental Racism. It is about marginalizing specific neighborhoods. One can see patterns of metropolitan development in which some affluent whites create racially and economically segregated suburbs or gentrified areas of cities leaving the poor isolated in older suburbs. A paper on institutional racism in the United States points to the fact that racism is visible in imprisonment and in the administration of the death penalty. Indifference to rates of violence against the lives of blacks, Hispanics, Asians and Native peoples is another sign. This is the type of racism to watch out for.

There were, for example, broader ramifications to the September 11 crisis involving the marginalizing of communities in the US. The United States and Canada are currently negotiating a 30-point Smart Border plan which is part of the vigilance agenda. The US government announced, some months ago, stringent border security tests and said that Canadians traveling to or through the US who were born in Iran, Iraq, Libya, Sudan, Syria, Pakistan, Saudi Arabia or Yemen would undergo extra scrutiny, possibly including being photographed and fingerprinted.

The US announcement naturally evoked hostile criticism by advocacy groups in Canada. The Canadian Ethno Cultural Council[1] (CEC) called for measures to protect all of its citizens no matter their place of birth. "It is truly unacceptable that these Canadian citizens be subjected to this kind of targeted discriminatory treatment", said Art Hagopian, the CEC president. "Our government must protest this policy vehemently and support the integrity of Canada's Charter of Rights and Freedoms".

The US government subsequently said that Canadian citizens would not be subject to the national security entry and exit registration systems and that this would apply only to Canada's landed immigrants. It is not clear if statements have been matched with actions at the border. It's just as well that "racial profiling" has become the new watchwords in Canadian society. NGOs, pro-immigration lobbyists and human rights organizations have been quick to protest what they see as evidence of racial profiling by law enforcement authorities. The Ontario Council of Agencies Serving Immigrants (OCASI) continued the protest saying that verbal assurances from the U.S., that Canadian passport holders will not be subject to the United States National Security Entry Exit Registration System (NSEERS), wasn't sufficient guarantee that Canadians travelling to the US will not be harassed or detained on the basis of country of birth, ethnicity and faith.

These advocacy groups have been urging the government to provide Canadians with a guarantee that racial profiling practices at Canadian ports of entry will change, provide an acceptable timeline for implementing changes and provide Canadians with recourse for review, redress and oversight to ensure that they are not subject to racial harassment.

Earlier this year, the US government's directive that residents without legitimate residency papers should appear for registration to the immigration authorities, forced an exodus of refugee claimants to

1. The Canadian Ethno Cultural Council's objectives are to ensure the preservation, enhancement and sharing of the cultural heritage of Canadians, the removal of barriers that prevent some Canadians from participating equally in society and the elimination of racism.

Canada's borders. The Canadian government directed them back to the US with directives to seek appointments for the hearing of their refugee claims. The Canadian Council for Refugees (CCR) protested the government's action saying these people risk detention in the US and that it should be more compassionate.

Chapter 2

Migration across the world

The migration of people is as old as the hills. Although nation states in the East and West are diametrically opposed in their cultural settings and religious foundations and the very soul of the human sometimes appears rooted to his nationhood, people have crossed borders.

In the twentieth century, world wars and civil wars, whether in Eastern Europe, Africa or the Middle East have driven people from their homes into asylum providing countries and since the establishing of the Geneva Convention on Refugees, host countries such as the United States, Canada and Australia have been absorbing refugees displaced by war.

But aside from war as the trigger for the movement of peoples, there is an economic side to immigration. The unequal distribution of wealth, repressive governments and poverty drove the peoples of Europe out of their homelands to seek refuge in the host countries after the two World Wars. Immigration to the North American continent was, at the time, largely Eurocentric. But racist approaches to immigration changed in the sixties when governments saw a distinct connection between skills-based immigration and the growth of their economies. This was particularly underpinned as the continent experienced a negative growth in population.

Indeed, immigration is now becoming a trend across Europe especially because of a negative growth in population there. This is happening across Germany, France and Holland. All of this is raising tensions among native communities there – anti-racist groups such as the neo-Nazis have been mushrooming and with them one sees the emergence of anti-immigration party manifestos in Europe.

The September 11 crisis in the United States which opened a Pandora's box on security issues called for an intensive review of

immigration policies in North America and somewhat put the brakes on immigration for a while. One saw a domino effect of this in Europe as well. The political heads of Europe's police forces met in the summer of this year with Christian, Jewish and Muslim leaders – new allies in the battle against terrorism.

In many ways the twains of religion and immigration have met and collided forming the backdrop for social and political strife in Europe. The European Union gathering of interior ministers and religious leaders hosted by Italy bolsters that observation. The colliding of Eastern and Western societies in Europe and the North American continent have given rise to concerns about political correctness, tolerance of religious practice and issues of inclusiveness. Italy is in the midst of a debate over whether or not crucifixes should be removed from public schools and the two traditionally staunch Christian nations, namely France and Germany are locked in with another dilemma of whether or not Muslim women who wear the headscarf challenge their secular societies.

Earlier this year, Turkey's inclusion into the European Union opened the debate on whether or not the EU's constitution reflects the continent's Judeo-Christian roots.

"There is a growing fear of immigration in Europe," Italy's interior minister Giuseppe Pisanu is quoted as saying in an *AP* report. "We fear for our security, for our identity, our jobs and social stability."

But immigration remains a strong trend despite the factors that confront it.

In the North American continent, the September 11 crisis somewhat put the brakes on immigration – and in a way that some describe as "discriminatory". US Secretary of State Colin Powell told the Free Press in November : America is an open country, a country of countries, a nation of nations and we don't want to change that. We want to be a welcoming society." But on the ground the realities are different – at least for Arabs and Muslims.

America's security concerns have reflected on Canada's security policies as well and there has been some agreement on border crossings between the two countries. But having said that, Canada has, as a sovereign nation, done some tight rope walking in the diplomatic hot spot, balancing its historic ties as allies with an independent stance on foreign policy.

That said, Canada holds its own even today as a peaceful nation and a welcoming country – credits which make it the preferred destination to migrate to.

Canada's new immigration and refugee protection Act is a more pragmatic one. In the United States or the United Kingdom, for example, one may have to produce a job offer as a precondition to immigration, unlike in Canada which invites immigrants to qualify in the skilled worker category based on a point system. It has an open-door to business for entrepreneurs and investors and the recently launched Provincial Nominee Programs open new doors to people who can fill skills shortages in any of its provinces as well as make financial contributions to the business environment.

On another level, prospective immigrants recognize the fact that maintaining residency in Canada as well as adopting citizenship is speedier and less restrictive than it is in say, Australia, the UK and the United States. Whereas the Australian government requires an immigrant to spend ten years in the country as a precondition for citizenship, Canada limits residency to three years prior to citizenship. The UK and the United States, on the other hand demand, qualitative residency, including the submission of tax records prior to citizenship, whereas in Canada, a stay of 1075 days within a timeframe of five years automatically qualifies the immigrant for citizenship. Even the fact that non-resident Canadians do not have to declare income, makes Canadian immigration policy far more friendly and pragmatic that that of the United States.

Finally, people see the social patina of Canada as distinguished from the social climate of Australia, where immigration is by and large Eurocentric. In the larger cities of Canada, visible minorities are fast becoming visible majorities even as immigration today is driven by newcomers from Asia, Latin America and Africa. Canadians are a friendly people and recognize the fact that their destinies are tied to the emerging pluralism and the benefits that come in tow. Canadian human rights and the Charter of Rights and Freedoms are the pillars upon which this society governs itself.

Chapter 3

A nation of immigrants

Canada's early history is scarred by stories of land-grabbing, prejudiced treaties, the barbaric elimination of First Nation peoples, ugly Anglo-French battles and, up until the middle of the twentieth century, the perpetuation of race-driven legislation. The segregation of Chinese schools, the isolation of its citizens of Japanese descent after the bombing of Pearl Harbour during World War II or the infamous "continuous journey" regulation to bar East Indian emigration to Canada are some of those many scars.

But Canadians cannot be hung on a guilt cross forever. Canada is making amends. With a Charter that guarantees rights and freedoms to all Canadians today, regardless of race or faith, it is truly becoming a template for the model state. It's political role on the world stage and its commitment to be a peacekeeper, rather than an aggressor, make it stand out from the comity of nations. It has thrown its weight behind UN Conventions that have addressed the problems of war-displaced refugees and is a champion of human rights.

War and conflict in the last couple of decades have challenged host countries like Canada to accept more refugees per year now than ever before. At the beginning of the new millennium, the worldwide refugee count was at about 22.3 million, up by about a million from January 1 of 1999. As anyone would know, the conflicts in Kosovo and the Balkan region triggered the whopping increase.

Looking back over the preceding decade, in 1990 the UNHCR (United Nations High Commission on Refugees) was helping an estimated 15 million people – that was before hostilities in northern Iraq, the former Yugoslavia, Rwanda and Africa's Great Lakes region had broken out. The series of major crises took the refugee count to an all-time high of 27 million in 1995 before gradually tapering off at the end of the century. Canada has stood shoulder to shoulder with the UN agency to absorb its share of the

refugee population committed under its obligation to the 1951 Geneva Convention on the status of refugees and its 1967 Protocol to which it is a signatory.

The UNHCR considers Canada's independent, quasi-judicial Immigration and Refugee Board (IRB) to be an exemplary national status determination mechanism. In 1998, at least 24,000 people requested refugee status in Canada. The IRB granted it, in 12,880 of the 23,200 cases decided, achieving an approval rate of 55.5 per cent. The Government's target for resettlement last year was understood to be close to about 11,000. Canada is also a forerunner in several recent diplomatic initiatives including the Convention banning anti-personnel landmines, the International Criminal Court and the entire human security agenda.

This new face of Canada contrasts sharply with the face it wanted to sport a hundred years ago. So in a sense, this national evolution has not been without its share of problems. Throughout these one hundred years, Canada's immigration laws have tended to reflect strong public opinion. When Clifford Sifton, the Minister of the Interior in Wilfred Laurel's government in 1896 turned to the United States for recruiting farmers, the legislation kept out blacks for they were widely regarded as being cursed with the burden of their African ancestry. When unsubstantiated rumours broke out of the imminent invasion of Canada by forces of German-Americans during the Austro-Hungarian war, the doors were closed to immigration for the Magyars. The Vancouver Riots in 1907 were also stirred by opposition from Canadians to Asian immigration.

But there comes a time in a nation's history when one man or woman is thrust upon it to change its course. It was just as well that reform by Ellen Fairclough, the minister of immigration in John Diefenbaker's government in the 1960s brought that wind of change. On January 19, 1962 Fairclough tabled new regulations in the House that virtually eliminated racial discrimination as a major feature of Canada's immigration policy. When the new regulations were implemented on February 1, 1962, Canada became the first of the three large receiving countries in international migration - the other two being the United States and Australia - to dismantle its discriminatory immigration policy. In tandem, Prime Minister, John Diefenbaker's cherished Canadian Bill of Rights (1960) had rejected discrimination by reason of race, colour, national origin, religion, or sex.

In the later part of the sixties, Robert Andras, the Minister of

Manpower and Immigration in Prime Minister Pierre Trudeau's administration (1968-1972) called a referendum to find an answer to the basic question: "Why do we have immigration to this country?" That referendum finally broke new ground resulting in the Immigration Act of 1976 – the cornerstone of present day immigration policy which sought to be race-free, skills-driven, pragmatic yet sympathetic and humanitarian. Andras' referendum underpinned immigration as an economic reality that injects skills into the workforce and spurs consumption into the markets to grow the economy.

Canada's leadership in the later half of the twentieth century, indeed, changed the narrow thinking that marked Canadian life in the preceding decades. In the evolutionary process, Canada opened its windows to the world. Since the post-war rise in immigration and the opening of its gates to the world's displaced people, it welcomed refugees from Hungary, Palestine, Uganda, Vietnam. The removal of factors of race in the immigration policy through the introduction of the Points System opened the floodgates to emigration out of Asia.

About a million immigrants came to Canada in the first half of the nineties according to the 1996 census. The immigrant tide has forced a sea-change in the demographics. Today's new immigrants come from Hong Kong, India, China, Taiwan. Pakistan, Philippines, Iran, Sri Lanka and of course, from the United States and the UK. They account for half the total that immigrates to Canada every year. At the same time traditional sources of immigrants, notably Europe and more recently South Asia, are giving way to Latin America, China, West Asia and Africa. By the end of the current decade, reports say 80 per cent of all immigrants could be visible minorities.

In this process of change, Canada is coming to grips with its identity crisis. Although a *Multiculturalism Act* is in place, Canadians are divided over whether or not a nation can project a league of many cultures within one framework. The columnist Douglas Fischer, writing in the *Toronto Sun* sometime ago had observed: "How can we sustain some unity of purpose and a sense of a whole community if we project a league of national cultures within one framework. You and me and our children have enough to do with the basic problem of the French and English duality, without enshrining the whole world's diversity within our history and borders."

His observation contrasts significantly with a federal government statement which notes: "Canadian identity will not be undermined by multiculturalism. Indeed, we believe that cultural

pluralism is the very essence of Canadian identity." A political observer, Kirk Watson[1] writing in *Canadian Overtones* has also made a worthy observation: "Our national attitude towards immigrants of non-British origin has already passed through two ignorant and discreditable phases," he says. "I foresee a future Canada in which every individual would be inspired to fuller citizenship by the realization of his origin."

Canada's first immigrants

The reports of Viking voyages around AD 1000 are a divergence from the emphasis on French and British explorers in Canadian history. The Germans, Italians, Portuguese, the Slavs and Greeks and even the Chinese figure in exploration reports. A German named Tyrkier, was reportedly part of the Viking expedition of AD 1001 and archaeological finds at L'Anse aux Meadows in Newfoundland appear to confirm that fact. Furthermore, two German skippers, Diedrich Pining and Hans Pothorst – in the Danish service, may have rediscovered Newfoundland and Labrador between 1471 and 1480 and a German who was on Sir Humphrey Gilbert's expedition is reported to have set foot in Newfoundland in 1583.

The Italians also claim that Verazzano originally of Florence, explored the coast of Nova Scotia in 1524 and provided some new insights. The Portuguese point to considerable activity in the North Atlantic in the Fifteenth century, when Diogo de Tervi's expedition in 1452 is said to have provided information for Christopher Columbus. Poles and Croats claim to have participated in early explorations. A Pole is said to have discovered Labrador in 1476.

The Chinese tell tales of Buddhist monks who sailed from China on rafts and went ashore in AD 458 establishing settlements in Vancouver in 499. The Greeks and the Spanish tell of a visit to the West Coast by Juan de Fuca, who was Greek by birth but was navigating for the Spanish navy in 1592.

Although the French and the British took possession of the northern parts of Canada, establishing the first settlements in 1605, many countries nonetheless were represented in the colony, including those in Europe, China and Africa. The English (especially prisoners and refugees from New England), Irish and Scots were the most numerous.

Africans had settled from the early seventeenth century. The first African to have been brought to New France directly from Madagascar in Africa was Olivier le Jeune. He is reported to have

1. Watson Kirkconnell played an important role in Ukrainian Canadian history. In 1935 he edited "Canadian Overtones" the first anthology of "New Canadian" writings in English

died a free man in 1654. Blacks came with early settlers and later in groups either as fugitives or as free men. In 1793 Lieutenant Governor John Graves Simcoe, who opposed slavery introduced a bill in the assembly for its gradual abolition and by 1860 there may have been as many as 40,000 blacks in Canada.

The earliest evidence of European exploration can be seen from Norse runes - the stone carvings - found in the south east corner of Nova Scotia. This settlement is thought to have occurred about 950 A.D when the Viking voyages brought Norsemen to the region. The settlement of Leif Ericsson at Vinland in 1001 is evidenced at L'Anse aux Meadows, north of Newfoundland.

Almost five hundred years later, John Cabot became the first European to discover North America. He made two voyages between 1497 and 1498 and his landfall was reported to be a stone's throw away from Leif Ericsson's settlement. Cabot will be remembered because he was the first man to discover and tell about the mainland of North America. England claimed all of North America because Cabot had discovered it for her before the French and Spanish. But nobody knows where exactly Cabot landed. It could have been Newfoundland or Cape Breton.

The Italians and Portuguese were among the other European settlers that travelled to the continent before the British and French laid claim to North America. In 1524, Giovanni da Verrazzano, an Italian mariner is reported to have come to Newfoundland and applied the name Acadia to the site of Kitty Hawk, North Carolina. In 1520 Joao Alvarez Fagundes, a Portuguese navigator, sailed along the south coast of Newfoundland and into the Gulf of Saint Lawrence and began a settlement at Ingonish in Cape Breton.

Nova Scotia reports the second oldest permanent settlement in North America at Annapolis Royal. The fur traders in France had to be persuaded to settle in the strange wilderness that North America was at the beginning of the sixteenth century. The King of France believed that if French settlements were made, he would have a stronger claim to the country and so in 1600 he promised trading rights to a group if they would take settlers to live in America.

Consequently, the sole right to trade in Acadia was given to a French nobleman named Sieur de Monts. In exchange for this right, De Monts and his company were to bring out settlers to live on his lands and priests to convert Indians to Christianity. In 1604 De Monts, Champlain, Poutrincourt and some others crossed the Atlantic into Acadia - the name given to the Maritimes.

The first one hundred years of the Irish presence in Nova Scotia are reported to have been ones of great courage and achievement for a "warm-hearted people who came in poverty" The arrival of the ship *Hector* at Pictou in 1773 marked the beginning of a fairly sustained period of Scottish immigration, which lasted - at least in Cape Breton - until the mid-nineteenth century. The Scottish presence in Nova Scotia eventually meant a challenge to the English-Anglican hierarchy. Those who came during the eighteenth century were mainly voluntary immigrants seeking to improve upon the economic conditions they knew in Scotland.

Laurier's campaign to settle the West

Canada's first great wave of European immigration followed a lacklustre period in its immigration history. Despite the best efforts of Sir John A. Macdonald's Conservative government to attract newcomers, large-scale immigration failed to become a reality in the first three decades after Confederation in 1867. Canada's immigration prospects only started to look up in the 1890s. Fortunately for Canada, the reinvigorated economy coincided with a population explosion in Europe and a rapidly dwindling supply of good, free land in the United States. Then, too, there was the election of Sir Wilfrid Laurier's Liberal government in 1896, which immediately launched an aggressive campaign to encourage settlement of the West.

Sifton's quest for agriculturalists

The principal planner and promoter of the campaign for western settlement was Clifford Sifton, who was determined to fill the empty Prairies with suitable farmers as rapidly as possible. Having always been a provincial booster, the new Minister had unbounded confidence in the West. Furthermore, he was firmly convinced that massive agricultural immigration was the key to Canadian prosperity. He then simplified the regulations of the *Dominion Lands Act,* the 1872 piece of legislation that granted a quarter section of free land (160 acres or 64.7 hectares) to any settler 21 years of age or older who paid a ten-dollar registration fee, lived on his quarter section for three years, cultivated 30 acres (12.1 hectares), and built a permanent dwelling.

In his quest for suitable agriculturalists to farm the West, however, Clifford Sifton stressed new fields for recruiting immigrants.

One of these was the United States.

Estimates indicate that between 1901 and 1914, over 750,000 immigrants entered Canada from the United States.

Exclusion ordinance against black settlers

When it came to prospective American settlers, the Immigration Branch solicited only white farmers. No attempt was made to recruit black agriculturalists, for they were widely regarded as being cursed with the burden of their African ancestry. In its attempts to exclude black settlers, the Immigration Branch undoubtedly reflected public opinion in the West and elsewhere in Canada. Thousands of free black people had been among the Loyalists who had settled in Nova Scotia in 1783. Later, runaway slaves from the United States had obtained refuge in Canada. On learning that anti-black sentiment in the newly created state of Oklahoma threatened to drive a large migration of black Americans north to the Edmonton area, the citizens of Alberta's capital mounted a strong protest against the immigration of blacks. The anti-black backlash in Western Canada played directly into the hands of Immigration Branch officials who wanted to see the Canadian border closed to black immigration. Accordingly, in 1911 these officials took unprecedented steps to have Canada acquire an exclusion ordinance against black settlers.

Ukrainians drawn by offer of free land

In his urgent search for farm labourers, the new Minister was prepared to admit agriculturalists from places other than Great Britain, the United States, and northern Europe, long the preferred suppliers of immigrants for Canada. The vast majority of English-speaking Canadians deplored the idea of Canada's admitting "illiterate Slavs in overwhelming numbers."

Nevertheless, by dint of his forceful personality, status, and determination, Sifton managed to proceed with his controversial plan. The Ukrainians were by far the largest group to immigrate to Canada from eastern and central Europe in these years. Between 1891, when the first wave of Ukrainian immigrants came to Canada and the outbreak of the First World War, approximately 170,000 Ukrainians settled in this country, attracted by the offer of free land, a sense of space, and an opportunity to make a living in a free and open society.

For the most part, these Ukrainian newcomers were small farmers and labourers from Galicia and Bukovina who were fleeing oppressive social and economic conditions in their homeland. Commonly called Galicians, they headed for those parts of the West that provided meadow, water, wood, and, if possible, contact with pioneers who spoke their language. As a result, large numbers of Ukrainians settled in the Prairie provinces, from southeastern Manitoba through central Saskatchewan to the Rocky Mountain foothills west of Edmonton.

Germans arrive in Halifax in 1750

Among the thousands of immigrants who homesteaded on the Prairies in these years were settlers of German origin. Most came not from the German Empire, but from the Russian and the Austro-Hungarian empires and the Balkan countries, where German colonies had been established in the eighteenth century.

The growing class of landless workers and a dearth of factory jobs also spurred the exodus. From the 1890s until the outbreak of the First World War, approximately 35,000 Germans settled in Manitoba, representing 7.5 percent of that province's total population. Most settlements in Saskatchewan broke down along denominational lines.

At the base of German immigration to Canada were those brave men and women who travelled across the Atlantic from Europe to colonial Halifax in September 1750 on the ship *Anne*. The authorities housed and employed the new settlers for three years in Halifax and Dartmouth until the majority were removed to found Lunenburg town in 1753. There, in Lunenburg, they took to boat building and fishing. In 1995 their legacy was honoured when UNESCO declared Lunenburg a World Heritage Site.

The German settlers, many of them Mennonites, that came between 1792 and 1837 sought not only free land but also religious freedom and exemption from military service. They founded communities in the Niagara district and also contributed to the growth and industrial development of the Grand River settlement.

Italians find work in Canada's railways

Canada did not actively seek Italian immigrants in this period because Clifford Sifton considered Italians ill-fitted for

pioneering. Most were peasants or sharecroppers, small landowners, and rural day labourers from the impoverished southern regions of Italy, where they had wrested a living from a harsh environment and struggled against an exploitative socio-economic order.

From among those who arrived in Canada, thousands went to work for this country's railways. Others found employment in the mining industry, where there was a demand for intensive labour. Some 3,000 Italians arrived in Montréal in 1904, and two years later, when construction of the trunk lines of the Grand Trunk Pacific, the Canadian Northern, and the National Transcontinental railways began in earnest, there was a further dramatic increase in the numbers of Italians coming to Canada.

Doukhobors flee Russia for Canada

The first great wave of European immigration to Canada included the first Russians to settle in the country. They were Doukhobors, members of a peasant sect whose pacifism and communal lifestyle had invited Czarist authorities to mount a campaign of brutal persecution and harassment against them.

Fortunately for the Doukhobors, their plight aroused the sympathy of Leo Tolstoy, the great Russian novelist, who used his fame to help them to emigrate. In late January 1899, the first of five parties of Doukhobors, numbering over 7,500 people, settled in the Prince Albert and Yorkton areas in what is now the province of Saskatchewan.

The Doukhobors, however, refused to have any dealings with the state. They refused to take the oath of allegiance, and they would not register births, marriages, and deaths; neither would they allow their children to be educated in the public system. These were widened by the actions of an extremist group, the Sons of Freedom, who liberated cattle, burnt property, and refused to till the land. Order was finally restored by the Doukhobors' spiritual leader Peter Veregin.

After arriving in the Northwest Territories in 1903, he quickly set about reorganizing the sect members into a prosperous farming community and keeping the Sons of Freedom under control. In 1908, Veregin purchased a large tract of land in British Columbia (the oath of allegiance was not a requirement in that province), organized the Doukhobors as the Christian Community of Universal Brotherhood, and established community villages in the province.

Britain's poor immigrants

Although there were relatively few good agriculturalists left to court in the "mother country," the Canadian government continued to promote immigration from the United Kingdom, principally because English Canadians took it for granted that their federal government would do everything possible to retain the British character of the country. Most British newcomers in this pre-war period emigrated to Canada in hopes of finding a higher standard of living and freedom from the rigidities of the hallowed British class system.

Included in the ranks of these non-sponsored immigrants were not only people of modest means but also individuals with substantial funds who would often invest in large-scale ranching or farming ventures in Western Canada.

The great influx from Britain in these years also included poor immigrants who had been assisted by charitable organizations wanting to rid the United Kingdom of paupers and help them make a fresh start in the colonies. One of the many philanthropic agencies involved in this endeavour was the Salvation Army, which was established in Canada in 1882.

Canada limits the immigration of Japanese

As British Columbia faced the Pacific Ocean, it drew many of its non-British newcomers from Asia, including Japan. Japanese immigrants did not begin arriving in appreciable numbers until 1900. By 1914, however, only 10,000 Japanese had settled in the whole of Canada, by far the largest number in British Columbia.

The first wave of Japanese immigrants, called Issei, arrived between 1877 and 1928. Prior to 1907, most Japanese settlers were young men. In that year, at Canada's insistence, Japan limited the number of males who could emigrate to this country to 400 a year, thereby becoming the only nation to specifically control the movement of its people to Canada.

The Issei were invariably young and came from poor and overcrowded fishing and farming villages on the islands of Honshu and Kyushu. Most settled in or near Vancouver and Victoria, in fishing villages and pulp towns along the Pacific coast, and on farms in the Fraser Valley.

India's Sikhs find work in lumber mills

The first immigrants from India came to Vancouver and Victoria in 1904. Although British Columbia did its best to discourage non-white immigrants from Asia, barring them from the professions and denying them the right to vote, among other measures, some 5,000 immigrants from India had journeyed to the province by the end of 1907. Of these, the overwhelming majority were Sikhs.

The first Sikhs arrived in the province in 1904, having learned about its beauties and advantages from a detachment of Sikh soldiers who had returned home from London by way of Canada after attending Queen Victoria's Diamond Jubilee in 1897. Most of these early Sikh immigrants found work in the province's lumber mills and logging camps.

In 1999, a postage stamp was issued to commemorate the contributions that Sikh Canadians had made in the building of Canada. Among those present at the unveiling ceremony was Herb Dhaliwal, then the Minister of National Revenue, whose Sikh grandfather had come to Canada in 1906.

Oliver makes immigration policy restrictive

No sooner had Frank Oliver become Minister of the Interior than he set about making immigration policy more restrictive. Two Acts capped his legislative program, the first being the *Immigration Act* of 1906 and the second being the *Immigration Act* of 1910.

The Immigration Act of 1906

Besides defining "an immigrant," this Act barred a broad spectrum of individuals and increased the government's power to deport certain classes of immigrants. It also decreed the amount of "landing money" immigrants needed to have in their possession on arrival and provided for the establishment of controls along the Canada-United States border.

There had been laws since 1869 prohibiting certain kinds of immigration and since 1889 allowing designated classes of immigrants to be returned whence they came. The 1906 Act differed in degree, significantly increasing the number of categories of prohibited immigrants and officially sanctioning the deportation of undesirable newcomers.

The proposed Act inspired considerable debate in the House of Commons, much of it concerning the definition of an immigrant and the provision for a head tax on immigrants: a tax to be paid by each immigrant on being admitted to Canada. Sweeping aside all the technicalities, though, this parliamentary discussion revealed two basic views about the general direction that immigration should take.

Among those who felt that immigration barriers should be raised was the provincial chief of the Conservatives, Frederick Monk, who thought that Canada should emulate the example of the United States and impose a head tax on immigrants. By contrast, W.M. German, the Liberal member from Welland, lobbied for an open-door policy. Not surprisingly, German's stance on immigration found favour with Canadian industrialists, who lobbied for a continuous stream of immigrants willing to work long hours for low pay.

The Immigration Act of 1910

The second milestone in restrictive immigration legislation was reached in 1910. The *Immigration Act* of 1910, unlike the 1906 Act, conferred on the Cabinet the authority to exclude "immigrants belonging to any race deemed unsuited to the climate or requirements of Canada." The Act also strengthened the government's power to deport individuals, such as anarchists, on the grounds of political and moral instability.

In its determination to discourage the entry of certain categories of people, the government introduced still other measures. It passed an order-in council, for example, requiring immigrants of Asian origin to have $200 in cash at the time of landing, a formidable sum in those days when it is realized that in 1910, the average production worker in Canada took home only $417 in annual wages.

The Vancouver Riot of 1907

In the course of promoting British and American immigration, Frank Oliver moved further along the path of selective immigration. Several developments conspired to push him in this direction, one being the Vancouver Riot of September 1907. The riot, which resulted in extensive damage to buildings occupied by Orientals, was precipitated by a rock hurled by a youngster through the window of a Chinese store following a giant anti-Asian parade.

Although the rampage ignited spontaneously, it had complex

origins. The riot's principal roots lay deep in an anti-Asian sentiment that had been smouldering for years in British Columbia. This racial antipathy reached new heights in 1907 when it was reported that the Grand Trunk Pacific Railway was planning to import thousands of Japanese labourers to work on the completion of the railway's western leg. To add to the tension, over 2,300 Japanese arrived in the province in July alone, far more than had been anticipated.

With Japanese immigration soaring to unprecedented levels, the perception grew among West Coast whites that the Japanese had become the leading Oriental threat to their province's cultural integrity. The Japanese, like the Chinese, had always been regarded as inassimilable, but after Japan's victory over Russia in the Russo--Japanese War (1905) the Japanese image took on an even more frightening dimension.

As alarm mounted over the Japanese influx, hysterical comment about the Japanese "invasion" appeared in the daily press. Accompanying these expressed fears were demands by the Vancouver Trades and Labour Council for measures to stem the rising immigrant tide. Not content to work within the political process alone, the council formed the Asiatic Exclusion League. The league subsequently broke all ties with the Trades and Labour Council and staged the anti-Asian parade that preceded the Vancouver Riot of 1907.

Following the riot, the Laurier government found itself in the seemingly untenable position of having to placate British Columbia and Japan simultaneously. The solution lay in compromise. In response to British Columbia's insistent demands that Asian immigration be halted, Ottawa negotiated an agreement with Japan whereby Japan would voluntarily limit the emigration of Japanese to Canada to 400 a year.

Once the Japanese claims were settled, Mackenzie King, the Deputy Minister of Labour and a future Prime Minister, sought to determine the origins of the recent Oriental influx. In his report, he attributed the abnormally large numbers to high immigration from Hawaii and to the activities of immigration companies based in Canada. King concluded that immigration by way of Hawaii should be banned, that companies should be prohibited from importing contract labour, and that Ottawa should severely limit the admission of Japanese newcomers. He also implied that immigration from India should be discouraged.

In response to King's findings, the Laurier government made

an important amendment to the *Immigration Act.* This amendment, which came into effect in 1908, was known as the "continuous-journey regulation." Under this regulation, all would-be immigrants were required to travel to Canada by continuous passage from their country of origin or citizenship on a through-ticket purchased in that country. Since no shipping company provided direct service from India to Canada, this ingenious device served to ban all Indian immigration. It also closed the door on the Hawaii route for Japanese immigration.

Sikhs challenge "continuous journey" regulation

The continuous-journey regulation and subsequent barriers to East Indian immigration did not go unchallenged. The most dramatic challenge occurred on 23 May 1914, when 376 East Indians (22 were returning Canadian residents) arrived in Vancouver harbour on board the *Komagata Maru,* a Japanese tramp steamer hired by a wealthy Sikh merchant and former labour contractor from Hong Kong, Gurdit Singh Sarhali. The steamer met with an unmitigatedly hostile reception. A week later the case of Munshi Singh, a young Sikh farmer, was heard and he was ruled inadmissible on the grounds that he had violated three Orders in Council, in particular the continuous-journey regulation.

When the B.C. Court of Appeal upheld the refusal of a lower court to order his release, the way was paved for Munshi Singh and all the remaining passengers to be deported. The steamer then sailed to India, having left behind just a handful of passengers, previous residents of British Columbia who had been allowed to land by the federal government. Sikh political pressure finally persuaded the federal government to pass an Order in Council in 1919 allowing "British Hindus residing in Canada" to bring their wives and children to this country. The detested continuous-journey regulation remained in effect, however, until 1947.

The First World War and foreign-born Canadians

Besides slowing down the movement of newcomers to Canada, the First World War created difficulties for many foreign-born Canadians. Germans, who had previously ranked high on the list of desirable immigrants, were not the only ones to suffer. Deemed enemy aliens because they had once been citizens of Germany or of the Austro-

Hungarian Empire, Hungarians, Czechs, Romanians, Poles, and Ukrainians also experienced hardship as a result of the war. Unsubstantiated rumours of imminent invasions of Canada by large forces of German-Americans increased Canadian anxiety about foreigners in their midst.

This uneasiness was further heightened by an incautious statement made by a Winnipeg prelate, Bishop Nykyta Budka. On 27 July 1914, while the world anxiously awaited Austria's response to the assassination of the Archduke Francis Ferdinand, the bishop urged his Ukrainian parishioners to remember their duty to the Austro-Hungarian Empire if war should occur and to hasten to the defence of the threatened fatherland.

Canada admits Jewish refugees fleeing Russia, Romania

Although immigration to Canada between 1919 and 1925 was largely restricted to newcomers from Canada's traditional source countries, there were two notable exceptions. One involved the Russian Mennonites, the other, Jews. Even though the Department of Immigration and Colonization was generally hostile to the idea of admitting Jews, placing various impediments in their way, approximately 40,000 Jews did succeed in entering this country during the interwar period, most being admitted by special permit. Among these Jews were 200 war orphans. In 1923, the Canadian government agreed to admit 5,000 Jewish refugees who had fled from Russia to Romania between 1918 and 1920 and had subsequently been ordered to leave their adopted country.

If the Railway Agreement of 1925 led to a surge in the influx of newcomers from continental Europe, the Great Depression of the 1930s succeeded in choking off almost all immigration to Canada. During these years of economic devastation and widespread unemployment, the federal government strove hard to seal off Canada not only to prospective immigrants but also to refugees fleeing Nazi Germany, particularly Jewish refugees. There can be no doubt that Ottawa's restrictive legislation reflected the general Canadian attitude towards immigration, for Canadians across the country took the view that immigrants threatened scarce jobs in an economy that in 1933 saw almost one-quarter of the labour force unemployed.

Among those barred from entering Canada during the 1930s were thousands of desperate refugees, many of them Jews fleeing persecution at the hands of the Nazis. The persecution of the Jews was

particularly savage, especially after the German invasion of Austria in March 1938. Thousands of the Jews who managed to escape the Nazi tide sought refuge in Canada, but by and large their appeals were ignored. Anti-Semitism was rife throughout Canada, where, in some places, Jews could not hold particular jobs, own property, or stay in certain hotels. It was most strident in Quebec.

Champions of the oppressed

As dismal as this picture appears, there were in fact many Canadians who opposed the government's policy and wanted to see immigration barriers lowered. In addition to members of pro-refugee organizations and leading spokespeople for the Jewish community, they included prominent members of the Protestant churches, newspaper editors and commentators in English-speaking Canada, and members of the Co-operative Commonwealth Federation, particularly its leader, M.J. Coldwell. Foremost among the non-sectarian refugee lobbies was the Canadian National Committee on Refugees.

Post-war rise in immigration

The *Canadian Citizenship Act* of 1947 coincided with a post-war rise in immigration. Notable among the new arrivals to Canadian shores in the early post-war period were British war brides who had married members of Canada's fighting forces. During and after the war, some 48,000 of them arrived in this country.

To its credit, Canada decided to admit displaced persons even before the international community had reached an agreement on the permanent resettlement of hundreds of thousands of Europe's homeless. Nearly 250,000 displaced persons and other refugees were admitted to Canada between 1947 and 1962.

Of the 165,000 refugees who entered this country between 1947 and 1953, Poles comprised the largest group. In descending order of numerical strength were Ukrainians, Germans and Austrians, Jews, Latvians Lithuanians, Hungarians, Czechs, Dutch, and Russians.

All told, these groups comprised 86 percent of the Europeans allowed to enter Canada in this period.

Canada liberalizes immigration policy

The government, in June 1950, issued an Order in Council that replaced all former Orders in Council and amendments with respect to immigration; retained the preference for British, Irish, French, and American immigrants and widened the admissible classes of European immigrants to include any healthy applicant of good character who had skills needed in Canada and who could easily integrate into Canadian society. Later in the year regulations were changed to allow the entry of additional categories of Asians. In a further move, the government took German immigrants off the enemy-alien list - Italian immigrants had been removed from the list in 1947- as a result, Germans joined swelling numbers of Italians in applying for admission to Canada.

The 1952 Immigration Act

A long-awaited new *Immigration Act,* the first since 1910 was finally enacted by Parliament in 1952. One of the Act's most significant provisions vested a large degree of uncontrolled discretionary power in the Minister and his or her officials. Jack Pickersgill was one Minister who employed the Act compassionately and to good purpose. On different occasions he waived immigration regulations and approved the admission, under minister's permit, of epileptics whose condition could be controlled by drugs, tubercular cases, and people who had a previous history of mental illness, provided these cases posed no danger to the community and were adequately sponsored.

Welcome mat for Palestinian refugees

When Pickersgill was at the helm of Citizenship and Immigration, Canada took the bold step of admitting some Palestinian Arabs, driven from their homeland by the Israeli-Arab war of 1948. In 1955, when the idea for the scheme was conceived, over 900,000 Palestinian refugees were living in Syria, Lebanon, Jordan, and Gaza. The resettlement of these refugees abroad was nothing if not a politically explosive issue in the Middle East.

By participating in the operation Canada risked incurring the wrath of Arabs, who might charge that it was part of a Zionist plot to remove Palestinian refugees from the care they received from the

United Nations Relief and Rehabilitation Administration (UNRRA) and deprive them of their right to return to Palestine.

Nevertheless, in 1955, a young official at the Canadian legation in Beirut, Lebanon, where UNRRA had its headquarters, approached the agency and obtained its co-operation in arranging for a selection of Palestinian refugees to be interviewed by a Canadian immigration team.

In sharp contrast to the attention given to its admission of the Palestinian refugees, Canada's admission of close to 38,000 Hungarian refugees in 1956 attracted a great deal of coverage over the years. This country's response to the desperate situation of the Hungarian refugees represents one of the few times in Canadian history when Canadians have whole-heartedly welcomed immigrants. In fact, of all the states that accepted Hungarian refugees for permanent resettlement, none surpassed Canada in its generosity. They can be attributed directly to the pressure created by the Canadian public, whose sympathies were aroused by the plight of over 200,000 Hungarians fleeing their homeland after Russian tanks brutally crushed the Hungarian uprising in 1956.

Fairclough abolishes "White Canada" immigration policy

Unlike the newcomers in the earlier boom period of Canadian immigration (1900-1914), those who arrived in the late 1940s and 1950s were a more heterogeneous body, with a greater diversity of skills, training, and occupations. By 1957, the year that marked the end of the post-war boom period in Canadian immigration, Canada, which now included Newfoundland, boasted a population of 16.6 million and ranked as a major industrial nation, with manufacturing providing its major source of income and employment. It was therefore the urbanized and industrialized provinces - Ontario, Quebec, Alberta, and British Columbia - that benefited most from immigration. Now the majority of new arrivals came from continental Europe, especially Germany, Italy, and the Netherlands.

During the boom period, 1947-1957, immigration restrictions were gradually eased to admit not only unsponsored refugees and displaced persons but ordinary immigrants from a growing number of countries. The nominal credit for banishing racism from Canada's immigration policy belongs to the Progressive Conservatives, who toppled the Grits in the federal election of 10 June 1957 after a 22-

year absence from the government benches. Perhaps because of the Progressive Conservatives' reluctance to take decisive action on immigration issues, the uninfluential Citizenship and Immigration portfolio was assigned in May 1958 to Ellen Fairclough.

During her term as Minister of Citizenship and Immigration, Ellen Fairclough oversaw a steady improvement in the operation and procedures of the Immigration Service. Measured against this and her other accomplishments, however, was one of even greater significance - the long-overdue and radical reform that virtually abolished the "White Canada" immigration policy.

Canada abolishes its racist immigration policy

The reform was introduced to the public on 19 January 1962 when Ellen Fairclough tabled new regulations in the House that virtually eliminated racial discrimination as a major feature of Canada's immigration policy. Henceforth any unsponsored immigrants who had the requisite education, skill, or other qualifications were to be considered suitable for admission, irrespective of colour, race, or national origin, provided they had a specific job waiting for them in Canada, were not criminals or terrorists, and did not suffer from a disease that endangered public health.

Only one vestige of true discrimination remained and that was the provision that allowed European immigrants and immigrants from the Americas to sponsor a wider range of relatives. This clause would be removed five years later, however, in the immigration regulations of 1967.

When the new regulations were implemented on 1 February 1962, Canada became the first of the three large receiving countries in international migration - the other two being the United States and Australia - to dismantle its discriminatory immigration policy.

The new regulations tabled by Fairclough in the House of Commons before she left the Department of Citizenship and Immigration were foreshadowed by John Diefenbaker's cherished Canadian Bill of Rights (1960). Since the Bill of Rights had rejected discrimination by reason of race, colour, national origin, religion, or sex, the federal government could no longer justify selecting immigrants on the basis of race or national origin. Moreover, the long-standing discriminatory provisions now seemed anachronistic and untenable in an era when provincial governments were legislating



Photo: www.punjabilok.com/misc/freedom/komagata_maru1.htm

Above: Sikhs challenge the Canadian government's "continuous journey regulation" aboard the Komatgata Maru



Photo: www.dfait-maeci.gc.ca/department/history/Japan-en.asp

Below: The window pane of a store in British Columbia shattered after the Vancouver riots of 1907



Jewish War Orphans Photo courtesy: Canadian Jewish Council

against discrimination on the basis of race, religion, and origin in such areas as employment, education, and accommodation.

The points system

By far the most significant development in immigration policy in these years, however, was the introduction of the points system, a method designed to eliminate caprice and prejudice in the selection of independent immigrants. In the points system, immigration officers assign points up to a fixed maximum in each of several categories, such as education, employment opportunities in Canada, age, the individual's personal characteristics, and degree of fluency in English or French.

The points system was incorporated into new immigration regulations that went into effect in 1967. Other features of these regulations included the elimination of discrimination based on nationality or race from all classes of immigrants and the creation of a special provision that allowed visitors to apply for immigrant status while in Canada. Closely related to this last provision was the passage of the *Immigration Appeal Board Act* (1967), which set up a new and fully independent appeal board. Anyone who had been ordered deported could appeal to the board, no matter what his or her status was under the *Immigration Act.*

During the first four years of Pierre Trudeau's administration, from 1968 to 1972, Ministers of Manpower and Immigration came and went with unseemly frequency. Nevertheless, the Prime Minister paved the way for a dramatic and sorely needed overhaul of Canadian immigration policy when he appointed Robert Andras, Minister of Manpower and Immigration in November 1972. Robert Andras was convinced that Canada would only obtain a decent *Immigration Act* when an answer was found to the basic question "Why do we have immigration to this country?"

In his quest to find answers to this fundamental question, the Minister invited the provinces and any interested organizations to submit briefs. He also commissioned a study to provide a factual background to policy issues and furnish policy options.

The green paper was intended to provoke discussion, and indeed, after its tabling in the House of Commons in February 1975, it unleashed an unprecedented nation-wide debate on immigration policy. Subsequently, a Special Joint Senate House of Commons Committee was struck to stage public hearings on the controversial paper.

After holding 50 public hearings in 21 cities across Canada and reviewing more than 1,400 briefs submitted to it, the hard-working committee produced a report whose recommendations formed the basis of a new *Immigration Act.*

The Immigration Act, 1976

The *Immigration Act*, the cornerstone of present-day immigration policy, was enacted in 1976 and came into force in 1978. It broke new ground by spelling out the fundamental principles and objectives of Canadian immigration policy. Included among these are the promotion of Canada's demographic, economic, cultural, and social goals; family reunification; the fulfilment of Canada's international obligations in relation to the United Nations Convention (1951) and its 1967 Protocol relating to refugees, which Canada had signed in 1969; non-discrimination in immigration policy; and cooperation between all levels of government and the voluntary sector in the settlement of immigrants in Canadian society.

The Act recognized four basic categories of individuals eligible for landed-immigrant status: (1) family class, which included the immediate family and dependent children, as well as parents and grandparents over 60, or if widowed or incapable of earning a livelihood, under 60; (2) humanitarian class, which included (a) refugees as defined in the 1951 United Nations Convention relating to refugees and (b) persecuted and displaced persons who do not qualify as refugees under the rigid UN definition but who are members of a specially designated class created by the Cabinet for humanitarian reasons; (3) independent class, which comprised applicants who apply for landed-immigrant status on their own initiative and are selected on the basis of the points system; and (4) assisted relatives, that is, more distant relatives who are sponsored by a family member in Canada and who met some of the selection criteria of the independent class.

The 1976 *Immigration Act* received almost unanimous support from all parties in the House. The changes set in motion by the abolition of Canada's racist immigration policy and the introduction of the points system did not take long to become apparent. In 1966, almost 87 percent of Canada's immigrants had been of European origin, while only four years later 50 percent came from quite different regions of the world: the West Indies, Guyana, Haiti, Hong Kong, India, the Philippines, and Indochina.

Throughout the 1970s and 1980s, newcomers would emigrate from Africa, Asia, the Caribbean, or Latin America and they would settle in disproportionate numbers in the lower Fraser Valley (the heavily populated area extending from Hope, British Columbia, to Vancouver), the Toronto area, and the greater Montréal region. To even the casual observer, it was obvious that visible ethnic and racial minorities were becoming a significant part of Canada's social fabric. By contrast, other parts of the country, such as the four Atlantic provinces, remained virtually untouched by this immigration.

Canada's immigration policy has always had to adapt to the emerging socio-political conditions at home as well as abroad. After it removed racial and geographical discrimination from its immigration policy and belatedly signed the Geneva Convention relating to the Status of Refugees and its 1967 Protocol, refugees from outside Europe could apply for and frequently gain admission to this country.

In 1971 and 1972 Canada admitted some 228 Tibetans. Along with their fellow countrymen, these refugees had fled their homeland after China occupied it in 1959. Led by their Dalai Lama or spiritual leader, they had sought sanctuary in Nepal, but they were not welcome there. Among the newcomers accepted from Africa in these years was a group of highly educated Asians who had been expelled from Uganda by Idi Amin's decree of August 1972. In response to an urgent appeal from the British government, Pierre Trudeau's Liberal government decided to accept some 5,000 of these refugees.

After the violent overthrow of Salvador Allende's socialist-communist government in 1973 over 7,000 Chilean and other Latin American refugees were admitted to Canada. Chilean and non-Chilean supporters of the old regime had fled the oppression directed against them by Chile's new military ruler, General Pinochet.

Canada was humanitarian in its response to the plight of the Vietnamese, Laotians, and Kampucheans who fled Communist regimes in the wake of Saigon's fall in 1975. In 1979 and 1980, it accepted approximately 60,000 of these refugees, most of whom had endured several days in leaky boats, prey to vicious pirate attacks, before ending up in squalid camps in Thailand and Malaysia. They comprised 25 percent of all the newcomers to this country between 1978 and 1981.

Chapter 4

The new face of Canada

The latest census on immigration released by Statistics Canada earlier this year clearly points to the fact that the face of Canada has changed dramatically. The ratio of foreign-born residents has reached its highest level in 70 years and is currently 18.4 per cent or 5.4 million people. The percentage of visible minorities has ballooned three-fold from the last decade. Now is that a good thing or a bad thing.

It really all depends on how one wants to address this reality. Those who think immigrants take away jobs and are a burden on the social system - a dichotomy by way of an argument - will think of this evolving reality as a bad thing and argue that it's just as well that Atlantic Canada, for example, has bucked the trend. But if that region of Canada has simmered as an economic boiling pot, it's apparently because the provinces have failed to draw people and skills to its shores, grow the population, boost economic consumption and pump up the tax base. That said, for those who look at this reality from a more pragmatic economic standpoint, the new changing face of Canada is a good thing. Immigration is not Canada's altruism, it's about economics.

It's just as well that our government has woken up to this reality and lately the Maritime provinces (Nova Scotia, Prince Edward Island and New Brunswick) have signed Provincial Nominee Agreements with Ottawa which allow them to bring in 200 newcomers per year with skills the province is short of.

But to make this work, there must be the political will. What is it that we are not doing right? Is it the lacklustre way in which we promote our smaller provinces internationally? Are we, for example, shy of investments in cruise ships that promote culture abroad? Are we doing enough to promote an economic environment that creates jobs, draws international investment?

Of course, there is a ripple effect – not a downside - to a boost of immigration. The changing demographics will bring about a change in Canadian values. Today's newcomers, whose influx reflects an Asian and not a European flavour bring conservative values with them. If visible minorities become visible majorities as they have in the cities of Vancouver or Greater Toronto, Canadian values as a whole will undergo a change of chemistry.

The other challenges have to do with managing race relations, infusing funds to settle immigrants, boosting municipal services, making the police force more inclusive, creating a diverse workforce, addressing the problems connected with credentials recognition and so on. Of course, all of this brings in the chicken and egg question. What comes first: social change or prosperity?

The pointers of the 2001 census is somewhat shocking. In the bigger cities of Vancouver and Toronto, visible minorities are fast becoming visible majorities. Census data show that immigrants who landed in Canada during the 1990s and who were in the labour force in 2001 represented almost 70 per cent of the total growth of the labour force. By 2011, the Canadian labour force will depend only on immigration

New immigrants are clearly playing a role in the growth of highly skilled occupations. For example, 12 per cent of recent immigrants worked in information technology and in contrast 3.0 per cent of Canadian born had an IT occupation. The same trend can be seen in engineering and natural sciences occupations. Lastly, by 2026, the population growth will depend wholly on immigration, unless of course we all get up and procreate babies in a hurry.

The case against immigration:

In a new title - *Immigration: the Economic Case,* author Dianne Francis[1] makes a point about the fact that Canada's size has nothing to do with its economy and therefore we don't need more immigrants to support us as we grow older. She says Canada is no longer a gigantic horizontal band of farmland along the U.S. border that requires millions more labourers to till its soil as a means of lifting us into the economic big leagues. "And Canadians do not need to foster a bigger internal market in order to grow world-class industries and become exporters and world-beaters. That's 19th-century thinking," she says.

1. Diane Francis, Editor-at-Large for the National Post is well known across the country for her hard-hitting newspaper columns. She is also a broadcaster and author of eight best-selling books.

The point she makes is that such notions have been overtaken by two revolutions and one major policy initiative: the industrial revolution, the technological revolution and free trade, giving Canadian business access to the largest, most prosperous marketplace in the world.

All that is well said. But it is a basic economic fact that an economy grows essentially when it is driven by a productive work force and that negative population growth and a high ageing population cannot drive technological production. In that environment how does one create vibrant markets and high consumption. Francis maintains that productivity in Canada lags badly and that we have a huge underclass that needs bootstrapping first, through education.

This, she says, should be done before more people without education are brought into the country. Immigration should be reduced and be made strategic again, and not open-ended as is now the case.

But Canada's immigration is not open-ended. Any one coming to Canada in the independent category should have had at least 16 years of education and should have had at least three years of work experience in an occupation where Canada experiences labour shortage. That's precisely why census data show that new immigrants play a big role in highly skilled occupations. Our immigration regulations are designed to draw educated people to Canada. There is no altruism here. They come in because we want them. Over the last couple of years Canada has been fast tracking IT professionals to its shores.

The fact is we have labour shortages. Canada is short of doctors and nurses. If Nova Scotia and New Brunswick, for example, recognize these shortages and choose to sign a Provincial Nominee Agreement (PNA) with Ottawa to fill these shortages with people from overseas, it's clear they will be bringing doctors and nurses and all of this is an admission of reality on the ground. Citizenship and Immigration Minister Denis Coderre says "the policy framework is intended to find a way to build bridges … because what I am looking for is to have in every region of the country more new comers. The PNA will be a tool to make sure we have newcomers all over the country."

The PNA was driven by some shocking facts. In the next five years, minister Coderre says, Canada will be in a deficit of about one million skilled workers. He says currently 15 per cent of all newcomers are going to Toronto, 15 per cent to Vancouver and 13 per

cent to Montreal. Although Nova Scotia, for example, has three per cent of Canada's population, last year it got just 0.68 per cent of the nation's 250,000 immigrants. So the PNA is really a small first step in trying to spread new Canadians across the country. The strategy builds on that assumption, because what is also known is that people tend to go where the jobs are.

"Immigration is a matter of survival, is a matter of economy, is a matter of Canada. That's what Canada is all about," says Coderre.

But with immigration comes opportunity and challenges in tow. Toronto has long considered itself the archetypal Canadian place. In the view of some of its Scots Presbyterian elite, it not only defined Canada, it was Canada. In one sense that is true. Toronto is a good mirror for the changing nation. It reflects a country that is changing fast. And the biggest change is in Canada's people, an enterprising, polyglot community of 31 million people who are more varied than ever before - a trend that is accelerating almost daily.

The diversity is driven by a powerful demographic reality. Canada's birth rate has plummeted by about 25 per cent over the last twenty years to 11.5 births per thousand and by 2020 the so-called natural population growth will reach zero. It's just as well that about a million immigrants came to Canada in the first half of the 1990s. The changing rules focusing on occupation and skills instead of race have brought more people from Asia rather than Europe as was the case 30 years ago.

The pace of immigrant flow into Canada was set in 1990 since when about 220,000 have been coming to Canada every year, compared with an annual immigrant flow of only about 80,000 in the preceding decade. The immigrant tide is rising: federal government policy foresees accepting up to 300,000 immigrants annually, almost three times the US rate on a per capita basis.

There is obviously going to be a sea-change in demographics going by the fact that the top 10 countries from which new immigrants have been coming to Canada today are Hong Kong, India, China, Taiwan, Pakistan, Philippines, Iran, Sri Lanka, the United States, the United Kingdom and Romania. At the same time, traditional sources of immigrants - notably Europe and more recently South Asia - are giving way to Latin America, mainland China, West Asia and perhaps Africa.

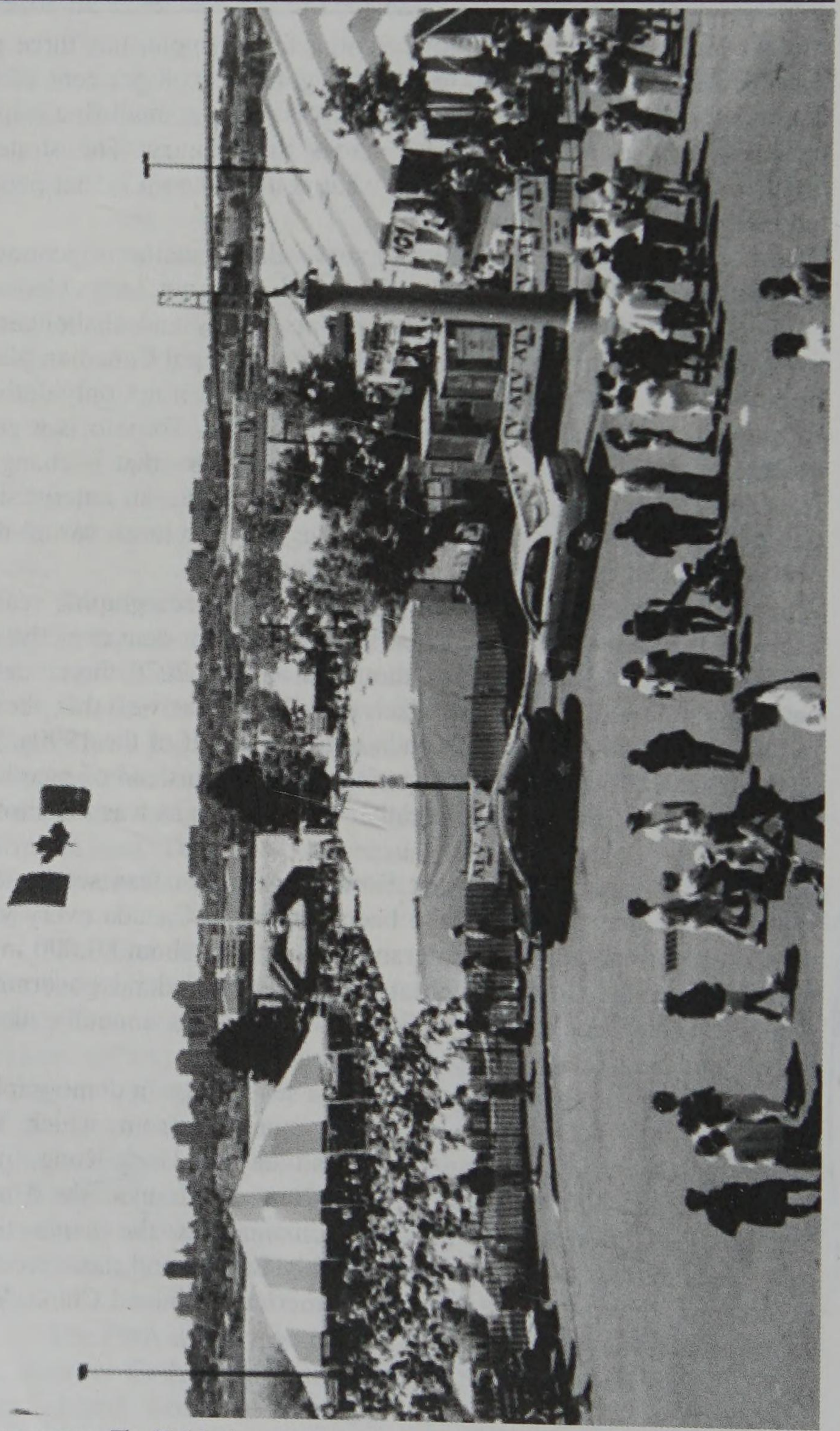


Photo courtesy: The Multicultural Association of Nova Scotia



At least 50,000 people converge on the Dartmouth Waterfront for a summer weekend to join the Nova Scotia Multicultural Festival. *See P/46*



The Greek Fest (above) Photo: Jim Dikaios

The Lebanese festival (below). These festivals are now part of the summer's social calendar in Halifax.

Photo: Canada Lebanon Society



The Chinese dragon boat race is held at Lake Banook in Halifax every summer. The race commemorates a Chinese legend which tells the story of a minister who drowned himself in the sea because of the king's displeasure. His followers sought to rescue him in boats with dragon symbols tied to them to ward off evil spirits. Photo: Touch BASE

But the fact is there is a relationship between the state of the economy and attitudes towards immigration. The whine about immigrants taking away jobs from Canadians and being a burden on the welfare system is more pointed in times of recession.

That said, one cannot lose sight of the fact that the world around us is moving at a dizzy pace. The flow of knowledge, information, goods and people – this force we call globalization – has changed the context and environment in many areas, including immigration. The observation must be seen from the point of view that while Canada is seeking to expand its immigration quota to one per cent of population, it is increasingly facing competition from new source countries of immigration such as Germany.

The question is: How do Canadians see immigration

Do Canadians see immigration as being primarily about filling short-term labour market gaps, or long-term economic strategies? Is it about reunifying families or supplying enough young workers to the labour pool? Is immigration about building a vibrant, diverse, healthy society? Or are Canadians looking for only the wealthiest, best educated and most skilled? Finally, where do Canada's humanitarian commitments fit into the scheme, and should they be subject to quotas? What are our priorities as a nation, and what role does immigration play in meeting those priorities?

At a time when globalization is becoming the buzzword and nations are opening trade borders, Canada does not want to take a step back in time. In Europe, immigration is taking on a new meaning where population ageing and decline are threatening to weaken the economies. There are, indeed, rumblings of concern in the industrial sector, especially in provinces that have experienced a rapid decline in immigration.

Atlantic Canada, for example, has experienced a net loss of immigration compared to other provinces, says one official of the Atlantic Province's Economic Council (APEC). "We need a very specific set of skills, and we simply can't find them here," he says. The Canadian Manufacturer's Association believes there are about 30,000 vacancies for trades people and about 20,000 people to fill them. These may be the realities. But does the man on the street see them?

Last summer, there were posters slapped on lamp posts in some streets in Halifax. The poster had a pin-up of a young white girl

and the accompanying legend read: *This girl has no future in Canada*. The fine print complained about how Canada's Liberal party is taking the country to ruin by promoting a multicultural society and it pointed readers to a website address. In some societal pockets of Canada, one can still see evidence of hate literature raising its ugly head. But although these may be negligible voices in the wilderness, it confirms the fact there is so much more education to be done: about the democratic nature of Canada, of its sense of freedom and justice and of the fact that this is a country of immigrants and that immigration is about economics.

The dilemma about whether or not Canada needs immigration has dodged many people and some have even expressed the notion that Canadians have enough to do with the basic problem of the French and English duality without enshrining the whole world's diversity within our history and borders. Canada, according to one opinion, cannot sustain some unity of purpose and a sense of a whole community if we project a league of national cultures within one framework. This is not a popular view at all, but it's a view of some all the same.

The intellectual opinion, of course, is that one cannot think of Canada as a "duality" of French and English and that commonality of purpose comes from our common humanity regardless of the diversity of our cultures. It is our common humanity that gives us our national identity. The political observer Watson Kirkconnel had noted sometime ago: "Our national attitude towards immigrants of non-British origin has already passed through two ignorant and discreditable phases. I foresee a future Canada in which every individual will be inspired to fuller citizenship by the realization of his origin."

The Nova Scotia premier John Hamm[1] observes: "I believe that diversity is one of the major components to being Canada. For somebody to project a given culture's values over the whole country would be a disservice to the tradition of freedom and equality upon which Canada is built." Dr. Hamm, in fact, went on to say that those who use immigrants as scapegoats must remember that except for First Nations peoples, Canada is a nation of immigrants.

The challenges of a pluralistic society

Away from the opportunities that cultural pluralism brings, there are pitfalls as well. Some people point to equal opportunity in

1. Nova Scotia Premier John Hamm made his observations in an interview with Touch BASE editor Robin Arthur

employment as one. What happens as the colour of the employment spectrum changes? In legislation mandating equal opportunity, Canada is behind the curve compared with the US. That could have grave consequences down the road, including greater possibilities for racial unrest.

The jobs issue is a problem for immigration officials and settlement workers alike, since the failure to bring new arrivals into the workforce not only short changes the economy, but also raises tensions between immigrant and non-immigrant communities. Jean Cretiean's Privy Council research had found that 47 per cent of new immigrants fall into a low income bracket.

At the municipal level, Canada's growing diversity is also a gigantic problem for anyone trying to deliver services to polyglot residents. About 45 per cent of high school students in Richmond, British Columbia, speak a language other than English at home. The big problem is figuring out who needs what. Mexicans and central Americans suffer from unusually high unemployment rates. Vietnamese immigrants, have difficulty with the school system, fewer than 50 per cent will get a diploma. In Toronto, more than 40 per cent of the high school students are foreign-born. All of this is happening at a time when provincial governments have slashed funding for English-as-a-second-1anguage (ESL) programs.

The police departments are scrambling to keep up with their changing communities. The cops have been widely criticized nationwide for failing to recruit from the growing list of minority communities. Toronto has come under fire for a uniformed force that is more than 90 per cent white. It's just as well that, only lately, it has diversified its staff to improve minority recruitment.

Calgary is following suit. The new specialties are badly needed where some 7,000 immigrants arrive in the city each year and by 2005, one in every four Calgarians will be from a minority group. The Prairie cities like Saskatoon and Winnipeg are up against a different kind of diversity challenge - the boom in the urban aboriginal population, where the risks of social breakdown are evident. There has been a concomitant rise in unemployment, poverty and youth crime. In general, city planners are scrambling to stay ahead of the population changes and in the private sector, major organizations are reportedly even making their advertising and merchandising more relevant to the dominant immigrant groups.

Unfortunately, the post-September 11 crisis accentuated the challenges for Canada.

Chapter 5

Canada's economic and development planning

Canada's Budget 2003 recognizes the critical link between social and economic policy and how an integrated approach produces policies that benefit all Canadians. It reflects this balanced approach in three ways: first, by building the society Canadians value—making investments in the needs of individual Canadians, their families and their communities, in areas such as health care, education and the environment; second, by building the economy Canadians need—fiscally prudent, deficit-free and promoting the productivity, innovation, learning and creativity that helps Canada not just compete, but win; and third, by building the accountability Canadians deserve—through the elimination of government waste and making government spending more efficient and transparent, so Canadians know where and how their tax dollars are being used.

In short, Canadians seek a society built on their commonly held values, an economy that maximizes opportunity for all, and a transparent accounting of government's efforts to achieve those goals. This is the challenge Canadians have brought to their government.

Budget 2003 is the response to that challenge and opportunity: it fosters a successful economy—one that leads all G7 nations; it continues to deliver prudent management of the nation's finances, it strengthens medicare with several measures, including an investment of $34.8 billion over five years, a commitment that supports the 2003 First Ministers' Accord on Health Care Renewal; it provides support for Canadians families, children, Canadians with disabilities, communities large and small, and its Aboriginal communities; it makes significant investments in research and development, support for learning and improvements to the tax system designed to enhance Canada's ability to compete; it invests $3

billion to promote sustainable development and a healthy environment; it delivers on the commitment of last fall's economic update to reallocate spending from lower to higher priorities; it takes steps to improve the accountability and transparency of government programs; and it provides additional funding for Canada's role on the international stage by increasing military funding and honouring our commitment to help the poorest countries in the world.

Over the past two years Canada's economy has demonstrated remarkable resilience in the face of global weakness and uncertainty. In 2001 the Canadian economy outperformed that of the United States and avoided recession during the global economic downturn. This is in sharp contrast to the recessions of the early 1980s and early 1990s, when Canada suffered more severe downturns and recovered more slowly than the U.S.

Thanks to strong domestic demand, the Canadian economy continued to outperform the U.S. economy in 2002 in the face of an uneven global economic recovery. The strength of the Canadian economy was particularly evident in labour markets.

Canada's resilient performance reflects strong economic fundamentals, large tax cuts and an increasingly competitive business sector. Low inflation, combined with the track record of budgetary surpluses and a commitment to maintaining balanced budgets, provided the Bank of Canada with the flexibility to respond to economic weakness in 2001 by reducing short-term interest rates. In tandem, budgetary surpluses and debt repayment are also freeing up funds in capital markets for business investment and reducing Canada's reliance on foreign saving.

Canada is forecast to lead the G7 countries again in economic growth in 2003. However, the global economic outlook remains uncertain. The average economic growth in Canada in the first three quarters of 2002 was 4.4 per cent, the strongest among the G7-countries. Indeed, strong domestic demand, especially consumer spending and residential investment, led Canadian growth as external demand remained uneven.

Last year, the economy created 560,000 jobs, more than 60 per cent of which were full-time and covered all age groups as well as regions of the country.

Unlike the early 1980s and early 1990s, Canada outperformed the U.S. in both output and employment growth during the global slowdown in 2001 and the recovery last year. In contrast to Canada's strong job creation record in 2002, the U.S. economy lost

229,000 jobs. The employment rate in Canada is now about the same as the U.S. rate for the first time in 20 years.

The global recovery is expected to continue but at a moderate pace. In particular, the U.S. near-term outlook is somewhat weaker than anticipated at the time of the October 2002 Economic and Fiscal Update and considerable downside risks remain for the global economy. The external risks include the ongoing impact of equity market declines on U.S. investor and consumer confidence and a continuation of the disruption of Venezuelan oil production. If these risks materialize, global growth would be slower than expected and this would affect Canada.

The Organization for Economic Co-operation and Development (OECD) and International Monetary Fund predict that Canada will outperform all G7 countries in growth in 2003.

$965-million-per-year increase in the National Child Benefit supplement

There is a fundamental relationship between economic success and quality of life. Only a strong economy can provide the jobs and incomes required to sustain families and their communities. Budget 2003 makes further investments to help build the society Canadians value. It enhances support for Canadian families with children and those with disabilities. It helps communities create more affordable housing, fight homelessness and improve infrastructure. It enhances the economic and social opportunities for Aboriginal Canadians. And it strengthens and promotes Canadian culture and values.

This budget makes long-term investments in support of families with children and persons with disabilities, including: a $965-million-per-year increase in the National Child Benefit supplement of the Canada Child Tax Benefit (CCTB) by 2007, to bring the maximum annual benefit to $3,243. This will bring the estimated annual support delivered through the CCTB to over $10 billion in 2007, an increase of over 100 per cent since 1996; $935 million over the next five years to assist provinces and territories and First Nations in increasing access to quality child care and early learning opportunities, especially for low-income and single-parent families; $50 million per year for a new Child Disability Benefit for low-and modest-income families that will provide up to $1,600 annually for a child qualifying for the disability tax credit; $20 million per year to

expand the list of eligible expenses for the medical expense tax credit; and $80 million per year to improve tax assistance for persons with disabilities, drawing on a forthcoming evaluation of the disability tax credit and the advice of a technical advisory committee.

With a view to help communities, this budget makes significant investments to increase the supply of affordable housing, address homelessness and improve the state of Canada's infrastructure: $320 million over the next five years to enhance existing affordable housing agreements with the provinces and territories, bringing the total federal investment to $1 billion by the end of 2007–08; $256 million over the next two years to extend the Government's housing renovation programs to help preserve the existing stock of affordable housing; $270 million over the next two years to continue to fight homelessness; and an additional $3 billion in infrastructure support over the next ten years, including $1 billion for municipal infrastructure.

Improving the Tax System

This budget builds on the 5-year Tax Reduction Plan to improve the tax system and create incentives to work, save and invest. It has increased the National Child Benefit supplement and introduced a new Child Disability Benefit. Furthermore, by raising the Registered Retirement Savings Plan (RRSP)[1] annual contribution limit to $18,000 by 2006 and making corresponding increases for employer-sponsored registered pension plans, it seeks to encourage savings and investments. The budget promotes entrepreneurship and small business through several tax amendments, including an increase in the small business deduction limit to $300,000 over four years. It also strengthens the Canadian advantage for investment by legislating the elimination of the federal capital tax over five years, eliminating it for medium-sized corporations.

In September last year, the government of Canada committed itself to making the economy relevant to the community so as to "lift every family and every Canadian" Human resources Development Canada is at the centre of the government's social and labour market policy, program and service delivery agenda and will be a key department responsible for achieving this priority. It will be an ongoing challenge for the department to continue to demonstrate to Canadians how these shared values and beliefs are realized through its policies.

1. An RRSP is a government approved program designed to encourage savings by providing powerful tax reduction options. Once an RRSP is set up , the financial contributions made are deductible from taxable income. The second tax advantage resides in the sheltering of the income and capital gains generated by the investments in RRSP.

Canada has an ageing population. In the last decade, the population aged 45-64 increased 36 per cent. It is projected to jump a further 30 per cent, to almost one-third of the nation's total population, during the next 10 years. The working-age cohort is becoming older as well, with a median currently at 41.3 years, according to Statistics Canada. The trend is especially critical since it involves the prime-age labour pool upon which we draw to run the economy. Our workforce will grow at a much slower rate than in the past, and our future labour supply will be inadequate to meet the needs of the economy. Within 10 to 15 years, immigration will account for all net labour force growth and, within 30 years, all net population growth. By then, seniors aged 65 or over will constitute 15 per cent of the total population and will place increased pressure on our Income Security programs.

While Canada is a very prosperous country, not all Canadians share in that prosperity. Many Canadians, for example, have not benefited from the kind of economic growth associated with the emerging knowledge economy. The lack of access to affordable, quality childcare services increases this vulnerability. Some Canadians, particularly families with children, are falling further behind in terms of income. In 2000, an estimated 868,000 children under age 18, or 12.5 per cent of all children, lived in low-income families.[1]

While the proportion of children living in low-income families has been declining since 1996, and the current rate is among the lowest estimates recorded over the past twenty years, pockets of poverty in Canada persist. Those most vulnerable to poverty are lone parents, recent immigrants, people with work-limiting disabilities, and Aboriginal Canadians. Indeed, homeless individuals still face significant barriers to participation and inclusion.

A New Labour Market

The Canadian labour market has changed dramatically over the last two decades. The knowledge-based economy means an ever-increasing demand for a well-educated and skilled workforce in all parts of the economy and all parts of the country. Canadians are in the midst of a profound transformation as a result of the revolution in information and communications technologies and the rise of the global knowledge-based economy.

Overall labour market participation was at 67.5 per cent in

1. The poverty line in Canada is drawn at Cd$18,000 per year. The reference to low income families must be read in that context.

February 2003 - its highest level since January 1990. However, for low-skilled Canadians the rate is 56 per cent, compared to 79 per cent for high-skilled Canadians. By 2007, about 70 per cent of all new jobs in Canada will require some form of post-secondary education - less than seven per cent will be suitable for people with less than high school completion (Statistics Canada. *Labour Force Survey, 2001*; Human Resources Development Canada, Applied Research Branch, *Job Futures (2000) World of Work: Overview and Trends*).

At the same time, skill requirements in the labour market are not static. Most jobs in the knowledge economy, and a steadily increasing proportion of jobs in traditional sectors, require ever increasing skill levels as new technologies make their way into all workplaces. The ageing of the workforce may exacerbate the skills shortage. The Conference Board of Canada forecasts a shortfall of nearly one million workers within 20 years (The Conference Board of Canada, *Performance and Potential*, 2000-2001). According to the Canadian Institute for Health Information, about two thirds of nurses across Canada are 40 years of age or older, and in 10 years, more than half of nurses will be in the 55-to-59 age group and close to retirement. The Canadian Nursing Association predicts a shortage of 78,000 nurses in Canada by 2011, increasing to 113,000 by 2016

In response to global competitive pressures, employers want more flexibility with regard to the movement between jobs, the allocation of tasks within jobs and the work schedule; 75 per cent of Canadian businesses reported human resource management as an important aspect of their overall business strategy. Many leading companies have adopted innovative workplace practices to increase labour productivity such as employee involvement, flexible job design and workplace training. Evidence from the Workplace and Employee Survey shows that 46 per cent of establishments that sponsored training reported increases in productivity in 1999 (Statistics Canada and HRDC, *Employer and Employee Perspectives on Resources Practices*.)

On the other hand, employees want better working conditions, more control over their working time and access to leave to care for their families. Many complain of declining working conditions and employment benefits, greater workplace stress, decreased job security and an imbalanced workload. In fact, there is a significant segment of the working population (approximately 30 per cent) in non-standard types of employment where workers lack access to the benefits provided by employers and governments (Statistics

Canada, *Labour Force Survey*, 2001.).

This means that both workers and employers must adapt to the new realities and must also have the ability, the willingness and the opportunities to constantly upgrade and renew their skills.

Global and Economic Issues

Economic forecasts for 2003-2004, while generally positive, are not uncontroversial. On the one hand, with economic growth expected to average 3.2 per cent in 2003, Canada is forecast to lead it's G-7 counterparts (Department of Finance Canada, *The Budget Plan* 2003). On the other, the uncertain state of the global economy cannot but affect Canada. Global economic prospects are further challenged by the threat of international terrorism and the possibility of armed conflicts that could require Canadian involvement.

The unemployment rate in Canada in February 2003 stood at 7.4 per cent on a seasonally adjusted basis. The spending plan forecasts that Employment Insurance (EI) benefits in 2003-2004 will be marginally higher than in 2002-2003. In the 2003 Budget, the government announced a lower EI premium rate in 2004 of $1.98 - 12 cents lower than the $2.10 rate in 2003.

Employment Insurance, Canada Pension Plan, Old Age Security Programs account for $67 billion. [1]

HRDC has the greatest expenditure on programs and services of any department, more than $67 billion, or 95 per cent of this spending benefits Canadians through the Employment Insurance (EI), Canada Pension Plan (CPP) and Old Age Security (OAS) programs and other statutory transfer payments.

Income security for seniors, people with disabilities, survivors and migrants

Canada's parliament has given HRDC the mandate to promote and strengthen the income security of Canadians. The Canada Pension Plan (CPP) and the Old Age Security (OAS) program provide income support to eligible clients including seniors, migrants to and from Canada, survivors and Canada Pension Plan contributors who become disabled, and their children.

The impact of the public pension system is particularly clear for seniors. In 1980, almost 21 per cent of all seniors in Canada

1. Please see Chapter 13 ***Settling in Canada*** *for explanatory notes*

reported low income. In 2000, this number had been reduced to 7.3 per cent according to Statistics Canada - a reduction that can be attributed largely to the Canada/Quebec Pension Plans and improvements in the Old Age Security program.

Canada's performance in providing income security for seniors compares very favorably internationally. According to the OECD 2001 comparison, the poverty rate among Canada's seniors is the lowest of the nine countries compared. Canada was also identified as being the country with the greatest success in assuring pensioners' economic well-being and protecting disadvantaged groups (OECD, *Ageing and Income - Financial Resources & Retirement in 9 OECD Countries*, 2001).

Low-income Pensioners

Approximately 1.4 million Canadians receiving the Old Age Security (OAS) pension also receive Guaranteed Income Supplement (GIS) benefits. Many of their spouses/common-law partners also receive allowance benefits. Allowance for the survivor benefits are available to low-income seniors between 60 and 64 whose spouses/common-law partners have died.

These benefits, which provide additional income for Canadians with low income, must be applied for each year. Beginning in February 2002, HRDC undertook a nationwide initiative in collaboration with CCRA (Canada Customs and Revenue Agency) to reach seniors who might be eligible for GIS and encourage them to apply.

Migrants[1]

In order to protect the pension income of people who have lived and worked in both Canada and abroad, HRDC has social security agreements with 47 countries. These agreements help people qualify for pensions from Canada and other countries.

In 2003-2004, the department will assess the possibility of signing agreements with more countries, including Bosnia-Herzegovina, the Former Yugoslav Republic of Macedonia, India and Yugoslavia. It will also negotiate new agreements with Estonia, Latvia and Lithuania to further enhance access to Canadian and foreign benefits.

1. Migrant agricultural workers play a critical role in Canada's food production and economy. These Mexican and Caribbean migrants work on temporary contracts in Canada's fields, orchards and greenhouses.

Labour market programs will address new challenges.

The economy of this century will require workers who are lifelong learners, and who can respond and adapt to change. Canada needs policies and programs that will give individuals access to learning opportunities and assist adults in fostering skills development in the workplace. The 2002 Speech from the Throne committed the government of Canada to transform its labour market policies and programs to address these challenges. Just as well HRDC says it will focus its efforts on implementing recent improvements to its policies and programs, including, for example, the realigned Youth Employment Strategy, employability programming for people with disabilities, planned improvements to the Canada Student Loans Program and to the Employment Benefits and Support.

It will realign over $25 million of existing resources to intensify support for workplace skills development. The objective is to test innovative approaches to workplace learning and foster strategic partnerships to lever action from business, labour, educators and communities, and other key stakeholders. It will, for example, provide financial support to the Canadian Apprenticeship Forum and Skills Canada to spearhead a national campaign to promote the skilled trades as careers of choice for young Canadians.

Labour market integration of immigrant workers

Newcomers to Canada have an increasingly important role in sustaining Canada's economic growth and success in a globalized economy and bring with them a diverse set of talents, abilities and skills that Canada will rely on more in the coming decade as skill requirements of new jobs rise and the population ages.

In February 2002, a national dialogue on skills was launched through the release of a federal discussion paper titled *Knowledge Matters: Skills and Learning for Canadians*. Consequently, one is going to see partnerships develop between government departments and other professional bodies such as, for example, the Canadian Council of Professional Engineers towards improving foreign credential recognition processes in the engineering profession.

Budget 2003 has announced funding to promote a more efficient and transparent foreign credential recognition processes. The 2002 Speech from the Throne included a government commitment to fast-track skilled workers entering Canada with jobs already waiting

for them. HRDC says it will implement regulatory, administrative and systems changes that will provide new or improved services for employers related to the hiring of foreign workers to meet labour requirements. During 2003-2004, HRDC and Citizenship and Immigration Canada will work closely with partners, including Industry Canada, the Department of Foreign Affairs and International Trade and provincial ministries responsible for employment and immigration to achieve a more responsive approach for employers to fill labour shortages through foreign recruitment.

The implementation of the Labour Mobility Chapter (7) of the Agreement on Internal Trade (AIT) has resulted in significant reforms. A key obligation of Chapter 7 is the requirement to recognize the qualifications of workers from other jurisdictions or provinces. Most provincial/territorial governing bodies for each regulated occupation are now comparing their standards and requirements through the development of Mutual Recognition Agreements (MRA) or similar protocols.

Despite an expanding labour force, apprentice completion rates have remained constant over the past decade. This has contributed to skills shortages in trades such as construction, metal trades, electrical and electronics. HRDC says that in partnership with the Canadian Council of Directors of Apprenticeship it will improve workplace and inter-provincial mobility in the skilled trades through the Red Seal Program and inter-provincial exams

Early Childhood Development

Under the Federal-Provincial-Territorial Early Childhood Development (ECD) Agreement concluded in September 2000, the Government of Canada is transferring $2.2 billion over five years to provincial and territorial governments to improve and expand programs and services in four key areas: promoting healthy pregnancy, birth and infancy; improving parenting and family supports; strengthening Early Childhood Development, learning and care; and strengthening community supports.

In the February 2003 Budget, the government announced that, pending the outcome of Federal-Provincial-Territorial discussions, it will provide $900 million, over the next five years, to provincial and territorial governments for quality, regulated early learning and child care programs to ensure that children get the best possible start in life and to make it easier for parents to pursue work

or training. Together with provincial and territorial governments, the Government of Canada is developing a framework to improve access to affordable, quality, regulated early learning and child care programs and in order to complement this support to provincial and territorial governments, Budget 2003 also provides an additional $35 million over five years, to build on federal early learning and child care programs for First Nations children, primarily on reserves.

National Child Benefit

The National Child Benefit (NCB) initiative, introduced in 1998, is a partnership between Ottawa and the provinces and territories whose goals are to prevent and reduce child poverty. The government is now investing $2.5 billion annually in the NCB initiative and is committed to implement a long-term investment plan to allow poor families to break out of the welfare trap, so that children born in poverty do not carry the consequences throughout their lives. Budget 2003 builds on this successful Federal-Provincial-Territorial collaboration with a $965 million-per-year increase in the NCB by 2007, reaching $3,243 per child for the first child. These benefits will be supplemented by a further $1,600 per year for low and modest income families raising a disabled child.

Chapter 6

Canada and the world

New world foreign policy at crossroads

The ugly scenes at the United Nations where allies broke apart over a resolution to go to war with Iraq and the subsequent unilateral decision by the US and Britain to go to war, anyway, put Canada into the horns of a dilemma. The shared heritage of cultural polarity, shared borders, the economic realities of lifeblood trading partnerships were swept aside to uphold a sense of sovereignty and state independence in foreign policy, when Canada chose not to go with its allies into war.

The Canadian government kept an ear to the ground on which peace marches were staged across the country. The legitimacy of the war and the desirability of multilateral positions and disagreement with regime change as the driving argument for war, may have surfaced as the nation's standpoint. But in spirit, Canada was listening to its heart. The voice of Canadians on the streets shouting for peace came to bear on national foreign policy. This was in stark contrast to Canada's position in world conflicts this century and marks a shift to clearly independent policy making in world affairs.

At the leadership Convention of Canada's Tory party, held in the summer this year, there were two strong positions taken by a couple of candidates, which clearly mark a shift in Canadian priorities and Canada's relations with the United States. One was sovereignty – Canadians do not want to be seen as being an extension of the United States - and the other is an opposition to free trade under NAFTA, (North Atlantic Free Trade Agreement) and the FTAA (Free Trade of the Americas)

The world is changing rapidly and Canada accepts the fact that influence depends increasingly on the strength of economic

relations, while security issues, some of a new order, continue to challenge us. Canada occupies a position of leadership among the open, advanced societies which are becoming increasingly influential as world power is dispersing and becoming more defined in economic terms. It's geographic location gives it an important advantage as new poles of political and economic power emerge in the Pacific and Latin America. In 1949, for example, Canada helped to create the North Atlantic Treaty Organization (NATO), a security and defence organization at the service of peace and whose priorities evolve rapidly with the geo-strategic developments in the Euro-Atlantic area and across the world.

A robust global NACD (Nuclear-proliferation, Arms Control and Disarmament) arms regime, has been an essential backdrop for promoting Canada's security policy goals, including the complete elimination of nuclear weapons and within that policy framework, Canada rejects any movement to validate nuclear weapons as acceptable currency in international politics or to legitimize any new nuclear-weapon state.

"There is no doubt that the proliferation of weapons of mass destruction and their delivery systems is indeed a growing problem, said Bill Graham, Canada's minister of foreign affairs, earlier this year. "But while Canada does not believe itself to be under the same threat from ballistic missiles as does the United States, we must remember that ballistic missile defence [BMD] cannot be evaluated simply in light of our perception of the current situation. Rather, BMD is an attempt to project security into the future, to confront, and perhaps to deter, threats that might arise; it is very difficult to predict the kinds of danger that future generations will face," he said.

It's just as well, that the Government of Canada has been re-evaluating its position on missile defence. This is not a new issue - Canada has been in dialogue with the U.S. for years on its plans, although only now have these plans started to take shape.

"The paramount issue we are considering here today is the safety and security of Canadians, now and in the future," says Graham. "We share the same continent with the United States, and we live in a more dangerous world of weapons proliferation among state and non-state actors. We cannot afford to take for granted that we will not be affected by attacks on our shared continent. An attack on Seattle would inevitably be an attack on Vancouver, as would an attack on Buffalo be one on Toronto."

The new sentiment is only a reflection of the crisis of our

times and this must be said because Canada's has a history as a non-colonizing power, an advocate of constructive multilateralism and effective international mediator. The promotion of prosperity at home is at the heart of the Government's agenda. Canada also works to reinforce global prosperity, because when other parts of the world prosper, so do Canadians. The promotion of global peace as the key to protecting our security is central to our foreign policy.

But the threats to security now are more complex than ever before even as new concerns that transcend borders, including mass migration and crime put peace and security at risk. Thus, for the first time in its history, after the emergence of new threats, quite tragically witnessed on September 11 NATO invoked Article 5 of its Charter and the attacks on the US were deemed to be an attack against all Allies.

Nonetheless, peacekeeping is an important aspect of Canada's national heritage and a reflection of its fundamental beliefs. It is a dynamic idea that responds to security threats for people affected by war. Canada builds on its peacekeeping tradition to make strong and imaginative contributions to international peace and security. It has participated in most UN peacekeeping missions over 50 years and that is part of Canada's international reputation as peacemaker and mediator.

Although the UN had deployed some observer missions in its early years, "peacekeeping" was not truly a ground reality until 1956. Then the eruption of conflict in the Middle East, specifically between Egypt and Israel, had prompted Lester B. Pearson, then Canadian Secretary of State for External Affairs and later Prime Minister of Canada, to propose the deployment of an international peace force under the UN flag. Since then there have been over 50 United Nations peacekeeping missions.

"In the interdependent world in which we live, we must contribute to the development of a vibrant framework of international norms if we are to guarantee the success of human rights at home," Graham, told the 58th UN Commission on Human Rights. Canada, anyway, takes its human rights obligations seriously, regularly submitting its human rights record for review by UN monitoring bodies and recognizing the authority of the UN human rights treaty-monitoring committees to hear complaints from Canadian citizens under the *Optional Protocol to the International Covenant on Civil and Political Rights* and the *Convention Against Torture*.

These international mechanisms provide an independent

perspective on the state of human rights in Canada, and allow the Canadian government to review laws or policies which may be in conflict with international obligations. It has been a consistently strong voice for the protection of human rights and the advancement of democratic values right from the point of the drafting of the Universal Declaration of Human Rights in 1947-8 to its work at the United Nations today. It is a party to all six major international human rights Conventions. "It is clear that 20 years after the adoption of the Charter of Rights and Freedoms, Canadians remain committed to a society which fundamentally embraces human rights," says Graham.

Canada, as many might agree, is a champion of human rights and of peacekeeping and its foreign aid, anyway, has been somewhat generous. But at home, today, Canadians are being criticized for not doing enough. Speaking at a national civil society summit in May 2003, Maude Barlow of the Council of Canadians noted: "When we look at the severity of the atrocities we are gathered here to ponder, it is tempting to see them as an act of God. How else to explain the lack of interest by the vast majority of Canadians in the suffering of so many? There are more than 32 million men, women and children infected with HIV/AIDS in developing countries; this year alone, a whole generation in some devastated countries will be wiped out. SARS, terrorism, the war in Iraq, mad-cow disease– all the issues that fill our media – pale in comparison on the horror scale. Only the lack of access to clean water comes anywhere close in comparison."

Corporate-driven globalization has brought to the world a new form of colonialism and slavery, she says and has created a form of war – against diversity, of big against small, of rich against poor, of war-time technologies against nature. "These are wars of peacetime, occurring daily in the lives of billions, expressions of a system that puts profit above life, commerce above justice, and corporate power above community. The basic antiretroviral drugs taken for granted in the West would keep millions alive and leading productive lives; but the price tag of US$10,000 to $15,000 a year is well above the annual income of most people in the Third World. Tragically the answer - access to cheaper generic drugs - is opposed by one of the most powerful lobbies of all time."

Barlow says the suffering of millions with AIDS is not inevitable; it is the natural consequence of a system based on winners and losers. "A system that has lost its soul. A system that is destroying the planet in the name of economic freedom. Everything is for sale in their world – the fish before they are caught; the rain before it falls;

the seed deep in the forest; the very building blocks of life. It cannot be sustained."

Unlimited growth has the same DNA as the cancer cell, she says. "We will not stop the suffering of millions of AIDS-afflicted people until we confront corporate-driven, pro-privatization globalization."

But knowing that the prevention strategies and treatments to save lives exist, several prominent Canadian organizations hosted a civil society summit in Ottawa on May 21 to seek solutions and map out strategies to improve health for all, around the world. The summit was to tackle trade policies that restrict access to medicines, the failure of wealthy countries to adequately fund global health efforts and discuss the role of the private sector in responding to global health crises.

"Canada needs to keep its promise to address diseases of poverty. Ten dollars a year per Canadian is a small price to pay to help the 19,000 people dying every day of AIDS, TB and malaria," said Michael O'Connor, Executive Director of the Interagency Coalition on AIDS and Development (ICAD). [1]

Richard Elliott, a lawyer with the Canadian HIV/AIDS Legal Network, explains: "The World Trade Organization has failed to live up to its promise, máde 18 months ago in Doha, that it would solve patent-related restrictions on access to medicines in developing countries. Canada has played the role of supporting actor to the US and EU, who seek to limit any 'solution' with restrictions that do not apply to rich countries. This double standard is shameful and unacceptable."

Canada, he says, should stop cheerleading for the US government and the brand-name pharmaceutical industry, already the wealthiest in the world. "Instead, Canada should publicly and unequivocally support workable, simple proposals that have been put forward by humanitarian organizations, human rights advocates and developing countries, and which have been supported by the World Health Organization."

But, on the political threshold, Canadian foreign policy appears either to be on a collision path with the United States or two other scenarios appear likely: firstly, for the first time Canadians want to be seen to be talking turkey to their southern neighbour and second, it's government is not quite sure where it stands in its relations with the US after new challenges posed by the terrorist threat have emerged.

---

1. ICAD is a network of over 120 Canadian international development non-governmental organizations (NGOs), AIDS service organizations and individuals who are concerned about global HIV/AIDS issues.

Barbara McDougall, President and CEO of the Canadian Institute of International Affairs, says in one her addresses: "I would argue that our world is grappling with two major challenges: terrorism, of course, but also the overwhelming hegemony of the United States."

In the 1990's, she says, Canada had the luxury of flexing its foreign policy muscle, broadening its vision - because the number of immediate crises - at least those within Canada's immediate area of interest, were relatively few. "But today we are into a whole new foreign policy environment. A year ago, every single discussion of public policy took as its starting point September 11. Whether government or business, social or defence policy, September 11 and terrorism affected every file. We all believe the world has changed, but we give lip service to the fact that terrorism is not new."

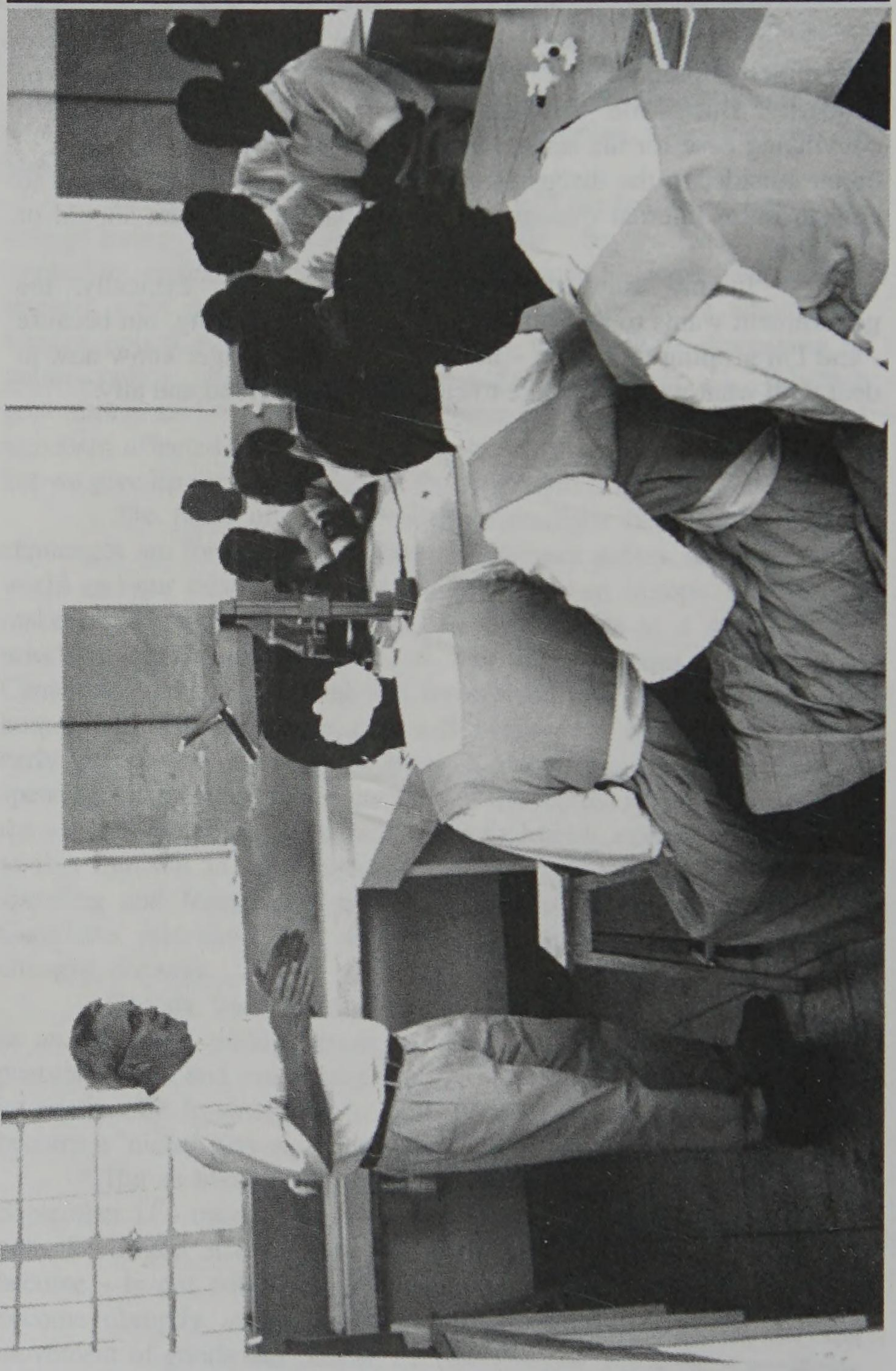
The point of view of many Canadians has been that new challenges are forcing us to rethink are defence policy, our role in the world and our relationship with the US and even Europe. McDougall makes an interesting observation when she points to a swing in the priorities of Canadians. "Out of any ten priorities presented to Canadians, military spending and foreign aid will always rank in the bottom two or three - health care will always rank number one. But in early October of last year, an Ipsos Reid poll showed that increased spending on defence and foreign aid had shot up the list of priorities - all the way to the middle of the pack. Then by March, even with our troops at that moment in Afghanistan, the same poll showed that military spending and foreign aid had slipped back towards the bottom of Canadians' priorities." That said, how can we argue that anything has changed, she says.

Canada has been striving, for many years, to return to its status as an influential middle power, to regain the status it enjoyed in the postwar period and even today is prepared to accept a responsible role internationally. In struggling to do this, and to differentiate itself, it has become a "niche" player, as in peacekeeping, or in "human security."

But as McDougall points out, one of the things we learned on September 11 - once again, maybe only briefly, is that our relationship with the United States - resented, taken for granted, ignored as it had become - is not only important to us, it is precious to us. We have become abruptly aware that the open border we rely on for the movement of goods and people, for the solutions to common problems such as salmon runs and ocean pollution and open trade and softwood lumber cannot be taken for granted."

Our policy makers, she says, seem to be at a loss. "Clearly, our military participation is not relevant except as a show of solidarity. But while President Bush may not yet have made a convincing case for his stance with all of his allies, Canada seems to be an outsider to the discussion. Nor have we seized the moment to engage in an internal dialogue on what Canada's position should or could be.

"In my view this is not only because, cynically, the government wants to see which way the wind is blowing, but because - and I'm groping a bit here – but because we no longer know how to deal with what we always like to call our closest friend and ally."



The late Dr. John Savage talking to young students in The Gambia *Photo: Nova Scotia Gambia Association*



Protests in Halifax against NATO bombing of the former Yugoslavia
Photo: Touch BASE



The Kosovar refugees being entertained by the Canadian military upon their arrival in Halifax
Photo: Touch BASE

Chapter 7

A country of freedoms and rights

A country's national ethos is a reflection of the way it seeks to become a fair and just society and in Canada that essentially comes out of a determination of a sense of right and wrong among Canadians, their aspirations, the desire to grow a culture of righteousness in a body politic that is democratic and accountable. Indeed, in Canada, much of that is enshrined in two of the country's most cherished statutes: the Charter of Rights and Freedom and the Canadian Human Rights Act.

But the non-European newcomer to Canada, appears at first to grapple with thoughts and notions that are seemingly not in sync with his own home-grown culture. In many ways that becomes the trigger for culture shock. It's not so much the lifestyles of western societies that the newcomer feels alien to, but instead, the Canadian determination of rights and of freedoms.

The fact that the House of Commons Standing Committee on Justice and Human Rights is studying issues connected with the legal recognition of same-sex marriages is a case in point. There has been much debate over the issue of marriage in recent years. Currently, there are three challenges before the courts - in British Columbia, Quebec and Ontario - which raise the question of whether the opposite-sex requirement for marriage is constitutional. The trial level courts disagree on the issue - the court in British Columbia upheld the opposite-sex basis for marriage, but the courts in Ontario and Quebec have found that it was discriminatory under the Charter and not justified in a free and democratic country.

Canada's newcomers also grapple with the notion that the country's laws protect children against parental abuse or neglect. If it can be determined without a shadow of doubt that a child is being badly neglected at home, the organization Children's Aid comes to the child's rescue and takes away the child from parental custody. In most cases, an abused or neglected child is brought to Children's Aid through police

and school teachers. The spirit of the law derives from the fact that a child has its rights which must be protected but to societies that have lent credence to the adage "spare the road and spoil the child" the Children's Aid notion is an aberration.

A Kurdish farmer who came to Canada after fleeing Iraq during the Halabja crisis says he was livid when his 16-year old daughter walked away from home seeking refuge in Children's Aid. Likewise a mother from Eastern Europe was enraged when Children's Aid made discreet enquiries about her conduct with the children. Canada has distinct laws that protect against family violence.

There is a gun control program in Canada because Canadians have a right to possess firearms for self-defence. That right is protected by Canada's gun control program which is designed to prevent firearms from falling into the hands of dangerous people. This is done in large part by registering firearms and issuing licenses to their owners. Earlier this year, there was hectic debate on the floor of parliament about the millions of dollars siphoned to provide the gun registry a shot in the arm.

The removal of the Death Penalty from Canada's criminal code is yet another reflection on our society's sense of right and wrong. In 1976 after many years of debate, Canada's legislators decided that capital punishment was not an appropriate penalty – that it kept open the possibility of wrongful convictions. The decision underlined the concerns of society about whether or not the state had the right to take the lives of individuals as well as uncertainty as to the effectiveness of the death penalty as a deterrent.

The Charter of Rights and Freedoms

The Charter of Rights and Freedoms is, anyway, the hallmark and the guiding light of the country's legal system.

It was on April 17, 1982 that the rights and freedoms of Canadians were enshrined in the Canadian Charter of Rights and Freedoms, an integral part of our country's constitution.

The enactment of the Charter was an important Canadian milestone in the protection of human rights. The values and principles embodied in the Charter are essential to the promotion of a free and democratic society. The Charter protects Canadians' rights and freedoms by limiting the ability of governments to pass laws or take actions that discriminate or infringe on human rights. This means that all individuals must be treated equally, regardless of their

race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. The Charter also protects Canada's linguistic duality and multicultural character.

Under the umbrella of the Charter are Fundamental Freedoms which include the right to freedom of conscience and religion; freedom of thought, belief, opinion and expression, freedom of the press and other media of communications as well as freedom of peaceful assembly and association.

The Charter guarantees Democratic Rights – the right to vote, the right to run for public office, and the maximum duration and sitting of legislative bodies. It also provides for mobility rights which guarantees the right to move or settle anywhere across Canada as well as ensures that Canadian citizens are free to enter and leave Canada at any time.

The Legal Rights built into the Charter protect Canadians in their interface with the justice system. They guarantee that individuals who are involved in legal proceedings are treated fairly, especially those charged with a criminal offence. The Legal Rights include the right to life, liberty, and security of the individual - to be secure from unreasonable search and seizure; not to be subject to arbitrary detention or imprisonment; to be informed promptly for reasons for any arrest or detention; to retain and instruct counsel on arrest or detention; to trial within a reasonable time by an impartial tribunal; to the presumption of innocence; protection against self-incrimination; not to be subjected to cruel and unusual treatment or punishment; and the right to the assistance of an interpreter.

The Charter's Equality Rights includes the right to equal treatment before and under the law; and to equal benefit and protection of the law without discrimination based on race, national or ethnic origin, colour, religion, sex, age, mental or physical disability. The courts have also recognized other grounds of discrimination that are not specifically set out in the Charter such as sexual orientation and marital status. This clause came into effect in 1985.

The Language Rights confirm that English and French are the official languages of Canada, and assert the equality of the French and English languages in particular situations.

The Minority Language Education Rights establishes that Provincial governments must provide certain English or French language minority rights. Minority language education applies when there is a sufficient number of eligible children to justify providing schooling in that language.

Furthermore, in addition to the rights and freedoms under the Charter, there are several interpretive provisions which deal with aboriginal and treaty rights; the multicultural heritage of Canadians; gender equality; and denominational, separate, or dissentient schools.

The rights and freedoms in the Charter are not absolute. An individual who believes his or her rights or freedoms have been violated can ask for a remedy under specific provision

The human rights movement gained momentum at the end of World War II. There was a real need to guarantee that the horrific acts that were undeterred during the war would never recur. That spurred the creation of the United Nations in 1945 and in 1948, the general assembly of the United Nations adopted the Universal Declaration of Human Rights ("the UDHR"). A Canadian by the name of John Peters Humphrey was one of the drafters of the UDHR which has remained the single most cited international human rights instrument.

Canada's commitment to the protection of human rights in the domestic context was first brought to the forefront in 1960, with the Canadian Bill of Rights. In 1982, the Canadian Charter of Rights and Freedoms was proclaimed in force and today reflects the principles of liberty, equality, freedom of belief, respect for cultural and group identity, and human dignity that define us as Canadians. Since its proclamation, the Charter has influenced the drafting of the bill of rights in several other countries including New Zealand, Ireland, Sri Lanka, Uganda, the United Kingdom, and Zimbabwe

Human Rights in Canada

Canada has a worthy human rights record and has committed itself to the principles that the international community has agreed are fundamental to human rights. But there are significant issues to be addressed, because only when we have a society in which respect and dignity for each and every one of us is recognized as fundamental human rights, can we truly have a human rights culture in Canada.

Black students, for example, have been complaining lately of racial profiling in the police departments. But the Canadian Human Rights Commission, on the other hand, is continuing to see difficult decisions coming down from the tribunal on issues of disability, religion and family status. It's an indication that employers have a big obligation there and that they are now including rather than excluding people. The tribunal is also hearing more cases connected with racial profiling issues after September 11.

By world standards, Canada is a country that truly respects and protects its citizens' human rights. In 1977, our parliament passed the Canadian Human Rights Act and The Commission began its work one year later. The purpose of the Act is to ensure equality of opportunity and freedom from discrimination in federal jurisdiction. The idea behind the Act is that people should not be placed at a disadvantage simply because of their age, sex, race or any other ground covered by the Act. That is discrimination and is against the law.

The Canadian Human Rights Act protects anyone living in Canada against discrimination in or by federal departments, agencies and Crown corporations, the post office, chartered banks, airlines, television and radio stations, inter-provincial communications and telephone companies, buses and railways that travel between provinces, other federally regulated industries, such as certain mining operations. The provinces and territories have similar laws forbidding discrimination in their own jurisdictions.

Under the Canadian Human Rights Act, it is against the law for any employer or provider of a service that falls within federal jurisdiction to discriminate on the basis of: race, colour, national or ethnic origin, religion, age, sex (including pregnancy and childbearing), marital status, family status, physical or mental disability (including dependence on alcohol or drugs), pardoned criminal conviction or sexual orientation.

If a job advertisement or a public notice says "no women need apply" or "foreigners not allowed," the meaning is clear - and discriminatory. Similarly, if people are called insulting names because of their colour or their age or because of some physical or mental disability, that kind of behavior is discriminatory and degrading. This is easily stopped. But discrimination can be much more subtle, and harder to stop. When someone does not get the service they want or the job they think they deserve, there may be a discriminatory reason. What has to be proved in a human rights complaint is whether a person's race, sex or age etc. was a factor in the denial of the service or the job, or whether it was done only for other, valid reasons.

Sometimes, the only way to tell whether there is discrimination is by looking at the effects on groups of people. If people who use wheelchairs can't get near the service counter, then it is obvious that they are not being well served. Or if people over 40 are almost never hired for a particular job, we can ask whether there is a good reason for this, or whether it is just someone's prejudice against older workers.

It is easy to see how discrimination harms its victims, when people are denied work or promotion simply because they are the "wrong" age or sex, or because of the colour of their skin or where they come from. Whether we like it or not, the equality of opportunity that Canadians believe to be basic to our society is not always available to everyone. The question is what can be done about it? The Canadian Human Rights Act answers that question by establishing an organization to look into allegations of discrimination and to help create greater equality of opportunity. That organization is the Canadian Human Rights Commission.

How the Human Rights Commission resolves complaints

Much of the Commission's work consists of investigating and trying to resolve complaints. A customer or employee of any organization covered by federal law who thinks that he or she has been discriminated against can file a complaint with the Commission. The aim is to restore the complainant's rights. If the complaint is not a federal matter, the person will be referred to the proper authority. If the complaint falls within the Commission's responsibility, an investigator will be given the task of gathering the necessary information.

It may be that the complaint can be settled between the parties at an early stage. In that case, the parties are encouraged to resolve their differences and the matter ends there. Otherwise, the investigator will make a full report to the Commission. If Commission members feel that there is evidence to support the allegation, they can either appoint a conciliator to try to bring about a settlement or send the case to a Human Rights Tribunal, which will hear all the evidence. If, on the other hand, after carefully studying the investigator's report, the Commission decides that there is not enough evidence to support the allegation of discrimination, it will dismiss the complaint.

If a Human Rights Tribunal is appointed and finds the complaint is valid, it can assess the harm that was done by the discriminator and order compensation and whatever measures the Tribunal thinks necessary to prevent such a thing from happening again.

If the Tribunal finds that the complainant's case does not stand up, it will dismiss the complaint. But the decision of the Tribunal is not necessarily final. If one of the parties does not like the decision, it can be appealed, for example, to the Federal Court and all the way to the Supreme Court.

One important thing to remember: the Commission carries out its work in the public interest. All the costs of investigating and reviewing a complaint are carried by the Commission, until the matter has been dealt with to the Commission's satisfaction. So are the costs of trying to bring about a settlement.

What rights has the HRC restored.

The Human Rights Tribunal has seen much success in its fight against racial discrimination, restoring the rights of Asian scientists, for example, who were denied jobs by a federal department on the apparent grounds of race. The HRT was successful in awarding the men lost wages, and directed that they be given the first available job as drug evaluators. Likewise, several women who were denied unemployment insurance benefits because they worked for companies that were largely owned by their husbands were ultimately paid the benefits, proving beyond doubt that the HRT has the power to stop a government agency from applying a discriminatory law.

The HRT has been successful in restoring the rights of a man who had confided to one of his co-workers that he had tested positive for HIV (human immunodeficiency virus). The Tribunal ruled that an employer cannot fire a person because he or she is HIV-positive or has AIDS, which is regarded as a disability unless there is a clear risk of transmitting the virus. It ordered that he be compensated for lost wages and receive an additional amount for hurt feelings.

In much the same way, the Canadian Human Rights Commission deals with harassment in the workplace, where harassment does not only cover unwanted physical advances. Even comments and insults about a person's race, religion, sexual orientation, disability or origin can also be harassment. Today in Canada, employers are asked to promote a workplace that is free of harassment.

The same goes for hate messages which, over the telephone, are illegal in Canada. In 1993, tribunals and courts ordered the Heritage Front, the Canadian Liberty Net, the Manitoba Knights of the Ku Klux Klan and the National Knights Network, to stop playing recorded hate messages. The messages attacked recent immigrants, Jews, lesbians and gay men. When some of those responsible refused to comply with a court order, they were sent to jail.

In 1990, the Supreme Court of Canada even reinforced the duty of employers to accommodate their employees' religious needs. If an employee asks for time off to observe a holy day, the employer

should permit it. This does not mean that employers must pay for work that is not done, but it does mean that employers should be prepared to rearrange work schedules to accommodate the religious needs of employees if this is possible without causing undue hardship.

In many ways, the Commission has also been successful in reducing the wage gap between so-called "men's work" and "women's work". Statistics indicate that in Canada women continue to earn about 70 cents, on average, for every dollar earned by men. To a large extent, this is because society has traditionally undervalued jobs filled predominantly by women. The Canadian Human Rights Act requires that women be paid equally when they are performing work of equal value. The Commission has received more than 100 unequal pay complaints. But while removing sex bias from job evaluation systems is a considerable task, the Commission does all it can to encourage a systematic approach towards the problem. It encourages employers to introduce their own "pay equity" programs in concert with unions.

Chapter 8

Immigrating to Canada

In the socio-economic and political life of a nation, events of the time trigger major change. September 11 did that across North America. But while the horrific tragedy in the US may have prompted Canada to slap security safeguards into its immigration policy, the dawning of the twenty first century, globalization and the new world order have spurred policy thinkers nonetheless, to evolve a more modern and dynamic immigration policy framework. The new Immigration and the Refugee Protection Act which became law on June 28, 2002 reflects that observation.

In a wide-ranging interview with our publishers *Touch BASE,* Denis Coderre, Canada's Minister of Citizenship and Immigration said: "The policy is not about building walls, its about controlling doors to make sure that people who are coming for the wrong reasons face the consequences." Coderre, was in Halifax in April this year to address the Nova Scotia Partnership Conference 2003 hosted by the Metropolitan Immigrant Settlement Association (MISA).

He has been visiting the region frequently lately and what that says is that immigration is going to become a priority in the Atlantic provinces. "We're talking about a regional strategy," he said. "We have to spread and regionalize immigration. I think there are some specific needs for the region and the people of this province. There is a need for skilled workers, for example, so we have to bring the tools to work with us to provide solutions for the region. Immigration is an ongoing issue. In the past people thought of immigration as an issue only for Vancouver, Ontario and Montreal."

Coderre told Robin Arthur, editor of *Touch BASE,* that he was looking for a plan with several tools built into it. "I am looking for an immigration strategy for foreign students... an industrial

strategy... and we also have the Provincial Nominee Program," he said. In many ways, the minister was saying that his ministry is working on several new strategies to address immigration from different fronts. Ottawa is trying to get an agreement from the Nova Scotia government, for example, for the implementation of the recognition of foreign credentials and Coderre believes that would promote and facilitate the process of an agreement where people will come on a temporary work permit, work for three to five years in their field and then apply for landed immigrant status.

"But we have to find an inclusive strategy that will demand help from the community to make sure that people are made to feel at home," Coderre says. "Immigration is not an entry point alone, it is an integration process. We are looking not only for new Canadians, but for future Canadian citizens. It is an integrative process where everybody participates." The 'foreign students program' is already in place in other provinces of Atlantic Canada such as New Brunswick and is well underway in Nova Scotia. Coderre said earlier this year that he was consulting with the minister of education in Nova Scotia as well as with Deans of Universities and may soon call for a round table with the business community.

"The policy would make it easier for foreign students, who graduate from universities in Nova Scotia and who wish to apply for permanent resident status as skilled workers, to get an extra year of employment and additional points on the selection grid in the areas of experience," he said. In Manitoba, today, foreign students may even taken up jobs outside campus. Coderre said the Prime Minister wants to double the number of foreign students.

Coderre also addressed questions about our immigration policies being designed to meet US border security concerns. He said his ministry was working on common grounds at several levels, but that we have our policy and they have theirs. "We are negotiating a 30-point Smart Border Plan in which we are looking for common ground without compromising our principles," he said. "There is an economic fallout in all of this and so we should work together."

He was making the point that since September 11 Canada has had a great deal of homework to do, especially in security terms. "We have a vigilance agenda. We have created a new card for landed immigrants – the Permanent Resident (PR) card which incorportaes 20-point fraud resistance and biometric capacity. We are pushing for an ID strategy... which is before the standing committee. These are important

matters we have to face," he said.

The proposed ID card has been opposed by some Canadians, but Coderre says: "I think we should have a process... no matter where you were born, if you are a Canadian citizen you should be protected ..so it's a matter of protecting your own privacy. I don't want to know where you are from...all I need to know is that you are that person..." He said there are some domestic problems with identification including ID theft and the loss of about *2.5* billion dollars a year in lost credit cards. "Thus we have to do this without jeopardizing our values and principles while being protective at the same time.... with fairness and openness."

Since February 10, 2003, the Standing Committee on Citizenship and Immigration has been conducting public hearings on Bill C-I8, the newly proposed Citizenship of Canada Act, which, some advocacy groups say undermines citizens' rights. One of their concerns are about the national ID card. "If this bill is passed, it will make it harder for immigrants to become Canadian citizens, and easier for the Government to take away citizenship from those whom it deems undesirable without due process," said Avvy Go, Clinic Director of the Metro Toronto Chinese & Southeast Asian Legal Clinic, in a report. "This Bill perpetuates the public myth that our country is under threat by terrorists who come here as immigrants and refugees especially those of Arab descent and Muslim faith," remarked Go.

Among other things, the Bill C-I8 grants new powers to the Minister to revoke or annul citizenship with little procedural safeguard for affected individuals. "Many provisions in this Bill violate the rights of Canadians under the Charter of Rights and Freedoms, especially the right to equality," said Erica Lawson, policy analyst of the African Canadian Legal Clinic. "We do not believe that such violations are justifiable or even necessary."

The Bill has been criticized from several fronts. "If more Canadians learn about this Bill, I am sure they will be asking themselves if this is the kind of law that we really want for Canada," said Debbie Douglas, Executive Director of the Ontario Council of Agencies Serving Immigrants (OCAS1). "The message that this government is sending through this Bill is that we welcome immigrants and refugees to contribute to our economy but we do not want them to become citizens of this country," said Douglas.

The government, of course, defines the ID card as a necessary security tool.

The new Immigration and Refugee Protection Act

September 11 brought a new face to Canada's immigration policy, when the new Immigration and Refugee Protection Act (IRPA) became law on June 28, 2002. This modern piece of legislation replaces the former 25-year-old Immigration Act and inherent in its spirit is a recognition of what immigrants and refugees bring to the table in the country's socio-economic life. It also provides Canada with the tools to bring workers with flexible skills into the country and speeds up family reunification. But the IRPA is also tough on those who pose a threat to Canadian security while it fosters Canada's tradition of providing a safe haven to people who need protection.

The qualifying parameters in the skilled worker class of the new Act have been changed. The new regulatory framework reflects the belief that Canada requires a modernized immigration policy in order to grow and prosper in the new global economy. Thus under the Act, the emphasis now for selecting skilled workers has shifted from an occupation-based model to one that focuses more on skilled workers with the flexible and transferable skill sets required to succeed in a fast-changing, knowledge-based economy. The legislation recognizes that the Canadian economy values skilled, technical workers and tradespersons as well as university-educated professionals.

It also recognizes the importance of proficiency in English or French, Canada's two official languages, and makes it easier for prospective immigrants to qualify for admission to Canada if they are fluent in one of the two languages. These changes, along with several other improvements in the Act, will ensure that Canadian businesses are able to access the skilled workers they need to continue to grow and prosper in the 21st century.

In the refugee category, the changes reflect a new emphasis. The Government of Canada is committed to pursuing Canada's humanitarian tradition through measures that strengthen programs for resettling refugees from overseas and by ensuring prompt and fair processing of refugee protection claims made in Canada. In resettling refugees from overseas, Canada will now place greater emphasis on the refugees' need for protection and less on the ability to resettle in Canada.

In determining whether an applicant will successfully settle, new selection criteria will take into account economic and social factors such as the presence of relatives in Canada. The Act also

contains measures designed to improve the efficiency of Canada's inland refugee processing system. These changes include consolidated decision making, single-member refugee hearings and faster referrals to the Immigration and Refugee Board (IRB).

With a view to increasing Canadian security, refugee claimants who are determined to be inadmissible on grounds of security, human rights violations or organized criminality will not be eligible to have their claims heard by the IRB. These changes, along with other new measures in the Act, are designed to reduce waiting times and improve the efficiency of Canada's refugee system.

Canada's new immigration policy underlines the philosophy that people who immigrate to Canada will settle more easily if they are joined by their families. Thus, for the first time, the existence of the Family Class is acknowledged in the Act as well as in the regulations. Now, included in the new Family Class is the spouse, common-law partner, conjugal partner, child or parent of a Canadian citizen or permanent resident. The age for dependent children has been increased from under 19 to under 22, and sponsored spouses, common-law partners, conjugal partners and dependent children will not be refused on the grounds that they represent an excessive medical demand.

Coderre announced, in February, that there will now be faster processing of applications from spouses/partners and dependent children living outside Canada. "Reuniting families is a key objective of the Immigration and Refugee Protection Act and will be greatly facilitated by the addition of this streamlined application process," Coderre said. "The new joint kit gives the sponsor more responsibility in achieving timely processing of applications without sacrificing integrity of the application process."

Quite importantly, the Act provides the government with many new tools to increase the security of Canadian borders. These include front-end security screening for all refugee claimants, clearer grounds for detention, fewer appeals and opportunities for the courts to delay the removal of serious criminals and suspension of refugee claims for people charged with serious crimes until the courts have made a decision.

The introduction of a Permanent Resident Card, into which is packed several security elements, will make it easier for permanent residents to re-enter Canada after traveling abroad. The Card replaces the 1MM 1000 as the status document needed by Canadian permanent

residents re-entering Canada on a commercial carrier starting December 31, 2003. The security features of the new PR Card will simplify the screening process of permanent residents when boarding a commercial carrier going to Canada. But it also increases Canada's border security and improves the integrity of Canada's immigration process.

In order to deal with the growing phenomenon of human trafficking, the Act makes trafficking a new offence. It introduces severe penalties of up to life in prison and/or fines of up to one million dollars for people smugglers and those caught trafficking in humans. New penalties have also been introduced for fraud and forged documents.

Indeed, the Act also includes provisions for the following: an oral appeal hearing from people facing the loss of permanent resident status for failure to maintain residency; improved safeguards for people who may be harmed in their home countries if they are removed from Canada; clearer reasons for detention; new, clearer grounds to refuse entry to Canada to foreign nationals who may pose a danger to Canada; and a requirement for officials to obtain a warrant prior to arresting permanent residents or refugees.

It recognizes the importance that Canadians place on the well-being of children. The principle of the best interests of the child has been incorporated into the Act in appropriate sections. Specifically, this principle means that a minor child shall be detained only as a last resort and that the best interests of the child will be taken into account in all detention decisions involving minors.

The other key changes in the regulations relate to the eligibility criteria for business immigrants.

Immigration to Canada in the twenty first century

Canada welcomes thousands of newcomers to its shores throughout the year. Coming to Canada as an immigrant is not only an exciting opportunity, but also a great challenge. Anyone interested in immigrating to Canada, will discover that there are several options when applying for permanent residence status. But there are three distinct issues in the process worthy of note: 1. Application for Residency II. Maintaining Residency, and III. Acquiring Citizenship.

I. APPLICATION FOR RESIDENCY:

Canadian immigration law deals with two categories of residency visas: a) Permanent and b) Temporary. The major difference between these two types of visas are that while immigrants holding a permanent residence visa (family class, economic class, and refugees) can, by accumulating three years of residency in Canada, apply for Canadian citizenship as well as enjoy many, almost all, of the privileges of Canadian citizens, temporary residents (foreign students, foreign workers with a work permit and visitors) cannot apply for citizenship and upon the expiry of their temporary residency visa term, must leave Canada. Unlike the United States of America, there are no major differences in Canada between permanent residents and citizens.

I a) Permanent Residency Application:

The rules for the admission of immigrants deal with three basic or major categories, which correspond to the three main immigration program objectives: reuniting families, promoting economic development, and protecting refugees. Thus immigration to Canada is through three floodgates, so to speak : A) Family class immigrant; B) Independent (economic) class immigrant; and C) Refugee class (asylum seekers). Other categories which are less known to the public are D) Quebec destined immigrants holding a *"Certificate de Selection du Quebec"* (CSQ) and E) the Provincial Nominee Program (PNP).

A. FAMILY CLASS IMMIGRATION:

The "Family Class Sponsorship" program has been established to allow Canadian citizens and permanent residents of Canada an opportunity to bring their relatives to Canada. Canadian citizens and permanent residents living in Canada, 18 years of age or older, may sponsor close relatives or family who may want to become permanent residents of Canada. The sponsor must undertake to support them for a period of three to 10 years until they settle in Canada. A Canadian citizen or permanent resident can sponsor a

spouse, common-law or conjugal partner 16 years of age or older; parents and grandparents; dependent children, including adopted children; children under 18 years of age whom the sponsor intends to adopt; brothers, sisters, nephews, nieces or grandchildren who are orphans; under the age of 18 and not married or in a common-law relationship; or sponsor one relative of any age if one does not have an aunt, uncle or family from the list above.

A son or daughter is dependent when the child is under the age of 22 and does not have a spouse or common-law partner; is a full time student and is substantially dependent on a parent for financial support since before the age of 22, or since becoming a spouse or common-law partner (if this happened before age 22); or is financially dependent on a parent since before the age of 22 because of a disability.

A Canadian citizen or resident may also sponsor a spouse or common-law partner from within Canada if they have been living together in Canada and have maintained their legal, temporary residency status.

Non-resident Canadian citizens can sponsor their spouse or common-law partner including their dependent children from outside of Canada. The requirement of living in Canada at the time and during sponsorship application could be waived - the sponsor can establish his/her intention to be residents again.

In order to sponsor any of the above listed relatives or family, the applicant has to meet some income requirements. If the applicant has previously sponsored anyone in this category who may have received social assistance, he/she may not be allowed to sponsor another person. In order to sponsor a relative or family, the applicant must sign an undertaking with the Minister of Citizenship and Immigration as well as a sponsorship agreement with the respective relative that outlines mutual commitments to each other.

In order to adopt a child from another country one must go through both the adoption process and the sponsorship and immigration process.

If one wants to immigrate to Canada as a member of the family class, some requirements must be met. First, the sponsor, the relative in Canada, must be eligible to sponsor his relatives abroad. Second, the relative abroad and their dependants must also meet the mandatory requirements to be sponsored.

The application for sponsorship must be made in Canada by the sponsor and should include the correct processing fee. The sponsor will be asked to complete an Undertaking of Assistance promising the Government of Canada to provide for the care and shelter of their sponsored relatives and their dependents for a period of three to 10 years. A decision can usually be provided within a few weeks.

Only Canadian citizens, who are outside of Canada for short temporary purposes (eg. tourism) or are residing abroad for a long period of time are eligible to apply for the undertaking of sponsorship outside Canada at a Canadian Visa Office. They can also sponsor their spouse and children less than 22 years of age. Furthermore, they do not have to make settlement arrangements. The visa offices give spousal applications top priority.

Special provisions apply for sponsors who are living in Quebec or if the sponsored relatives wish to settle in the province of Quebec. The Quebec government will test the sponsor's financial ability.

The sponsor must also sign a Sponsorship Agreement with the person and/or all accompanying family members being sponsored which outlines his/her commitment to support them and their commitment to make every effort to be self-supporting. Dependent children under the age of 22 do not have to sign the Sponsorship Agreement.

The sponsor must provide financial support for the relatives or family being sponsored depending on their age and relationship to the sponsor. If, for example, you are sponsoring your spouse, common-law partner or conjugal partner, you must provide financial support for three years from the date that person became a permanent resident. In the case of your own or your spouse's, common-law or conjugal partner's dependent child who is less than 22 years of age, you must provide financial support for 10 years from the date that person became a permanent resident or until the child turns 25 years of age, whichever comes first. In the case of your own, or your spouse's, common-law or conjugal partner's dependent child who is 22 years of age or older, you must provide financial support for three years from the date that person became a permanent resident. In the case of any other person not mentioned above, you must provide financial support.

Who can be a sponsor ?

One can sponsor relatives or family members from abroad if one :

- Is a Canadian citizen or permanent resident;
- Is at least 18 years old;
- Is residing in Canada at the time of sponsorship and during the entire process of sponsorship;
- Has the minimum necessary income (LICO) required to support oneself and one's family, as well as all sponsored individuals and their family including any already sponsored undertakings still in effect; and
- Proves relationship to the sponsored individual (s).

Who can be sponsored?

An applicant can sponsor relatives or family from abroad if they are:

- spouses, common-law or conjugal partners 16 years of age or older;
- parents and grandparents;
- dependent children;
- children under 18 years of age whom one intends to adopt;
- children under guardianship;
- brothers, sisters, nephews, nieces or grandchildren who are orphans; under the age of 18 and not married or in a common-law relationship; or
- any one relative of any age if the applicant does not have an aunt, uncle or family member from the list above who one can sponsor .

Who are defined as dependent children?

A son or daughter is dependent when the child: is under the age of 22 and does not have a spouse or common-law partner; is a full time student and is substantially dependent on a parent for financial

support since before the age of 22, or since becoming a spouse or common-law partner (if this happened before age 22); or is financially dependent on a parent since before the age of 22 because of a disability.

The Application Process

In order to become a permanent resident of Canada, a relative or family member in Canada must first apply to sponsor you and you must be one of the relatives or family members listed above to be eligible for sponsorship. Both the sponsored and the sponsor must sign a Sponsorship Agreement which outlines mutual obligations to each other. The sponsor must promise to support the sponsored and his/her family financially for three to 10 years so that the sponsored will not need (or should not apply for) social assistance. The sponsored, unless elderly, must promise to make every effort to become self-supporting.

Changes to submission of Family Class applications

On February 17, 2003, Citizenship and Immigration Canada (CIC) introduced a new application kit and submission process. This relates to Family Class sponsorship and permanent resident applications for spouses, common-law partners, conjugal partners and dependent children applying outside of Canada.

The new process does not apply if one is sponsoring any other family members or to applications for the Spouse/Common-Law Partner in Canada Class.

On June 28, 2002, CIC changed the application submission process for the Family Class, in order to allow clients to submit joint applications, including both the sponsorship application and the permanent resident application. In order to build on the efficiency of the system, it has introduced a process, which allows clients to complete the medical examination prior to submitting the joint application. The improved process will assist in faster processing of applications made on behalf of spouses, common-law partners, conjugal partners or dependent children.

What is an up-front medical examination?

An up-front medical examination allows applicants (one's

spouse, common-law partner, conjugal partner, or dependent children) to take the medical examination before the applications for sponsorship and permanent residence are submitted to the Case Processing Centre (CPC) in Mississauga.

With the examinations done at the beginning of the process, Citizenship and Immigration Canada (CIC) will be able to process the permanent residence application faster.

The procedures for sponsoring an eligible dependant

1. The sponsor will receive the new joint application, including the sponsorship and permanent residence applications, and instructions for completing the medical examination. The sponsor must complete the sponsorship portion and the relative (and the relative's family members) must complete the permanent residence portion.

2. Once all of the documents have been gathered to support the applications, the relative being sponsored (and the relative's dependent children, if applicable) should contact a Designated Medical Practitioner (DMP) who is a doctor authorized by CIC to perform the medical examination, to take the medical examination.

3. After the medical examination is completed, the DMP will give the individual examined a document indicating that the medical examination has been done. The relative must then send this document (one for each family member) to the sponsor along with the completed permanent residence application and all supporting documents.

4. The sponsor will put together the permanent residence application, including all supporting documents, the proof that the medical examination has been done, the sponsorship application and the sponsorship documents, and then submit the package to CPC-Mississauga.

5. CPC-Mississauga will first determine if the sponsor is eligible to sponsor and then will send the permanent residence package by courier to the Visa Office. The Visa Office will then process the permanent residence application.

By the time the Visa Office receives the permanent residence application, the medical assessment should also have arrived at the Visa Office - unless there was a medical condition that required further assessment.

6. The Visa Office will then process the permanent residence application and decide if a permanent resident visa may be issued.

Special Notes:

International Adoption

Canadian law allows one to adopt a child from another country if one is a Canadian citizen or permanent resident. In order to bring an adoptive child to Canada, one must sponsor the child for immigration. There are two processes to go through when adopting a child from another country: i) the adoption process and ii) the immigration sponsorship process.

i) **The Adoption Process**: Adoptions are the responsibility of the provinces in Canada. It is necessary to have a Home Study done, usually by one's province, before Citizenship and Immigration Canada (CIC) processes the application for sponsorship. The applicant will have to comply with the adoption laws of the child's country of origin as well as comply with the laws of the province. It is important to become familiar with all of the legal requirements relevant to the adoption process.

ii) **The Immigration Process**: As an adoptive parent of a child from another country, one must apply to sponsor the child for permanent residence in Canada and after the child is in Canada and has resident status, apply for citizenship on the child's behalf.

CIC will request a letter of consent from one's province indicating that it agrees to the adoption. The immigration visa will only be issued after the immigration mission in the child's country of origin receives this letter from the province.

B. INDEPENDENT (ECONOMIC) CLASS IMMIGRATION

This class of immigrants includes: **1. Skilled Workers** and **2. Business Applicants** (entrepreneurs, investors and self-employed). The independent (economic) class applicants are assessed on their

merits, abilities and the likelihood of their successful establishment in Canada. These applicants are assessed and selected against several factors as set out in the Immigration Regulations. Successful applicants will be selected primarily due to their ability to make a significant contribution to the economy, cultural and social fabric of Canada.

The Skilled Workers are assessed under a "point system" that takes into consideration a series of factors reflecting the applicant's ability to successfully settle in Canada. The policy objectives for the selection of skilled workers are to support the demographic goals of the government of Canada, to enrich and strengthen the cultural and social fabric of Canada and to foster the development of a strong and viable economy and the prosperity of all regions in Canada.

The Business Immigration program seeks to promote economic development and employment by attracting people with venture capital, business acumen and entrepreneurial skills. The program also seeks to develop new commercial opportunities and to improve access to growing foreign markets by admitting people who are familiar with those markets and *their* special *requirements* and customs.

The business class immigrants are also assessed under a point system very similar to that of skilled workers. Finally, this program is also to support provincial and territorial economic objectives.

Independent applicants are required, under article 12 to apply to a Canadian Embassy, Consulate, or High Commission in either their homeland or their country of residence if they have lived there for at least one year. Under the new Immigration Regulations, applicants can no longer go "visa shopping". One must apply to the visa office responsible to one's country of citizenship or area of residency.

B1. The Skilled Worker Class:

As Canada enters the new millennium, poised to capitalize on the global economy and increase its wealth in the knowledge society, it will rely upon an immigration program that can respond quickly to a rapidly evolving environment and to emerging challenges

and opportunities. The government introduced new immigration legislation on June 28, 2002 to ensure that Canada can preserve immigration as a source of diversity, richness and openness to the world.

Canada needs young, dynamic, well-educated skilled people. It needs innovation, ideas and talent. Canadian employers want to take advantage of opportunities offered by the fast-moving pool of skilled workers. The government understands that the global labour force can benefit Canadians through job creation and the transfer of skills. Immigration legislation was adapted to enhance Canada's advantage in the global competition for skilled workers.

In the skilled worker category are people who may become permanent residents because they can become economically established in Canada. In order to be accepted in this category, applicants must meet the minimum one year continuous work experience requirements; prove that they have the funds required for settlement; and earn enough points in the six selection factors to meet the pass mark.

Skilled workers are assessed under a "point system" which takes into consideration a series of factors related to the applicant's abilities. If married, either of the spouses can choose to be the principal applicant for purposes of determining eligibility. A Visa Officer will assess the application against six factors: Education, Language, Experience, Age, Arranged Employment, and Adaptability features. If one's score is the same or higher than the required pass mark at the time of application, then one may qualify to immigrate to Canada as a skilled worker.

The principal applicant should demonstrate his ability to use his/her work experience in the Canadian working environment. These applicants are only required to show minimal available funds demonstrating their ability to establish themselves in Canada. The immigration officer has to also be convinced of the likelihood of successful establishment of the candidate and his family in Canada

A skilled worker must have at least one year of paid, full-time continuous work experience which must be in the category of Skill Type 0, or Skill Level A or B on the Canadian National Occupational Classification (NOC). This experience should have been gained within the last 10 years prior to the selection decision (during papers screening or interview).

The NOC is a classification system for jobs in the Canadian economy. It describes duties, skills, talents and work settings for

occupations. In order to determine one's NOC category, go to the NOC website http://www.cic.gc.calenglish/skilled/qual-2-1.html and find the title of any full-time jobs one has had in the past 10 years using the National Occupation Classification list. This is a list of all jobs that are in Skill Type 0, Skill Level A or B on the NOC. Of course, one does not have to meet the "Employment Requirements" listed in the description.

If the initial description and list of main duties done at one's last job are matched, that experience can be counted when applying as a skilled worker. One can also earn points in Factor 3 of the Selection Grid. But if the description does not match one's work experience or if one's work is on the "restricted occupation list", then the applicant cannot qualify in the skilled worker category.

The Government of Canada does not provide financial support to new skilled worker immigrants. The applicant must have proof of funds that will support themselves and dependents in Canada. But this may not be necessary if one has arranged employment in Canada. The proof of funds must be furnished when submitting an application for immigration. The amount of money needed is determined by family size

Number of Family Members	**Funds Required (in Canadian dollars)**
1	$9,420
2	$11,775
3	$14,645
4	$17,727
5	$19,816
6	$21,905
7 or more	$23,994

If one is carrying more than CDN $10,000 on arrival in Canada, this must be disclosed to a Canadian official, if not one may be fined or put in prison. These funds could be in the form of cash; securities in bearer form (for example: stocks, bonds, debentures, treasury bills); or negotiable instruments in bearer form (for example: bankers' drafts, cheques, travellers' cheques, money orders.)

The ability to communicate and work in one or both of Canada's official languages (English or French) is very important to a skilled worker competing in the Canadian labour market. Thus, language proficiency is one of the six selection factors for skilled

workers and one will be awarded up to 24 points for basic, moderate or high abilities to communicate in English and French.

If the applicant claims language skills on the application, he/she must provide conclusive proof of those skills. This can be done by choosing one of two options, namely, take a language test by an approved organization or provide other written documentation that supports one's claim.

Selection Factors for Federal Skilled Workers

Factor One: Education	Maximum 25
Master's Degree or Ph.D. and at least 17 years of full-time or full-time equivalent study.	25
Two or more university degrees at the Bachelor's level and at least 15 years of full-time or full-time equivalent study .	22
Three-year diploma, trade certificate or apprenticeship and at least 15 years of full-time or full-time equivalent study.	22
University degree of two years or more at the Bachelor's level and at least 14 years of full-time or full-time equivalent study.	20
Two-year diploma, trade certificate or apprenticeship and at least 14 years of full-time or full-time equivalent study.	20
One-year university degree at the Bachelor's level and at least 13 years of full-time or full-time equivalent study.	15
One-year diploma, trade certificate or apprenticeship and at least 13 years of full-time or full-time equivalent study.	15
One-year diploma, trade certificate or apprenticeship and at least 12 years of full-time or full-time equivalent study.	12
High school.	5

Factor Two: Official Languages	**Maximum 24**
1st Official Language: Possible maximum (all four abilities)	16
High proficiency (per ability)	4
Moderate proficiency (per ability)	2
Basic proficiency (per ability)	1
No proficiency	0
2nd Official Language: Possible maximum (all four abilities)	8
High proficiency (per ability)	2
Moderate proficiency (per ability)	2
Basic proficiency (per ability, to max of 2 points total)	1
No proficiency	0

The four abilities are: listen, speak, read and write.

Skill level criteria:

High proficiency The applicant can communicate effectively in most community and workplace situations. He/she can speak, listen to, read and write the language very well. On the IELTS test this is equivalent to a score of 7+.

Moderate proficiency The applicant can make him/herself understood and can understand what others are saying in most workplace and community situations. He/She can speak, listen to, read and write the language well. On the IELTS test this is equivalent to a score of 5 to 6.9.

Basic proficiency The applicant does not meet the above criteria for moderate proficiency but still has some ability to speak, listen to, read or write the language. On the IELTS test this is equivalent to a score of 4 to 4.9.

No proficiency The applicant has no ability whatsoever in speaking, listening to, reading or writing the language. On the IELTS test this is equivalent to a score of less than 4.

Factor Three: Experience	**Maximum 21**
1 year (more than 12 months, but less than 24 months)	15
2 years (more than 24 months, but less than 36 months)	17
3 years (more than 36 months, but less than 48 months)	19
4 years (more than 48 months)	21

Factor Four: Age	**Maximum 10**
21 to 49 years at time of application	10

Age	**Total Points**
16 or under	0
17	2
18	4
19	6
20	8
21-49	10
50	8
51	6
52	4
53	2
54 and over	0

Factor Five: Arranged Employment in Canada	**Maximum 10**
Human Resources Development Canada (HRDC) confirmed offer of permanent employment	10

The applicant is applying from within Canada and has a temporary work permit that is HRDC confirmed, including sectoral confirmations; or	10
HRDC confirmation exempt under NAPTA, GATS, CCFTA, or significant economic benefit (i.e. intra-company transferee.)	10

Factor Six: Adaptability	**Maximum 10**
Spouse's or common-law partner's education	3 or 4 or 5

The accompanying spouse or common-law partner's level of education

Secondary school (high school) diploma or less	0
A one-year post-secondary educational credential, other than a university educational credential, and a total of at least 12 years of completed full-time or full-time equivalent studies; or A one-year post-secondary educational credential, other than a university educational credential, and a total of at least 13 years of completed full-time or full-time equivalent studies, or A one-year university educational credential at the bachelor's level and a total of at least 13 years of completed full-time or full-time equivalent studies.	3
A two-year post-secondary educational credential, other than a university educational credential, and a total of at least 14 years of completed full-time or full-time equivalent studies; or A two-year university educational credential at the bachelor's level and a total of at least 14 years of completed full-time or full-time equivalent studies.	4
A university educational credential at the master's or doctoral level and a total of at least 17 years of completed full-time or full-time equivalent studies.	5
Received points under the Arranged Employment, Factor 5	5

Family Relationship in Canada (The applicant or his/her spouse has a parent, grandparent, aunt uncle, sister, brother, nephew, niece, child or grandchild who is a Canadian citizen or permanent resident living in Canada)	5
Total Maximum Possible:	**100**

If the applicant's score is the same or higher than the pass mark, then he/she may qualify to immigrate to Canada as a skilled worker. The current pass mark, as of September 2003, is 67.

If the score is less than the pass mark, one is not likely to qualify and will be refused. But if the applicant believes that these points do not reflect the true abilities, he/she may then prove that there are other factors that would contribute to becoming economically established in Canada and may submit a formal application as well as a detailed letter explaining those factors and include any documents that support the claim. Article 76 (3) allows the immigration officer to substitute the point system with his evaluation of the applicant's chances and abilities to become successful, economically, in Canada.

Under the new Immigration Regulations, Article 76 (2), the pass mark may change from time to time. The pass mark is variable and is determined, on an ongoing basis, by the Minister of Citizenship and Immigration Canada, who bases the pass mark on three factors:

1. The number of applications made by members of the class one is applying under currently being processed;

2. The number of members of one's class projected to become permanent residents according to the most recent Parliamentary report; and

3. The potential, taking into account economic and other relevant factors, for the establishment of members of one's class in Canada.

Citizenship and Immigration Canada (CIC) has provided for a self-assessment tool to help the applicant decide if one should apply to immigrate to Canada as a skilled worker. The score on this test will indicate how one's skills and experience could be graded on the application. The test is only to give the applicant an idea of whether

or not he/she will qualify as a skilled worker. A CIC officer will decide on the application based on the evidence and facts provided.

If the applicant is married, both should take the test to see who scores the most points. The person with the most selection points should apply as the principal applicant.

What occupations qualify?

An applicant must have at least one year of full-time paid work experience. This work experience must be within the last 10 years to qualify. The work experience must be in the category of **Skill Type 0**, or **Skill Level A or B** on the Canadian National Occupational Classification Index (NOC).

Examples of **Skill Type 0** (Management occupations): City Administrator, Bank President, Vice President Marketing, Personnel Manager, Purchasing Director, Engineering Manager, Chief of Medical Staff, Manager of Social Services, Retail Store Manager, Restaurant Manager, Warehouse Manager, Utility Managers.

Examples of **Skill Type A** (Occupations usually requiring university education): Auditors and Accountants, Human Resource Specialists, Engineers, Architects, Doctors, Dentists, Veterinarians, Nurses, Pharmacists, Physical Therapists, Lawyers, Psychologists, Social Workers, Teachers, Writers, Librarians and Translators.

Examples of **Skill Type B**, (Occupations usually requiring college education or apprenticeship training): Executive Secretary, Electrical Technician, Medical Technician, Paralegal, Photographer, Interior Designer, Technical Sales Specialists, Sales Supervisors, Chefs and Cooks, Firefighters, Electricians, Plumbers and Mariners.

First one has to determine one's NOC category. Go to the NOC website at **www23.hrdc-drhc.gc.ca/2001/e/generic/welcome.shtml** to find an occupation title and job description that best matches a position held in the last 10 years.

What is the application fee for a skilled worker?

Principal applicant	$550
A family member of the principal applicant who is 22 years of age or older or is less than 22 years of age and is a spouse or common law partner	$550
A family member of the principal applicant who is less than 22 years of age and is not a spouse or common law partner	$150

Selection Criteria:

The processing of an immigration application begins the day the application for permanent residency is received along with the appropriate processing fees at the Canadian visa office responsible to the applicant's area of residence or country of citizenship. The processing fee is the fees paid to immigration Canada to review and process the application and is non-refundable.

In order for the application to be processed, one must provide all required information and supporting documents. The Canadian authorities, after reviewing the application, will decide if an interview is necessary or not. An interview is usually required to determine the applicant's personal suitability and work experience. During the interview, the applicant will be asked questions regarding education, past and present job experiences and reasons for immigration to Canada. The interview is the most crucial step in the entire immigration process and a proper orientation is of crucial importance.

If accepted after the interview, the applicant and dependants will be required to undergo a medical examination by a designated medical practitioner in the country of origin. After the interview, a background check is carried out in the countries of residence since the applicant's birthday. The applicant and dependants above 18 must also submit certificates of good conduct or police clearance certificates with the application, from countries one has resided for more than six months since attaining 16 years of age. This check includes every adult in the family.

In order for a permanent residence visa to be issued, the applicant and dependants above 22 should pay CIC the right of permanent residence fee (RPRF). This is to be paid after the interview and before issuance of visa. If the application is refused, the RPRF is refunded.

In general, applicants are served on first come/first serve basis, depending on the complexity of the application and on the number of applications that are being processed at that time in the Embassy or Consulate, which is processing the file.

The immigration visas will have an expiry date, which is usually one year from the date of the medical examination. No extensions are provided and if one fails to land before the expiry date, one should then submit a new application and pay new processing and the RPRF.

SPECIAL NOTES

Applications submitted before January 2002:

On September 18, 2003 Citizenship and Immigration Canada (CIC) Minister, Denis Coderre, recommended changes to the skilled worker transition rules. The new transition regulations will amend the Immigration and Refugee Protection Regulations (IRPA). Under these new Regulations the applications for permanent resident visas in the four classes, namely: skilled workers, self-employed persons, investors and entrepreneurs, received before January 1, 2002 will be assessed according to the old criteria. The applications submitted before January 2002 will be assessed using the selection criteria of the former *Immigration Act.* But, those applicants who do not qualify under the former Act will get a second chance to qualify for immigration to Canada with an assessment under the new IRPA without paying a new processing fee.

These provisions are to provide for the processing, in accordance with the selection criteria set out in the *Immigration Regulations 1978* (the former Regulations), of applications for permanent resident visas submitted before January 1, 2002, in the federal economic classes.

On June 28, 2002, the present *Immigration and Refugee Protection Act* (IRPA) established transitional rules that created a time frame for the processing of federal economic class applications that were submitted before January 1, 2002. Consequently, a transition period of nine months (ending on March 31, 2003) was set during which applications received before January 1, 2002, were assessed under the selection criteria of the former Regulations. These applications were to be selected in accordance with the selection criteria of the new Act after March 2003.

The proposed regulatory changes remove the deadline of March 31, 2003, for assessing these applications under the selection criteria of the former Regulations and provide that:

If an application is still pending, it will be assessed according to the selection criteria of the former Regulations;

If an applicant had withdrawn his application on or after January 1, 2002, and before the coming into force of the proposed regulatory changes, an assessment will be done according to the selection criteria of the former Regulations, in the case an application for a new assessment is submitted before January 1, 2005.

This new application will be processed on a fee-exempt basis if the fees attached to the withdrawn application were not refunded;

If an application was refused after March 31, 2003, under the existing transitional requirements of the *Immigration and Refugee Protection Regulations*, another assessment will be done under the selection criteria of the former Regulations, free of charge. Again, the applicant must submit an application for this reassessment prior to January 1, 2005.

In all of the above cases, if an application receives an insufficient number of units of assessment under the former Regulations, it will be assessed also under the current *Immigration and Refugee Protection Regulations*.

B2. The Business Immigration Class

Business immigrants are people who can invest in, or start a business in Canada and are expected to support the development of a strong and prosperous Canadian economy. There are three classes of business immigrants: **i. Entrepreneur ii. Investor, and iii. Self-employed**.

The province of Quebec has its own business immigration program. Business applicants intending to settle in the province of Quebec should refer to the Quebec immigration section. Most investors applying for immigration to Canada prefer Quebec's investor program for its speedy interviews.

i) Immigrating to Canada as an Entrepreneur:

The objective of the Entrepreneur Program is to provide experienced and successful, international business people with an opportunity to apply their expertise and investment capital in Canada in exchange for Permanent Residency. The Federal and Provincial governments work together to encourage international business people to immigrate and invest their entrepreneurial expertise, technical skills and investment capital in provincial and regional economies.

The most significant change in the administration of the Federal business program was the introduction of objective measurements to assess business experience. An applicant must demonstrate **ownership** and **control** of a qualifying business to satisfy

the business experience requirement. Qualifying businesses are measured with respect to four fundamental business factors: number of employees, sales, net income and net assets.

The Business Immigration Program introduced these changes to create a more objective system to assess ability to establish a successful business in Canada, to assess business experience in a simpler, more consistent and objective manner, and finally to provide applicants and visa officers alike with transparent, objective requirements and procedures.

In order to qualify as an entrepreneur, the applicant must have business experience. This means that one must have managed and controlled a percent of equity of a qualifying business. Entrepreneurs must also have at least CDN $300,000 of net worth.

Under the new regulations, Entrepreneurs will be required to demonstrate they have:

1. Legally obtained a net worth of at least CDN $300,000;

2. Business experience for any two of the five years preceding the date of application; and

3. Satisfactorily demonstrated to a Visa Officer that they have intention and ability to control and operate a "qualifying Canadian Business" for at least one year within three years of becoming a permanent resident. The entrepreneur will have to create a minimum of one new "full-time" job for a Canadian citizen or permanent resident.

It is understood that when one immigrates to Canada as an entrepreneur, he/she has the intention and the ability to control a percentage of equity of a qualifying Canadian business. The applicant must provide active and ongoing management of the qualifying Canadian business. The business must create at least one new full-time job for a Canadian citizen or permanent resident. These requirements must be met within three years of becoming a permanent resident.

There are regulatory requirements, which the prospective entrepreneur should meet. An "Entrepreneur" for the purpose of immigration to Canada, is a foreign national who has business

experience; has a legally obtained minimum net worth; and provides a written statement to an officer that they intend to and will be able to meet the conditions referred to in subsections 98 (1) to (5).

According to subsection 98 (1) an entrepreneur who becomes a permanent resident must meet the following conditions: 1. Control a percentage of the equity of a qualifying Canadian business equal to or greater than 33.3 per cent; 2. Provide active and ongoing management of the qualifying Canadian business. 3. Create at least one incremental full-time job equivalent for Canadian citizens or permanent residents, other than the entrepreneur and their family members.

The entrepreneur must meet the conditions for a period of at least one year within the period of three years after the day on which the entrepreneur becomes a permanent resident. Furthermore, an entrepreneur who becomes a permanent resident must provide to an officer evidence of compliance with the conditions within the period of three years after the day on which the entrepreneur becomes a permanent resident.

The entrepreneur must provide to an officer, not later than six months after the day on which he/she becomes a permanent resident, their residential address and telephone number; and during the period beginning 18 months after and ending 24 months after the day on which the entrepreneur becomes a permanent resident, evidence of their efforts to comply with the conditions.

"Business experience", in respect of an entrepreneur, refers to the management of a qualifying business and the control of a percentage of equity of the qualifying business for at least two years in the period beginning five years before the date of application for a permanent resident visa and ending on the day a determination is made in respect of the application.

A full-time job equivalent would have involved *1,950* hours of paid employment. Applicants must provide acceptable documentary proof that they have recent experience as an owner of a "qualifying business" for any two of the five years preceding the date of application. Acceptable documentary proof must clearly demonstrate the level of ownership, annual financial performance and number of employees managed.

A Visa Officer will determine business performance by reviewing four factors: number of employees, sales, net income and net assets for at least two of the five years prior to the date of the selection interview and decision.

An applicant's business records will have to demonstrate they can meet or exceed expected performance levels for two of the four factors. Visa Officers will apply a formula based on the level of equity in the business the applicant has declared. The following chart explains the formula for three applicants: sole proprietor, equal partner and minority partner.

The "minimum net worth" in respect of an entrepreneur, is CDN

QUALIFYING BUSINESS EVALUATION CHART

(In any two of the last five years prior to application)
All figures in Canadian $

% OWNERSHIP IN QUALIFYING BUSINESS:	100% Sole Proprietor	50% Equal Partner	20% Minority Partner
No. of Employees	2	4	
Annual Net Sales (Turnover)	$500,000	$1,000,000	$2,500,000
Net Income (Profit	$50,000	$100,000	$250,000
Net Assets (Equity)	$125,000	$250,000	$625,000

$300,000. The "Net worth", in respect of an entrepreneur, means the fair market value of all of the assets of the entrepreneur and their spouse or common-law partner minus the fair market value of all of their liabilities. The introduction of an objective measurement for personal net worth, CDN $300,000 is also a significant change in the selection criteria.

The determination of net worth is based on the fair market value of all assets, less the fair market value of all liabilities owned by the applicant and spouse, or common law partner. Appropriate records should verify the legal source of the declared net worth. Visa Officers can request tax records, bank records, and business operating statements and copies of wills, where declared assets were realized by virtue of inheritance. The power to refuse an application based solely on questioning the legal source of declared net worth is very broad. The determining of source of declared assets is the major reason why the processing of an application could be delayed.

There are no restrictions on what type of business one may start in Canada. The entrepreneur will be asked to accept and sign a declaration to abide with the following terms and conditions upon

landing in Canada. Any failure to comply with these conditions could result in the deportation of the entrepreneur and his/her dependents from Canada. An Entrepreneur who becomes a permanent resident must meet the following conditions:

1. Control no less than 33.3 per cent of a qualifying Canadian business. The applicant's equity investment in a "qualifying Canadian business" can be no less than CDN $125,000. This capital investment can be invested over a three-year period;

2. Provide active and ongoing management of the qualifying Canadian business;

3. Create at least one incremental full-time job equivalent for Canadian citizens or permanent residents, other than the entrepreneur and their family members; and

4. Meet the above conditions for a period of at least one year within the period of three years after the day on which the entrepreneur becomes a permanent resident.

A Visa Officer will determine business performance of the qualifying Canadian business by reviewing four factors: the number of employees, sales, net income and net assets for the required one year. An applicant's business records will have to demonstrate they can meet or exceed expected performance levels for two of the four factors. The Visa Officers will apply a formula based on the level of equity in the business the applicant has declared. The following chart explains the formula for three applicants: sole proprietor, equal partner and minority partner.

Selection Criteria:

% OWNERSHIP IN CANADIAN QUALIFYING BUSINESS:	100% Sole Proprietor	50% Equal Partner	33% Minority Partner
No. of Employees	2	4	6
Annual Net Sales (Turnover)	$250,000	$500,000	$750,000
Net Income (Profit	$25,000	$50,000	$75,000
Net Assets (Equity)	$125,000	$250,000	$625,000

The applicant must first meet the definition of the entrepreneur class to be eligible for selection. If one successfully meets the definition, he/she is then assessed against five selection factors, namely: age, education, official languages, experience and adaptability. A specific number of selection points are allotted for each selection factor. The tables in Annex 3 will enable the applicant to estimate how many points he/she would earn for each factor.

It is important that the applicant makes a careful assessment before applying because one must pay fees, one of which is non-refundable (the Processing fee) even if one's application is refused. If the applicant has a score lower than a total of 35 points, the application may be refused. The pass mark for the investor classes of business immigrants is 35. The maximum possible score is 100.

The pass mark is variable and is determined, on an ongoing basis, by the Minister of Citizenship and Immigration Canada, who bases the pass mark on three factors:

1. The number of applications made by members of the class one is applying under and currently being processed;
2. The number of members of one's class projected to become permanent residents according to the most recent Parliamentary report; and
3. The potential, taking into account economic and other relevant factors, for the establishment of members of one's class in Canada.

If the applicant meets the definition, the officer will then assess the score against the pass mark on the day the application is being assessed.

What are the application processing fees?	
Principal Entrepreneur applicant	$1050
A family member of the principal applicant who is 22 years of age or older or is less than 22 years of age and is a spouse or common law partner	$550
A family member of the principal applicant who is less than 22 years of age and is not a spouse or common law partner	$150

All permanent resident applicants must establish that they have enough money to support themselves and their family members for at least one year after they arrive in Canada. This is normally satisfied by the net worth requirement. Nonetheless, one should research the cost of living in the region of Canada where one intends to live and have access to enough capital for initial establishment. The applicant should be aware that Canadian legislation requires individuals entering Canada to declare cash funds of Cdn$10,000 or more. The individual will have to disclose these funds to a Canadian official upon arrival. Cash funds refers to money, (coins or bank notes), securities in bearer form (stocks, bonds, debentures, treasury bills etc.) and negotiable instruments in bearer form (bank drafts, travellers' cheques, money orders etc.).

ii) Immigration to Canada as an investor:

The Immigrant Investor Program seeks to draw experienced people and capital to Canada and investors must, thus, demonstrate business experience, a minimum net worth of Cdn $800,000 and make an investment of Cdn $400,000.

As an investor in the federal program, one must make a prescribed investment of Cdn $400,000. This investment is placed with the Receiver General of Canada. The participating provinces then use the investment to create jobs and help their economies grow. CIC will return this investment to the investor, without interest, in approximately five years after he/she has become a permanent resident. Investor immigrants may finance their investment. CIC has agreements with several financial institutions, all of which are members of the Canada Deposit Insurance Corporation (CDIC), to facilitate the financing of one's investment. Financing the required investment will cost approximately Cdn$125,000 to Cdn$130,000. This amount is the interest paid to a financial institution for investing the required Cdn$400,000 for five years on the investor's behalf with the federal government of Canada's investor fund.

The salient features of the investor program are that investors are not required to start a business in Canada, no immigration conditions are imposed to one's dependants or oneself, upon admission to Canada, and their investments are fully guaranteed by provinces and territories that participate in this program. The provinces and territories control the investment during the five years lock-in period.

Under the *Canada-Quebec Accor*d, the province of Québec operates its own immigrant investor program. All investors in the Québec program must intend to live in Québec and must be selected by Quebec. In common with the federal program, investors in the Québec program must invest $400,000 and have a net worth of $800,000. The major differences between the federal and Quebec programs are the evaluation of the investor's business experience and net worth. Also, the Quebec investor program will cost less if financed and interviews are much faster if scheduled in Montreal. *For more information on the Québec investor program please refer to the section on Québec immigration.*

An investor, for the purpose of immigrating to Canada, is a foreign national who has two years business or management experience; one who has a legally obtained net worth of at least Cdn $800,000; and indicates in writing to an officer that they intend to make or have made the required investment.

The required business experience means that the investor would have been involved in the management of a qualifying business and have control of a percentage of equity of the qualifying business for at least two years in the period beginning five years before the date of application for a permanent resident visa and ending on the day a determination is made in respect of the application; or the business experience could also be accumulated in the management of at least five full-time job equivalents per year in a business for at least two years in the period beginning five years before the date of application for a permanent resident visa and ending on the day a determination is made in respect of the application. A full-time job equivalent should have involved 1,950 hours of paid employment.

A qualifying business is one other than a business operated primarily for the purpose of deriving investment income such as interest, dividends or capital gainsfor which, in each of any two years in the period beginning five years before the date of application for a permanent resident visa and ending on the date a determination is made in respect of the application.

A Visa Officer will determine business performance by reviewing four factors: number of employees, sales, net income and net assets for at least two years of the five years prior to the date of the selection interview and decision. An applicant's business records will have to demonstrate they can meet or exceed expected performance levels for two of the four factors. The Visa Officers will apply a formula based on the level of equity in the business the

applicant has declared. The following chart explains the formula for three applicants: sole proprietor, equal partner and minority partner.

% OWNERSHIP IN CANADIAN QUALIFYING BUSINESS:	100% Sole Proprietor	50% Equal Partner	33% Minority Partner
No. of Employees	2	4	10
Annual Net Sales (Turnover)	$500,000	$1,000,000	$2,500,000
Net Income (Profit	$50,000	$100,000	$250,000
Net Assets (Equity)	$125,000	$250,000	$625,000

An investor's net assets, in respect of a qualifying business are the assets of the business, minus the liabilities of the business, plus shareholder loans made to the business by a foreign national and their spouse or common-law partner. Likewise, the investor's "net income", in respect of a qualifying business means the after-tax profit or loss of the business plus remuneration by the business to a foreign national and their spouse or common-law partner. The net worth refers to the fair market value of all of the assets of the investor and their spouse or common-law partner minus the fair market value of all of their liabilities.

An investor's percentage of equity, in respect of a sole proprietorship, would be 100 per cent and in respect of a corporation, it would mean the percentage of the issued and outstanding voting shares of the capital stock of the corporation controlled by a foreign national or their spouse or common-law partner. In respect of a partnership or joint venture "percentage of equity" refers to percentage of the profit or loss of the partnership or joint venture to which the foreign national or their spouse or common-law partner is entitled.

Selection Criteria:

The investor must first meet the definition of the investor class to be eligible for selection. If one successfully meets the definition, one is then assessed against five selection factors, namely: age, education, official languages, experience and adaptability. A specific number of selection points are allotted for each selection

factor. The tables in Annex 3 will help the applicant estimate how many points one would earn for each factor. It is important that the applicant makes a careful assessment before applying because one must pay fees, one of which is non-refundable (the Processing fee) even if the application is refused. If the applicant has a score lower than a total of 35 points, the application may be refused. The pass mark for the investor classes of business immigrants is 35. The maximum possible score is 100.

Once the application has been examined, the investor may be required to attend an interview. At the interview one must sign a Subscription Agreement and before a visa is issued, pay the Cdn $400,000 investment to Citizenship and Immigration Canada Headquarters in Ottawa. If one is financing the investment for the Immigrant Investor Program there are measures in place at Citizenship and Immigration Canada (CIC) headquarters to support this process. The payment of the Cdn $400,000 must be made by an electronic funds transfer which is also called a "wire transfer". After these steps are completed, the applicant may submit his/her passport to the Canadian visa office where one applied in order to receive the visa.

The pass mark is variable and is determined, on an ongoing basis, by the Minister of Citizenship and Immigration Canada, who bases the pass mark on three factors:

1. The number of applications made by members of the class one is applying under currently being processed;

2. The number of members of one's class projected to become permanent residents according to the most recent Parliamentary report; and

3. The potential, taking into account economic and other relevant factors, for the establishment of members of one's class in Canada.

If the applicant meets the definition, the officer will then assess the score against the current pass mark.

The applicant's spouse or common-law partner and dependent children aged 18 or over may also be asked to come to the interview. The officer may also ask about one's family, health, financial situation, or past difficulties with the law. There may also be questions to determine one's ability to settle successfully in Canada.

What are the application processing fees

Principal Investor applicant	$1050
A family member of the principal applicant who is 22 years of age or older or is less than 22 years of age and is a spouse or common law partner	$550
A family member of the principal applicant who is less than 22 years of age and is not a spouse or common law partner	$150

All permanent resident applicants must establish that they have enough money to support themselves and their family members for at least one year after they arrive in Canada. This is normally satisfied by the net worth requirement. Nonetheless, one should research the cost of living in the region of Canada where one intends to live and have access to enough capital for the initial establishment.

The applicant should be aware that Canadian legislation requires individuals entering Canada to declare cash funds of Cdn$10,000 or more. One will have to disclose these funds to a Canadian official upon arrival. Cash funds means money (coins or bank notes), securities in bearer form (stocks, bonds, debentures, treasury bills etc.) and negotiable instruments in bearer form (bank drafts, travellers' cheques, money orders etc.).

iii) Immigrating to Canada as a Self-employed individual:

As a self-employed individual, the applicant must have relevant experience in cultural activities, athletics or farm management. He/she must also have the intention and ability to establish a business that will, at a minimum, create employment for oneself and must make a significant contribution to cultural activities or athletics or purchase and manage a farm in Canada.

No immigration conditions are imposed on this class, but a self-employed individual must have enough money to support oneself and one's family after arrival in Canada.

A self-employed individual, for the purpose of immigration to Canada, is a foreign national who has relevant experience and has

the intention and ability to be self-employed in Canada as well as make a significant contribution to specified economic activities in Canada. The applicant's "relevant experience" would mean at least two years in the period beginning five years before the date of application for a permanent resident visa and ending on the day a determination is made in respect of the application in cultural activities or athletics or participation at a world-class level in cultural activities or athletics, or farm management experience..

The "specified economic activities" refers to cultural activities, athletics or the purchase and management of a farm.

Selection Criteria:

The applicant must first meet the definition of the self-employed class to be eligible for selection. If he/she successfully meets the definition, one is then assessed against five selection factors, namely: age, education, official languages, experience and adaptability. A specific number of selection points are allotted for each selection factor. The tables in Annex 4 will help the applicant estimate how many points one would earn for each factor. It is important that the applicant makes a careful assessment before applying because one must pay fees, one of which is non-refundable (the Processing fee) even if the application is refused. If the applicant has a score lower than a total of 35 points, the application may be refused. The pass mark for the self-employed classes of business immigrants is 35. The maximum possible score is 100.

The pass mark is variable and is determined, on an ongoing basis, by the Minister of Citizenship and Immigration Canada, who bases the pass mark on three factors:

1. The number of applications made by members of the class one is applying under currently being processed;

2. The number of members of one's class projected to become permanent residents according to the most recent Parliamentary report; and

3. The potential, taking into account economic and other relevant factors, for the establishment of members of one's class in Canada.

If the applicant meets the definition, the officer will then assess the score against the current pass mark. If there is a difference between the points one gives oneself and the points the officer awards, the officer's assessment will prevail.

The spouse or common-law partner and dependent children aged 18 or over may also be asked to come to the interview. The officer may also ask about one's family, health, financial situation, or past difficulties with the law. There may also be questions to determine one's ability to settle successfully in Canada.

C. REFUGEE CLASS

In keeping with its humanitarian tradition and international obligations, Canada provides protection to thousands of people every year. Canada is a signatory of the United Nations *1951 Geneva Convention Relating to the Status of Refugees and its 1967 Protocol*, and will usually accept refugees from most countries with a known history of persecution.

A convention refugee is a person who has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group and political opinion. A refugee might also be a stateless person who is outside his/her country of former or habitual home and who is unable to return to it.

Refugees and individuals needing protection are people in or outside Canada who fear returning to their country of nationality or habitual residence. Through its refugee protection system, Canada offers safe haven to individuals with a well-founded fear of persecution, as well as those at risk of torture or cruel and unusual treatment or punishment. Canada's refugee protection system consists of two main components. These applicants could apply for permanent residency either in Canada or outside Canada.

The refugee protection or **Asylum program**, is for individuals making refugee protection claims from within Canada, thus applying from inside of Canada, whereas the refugee and humanitarian **Resettlement program** is for people seeking protection from outside Canada thus applying from outside of Canada,

The Asylum program: A claim for protection can be made at a port of entry or at a CIC office in Canada. Once a CIC officer decides that one is a refugee protection claimant and is eligible, he then refers the claim to the Immigration and Refugee Board (IRB) for a decision on the risk on returning back. The protection is conferred

when the IRB determines that one is a Convention refugee or individual in need of protection.

If the individual is an eligible refugee, the claim is sent to the Immigration Refugee Board (IRB) to be heard at an independent tribunal. The members of the Refugee Protection Division (RPD) of the IRB hear these cases. They are specialists in refugee law and are well informed about conditions and political events in other countries. The RPD tribunal determines if a person is a protected individual based on an oral hearing. The hearing is usually held privately and is conducted in an informal and non-adversarial manner. Someone from the United Nations High Commissioner for Refugees (UNHCR) may observe these proceedings. All refugee protection claimants are given every opportunity to establish why they consider themselves in need of protection. The RPD tribunal will conduct this hearing and ensure that all the necessary information is presented before making a decision. A refugee claims officer (RCO) will ensure that the hearing is fair and quick.

A refugee will have the right to legal counsel to speak on his/her behalf, but one may also speak on one's behalf or choose a friend, relative or another individual to act as one's counsel.

If the IRB rejects the refugee's claim, it will send a written notice to him/her explaining the reasons for the decision. The refugee then has 30 days to leave Canada on one's own from the time the refusal letter was received. He/she also has 30 days to apply to have the case heard by a Federal Court. In most cases, claimants can stay in Canada while the Federal Court is hearing their case.

If the IRB determines the refugee is a protected person, the next step is for that individual to apply for permanent resident status from within Canada.

Resettlement program:

The Resettlement Program allows Canada to uphold its humanitarian traditions. In addition to government efforts, private sponsorships enable organizations and groups of individuals to assist refugees and other people in similar circumstances to rebuild their lives in Canada.

The refugee selection is done by CIC for those who are seeking resettlement in Canada. In order to be selected, a refugee must not have another option within a reasonable time. Before accepting a person as a refugee, CIC will make sure that individual

cannot go home to their country of nationality or usual residence or stay in the country where they have been given asylum.

CIC will also look to see if there is another country where refugees can resettle. The people selected for resettlement undergo medical, security and criminality screening. They must also show that they will eventually be able to re-establish themselves in Canada. These individuals are selected based on the criteria relating to three categories of refugees: Country of Asylum Class; Convention Refugee Abroad Class and Source Country Class.

i) Country of Asylum Class: This class includes refugees who are outside their country of citizenship or habitual residence and are seriously and personally affected by civil war; armed conflict; or massive violations of human rights. The individuals selected under this class must be privately sponsored or have adequate financial means to support themselves and their dependants.

ii) The Convention Refugee Abroad class: This group of refugees are also outside their country of citizenship or habitual residence, but have a well-founded fear of persecution for reasons of race, religion; political opinion; nationality; or membership with a particular social group. The individuals selected under this class can be privately sponsored.

iii) Source Country Class: This class of refugees includes individuals who meet the definition of a Convention Refugee but are still in their country of citizenship or habitual residence. It also includes people who have been detained or imprisoned and are suffering serious deprivations of the right of freedom of expression, the right of dissent or the right to engage in trade union activity. Only citizens or habitual residents of the specific countries listed in Schedule 2 to the Citizenship and Immigration Regulations are eligible under this class. The individuals selected under this class are eligible for government assistance or may be privately sponsored.

The method for application to Canadian Missions abroad for refugee resettlement has changed since June 28, 2002. Under the new *Immigration and Refugee Protection Act,* Regulation 150 requires that a permanent resident visa application for resettlement must be accompanied by a referral from the United Nations High Commissioner for Refugees (UNHCR) or an undertaking for private sponsorship.

In exceptional circumstances [R150 (3)], an application for resettlement may be accepted at a Canadian Mission abroad, directly from an applicant without the need to be accompanied by a referral. If

the country of residence of the applicant has been deemed to have direct access to a Canadian Mission abroad, then, the Mission serving the applicant's country of residence will accept applications directly from the applicant. At this moment the countries considered having Direct Access to a Canadian Mission abroad are: DR Congo, Sudan, El Salvador, Guatemala, Colombia, and Sierra Leone.

SPECIAL NOTES

Women at Risk program (WAR):

Canada has a special program to offer immediate help to women who are at risk. In February 1988, the Government of Canada created this program for refugee women in desperate circumstances. This program is to address the special needs of refugee women whose safety cannot be ensured; who often do not have family or friends to support or protect them; who are vulnerable to the threat of rape and other forms of violence due to the lack of protection; or whose situations are so critical that urgent protection is required.

In addition, many of the women selected have dependants and come from cultures that have denied them access to education and work. Women and their accompanying dependants may need protection from their own neighbours, family, or local authorities, such as the police or army.

Canada has given over 2,250 women and children a safe home since the beginning of this program.

D. IMMIGRATING TO QUEBEC

The Quebec government and the Government of Canada have an agreement that allows Quebec to select immigrants who best meet its immigration needs. Under the Canada-Quebec Accord on Immigration of 1976, Quebec is able to establish its own immigration requirements and select immigrants who will adapt well to living in Quebec.

The exercise of selection of newcomers to Quebec is a public policy intended to demonstrate to the world that Quebec has achieved a certain autonomy that may lead to its sovereignty, this latter being a public objective of the government of Quebec.

Quebec has had the right since 1978 to select its own independent-class and business class immigrants. It is unreasonable to expect that the province, which in 2002 recorded the lowest absolute number of babies born since 1910, would turn away any potential immigrant who shows promise of fulfilling the province's demographic or economic needs.

Quebec has the authority to "select only" a wide variety of immigrants willing to settle in the French-speaking province. Independent immigrants i.e. skilled workers, entrepreneurs, investors and self-employed are selected based on their ability to work or invest and successfully settle in Quebec.

The prospective independent immigrants to Quebec would have to seek a "Certificate of Selection du Quebec" and would have also to satisfy federal requirements in terms of medical and security screenings. Obtaining the CSQ certificate starts by filling an "Application for a Certificate of Selection" which is submitted overseas to one of the seven missions. Like the federal program, applications must be submitted to the mission responsible to their area of residence or citizenship.

The authority of Québec in respect of selection is exclusive and is exercised according to criteria that it has adopted in light of its needs from the standpoint of immigration. In order to be selected, the applicant must satisfy the prerequisites of one of the three programs for skilled workers established by the Québec government. If the application is accepted, the applicant will receive a Certificat de Sélection du Québec (CSQ), the official immigration document issued by the Québec government.

Of course, after the applicant has been selected by Quebec, one has to make a separate application to Citizenship and Immigration Canada (CIC) for permanent residence. When one has successfully undergone a medical examination and the security checks required by the Government of Canada, an immigrant visa is issued.

Discretionary decision-making is mostly felt in the Quebec immigration system compared with the federal one. Since the volume of immigrants going through it is much smaller, the possibility of exercising discretion on a case to case basis is much higher, especially because immigration authorities have regulatory administrative procedures which allow them to decide on issuing, not issuing, renewing or cancelling a Quebec Certificate of Selection, as well as changing any immigration selection criteria without notice and the power to apply those changes on already filed application if required.

Although the Quebec Immigration Program is self-regulated, prospective immigrants to Quebec must pay the required Quebec processing fees. Federal processing and right of permanent residence fees (RPRF) are applicable in addition to the Quebec fees. The federal government could also refuse anyone who has a certificate of selection or acceptance by the Quebec authority. The federal refusals are usually either for medical reasons or lack of proof for the provenance of funds declared in the application

Quebec Skilled Worker Immigrant Class

In order to be selected as an immigrant worker, the applicant must have received training and possess occupational skills that will facilitate his/her integration into the labour market. Indeed one must satisfy the prerequisites for one of the three immigration programs for immigrant skilled workers:

1. Has a Québec employer offered you a job? Check to see if you are eligible for the ***Assured Job Employment Program;*** or

2. Given your occupation, do you have an excellent chance of finding a job in Québec? Are you a highly qualified worker in the information technologies and telecommunications, biotechnology or aeronautics sector? Check the Quebec list of occupation in demand and see if you are eligible for the ***Occupations in Demand Program;*** or

3. Does your occupational profile allow you to adapt to the demands of the Québec labour market? Check to see if you are eligible for the ***Employability and Occupational Mobility Program***.

The screening procedure for Quebec-destined skilled workers is based on a **Selection Grid**. This grid is to predict the applicant's successful settlement and ability to work in Quebec. The applicants' experience, education, language ability, knowledge of Quebec are some of the factors considered in this grid, See annex 5.

1. The Assured Employment program:

In order to qualify under this program, the applicant must

have received an official job offer from a Québec employer. The Québec employer must demonstrate that they were unable to recruit a Canadian citizen or landed immigrant to fill the position. Annex 1 contains the List of Occupations Exempt from Proof of Workforce Scarcity (Effective June 28, 2002).

The Quebec employer should have been in business in Québec for over 12 months and must undertake in writing to reserve the job for the foreign worker to be able to prove that, despite reasonable efforts to hire a qualified Québec resident, the company is unable to fill the position locally. The company must have relied on the usual recruitment channels, i.e. the print and electronic media, and so on, to demonstrate that a reasonable effort was made. The employer is not required to demonstrate the scarcity of local manpower when the assured job is included in the List of Occupations Exempt from Proof of Workforce Scarcity.

The Quebec employer must also prove that local manpower cannot be trained to fill this position within one year and must also offer a position that complies with legal and regulatory obligations, ie. the absence of a labour conflict and agreement with the union, as the case may be.

The worker hired must show, at the time of selection, that he satisfies the conditions of the position offered and conditions governing access to the occupation as defined in the National Occupational Classification; possesses, if required, certification of eligibility or a work permit from a professional body or association; and undertakes in writing to occupy this position as soon as he enters Canada.

2. The Occupations in Demand program

In order to qualify under this program, the applicant must practice an occupation included on the list of occupations in demand, have at least six months of work experience in this occupation and upon arrival in Québec, possess the minimum funds needed to support oneself for the first three months. It may be noted that the assessment of one's immigration application will take into account several other factors. The applicant may refer to Annex 2 for a list of occupations in demand. The applicant must also obtain sufficient points on the Quebec selection grid to be selected by Quebec authorities. (Refer to Annex 5).

3. Employability and Occupational Mobility program:

In order to qualify under this program, applicants must have an employability and occupational mobility profile that enables them to readily adapt to the rapid changes in the Québec labour market. The key factors are training; work experience; age; knowledge of French and English; previous visits to or ties with Québec; at least six months of work experience; and upon arrival in Québec, possession of the minimum funds needed to support oneself for the first three months. In this selection, the applicant should demonstrate his/her employability by scoring the 30 required points on the Mini-Grid of Employability. (Please refer to Annex 6). Applicants in this program must not have their occupation on the list of inadmissible professions, (Refer to Annex 8). The applicant must obtain sufficient points on the Quebec selection grid to be selected by Quebec authorities (Refer to Annex 5).

Financial Self-sufficiency:

The principal applicant must have a sufficient sum of money at his/her disposal to meet basic needs and those of their family during a minimum period of three months. They must demonstrate during the interview, if applicable, that they will still have this money upon arrival in Québec, having taken into account that there are various costs associated with immigration fees levied by Québec and Canada, transportation costs and other expenses.

A single individual must have at one's disposal at least $2,300 to meet basic needs during the first three months in Québec. Add approximately $1,000 to this sum for each additional, accompanying member of the family. If a candidate does not have sufficient financial resources, the application will be refused at the selection stage, as this is a disqualifying factor.

Steps to immigrate

1. The applicant must make sure to satisfy the prerequisites of one of the three immigration programs for workers.

2. If one has a guaranteed job offer and can satisfy the requirements of the Assured Job Program, proceed to step

four and ask the employer to consult the procedure for hiring a foreign worker.

3. If one can satisfy the requirements for the Occupations in Demand Program or the Employability and Occupational Mobility Program, complete the Preliminary Application for Immigration. The Québec immigration office abroad, specific to the applicant's territory will review the application free of charge. If the response is positive, the applicant will be notified accordingly and will receive the necessary forms within a few months. If one does not receive a response within this time, the application has not been retained.

4. At this stage the applicant can complete the Application for a Selection Certificate (ACS) sent to him/her. Follow the instructions provided and return this form, accompanied by the necessary supporting documents and the file processing fee.

5. If the application is accepted, the applicant will receive a decision about whether or not an interview is necessary for one's selection. After the interview or if one's interview is waived, the applicant will receive, by mail, a Certificat de Selection du Québec (CSQ), the official immigration document issued by the Government of Québec.

6. Following the CSQ, the applicant must submit an application for residency to Canada, along with the correct fees (processing and RPRF) to the Canadian Embassy or the Canadian Visa Office serving one's territory. When the applicant and his/her family have successfully completed the necessary medical examination and security check, the Government of Canada will issue an immigration visa. The processing period may vary from one territory to the next.

The Quebec Business Immigration Program

In order to be selected as a business immigrant, the applicant must undertake to make an investment that will generate significant economic benefits for Québec.

There are some major differences between the federal and the Quebec business immigration program. Quebec looks at the individual, not the paper. Quebec has well-trained business specialists to conduct immigration interviews, in contrast to federal immigration officers, who do not have the same degree of business training or expertise. Lawyers, or members of the Quebec bar, can be present at the interviews of their clients.

The interview for a Quebec investor class applicant can be scheduled in Montreal in a few months, avoiding in some cases, years of waiting to obtain an interview date. Financing the Cdn$400,000 required investment with the Quebec investment fund is also less costly in the Quebec program, which is around Cdn$120,000.

The prospective business immigrant must make sure to satisfy the eligibility requirements of one of the three programs for Quebec business immigrants.

1. Do you intend to come to Québec with a business plan that will create jobs? Check to see if you qualify for the ***Entrepreneur Program***.

2. Do you intend to come to Québec and contribute to its economic development by making a sizeable capital investment? Check to see if you qualify for the ***Investor Program***.

3. Do you intend to come to Québec to create your own employment by practicing an occupation on your own ? Check to see if you qualify for the ***Self-Employed Worker Program***.

1. The Entrepreneur Program:

The applicant must have, along with the accompanying married or common-law spouse, where applicable, lawfully acquired net assets of at least Cdn$300,000; have at least three years of management experience (planning, supervision and control of human,

physical and financial resources) acquired in a lawful and profitable business (agricultural, industrial or commercial); submit a business plan to establish or acquire a business in Québec that will be managed solely or as a partner in management and day-to-day operations; satisfy the following conditions for at least one year in the three years after one has become a permanent resident, namely: control at least 33.3 per cent of the capital of an eligible Canadian business; manage the corporation actively and continuously; create the equivalent of at least one full-time equivalent job for Canadian citizens or permanent residents other than oneself and members of one's family.

2. The Investor Program:

In order to qualify under this program, the applicant must have a minimum net worth of C$800,000 acquired through lawful economic activities; have at least three years of management experience (planning, supervision and control of human, material and financial resources) in a profitable and lawful business (agricultural, industrial or commercial), in government or with an international agency; undertake to invest a minimum of C$400,000, for five years, by signing an agreement with a financial intermediary: a stock broker recognized by the Commission des *valeurs mobilieres du Québec* or a trust company. This amount will be invested with *Investissement Québec* or one of its subsidiaries to fund a program to assist small and medium-sized businesses in Québec.

3. The Self-employed Worker Program

The applicant must come to Québec to create one's own job by practicing an occupation on one's own account; possess a lawfully acquired minimum net worth of C$100,000 along with accompanying married or common-law spouse, where applicable; have at least two years of experience as a self-employed worker in the occupation he or she plans to pursue in Québec.

E) PROVINCIAL NOMINEE PROGRAMS:

Most provinces in Canada have an agreement with the Government of Canada that allows them to play a more direct role in selecting immigrants who wish to settle in that province.

In order to immigrate to one of Canada's provinces as a provincial nominee, one must first apply to the province where one would like to settle. The province will consider the application based on their immigration needs and the applicant's genuine intention to settle there.

Before applying to immigrate to Canada, provincial nominees must complete the provincial nomination process. Once nominated by a province, the applicant must make a separate application to Citizenship and Immigration Canada (CIC) for permanent residence.

A CIC officer will assess the application based on Canadian immigration regulations, although it is important to note that provincial nominees are not assessed on the six selection factors of the federal skilled workers program.

But the Provincial Nominee Program has been criticized by a couple of immigrant service organizations whose contention is that when new immigrant familiies are located in communities where social supports are few and there is little or no access to existing services, the struggle to adapt and integrate is more difficult and will take more time. The social cost of such isolation is high.

That said, the program has reported success in Winnipeg, Manitoba which was probably on account of the investments made in infrastructure and programming to create a welcoming community for immigrants.

Those that oppose the PNP believe that any investment in infrastructure should include employment, housing and social and health services, as well as create an atmosphere that is tolerant and free of discrimination. The creation of immigrant 'bantustans' where newcomer families are contracted to settle, and are then marooned in a potentially hostile environment is completely unacceptable," says one group.

But Citizenship and Immigration Minister Coderre acknowledges the reality that many immigrants do, indeed, choose to settle in major urban centres. "The challenge will be to encourage immigrants to settle in other regions of Canada to allow all parts of the country to benefit from immigration," he says.

"It is the responsibility of all levels of government and other organizations to cooperate. I have met with my provincial colleagues and we have agreed to work together to develop flexible approaches to draw immigrants to smaller centers," he said.

THE PROVINCIAL NOMINEE PROGRAM IN ALBERTA

The Alberta Provincial Nominee Program (PNP), like other PNP programs in other provinces is an employer-driven immigration program, where employers unable to fill skilled positions with Canadian residents may present their business case to the Alberta PNP and apply for approval to recruit a specified number of foreign candidates to fill these positions.

Of course, employers may also apply to the PNP to nominate individuals already working in Alberta, under Temporary Foreign Worker Authorization.

The employer's application under the Provincial Nominee Program will be considered where the position cannot be filled by a Canadian resident; is for permanent, full-time employment in Alberta; meets provincial employment and wage standards; is offered to an individual who meets the required qualifications; and does not conflict with existing collective bargaining agreements.

The prospective employees may be considered for PNP nomination if: they are recruited by a pre-approved Alberta employer; and have a valid job offer. But the successful PNP candidates nominated by the government of Alberta will be required to meet Ottawa's health, criminal and security checks before an immigration visa is issued.

THE PROVINCIAL NOMINEE PROGRAM IN BRITISH COLUMBIA

The British Columbia Provincial Nominee Program (BC PNP) has been developed to assist employers fill critical skill shortages. The BC PNP is a special component of the Canadian immigration program. Nomination through the BC program removes the requirement to meet the occupation points screen and allows for faster processing.

Under the BC program, immigration processing will take approximately six months, rather than the eighteen months to two years that it otherwise does. The temporary foreign worker program is currently used to meet some critical skill shortages but this is a temporary solution for employer and employee. In contrast, use of the BC program to meet critical skill shortages adds to the permanent workforce.

The BC program is employer-driven. If an employer has a permanent, full-time vacancy in a field where there is a shortage of qualified workers, the company may recruit a qualified person, and then apply for nomination for that person.

A further goal of the BC program is to increase economic benefit to the economy. It is aimed at high skilled occupations, where the potential for gains to the economy are substantial and where it is expected that there will be a transfer of skills to the province's workforce. These occupations typically require considerable education. Other positions might be skilled trades where the lack of qualified workers is causing a bottleneck to production.

This program views employers as partners. It is assumed that employers use international recruiting (which is costly and time-consuming) only for very good reasons. Therefore, requests for nomination from employers will be viewed as valid, unless inconsistent employer and job information raises concerns. It is understood that any immigration program could be open to inappropriate applications, but it is expected that these will be screened out in the assessment process.

The program is not run by a specific skill shortage list as it is in some other provinces. Rather, it targets some sectors as high priorities and has drawn together information on well-documented shortages. The initial priorities include high technology workers and some highly skilled trades. The IT sector is seen as a priority, especially in software development as is the aerospace sector. Post-secondary education is also being considered, because of anticipated retirements and because the current practice of preferentially hiring Canadians, sometimes impedes obtaining the best person. Other areas, such as skilled trades will also be addressed.

These priorities are not exhaustive. Employers in other industries who identify key shortages and the need to recruit from outside of Canada are encouraged to apply to the nominee program. These priorities are open to change as additional information on skill shortages develop.

THE PROVINCIAL NOMINEE PROGRAM IN MANITOBA

The Manitoba Provincial Nominee Program recognizes the fact that the province is best positioned to determine its specific economic needs in terms of immigration. The program allows the province to recruit and assess immigrants who are best suited to

contribute to the province's economy and who intend to live and work in Manitoba.

The program seeks out potential immigrants with characteristics suggesting a strong likelihood of becoming successfully established in Manitoba, including those who otherwise may not qualify under Canada's federal immigration criteria. It offers qualified workers and business people an opportunity to be assessed as candidates who might be of significant benefit to the province's economic development.

There are two categories of immigrants under the Manitoba Provincial Nominee Program. One targets skilled workers and the other, business immigrants.

The applicants nominated by Manitoba who satisfy Ottawa's medical, and security requirements should receive positive and prompt consideration from Citizenship and Immigration Canada (CIC). Under the program for skilled workers, Manitoba recruits, screens and nominates prospective immigrants with the skills to fill specific Manitoba labour market requirements.

A skilled worker who is interested in living and working in Manitoba has the best chance of being nominated if his or her training and work experience is in demand in Manitoba; he or she has a guaranteed job offer consistent with training and experience; and has settlement supports in Manitoba to assist upon arrival in Manitoba.

The above factors are considered when an application is assessed according to the criteria outlined in the Application Kit. If Manitoba nominates a skilled worker, a Certificate of Nomination will be issued. The nominee can then apply for a permanent resident visa through CIC and meet the statutory requirements specific to health security and criminal checks..

The Manitoba Nominee Program for Business

The Province of Manitoba and Government of Canada share responsibilities regarding business people immigrating to Canada through the Manitoba Provincial Nominee Immigration Program for Business.

This program allows Manitoba to recruit, select, and nominate qualified business people from around the world who have the intent and ability to move to Manitoba and establish or purchase a

business. In order to qualify for the program, applicants must meet the following criteria:

- Minimum personal net worth of CDN $250,000;
- Minimum amount of equity investment in Manitoba of CDN $150,000;
- Business experience or extensive experience in senior management of a successful company;
- Supply a Cash Deposit to the Government of Manitoba, in the amount of CDN$75,000 guaranteeing the establishment or purchase of a business in Manitoba. (In most cases, the Cash Deposit will be released when the investment is made and the intended business is undertaken as outlined in the application.)

Furthermore, the program requires that the applicant visits Manitoba within a few months of applying to explore business opportunities and Manitoba's quality of life. The applicants who are nominated will be required to apply for an immigrant visa through a Canadian Visa Office.

THE NOVA SCOTIA PROVINCIAL NOMINEE PROGRAM

The Canada/Nova Scotia Nominee Agreement was signed in August 2002 and allows the province to select 200 immigrants per year who meet its specific economic, industrial and labour market needs.

There are two categories of nominees under this program :

1. Economic Nominees

In order to qualify as an "Economic Nominee", an applicant must:

- Be between the ages of 25 and 60 at the time of his or her application;
- Have basic skills in English or French and English, which include speaking, reading and writing, and would be sufficient for the applicant to be understood or function in a job situation;
- Have a minimum education of Grade 12 or equivalent;

- Have owned (wholly or in partnership) and operated a business or have two years of management experience in the previous five years, which may be in a business, governmental, institutional, or other organizational unit, either for profit or not for profit;

- Have legally accumulated a minimum net worth of CDN $300,000, for which documentation is necessary;

- Pay a non-refundable processing fee of $1,700;

- Make an exploratory visit to Canada for a minimum of five business days;

- State his or her intention of settling in the Province; and

- Make a one-time non-refundable economic contribution of $128,800 to a Nova Scotia company approved by the Province. This amount will be held in trust and returned, without deduction or interest, if the Nominee's Application for Permanent Residence is refused.

Furthermore, the Economic Nominee will be able to select a 6-month middle management employment contract for a salary of $20,000 from a list of companies approved by the Province. The Nominee's investment will be made in the Nominee's chosen company. The Nova Scotia companies will be put forward by local regional development authorities or similar groups and must have a minimum of five employees in order to qualify. The Economic Nominee must accept the employment contract, which is intended to settle the nominee in Nova Scotia.

Since the program is not intended to compete with the federal Investor or Entrepreneur categories, applicants who qualify for the federal Investor or Entrepreneur categories are encouraged to apply to those programs.

2. Skilled Worker Nominees

The Skilled Worker category of the Nova Scotia Nominee Program targets highly skilled occupations, where the potential for benefits to the provincial economy is significant and where a transfer of skills to

the province's workforce is anticipated. The program has identified some provincial sectors and industries as high priorities, which include aerospace, offshore oil and gas drilling and exploration, technology and other highly skilled trades.

The Skilled Worker category is employer-driven and is intended to assist employers in filling critical skill shortages in the permanent work force. The employer must have a permanent, full-time vacancy in a field where there is a shortage of qualified workers in Nova Scotia. A typical Skilled Worker Nominee will have considerable education or training in a skilled trade in which Nova Scotia lacks qualified workers.

The processing fee for this category is $5,500, of which $1,700 is non-refundable should the Nominee's Application for Permanent Residence be refused.

Processing of the Nominee Program Applications

Once a Nominee has been approved by the Province and a Nominee Certificate has been issued, the application for Permanent Residence is sent to the Canadian Consulate or Embassy that is responsible for the home country of the applicant for security and medical checks. A Nominee must submit his or her application for Permanent Residence within 180 days of having received notice that a Nominee Certificate has been issued. In tandem with the submission of the application for permanent residence, the federal processing fees of $550 per adult and Right of Permanent Residence fees of $975 per adult must also be submitted.

The processing time for Nova Scotia Nominee Program applications will be significantly faster than through the federal immigration program. The experience of other provinces with their Provincial Nominee Programs is a processing time of approximately six to nine months, in contrast to the 18 to 24 month processing time for many federal applications.

NEW BRUNSWICK PROVINCIAL NOMINEE PROGRAM

The Canada/New Brunswick Provincial Nominee Agreement was signed in February 1999 and allows the province an active role in selecting immigrants to fulfill specific economic needs.

Under the Provincial Nominee Program, New Brunswick

seeks immigrants with job skills who will come to province to fill labour market shortages or support employment or business expansion.

In order to qualify under the program, an applicant must either have:

1.A guaranteed job offer in his/her intended occupation; or
2.A business plan that will create employment for the applicant at the very least.

Other Selection Factors

The applicant must demonstrate a range of experience and adaptability in New Brunswick. This is measured under seven factors:

1. Age,
2. Language skills,
3. Education,
4. Work experience,
5. Adaptability,
6. Skill shortage (for job offer applicants only), and
7. Business experience (for business plan applicants only).

These factors are awarded points. In order to qualify an applicant must have a minimum of 50 points to be considered under the New Brunswick Provincial Nominee Program.

PRINCE EDWARD ISLAND NOMINEE PROGRAM

Ottawa and Prince Edward Island signed a Provincial Nominee Program (PNP) agreement in 2001. Under the accord, the Government of Prince Edward Island may select, or nominate, foreign nationals for permanent resident status to achieve certain socio-economic goals. But the Government of Canada retains final approval over immigrants nominated by the Province of Prince Edward Island.

The Nominee Program targets immigrants who intend to settle on PEI; who have language ability in English or French; and who have earned a baccalaureate degree, or equivalent, from an accredited institution. Specific financial criteria may apply depending upon the program element under which the applicant intends to apply. These are:

- Skilled Worker - an applicant with specialized skills and experience which may fill labour market shortages

- Immigrant Entrepreneur - an applicant who proposes to establish a viable, new business

- Immigrant Partner - an applicant who proposes to make an investment in an existing PEI company and to take an active role in that company as a director or as a senior manager

1. Getting Started

The process begins with the applicant selecting Prince Edward Island as his/her intended new home in Canada. The PEI government encourages prospective immigrants to find out as much as possible about the opportunities and life style on Prince Edward Island. A good starting point is the Government of Prince Edward Island website www.gov.pe.ca which provides a wealth of information and links to other websites to help one make the important decision to settle there.

2. Self Assessment

The self-assessment questionnaire will enable the applicant to determine whether he or she meets the criteria to be nominated, or selected, by the Province of Prince Edward Island for immigration to Canada. In order to simplify processing, the province assesses the application based on the *skilled worker point scoring system* developed by Citizenship & Immigration Canada. The federal government's skilled worker point scoring system is used, regardless of whether one is applying for nomination by the province as a skilled worker, an immigrant entrepreneur or an immigrant partner.

3. Pre-Assessment

Where approximately 50 points, or more, are achieved through self-assessment, the applicant may continue with the process of immigration by submitting the self-assessment questionnaire for review, or pre-assessment. The points value

necessary to be nominated by the Province may be adjusted to account for specific provincial socio-economic priorities and objectives. The Program Officer will usually indicate within three business days whether or not one may proceed to the next step. At this point, the process is somewhat different for skilled workers than for immigrant entrepreneurs or immigrant partners.

To access a Self-Assessment Questionnaire, go to<www.gov.pe.ca/forms/pdf/533.pdf>

PEI employer database on-line

The Government of Prince Edward Island provides the skills shortage list which acts as an information tool for prospective immigrants to assess the likelihood of their securing paid employment in a particular occupation. PEI's workforce is quite small and, thus, labour market gaps might change relatively quickly. The inclusion of a particular occupation in the skills shortage data base is no assurance that employment can readily be obtained.

The Government of Canada maintains the Job Bank, a database of employers on PEI attempting to recruit employees for specific vacant positions. The Job Bank allows prospective applicants to apply for jobs on-line. A bona fide offer of paid employment, at prevailing market rates, from a PEI employer is a requirement for nomination of skilled workers. The applicant may be asked to visit PEI for a pre-employment interview.

In some circumstances, a temporary work permit will be arranged to allow the prospective immigrant to accept employment and to assess whether he/she and their family will be able to settle successfully on PEI. The skilled workers who plan on being self-employed upon settlement in PEI will be treated under the immigrant entrepreneur element of the Nominee Program.

The immigrant entrepreneur element of the Nominee Program is intended for prospective immigrants who propose to establish a business on PEI

Net Worth and Liquidity Requirements for Entrepreneurs

Immigrant entrepreneurs must have a minimum net worth of $750,000, including minimum liquid assets of $350,000 in either cash, demand deposits with a financial institution, term deposits, tax

shelters convertible to cash, and readily marketable investments including publicly traded stocks or bonds.

Immigrant Entrepreneur Investment in a New Business

An immigrant entrepreneur must make a minimum business investment of $200,000 to establish a new enterprise and to place $25,000 in escrow with the Government of PEI as a good faith deposit. Business investment refers to investment required to finance the assets and operations of the new enterprise and may include:

i. start-up costs

ii. inventories and accounts receivable associated with the business start;

iii. licenses, franchises, and other intangible assets necessary to establish/operate the business and purchased from third parties;

iv. machinery, fixtures, tools and other equipment, excluding passenger vehicles;

v. real estate, excluding residential real estate, and

vi. leasehold improvements to leased business premises.

What businesses are eligible

The immigrant entrepreneur may establish an active business in virtually any sector within PEI's economy. Active business refers to manufacturing and/or trading of products and services but excludes investment holding companies, real estate rental operations, loan/ investment companies and other non-active investment. Where professional credentials or licenses to practice are required to establish or operate the business on PEI, the immigrant entrepreneur will be required to demonstrate as part of the business plan, that he/ she has met, or can reasonably be expected to meet, the conditions precedent to start-up.

Good Faith Deposit

In applying to immigrate to Canada under the PEI Nominee Program, the applicant certifies the intention of settling in PEI. As evidence of

good faith, the province requires that the applicant will place in trust with the Government of PEI a $25,000 performance deposit which is fully refundable, with interest, one year after landing provided that the immigrant entrepreneur can demonstrate to the satisfaction of the province that:

i. the business is fully operational, selling goods and/or services to unrelated third parties; and

ii. the immigrant entrepreneur and his/her family maintain a residence on PEI.

Evidence that a business is fully operational may include, for example, a visit to the business premises; an examination of the books and records of the company, tax returns to the Canada Customs and Revenue Agency or the Provincial Treasury; or other corroboration Furthermore, the government would like to see evidence that a residence is maintained in PEI. Where the immigrant entrepreneur is unable to establish that the criteria cited under (i.) and (ii.) have been met the deposit of $25,000 will be forfeited.

Exploratory Visit

Under the program, án immigrant entrepreneur is expected to make an exploratory visit to PEI to research business opportunities or self-employment. Upon pre-assessment of the application, the province will issue an invitation for the exploratory visit and will schedule the official interview with a Program Officer.

The Canada-PEI Business Service Centre provides assistance in researching business opportunities and preparation of the business plan. Go to website: www.cbsc.org/pe

Business Plan

The business plan is an important part of the selection of immigrant entrepreneurs. The purpose is to allow the province to determine that the new business or earnings from self-employment will provide a reasonable standard of living for the immigrant entrepreneur and his/her family relocating to PEI.

The business plan submitted by the prospective immigrant entrepreneur will be provided in the general format developed by Business Development Bank of Canada and is available online at www.bdc.ca. The business plan will form part of the immigration document package for immigrant entrepreneurs.

Immigrant Partner Net Worth and Liquidity Criteria

Immigrant partners are required to have a minimum net worth of $750,000, of which $350,000 will be in the form of liquid assets. An immigrant partner must be prepared to make a $200,000 investment by way of preferred shares in an eligible PEI company and to place $25,000 in escrow with the Government of PEI. Furthermore, immigrant partners are also expected to make an exploratory visit to PEI of at least three business days duration to meet with the Program Officer for an interview as well as assessment of his/her application for nomination.

Prior arrangements ought to have been made for the immigrant partner to meet with the principals of companies in which they may invest, preferably at the primary place of business. The necessary appointments are to be made directly by the immigrant partner (or his/her agent) with the investee company.

An eligible PEI company interested in receiving investment from immigrant partners may solicit investment directly or through an investment intermediary. But neither the Government of Canada nor the Government of Prince Edward Island assumes liability for the oral, written or other representations of the prospective investee, or an investment intermediary and do not guarantee that the immigrant partner will eventually recover his/her investment or earn dividends or other return.

Likewise, the Government of Canada nor the Government of PEI accepts liability for the actions, errors or omissions of investees, investment intermediaries, or others involved in investment promotion.

Eligible Investees

A company proposing to issue preferred shares to an immigrant partner under the PEI Nominee Program will provide a written opinion from its independent legal counsel or an independent chartered accountant certifying the investee company meets the eligibility criteria, namely:

i. the company is a *for-profit* corporation incorporated under the *Companies Act of Prince Edward Island* or the *Canada Business Corporations Act*;
ii. the company's authorized capital structure permits the issuance of preferred shares to an immigrant partner (s) in alignment with the provisions of the PEI Nominee Program;

iii. the investee's corporate headquarters are located on PEI;
iv. the investee maintains a *"permanent establishment"* on PEI as defined under the *Income Tax Act* by regulation 400 (2); and
v. the investee is liable to pay income tax on taxable income earned as a result of a *"permanent establishment"* on PEI, irrespective of income or other taxes which may also be payable in other jurisdictions as a result of income earned or other business activity.

In addition, the investee must be engaged in business which is included in the Ministry of Development and Technology's strategic priorities

NEWFOUNDLAND AND LABRADOR PROVINCIAL NOMINEE PROGRAM

The Newfoundland and Labrador Provincial Nominee Program, like other PNPs, allows the Province to recruit immigrants in order to meet its industrial, economic and labour market needs. A person who is nominated by Newfoundland and Labrador can then apply for a permanent resident visa at a visa office abroad, under the immigration category of Provincial Nominee.

An applicant has the best potential of being selected for the program if they intend to work or to do business the following priority business sectors, namely: health; petroleum; biotechnology; manufacturing; tourism; environment protection; film production; scientific research.

If the applicant's self-assessment indicates that one has enough points, he or she should submit an application to be assessed by an appointed Program Officer. Newfoundland and Labrador has a set of criteria for Provincial Nominees, which includes age, education, intended occupation in Newfoundland and Labrador, guaranteed employment in Newfoundland and Labrador, work experience, language and adaptability.

When an applicant is approved as a Provincial Nominee, his or her spouse and dependent children, will all need to have a medical examination, which along with security and criminality checks are requirements of Citizenship and Immigration Canada. Any related costs are the responsibility of the applicant.

I b) Temporary Residency Application:

1. Studying in Canada:

Citizenship and Immigration Canada (CIC) recognizes the importance of foreign students to the academic and cultural communities as well as to the Canadian economy. The efficient, consistent and transparent processing of students remains one of CIC's priorities.

It's been reported that more than 130,000 students come to study in Canada every year. But since the provinces regulate schools in Canada as well as health care and medical services, prospective students should contact the school where study is desired for more information on living and studying in Canada.

The high priority given to students has led to some encouraging processing results overseas. In 2001, 65 per cent of cases were completed in one month or less. Same-day processing increased from 21 per cent of cases in 1997 to 30 per cent in 2001. In 2001 there were over 132,000 foreign students registered in Canadian institutions at all levels. This total climbs to well over 132,000 if students destined to short-term English and French as Second Language (ESL and FSL) programs are included.

CIC recognizes the need for Canada to remain competitive in drawing international students to its universities. It is precisely for this reason that CIC created the Advisory Committee on International Students and Immigration (ACISI) in 1995, bringing together essential stakeholders in international education. In consultation with this committee, CIC has made many enhancements in student processing procedures, such as longer validity study permits, where feasible and practicable.

Also, as a result of ACISI consultations, the new legislation authorizes foreigners to attend any short-term program of six months or less without the need of a study permit. CIC is working closely with other government departments in particular, the Department of Foreign Affairs and International Trade (DFAIT) and Health Canada - to develop coordinated strategies. It supports global marketing initiatives launched by DFAIT and participates actively in committees and conferences dedicated to international student marketing.

Unfortunately, some overseas operating environments pose significant challenges in terms of student processing. Canadian visa

officers are faced with the difficult task of assessing the legitimacy of student applicants. Thus in accordance with the Immigration and Refugee Protection Act, applicants must fulfill the following requirements (among others) before a study permit can be issued.

1. Foreign students must present an acceptance letter from the educational institution they wish to attend.

2. They must convince immigration authorities that they will leave Canada at the end of their stay;

3. They must prove that they have adequate funds to pay for their own expenses, while studying in Canada.

4. A medical exam, if needed.

Most foreign students will need a permit to study in Canada, but if one is planning to study in a short-term program of six months or less a simple visitor visa will be enough. Also once in Canada, students may be able to change the conditions of their permit or apply to renew it

Minister Coderre, signed an agreement early this year with Norm Belts, Minister of Business New Brunswick, that will make it easier for foreign students who graduate from colleges and universities there to work in that province for an extra year. The project is a step towards making Canada a destination of choice for foreign students, said Coderre. "It is also projects like these that encourage immigration in several regions for graduates who wish to stay in Canada," he said.

Minister Belts says there is a real market in New Brunswick for international students. "If they have the opportunity to work here for two years after graduation, it will benefit our colleges, universities, employers and communities and our economy will be stronger."

On the other hand, for graduates who wish to apply for permanent resident status as skilled workers in the federal program, an extra year of employment will provide them with additional points on the selection grid in the area of experience. More importantly, however, they will be able to submit their application and continue

working while awaiting a decision. Indeed, for these graduates, additional time spent in the province is also likely to result in stronger ties to their communities - further increasing the likelihood that they will settle in New Brunswick if they choose to remain in Canada.

Under the terms of the agreement, the renewal of a work permit will only apply to work in New Brunswick, for temporary foreign workers who graduated from a. publicly funded post-secondary institution in that province. The first year of postgraduate employment must also be in New Brunswick and the work must be related to the graduate's field of study

2. Temporary work tenures in Canada:

Every year over 90,000 foreign workers enter Canada working temporarily to help Canadian employers address skill shortages in Canada. Citizenship and Immigration Canada (CIC) and Human Resources Development Canada (HRDC) ensure that these workers will support economic growth in Canada and create more opportunities for all Canadian job seekers. However, in almost all cases, foreign workers must have a valid work permit to work in Canada.

In order to apply for a work permit an employer must first offer the prospective candidate a job. Second, Human Resources Development Canada (HRDC) must normally provide a labour market opinion or confirmation of the job offer. Third, after confirmation from HRDC that a foreign national may fill the job, the prospective candidate may apply to CIC for a work permit.

However, a temporary foreign worker cannot immigrate with a work permit. But should he or she decide to live in Canada as a permanent resident based on work skills or experience, this can be achieved by qualifying under the Skilled Worker Program. Indeed, in view of the fact that CIC is currently seeking to regionalize immigration, temporary foreign workers may even look to other provinces which need their skills.

The fact that the minister of Citizenship and Immigration Canada speaks of possible roundtable discussions in the future with businesses and universities in some provinces to facilitate foreign students to get into the job market, suggests that foreign workers could find opportunities to transfer to permanent residence under the Skilled Worker Program by an extension of that observation.

The Employer has a role to play under this program. Before

a foreign national is invited to work in Canada, the employer, must check with HRDC to confirm the job offer made to the foreign worker. In general terms, this future employer must demonstrate that the company was unable to recruit a citizen or landed immigrant to fill the position. The company should have been in business for over 12 months and must undertake in writing to reserve the job for the foreign worker to be able to prove that, despite reasonable efforts to hire a qualified resident, the company was unable to fill the position locally. The company must have relied on the usual recruitment channels, i.e. the print and electronic media, and so on, to demonstrate that a reasonable effort was made.

3. Visitor Visas:

Every year more than 35 million people visit Canada. As a visitor, one will enjoy the many opportunities Canada has to offer. A visitor to Canada will need a valid passport, proof of identity or other travel documents; and will need a Temporary Resident Visa (TRV). Refer to Annex 9 for a list of countries needing a TRV. Canada does not pay for hospital or medical services for visitors and it is thus advisable that visitors have health insurance to pay for medical costs before leaving for Canada.

A temporary resident visa is an official document issued by a visa office abroad that is placed in one's passport to show that the visa holder has met the requirements for admission to Canada as a temporary resident (either as a visitor, student, or worker).

A valid temporary resident visa ***is not a guarantee of entry into Canada***; an officer at the port of entry will decide if the holder of the visa still meets the requirements for admission upon arrival. If there has been a change in circumstances between the date of application and arrival in Canada or if subsequent information is given which was not originally available to the visa office, the individual may be refused entry. A visa may be for a single entry, for multiple entries, or for transit purposes.

A **single entry visa** allows the visitor to enter Canada only once. This visa may also be used for repeated entries into Canada from the USA or St. Pierre and Miquelon provided one does not enter another country. Such entries must occur within the time validated for stay in Canada.

A **multiple entry visa** allows the visitor to enter Canada

from any country multiple times during the validity of the visa.

A **transit visa** is required for travel through Canada to another country by those individuals who need a temporary resident visa and whose flight will stop in Canada for less than 48 hours. In order to obtain a transit visa one must provide specific evidence of travel arrangements from one's transportation company or travel agent.

In order to apply for a visitor visa, one must submit an application to the Canadian visa office responsible for the visitor's area of residency or citizenship and must pay a processing fee. The application will be reviewed to ensure it has been completed correctly and contains all of the required documents for processing. After reviewing the application, an officer will decide if an interview is necessary. If so, one will be informed of the time and place. If the application is refused, the applicant's passport and documents will be returned with an explanation as to why the application was refused.

If the application is approved, the passport and documents will be returned with the requested visa. Upon arrival in Canada, the officer at the port of entry will determine whether one may enter Canada and how long one may stay. The visitor must leave Canada on or before the date set by the officer or have one's status extended by an officer in Canada. The stamp placed in one's passport by a Canadian official is valid for six months unless otherwise amended by an officer.

On arrival, a Canadian custom officer will ask the visitor a few short questions and stamp one's passport or advise him/her about how long one may stay in Canada. Upon arrival, one may want to change the conditions of one's visit. This must be done before one's status as a temporary resident expires. It is important to apply for an extension of stay three weeks before one's visa expires.

All temporary residents are not permitted to work or study in Canada. However, there are categories of workers who do not require work permits. A temporary resident may also take a program of study up to six months duration without having to obtain a study permit. If one intends to study or work in Canada during one's visit, it is advisable to include full details of the proposed work or study in one's application.

II. MAINTAINING PERMANENT RESIDENCY

Once admitted to Canada as a permanent resident, there are different ways in which one could lose residency. A permanent resident could lose residency :

• If one has broken any terms or conditions of one's landing.. (As an example: An . Entrepreneur who is required to establish a business within three years of landing and be actively involved in the day-to day management, defaults).

• If one is engaged in the subversion of any government by force.

• If one has been convicted of some offence while in Canada.

• If one has obtained permanent resident status in Canada by means of false or forged documents or if one has obtainedone's permanent resident status in Canada by reason of any false or misleading information. (As an example, if you told the government that you were not married, when this is not true).

• If one willfully fails to support oneself or any dependent family members in Canada.

• If it is found that one has committed war crimes or crimes against humanity.

• Lastly, a permanent resident will lose resident status, if he/she does not stay in Canada for more than 730 days in any five year period

The last reason mentioned above is the most common way by which most people lose their residency. This requirement applies whether the absence has been a series of trips or one long extended absence from Canada. One may appeal determinations of non-compliance with one's residency obligations to the Immigration Appeal Division (IAD) of the Immigration and Refugee Board.

A permanent resident must meet some residency obligations to maintain status as a permanent resident. According to section 28 (2) of the Immigration Act, to comply with the residency obligations one must accumulate two years of physical presence in Canada in every five-year period. One can also count Canadian residency days if one is outside Canada for an extended period of time for one of the following reasons:

- You are accompanying your Canadian-citizen spouse or common-law partner.
- You are a child accompanying a Canadian-citizen parent.
- You are employed on a full-time basis by a Canadian business, the Public Service of Canada, or the public service of a Canadian province.
- You are accompanying your permanent resident spouse or common-law partner who is also outside Canada and who is employed on a full-time basis by a Canadian business, the Public Service of Canada, or the public service of a Canadian province.

The Permanent Resident Card

The new Permanent Resident Card (PR Card) provisions are in some ways an improvement over the old law. The old law required permanent residents to remain in Canada at least 183 days in a 12-month period, or obtain a Returning Resident Permit (which was available in only limited circumstances), in order to maintain permanent resident status.

The new law will do away with the so-called '183 day rule', which created a presumption that a person had abandoned their permanent resident status if they stay outside of Canada over 183 days in any 12-month period. According to Article 28 of the new Immigration Act, the PR Card will give permanent residents much more freedom for extended travel without risking their status. However, there are downsides as well.

All permanent residents of Canada will now be issued a PR Card, which will have a validity of five years and which is considered evidence of their legal permanent resident status and right to return and remain in Canada. Not having a valid PR Card does not invalidate permanent residence - the card does not confer status. But holding a PR Card however creates a presumption of valid permanent resident status. Not having a PR Card creates a negative presumption that the person is not a permanent resident of Canada.

Those individuals who already have permanent resident status in Canada are not required to apply for the PR Card - technically they will still be able to rely on their paper Record of Landing while in Canada. However, they must still meet the new residency requirements, and it is expected that airlines in future will absolutely insist to see a valid PR

Card before boarding passengers as permanent residents destined back to Canada, essentially making this a mandatory document for permanent residents when traveling abroad. The PR Cards will be issued to new immigrants after arrival in Canada and the proposed regulations require that they be issued within 180 days to an address provided at the time of landing.

The PR card contains several security features that make it a safe, proof-of-status document for the cardholder. The card has a laser engraved photograph and signature, as well as a description of the physical characteristics (height, eye colour, gender) of the cardholder printed on the front. The card's optical stripe contains all the details from the cardholder's Confirmation of Permanent Resident form or IMM 1000 Record of Landing document. This encrypted information is accessible only to authorized officials (such as immigration officers) as required to confirm the status of the cardholder. The card cannot be used to monitor the activities or track the movement of the cardholder.

The Act and proposed regulations also provide for specific circumstances where a permanent resident may remain outside of Canada over three years (i.e. less than two years of physical residence in Canada required during a 5-year period) and still be eligible to renew the PR Card. Most notably are the full-time employees of a Canadian business requiring them to be overseas. These businesses must be legitimate, generating revenue and being carried out in anticipation of a profit. Businesses incorporated solely for residency purposes will be ineligible.

The PR Card must be applied for inside of Canada, but may be delivered via an overseas visa office in appropriate circumstances. It is recommended that permanent residents apply for a PR Card as soon as it becomes available, since processing times may be lengthy, and not having a PR Card will likely make overseas travel and return to Canada difficult. Those permanent residents outside of Canada without a PR Card after June 28, 2002 may not be able to re-enter easily, and may be required to apply for and obtain a travel document from a Canadian visa office overseas in order to return to Canada and apply for the PR Card.

"Travel documents" must be issued if the permanent resident meets the residency requirement during the previous five years and was physically present in Canada at least once in the last 365 days before the application. If the residency test cannot be met, special exemptions may be sought on humanitarian and compassionate

grounds including considerations of the best interests of any children in Canada, or where a timely appeal is made to the Immigration Appeal Division, to obtain the travel document to facilitate the return to Canada.

However, permanent residents who can travel to Canada without the need for a visa (they are citizens of a visa exempt country for travel to Canada), or who can travel to the United States, are fortunate in that they can present themselves at a Canadian port of entry without dealing with airlines refusing to board them on flights to Canada without a PR Card.

These permanent residents must be admitted to Canada at a port of entry, but may be subject after arrival to legal proceedings to have them removed from Canada as permanent residents if they have not met the residency test. Legal representation and taking advantage of appeal rights will be very important in these circumstances, as there are strategies available to avoid losing permanent resident status if this situation develops.

It is also recommended that permanent residents, if possible, seek to qualify for and obtain Canadian citizenship and a Canadian passport as soon as possible, to avoid potential problems associated with applying for or renewing a PR Card. The proposed changes to the Citizenship Act will in future require three years of physical presence in Canada in the previous six years in order to be eligible for citizenship.

Special Note

Permanent residents before June 28, 2002

If one is a permanent resident and arrived in Canada before June 28, 2002, one needs to apply for a PR card. CIC processes applications according to a schedule based on the year of landing. Applications for the PR Card are made on the 1MM 1227 form and submitted in Canada. These applications are generally assessed in about eight to 14 weeks time, depending on year of landing.

As the PR Card is for each individual, a separate application is needed for each permanent resident requesting the PR Card. A permanent resident needs to pick up his/her card in person so that CIC can confirm their identity. However, if one is unable to go to this appointment, one should contact the PR Card Call Centre at 1-800-255-4541 in advance to request alternate arrangements.

When applying for or renewing the PR Card one must provide a "guarantor" and two references in Canada, plus provide details of their employment or studies, addresses over the five years, reasons for absences from Canada, evidence of payment of taxes, etc... This is because permanent residents still have to comply with a residency requirement in Canada during a 5-year period in order to apply for or renew the PR Card. The new Act provides that the permanent resident must be physically inside Canada at least 730 days in a 5-year period (i.e. a cumulative period of two years). Therefore, it is permissible to remain outside of Canada for up to three years during the 5-year period, and still be able to renew the PR Card.

One can travel outside of Canada and use one's IMM 1000 document as proof of permanent resident status to re-enter Canada until December 31, 2003. A permanent resident seeking to re-enter Canada without a PR card after this date will not be permitted to board a carrier. He/she will then need to contact the nearest Canadian embassy or consulate to obtain a limited use travel document to re-enter Canada.

III. CANADIAN CITIZENSHIP

Citizenship is the end product of a long process commencing with a permanent residence status in Canada. Every year about 150,000 applicants become citizens in Canada. Citizenship can be acquired at birth or by grant of citizenship by the Minister under the Citizenship Act.

Citizenship entitles a person to obtain a Canadian passport and enter other countries and travel easily; A citizen does not have to worry about maintaining residency by being physically present in Canada; A Canadian citizen, regardless of how citizenship was obtained, is entitled to all rights and privileges including the right to vote, to take up government office etc;

A Canadian citizen is allowed to enter and leave Canada freely. Under the Canadian Charter of Rights and Freedoms, all Canadian citizens are guaranteed the right to be a candidate in federal, provincial and territorial elections; vote in federal, provincial and territorial elections; study in either official language; express opinions freely; enter and leave Canada freely; and apply for a Canadian passport.

Acquisition of Citizenship

Citizenship can be acquired :

- By Birth
- In a territory of the state

In terms of place of birth, a Canadian ship or aircraft is deemed to be "Canadian soil" and hence, those born on such Canadian soil are entitled to citizenship.

However, some individuals are not entitled to Canadian citizenship, even if they are born on Canadian soil, if they are a child of a foreign diplomat or a child of an employee in the service of a foreign diplomat etc. Also, before attaining seven years, if any child is found deserted in Canada, he/she is deemed to have been born in Canada unless it is proved otherwise within seven years from the day the child was found.

Where citizenship is acquired at birth, it does not matter whether the parents were legally or illegally in Canada at the time of birth, or whether they were visitors or permanent residents.

Only one parent need be a Canadian citizen and it is the time of birth that is taken into account. A child born after the death of a parent is deemed to have been born before the death of the parent. If the parent of the applicant was also born outside of Canada, then the applicant is required to retain his or her citizenship before the age of 28.

The present Citizenship Act is, however, discriminatory against Adoptive children. Adopted children do not have a direct claim to citizenship and their parents must sponsor them under the family class so they can attain permanent residence status first. However, the residency requirement may be waived for these minor applicants.

Dual Nationality

The beauty of Canadian citizenship is that Canadians can acquire citizenship without giving up their previous nationality and vice versa. Canadians can acquire other nationalities without giving up Canadian citizenship. Thus, Canadians can enjoy the benefits of two or more nationalities and have a sense of belonging both in Canada and their adoptive nation or in their previous country of origin. However, although Canada allows dual nationality, some countries such as India or China do not and therefore, a person acquiring Canadian citizenship should check with the consulate or embassy of their country to be aware of some restrictions.

Who qualifies to become a citizen

In order to qualify for citizenship, one has to meet the mandatory requirements:

a) Age: An applicant has to be 18 years of age or older to make an application on his own.

b) Residency: An applicant has to be a permanent resident. Previously, residency requirement to obtain citizenship was five of eight years. Also, physical presence was a requirement. However, the 1978 amendment to the Citizenship Act brought about changes to these requirements.

Under the present law, one must have accumulated at least three years of residency (1095 days) in Canada as a permanent resident in the four years preceding the citizenship application.

In calculating the three-year residency term, every day spent in Canada before attaining one's permanent resident status, either as a visitor, student etc, will be counted as one half of a day. At least two of the three years of residency must be spent as a permanent resident and for purposes of calculation, every day during which the person was resident in Canada can be counted including the day a person enters Canada and the day he or she leaves.

Applicants for citizenship may have to remain outside Canada for various reasons such as to attend to his or her affairs back home after landing or to wind up affairs. They may also have to go to fulfill business obligations or to look after an ill relative and so on. However, in some instances, physical presence outside Canada maybe counted towards citizenship.

The time spent outside of Canada accompanying a Canadian citizen spouse who is employed by Canadian armed forces, Canadian government or in the public service of Canada or a province maybe counted towards the requirement.

In order to apply time spent outside of Canada towards residency requirement, various factors outlined below may be taken into consideration:

Generally for the absence to be applied, the individual has to establish a centralized mode of living in Canada. The following six questions were formulated in the famous Re Koo (1993) case in order to ascertain whether Canada was the place where the applicant regularly, normally or customarily lived :

1. Where do your immediate family and dependants reside? 2. Does the pattern of physical presence in Canada indicate a returning home or a mere visitor status? 3. What is the extent of the physical absence? 4. Is the physical absence caused due to a temporary factor? 5. What is the quality of the connection to Canada? 6. Was the individual present in Canada physically for a long period prior to recent absences which occurred immediately prior to the application for citizenship.

From the above, it is evident that the applicant must have established a residence in Canada before his or her application for citizenship. The individual must have the intention to maintain his or her residence in Canada. Children need not meet the residency requirement.

c) Knowledge of official languages: A candidate for citizenship has to have had an adequate knowledge of Canada's official languages. One needs to be able to speak and understand

spoken English or French or be able to read and write in simple English or French.

d) Knowledge of Canada: The applicant must have adequate knowledge of Canada and of the responsibilities and privileges of Canadian citizenship. If one is between the ages of 18 and 59 one will be required to write a test.

Of course, if an individual has resided continuously for three years in Canada and never left Canada, then attaining one's citizenship is sure beyond doubt.

e) Knowledge of the rights and responsibilities of a citizen: The applicant should know what his rights and responsibilities are

The new Proposed Citizenship Act: C-18

Canada's minister of Citizenship and Immigration, Denis Coderre, tabled a new citizenship bill in the House of Commons on October 31, 2002. The proposed legislation reasserts the rights and freedoms of Canadians and reinforces the responsibilities associated with being Canadian and the importance of a strong commitment to Canada.

"Canada's citizenship law has not changed since 1977 and we need to modernize it to reflect the realities of today's world," said Coderre. The bill tabled, he says, defines the essence and meaning of Canadian citizenship and the values it represents and that the proposed changes would complement the Immigration and Refugee Protection Act.

The citizenship bill proposes that a greater emphasis be placed on existing Canadian values by changing the oath of citizenship to include a direct expression of loyalty to Canada; a permanent resident be physically present in Canada for a total of three years out of the six years immediately prior to applying for Canadian citizenship; a fully judicial process be instituted under which a judge would decide if an individual's citizenship should be revoked; new powers be granted to the minister to annul citizenship obtained through the use of a false identity; the Governor-in-Council be able to refuse citizenship in those rare cases where a person demonstrates a flagrant disregard for Canadian values; children adopted abroad by Canadians become citizens without having to enter Canada as permanent residents and apply for citizenship; and citizenship commissioners, currently designated as citizenship judges, play a more active role in promoting Canadian citizenship.

Many aspects of Canada's current Citizenship Act will remain part of the new law, including the following provisions: children born in Canada will automatically become Canadian citizens; Canadian citizens will still be able to be citizens of other countries; people must still be permanent residents of Canada when they apply for Canadian citizenship and applicants for Canadian citizenship must still demonstrate sufficient knowledge of Canada and of one of its two official languages before being granted citizenship.

The proposed legislation, after receiving royal assent, would replace the current law that dates back to 1977. The bill reaffirms the integrity of Canadian citizenship, reflects what Canadians today want citizenship to represent and ensures that future Canadians have a strong link to Canada.

It modernizes our citizenship rules and processes, and addresses gaps and inconsistencies in the current legislation. Specifically, the proposed legislation establishes clear, fair and objective criteria for Canadian citizenship.

Canada's first Citizenship Act came into effect in 1947 and a second citizenship act became law in 1977. Over the past two decades, several inadequacies and inconsistencies have become apparent and this has called for a more simplified and efficient system to process applications.

The citizenship bill is based on previous legislative proposals, namely, Bill C-63, tabled in Parliament in 1998, and Bill C-16, tabled in 1999. In substance, the new bill is almost identical to Bill C-16, after its amendment by the Standing Committee on Citizenship and Immigration. But it also includes some many important changes

i. A New Oath: A major change in the proposed legislation is a revised citizenship oath. The oath would reflect existing values by incorporating the concept of loyalty toward Canada. This is the proposed, revised oath: "From this day forward, I pledge my loyalty and allegiance to Canada and Her Majesty Elizabeth the Second, Queen of Canada. I promise to respect our country's rights and freedoms, to uphold our democratic values, to faithfully observe our laws and fulfill my duties and obligations as a Canadian citizen.

ii. Residency: A permanent resident would have to accumulate three years of physical presence in Canada within the six years preceding an application for Canadian citizenship. The proposed legislation would no longer permit individuals who have spent time in Canada without status to accumulate residence toward citizenship. However, the proposed legislation would allow non-permanent residents to count a portion of time spent in Canada from when they acquired legal status. For example, an individual who entered Canada as a student, visitor or temporary worker will be able to accumulate one half-day for every day spent in Canada up to a maximum period of one year toward fulfilling the residence requirement.

In addition, an individual who enters Canada without status and is later determined to be a protected person, as defined by the Immigration and Refugee Protection Act, will also be able to accumulate credit. This credit will be calculated as one half-day for each day of residence in Canada, up tó a maximum period of one year, starting from the day the person was deemed to be a protected person.

iii. Revocation: The new legislation proposes a new revocation process composed of three key elements aimed at improving transparency and fairness while also facilitating the removal of those involved in terrorism, war crimes and organized crime. The first element involves moving to a fully judicial model where the Federal Court Trial Division would make the finding about misrepresentation in the acquisition of citizenship and issue the revocation order. The person or the Minister may appeal the decision to the Federal Court of Appeal and with leave to the Supreme Court of Canada. The Governor-in-Council no longer plays a role. The Minister can consider humanitarian factors before undertaking revocation procedures or at any stage in the process, including

during the removal process.
The second element is an accelerated removal process for people accused of terrorism, war crimes or organized crime.
The final element would be the use of protected information in those cases where the allegations of terrorism, war crimes or organized crime cannot be proven without the use of evidence, whose disclosure would endanger the safety of people or would compromise national security.

The power to annul citizenship: In order to increase the value of Canadian citizenship, the bill proposes a new power that would allow the Minister to annul citizenship if the individual who obtained it was prohibited from doing so for criminal reasons or for having assumed a false identity. Also in the context of increasing the value of Canadian citizenship, the Governor-in-Council would be able to refuse citizenship if there are reasonable grounds to believe that a person has demonstrated a flagrant and serious disregard for the principles and values underlying a free and democratic society. Examples of such cases include those involving hate-mongers or human rights violators.
With a view to strengthening the integrity of the citizenship legislation and to respond to more contemporary concerns, the bill proposes new prohibitions for individuals who have committed two or more summary offences or who have committed criminal acts abroad.

Citizenship for second-generation Canadians born in other countries. Children born abroad to Canadian parents would continue to acquire Canadian citizenship automatically in the first and second generations. However, second-generation children (i.e., grandchildren) would lose their citizenship .at the age of 28 unless they have resided in Canada for three of the six years preceding their application for retention. The proposed legislation will thus limit the transmission of citizenship to those who demonstrate attachment to Canada.
Individuals in subsequent generations (third, fourth and later generations) would be required to go through the immigration process and then seek naturalization in Canada in the same manner as other immigrants to Canada.

The transition for Canadians born outside Canada: The proposed legislation includes a transitional provision that applies only to people who will be at least 22 years old when the bill comes into force, and who would thus be unable to accumulate the three years of residence required over a six-year period before reaching the age of 28. Under the transitional provision, these individuals would have an option to acquire one year of residence in the year before applying.

iv. **Citizenship through adoption:** Under the proposed legislation, a foreign child adopted by a Canadian Citizen could be granted citizenship without any permanent residence prerequisite. This provision is intended to reduce the distinction between biologically related and adopted children. The adoption must be in the best interests of the child in order to be recognized for citizenship purposes. This is designed to prevent adoptions of convenience, child trafficking or abduction. Under the current legislation, a foreign child adopted by a Canadian must obtain permanent residence before being granted citizenship.

v. **Citizenship Commissioners**: Citizenship judges would have a greater citizenship promotion role and would be called by the title of citizenship commissioners. The citizenship commissioners would continue to preside over citizenship ceremonies and have an increased role in promoting the active participation of citizens in their communities, thereby further strengthening the value of Canadian citizenship.
This new title better corresponds with their functions and will help avoid confusion of their responsibilities with those of judges in Canadian courts of law. Citizenship judges, renamed citizenship commissioners, would no longer be required to approve all citizenship applications. They would be able to devote themselves to duties

such as presiding over citizenship ceremonies, administering the citizenship oath, promoting citizenship in the community and advising the Minister on complex citizenship issues.

vi. **A New Administrative Process**: Under the proposed legislation, an administrative process would replace the decision-making duties of citizenship judges. Citizenship officers would approve or refuse citizenship applications on the basis of fair and objective criteria. More than 90 percent of citizenship applications are routinely approved.

vii. **A New Review Process**: A new review process would correct potential errors without involving the Federal Court. This process will allow the Minister to reconsider a decision refusing citizenship or a decision regarding the issuance of a certificate. The proposed legislation signals a shift in the government's approach to granting Canadian citizenship. Currently, citizenship judges must approve all citizenship applications. Under the proposed legislation, delegated officials would exercise the Minister's authority to grant citizenship. Decisions under the proposed act will be based on objective criteria in an administrative fact-finding process influenced by internal policies, procedures and guidelines.

The new unit of review officers to be established under this provision represents a safeguard for the program. It will promote greater consistency in decision making, which will enhance equity through the system.

viii. **Transitional Provision**: This provision clarifies what happens to applications made under the current act when the proposed act comes into force. The provision would ensure the continued efficiency of the application process. An application made before the current Citizenship Act if repealed

must be dealt with under the new provisions of the proposed legislation. There is one exception. If a citizenship judge is handling an application on the day the current act is repealed, the application will continue to be processed under the provisions of the current act, except that the application will be subject to the new provisions concerning prohibitions, national security and the new oath of citizenship.

The grant of citizenship in some cases: By granting a period of three years to people born outside Canada to a Canadian parent, the provision enables a new class of people to apply for citizenship. For the first time, a person born out of wedlock outside Canada to a Canadian father between 1947 and 1977 may request citizenship (currently, children of Canadian mothers already have this right). In addition, a grant of citizenship will be possible for people adopted by a Canadian between 1947 and 1977.

This reflects the government's concern to reduce, wherever possible, the distinctions between biologically related and adopted children. Finally, the Minister may grant citizenship to the children and grandchildren of these people, provided that they show they have a substantial connection to Canada.

ANNEX 1

Quebec List of Exemptions from Proof of Workforce Scarcity (Effective June 28, 2002):

- Electrical and Electronics Engineers. Undergraduate university degree attesting to four years of full-time studies.
- Computer Engineers (except Software Engineers). Undergraduate university degree attesting to four years of full-time studies.
- Computer Systems Analysts and Consultants. Undergraduate university degree attesting to three years of full-time studies.
- Software Engineers. Undergraduate university degree attesting to four years of full-time studies
- Mechanical Engineering Technologists and Technicians. Post-secondary school diploma attesting to three years of full-time studies
- Machinists and Machining and Tooling Inspectors Setter-operator for computer controlled machine tools. Professional high school diploma

ANNEX 2

Quebec list of Occupations in Demand (Effective June 28, 2002):

- Physicists and Astronomers / Physicists. Post-graduate university degree
- Chemists. Undergraduate university degree attesting to three years of full-time studies.
- Mechanical Engineers. Undergraduate university degree attesting to four years of full-time studies.
- Electrical and Electronics Engineers. Undergraduate university degree attesting to four years of full-time studies.
- Chemical Engineers. Undergraduate university degree attesting to four years of full-time studies.
- Industrial and Manufacturing Engineers. Undergraduate university degree attesting to four years of full-time studies.
- Computer Engineers, except Software Engineers. •••••

Undergraduate university degree attesting to four years of full-time studies.

• Other Professional Engineers. Engineering Physicists .Undergraduate university degree attesting to four years of full-time studies.

• Mathematicians, Statisticians and Actuaries. Mathematicians .Undergraduate university degree attesting to three years of full-time studies. Statisticians.Undergraduate university degree attesting to three years of full-time Studies.

• Information Systems Analysts and Consultants. Undergraduate university degree attesting to three years of full-time studies.

• Software Engineers. Undergraduate university degree attesting to four years of full-time studies

• Computer Programmers and Interactive Media Developers / Programmers .Undergraduate university degree attesting to three years of full-time studies.

• Chemical Technologists and Technicians. Post-secondary school diploma attesting to three years of full-time studies.

• Mechanical Engineering Technologists and Technicians. Post-secondary school diploma attesting to three years of full-time studies.

• Electrical and Electronics Engineering Technologists and Technicians. Post-secondary school diploma attesting to three years of full-time studies.

• Electronic Service Technicians .Household and Business Equipment. Post-secondary school diploma attesting to three years of full-time studies.

• Industrial Instrument Technicians and Mechanics / Maintenance Analyst Technicians. Post-secondary school diploma attesting to three years of full-time studies.

• Aircraft Instrument, Electrical and Avionics Mechanics, Technicians and Inspectors. Post-secondary school diploma attesting to three years of full-time studies.

• Industrial Designers. Undergraduate university degree attesting to four years of full-time studies.

• Machinists and Machining and Tooling Inspectors / Setter-operator for computer controlled machine tools. Professional high school diploma.

• Tool and Die Makers. Post-secondary school diploma attesting to one year of full-time studies.

ANNEX 3

Federal Investors and Entrepreneurs

Factor 1: Business experience (maximum 35 points)

Business experience must have been obtained within the period beginning 5 years before the date of application.

Two years business experience	20
Three years business experience	25
Four years business experience	30
Five years business experience	35

Factor 2: Age (maximum 10 points)

Points are given for your age at the time your application is received.

Age	Total Points
16 or under	0
17	2
18	4
19	6
20	8
21-49	10
50	8
51	6
52	4
53	2
54 and over	0

Factor 3: Education (maximum 25 points)

You have not completed secondary school (also called high school).	0
You have obtained a secondary school credential.	5
You have obtained a 1-year post-secondary educational credential and completed at least 12 years of full-time or full-time equivalent studies.	12
You have obtained a 1-year post-secondary educational credential and completed at least 13 years of full-time or full-time equivalent studies.	15
You have obtained a 1-year university credential at the bachelor's level and completed at least 13 years of full-time or full-time equivalent studies.	15
You have obtained a 2-year post-secondary educational credential and completed at least 14 years of full-time or full-time equivalent studies.	20
You have obtained a 2-year educational credential at the bachelor's level and completed at least 14 years of full-time or full-time equivalent studies.	20
You have obtained a three-year post-secondary educational credential and completed at least 15 years of full-time or full-time equivalent studies.	22

You have obtained 2 or more university educational credentials at the bachelor's level and completed at least 15 years of full-time or full-time equivalent studies.	22
You have obtained a Master's or PhD and completed at least 17 years of full- time or full-time equivalent studies.	25

Factor 4: English and French language ability (maximum 24 points)

To assess your English and French language ability, first decide which language you are most comfortable with. This language is your **first official language.** The language you feel less comfortable communicating with is your **second official language.** Next, award points according to your ability to read, write, listen to and speak . The following two tables define the levels of language proficiency and how points are allotted for each level:

1st Official Language: Possible maximum (all 4 abilities)	**16**
High proficiency (per ability)	4
Moderate proficiency (per ability)	2
Basic proficiency (per ability)	1
No proficiency	0
2nd Official Language: Possible maximum (all 4 abilities)	**8**
High proficiency (per ability)	2
Moderate proficiency (per ability)	2
Basic proficiency (per ability, to max of 2 points total)	1
No proficiency	0

Skill level criteria:

High proficiency You can communicate effectively in most community and workplace situations. You speak, listen to, read and write the language very well.

Moderate proficiency You can make yourself understood and you understand what others are saying in most workplace and community situations. You speak, listen to, read and write the language well.

Basic proficiency You do not meet the above criteria for moderate proficiency but still have some ability to speak, listen to, read or write the language.

No proficiency You have no ability whatsoever in speaking, listening to, reading or writing the language.

Factor 5: Adaptability (maximum 6 points)

A maximum of 6 points for adaptability can be earned by any combination of the following elements:

You have made a business exploration trip to Canada in the period beginning five years before the date of application.	6
You have participated in joint federal-provincial business immigration initiatives.	6

ANNEX 4
Federal Self-employed

Factor 1: Relevant experience (maximum 35 points)
Same as Entrepreneur and Investors Chart, on Annex 3.
Factor 2: Age (maximum 10 points)
Same as Entrepreneur and Investors Chart, on Annex 3.
Factor 3: Education (maximum 25 points)
Same as Entrepreneur and Investors Chart, on Annex 3.
Factor 4: English and French language ability (maximum 24 points)
Same as Entrepreneur and Investors Chart, on Annex 3.
Factor 5: Adaptability (maximum 6 points)
A maximum of 6 points for adaptability can be earned by any combination of the following elements:

1. **Your accompanying spouse or common-law partner's level of education**

Secondary school (high school) diploma or less	0
A one-year post-secondary educational credential, other than a university educational credential, and a total of at least 12 years of completed full-time or full-time equivalent studies; or A one-year post-secondary educational credential, other than a university educational credential, and a total of at least 13 years of completed full-time or full-time equivalent studies, or A one-year university educational credential at the bachelor's level and a total of at least 13 years of completed full-time or full-time equivalent studies.	3
A two-year post-secondary educational credential, other than university educational credential, and a total of at least 14 years of completed full-time or full-time equivalent studies; or A two-year university educational credential at the bachelor's level and a total of at least 14 years of completed full-time or full-time equivalent studies.	4
A university educational credential at the master's or doctoral level and a total of at least 17 years of completed full-time or full-time equivalent studies.	5

2 **You or your accompanying spouse or common-law partner has studied in Canada**

Not at all, or anything less than 2 years post secondary education in Canada	0
Obtained a Canadian post-secondary educational credential of at least 2 years since the age of 18	5

3 **You or your accompanying spouse or common-law partner has worked in Canada**

Not at all, or less than 1 year full-time work in Canada	0
Worked full-time in Canada for at least 1 year	5

4 **You or your accompanying spouse or common-law partner has family in Canada**

No	0
Have a parent, grandparent, aunt, uncle, sister, brother, nephew, niece, child or grandchild who is a Canadian citizen or permanent resident living in Canada	5

ANNEX 5
Selection Grid of Quebec Immigration

1. Formation	**Education - Last Obtained Diploma, Max 11**			
	Secondary	3 points	University Second Year	7 points
	Post Secondary First Year	4 points	University-Third Year	8 points
	Post Secondary-Second Year	5 points	University - Fourth Year	9 points
	Post Secondary - Third Year	7 points	University-Masters	11 points
	University-First Year	7 points	University-Doctorate	11 points
	Second Specialty with a Diploma, Max 2			
	First year formation	2 points	Second Year formation	4 points
	Privileged formation (See list of privileged formation) Max 4			
2. Employment	Job Offer 15 points OR		Employment & Professional Mobility 8 points OR	
	Professional Demand 12 points			
3. Professional Experience	**1 point each for six months of professional experience in a maximum of 5 years, Max 10**			
4. Age				Max 10
	20 to 35	10 pts	39	2 pts
	36	8 pts	40-45	1 pt
	37	6 pts	46 +	0 pts
	38	4 pts		
5. Language				Max 24
	French	0-16 pts	English	0-6 pts
	Secondary studies in French, 2 pts			

6. Adaptability				Max 16
	Personal qualities	0-6 pts	Study visit OR	2 pts
	Motivation	0 - 2 pts	Other visits	1 pt
	Knowledge of Quebec	0 - 2 pts	Family in Quebec OR	3 pts
	Work visit	4 pts	Friend in Quebec	1 pt
7. Spouse				Formation, Max 5
	Secondary	2 pts	University 3 years	+ 1 pts
	Post secondary	+1 pts	Second specialty or privileged formation	+1 pts
			Professional Experience, Max 2	
	Six months to 1 year	1 pt	More than 1 year	2 pts
				Age, Max 2
	20 - 39 years and less	2 pts	40 - 45	2 pts
			Knowledge of French, Max 8	
	Comprehension of French	0 - 4 pts	Speaking French	0 - 4 pts
8. Children				Max 8
	Twelve or less	2 pts	Thirteen to Seventeen	1 pt
9. Financial Capacity				Max 1
	Financial autonomy for establishment			1 pt
Passing points, if with a spouse, 68 points and without spouse, 60 points				

ANNEX 6

EMPLOYABILITY AND PROFESSIONAL MOBILITY (MINI GRID)			
1. Formation	1^0	**Education -Last Obtained Diploma, Max**	
		Secondary	3 points
		Post Secondary-First Year	4 points
		Post Secondary-Second Year	5 points

	Post Secondary- Third Year	7 points
	University First Year	7 points
	University Second Year	8 points
	University Third Year	8 points
	University Fourth Year	9 points
	University Masters	11 points
	University Doctorate	11 points
2^0	**Second Specialty with a diploma, Max 4**	
	One year formation	2 points
	Two year formation	4 points
3^0	**Privileged formation (See list of privileged formation), 4 points**	

2. Professional Experience	One point for each six months of professional experience, Max 5
3. Age	Max 10

	20 to 35	10 pts	39	2 pts	
	36	8 pts	40 to 45	1 pt	
	37	6 pts	46 +	0 pts	
	38	4 pts			

4. Language		Max 13
	French	8 pts
	English	3 pts
	Secondary studies in French	2 pts
5. Visit to Quebec		Max 6
Quebec	Other visit	1 pt
	Family in Quebec	3 pts
	Friend in Quebec	1. pt

6. Spouse	**Formation, Max?**			
	Secondary	1 pt	University 3 years	3 pts
	Post secondary	2 pts	Second specialty or privileged formation	1 pt
	Professional Experience: Max 2			
	Six months to 1 year	1 pt	More than 1 year	2 pts
	Age, Max 2			
	20-39 years and less	2 pts	40 - 45	1 pt
	Knowledge of French, Max 8			
	Comprehension of French			0 to 2 pts
	Speaking French			0 to 2 pts
Passing points, if with a spouse, 35 points and without a spouse, 30 points				

ANNEX 7

List of Favoured Training for Quebec Immigration

University Level
Agriculture and Forestry : Food sciences and technology: *Undergraduate university degree attesting to four years of full-time studies* **Architecture, urban planning and design Industrial design**: *Undergraduate university degree attesting to four years of full-time studies* **Fine arts and applied art, Graphic design or communications**: *Undergraduate university degree attesting to three years of full-time studies*
Pure and applied science: Biochemistry, *Undergraduate university degree attesting to three years of full-time studies* **Chemistry**: *Undergraduate university degree attesting to three years of full-time studies* **Chemical engineering**: *Undergraduate university degree attesting to four years of full-time studies* **Civil engineering**: *Undergraduate university degree attesting to*

four years of full-time studies **Electrical and electronics engineering**: *Undergraduate university degree attesting to four years of full-time studies* **Industrial engineering**: *Undergraduate university degree attesting to four years of full-time studies* **Information technology engineering**: *Undergraduate university degree attesting to four years of full-time studies* **Mechanical engineering**: *Undergraduate university degree attesting to four years of full-time studies* **Physical engineering:** *Undergraduate university degree attesting to four years of full-time studies* **Microbiology**: *Post-graduate university degree* **Information technology sciences**: *Undergraduate university degree attesting to three years of full-time studies*

Literature and language

• Translation with specialty in technical and scientific fields and mastery of French and English, Post-graduate university degree

Administrative science

• Management Information Technology, Undergraduate university degree attesting to three years of full-time studies

Health science

• Speech therapy, Post-graduate university degree

• Nursing science, Undergraduate university degree attesting to three years of full-time studies

• **Human and social sciences**

• **Library and archives science**, Post-graduate university degree

Post-secondary level (requiring three years of full-time studies)

Administration, commerce and information technology; Information technology technique Agriculture and fishing; Animal health techniques; Animal production technology; Agricultural equipment technology; Food and tourism; Food transformation technology: Hotel management techniques; Chemistry-biology; Water purification; Analytic chemistry techniques; Biology chemistry techniques; Electro-technical; Physical technology; Computer systems technology; Electronic design technology; Motorized equipment maintenance; Aircraft maintenance; Mechanical fabrication; Industrial engineering technology; Mechanical engineering techniques;

ANNEX 8

List of inadmissible professions

Profession	NOC
Specialist Doctors	3111
General Practitioners & Family Doctors	3112

ANNEX 9

Citizens of the following countries and territories require a visitor visa:

Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Belize, Benin, Bhutan, Bolivia, Bosnia-Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Rep., Chad, Chile, People's Rep. of China, Colombia, Comoros, Congo, Democratic Rep. of Congo, Croatia, Cuba, Czech Rep., Djibouti, Dominica, Dominican Rep., East Timor, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Gabon, Gambia, Georgia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Israel (only Israeli citizens holding valid Israeli "Travel Document in lieu of National Passport"), Ivory Coast, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, North Korea, Kuwait, Kyrgyzstan, Laos, Latvia, Lebanon, Lesotho, Liberia, Libya, Lithuania, Macao S.A.R, Macedonia, Madagascar, Malawi, Malaysia, Maldives Islands, Mali, Marshall Islands, Mauritania, Mauritius, Micronesia, Fed. States, Moldova, Mongolia, Morocco, Mozambique, Myanmar Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Palau, Palestinian Authority, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Russia, Rwanda, Sao Tomé e Principe, Saudi Arabia, Senegal, Serbia-Montenegro, Seychelles, Sierra Leone, Slovak Rep, Somalia, South Africa, Sri Lanka, Sudan, Surinam, Syria, Taiwan, Tajikistan, Tanzania, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, Uruguay Uzbekistan, Vanuatu, Venezuela, Vietnam, Yemen, Zambia, Zimbabwe

Chapter 9

The Job Market

How immigrants crack the Catch 22

Canada has been accused of seducing immigrants abroad and abandoning them at home. In other words, immigration analysts have been saying that our immigration criteria and reality on the ground are not in sync. An engineer who may qualify in the point system and subsequently come to Canada, soon realizes that he cannot secure a job without requalifying in exams that seek to provide new engineering perspectives on public safety, the environment and other issues that are specific to Canada. That takes the prospective immigrant back a few years.

Indeed these issues are currently sitting like fire at the feet of policy makers. Ottawa is working on models for recognition of foreign credentials and is urging provinces to put credentials assessment systems in place. It is reasonable to assume that once this barrier has been crossed, newcomers seeking jobs in regulated professions may be able to hit the ground running.

Upon arrival in Canada, most newcomers seeking to enter the job market are confronted by the Catch 22. An immigrant may not get a job without Canadian experience and as well cannot get Canadian experience without a job. This is the job trap, but there is light at the end of the tunnel.

Indeed, what compounds the job search for the newcomer is the fact that settling down comes with its own teething problems: getting accustomed to the weather if one has chosen to arrive in the heart of winter, admitting the children to school, breaking the language barrier, dealing with culture shock and so on. But when these problems get out of the way sooner than later, the job search becomes more focused.

It's important to realize that with every changing job

environment comes a new set of standards. Canada has its own. Thus engineers, like nurses and doctors, will find themselves up against a brick wall with the only saving grace being an opportunity to requalify. The common strains run from: "Canadian employers do not recognize my qualifications…. I have no Canadian experience to ….well, I have the qualifications, the experience, but they won't hire me. Canadian employers are racist."

But the fact is that engineers have to work in public service environments and Canada's stringent regulations in respect of public safety have to be met. The same can be said for other regulated professions.

Sergiy Derkatch, a marine engineer by profession and former Deputy Manager of the Passenger Fleet Department of the Ukrainian Danube Shipping Company says, despite the frustration, he's lucky. "I've just got my taxi license. So I can be on the road soon, making a living."

A widely travelled man, Derkatch chose to leave the Ukraine after its independence from the former Soviet Union. He talked to an immigrant settlement agency about the dilemma and got even more depressed. " I can do better than washing plates," he said and came away convinced the settlement agency was not the one with whom he would waste any more of his time.

In many ways the man had come up against a brick wall. Derkatch believed that to be accredited as a marine engineer would take him a couple of years but that to get into the cruise business would be a piece of cake. When he finally realized this isn't a cake walk, he chose to hit the road, while beginning the process of requalifying.

But the Karlovics hit the ground running in Canada. No teething problems, no major language barrier and no reason to requalify. Valerija had trained as an Early Childhood Educator in Yugoslavia and took a job at the IWK in the Child and Adolescent Mental Health Program less than six months from start-up in Halifax. Zlatco, her husband, did likewise and began work at QEII as a computer programmer, after a brief term as research assistant at Saint Mary's University.

Reza Arefi, an engineer from Iran, says Canadian organizations would not recognize his 20 years of work in the oil industry because he was not licensed by the Association of Professional Engineers of Nova Scotia (APENS). "I realized that if I had to practice engineering in Canada, I would have to be licensed

and that I would have to sit for exams. I wanted to be realistic. So I registered with APENS, sat for exams and today I am a licensed P. Eng., " he says proudly.

The regulation of professions allows Canada to ensure the safety of the public by preventing those without adequate training from taking jobs where they would cause harm. On the other hand, regulation also allows for desired standards in training to be set. Therefore licensure examinations are necessary, especially for physicians, nurses, engineers and electricians, pharmacists or lawyers.

So how does one break the Catch 22 cycle? A combination of several strategies might do it - requalifying is one. Another way to gain Canadian experience is through volunteer work – experience is just as valid when you are paid or not. Welcome even survival jobs. Short-term and contract jobs are an opportunity to demonstrate skills and strengths. Lastly, network with people. Often the "old boys club" is the thing that works best in the workplace.



The Karlovics hit the ground running in Canada. No teething problems, no major language barrier and no reason to requalify.

In the end remember, customer service, keyboarding or driving a forklift are basically the same no matter where one has done them. Sometimes, it's just a matter of knowing how to talk about one's work.

In any case, try never to blame anything on perceived racism. The mandate of the Public Service Commission (PSC) of Canada, in part, is to ensure a fair and effective hiring process. In keeping with this, provincial governments have set up diversity management units within the PSC for the planning, developing and managing of human resources while acknowledging and valuing the similarities and differences all employees bring to the workplace.

The unit administers the government's Affirmative Action Program through its diversity initiatives which ensure equality of opportunity in hiring and access to employment opportunities within



Reza Arifi at his restaurant

the civil service to affirmative action candidates.

In part, this observation has been made to remove from the newcomer's mind any doubts about discriminatory hiring in the workplace in Canada. This is not to suggest that Canada is an absolutely race-free society. In fact, the Human Rights Commission of Canada concedes the fact that some workplaces are somewhat unwelcoming to people with an accent, or whose skin colour is different than that of the majority.

But clearly, unwelcoming workplaces are few and far between. Any evidence of discriminatory hiring can be challenged at the Human Rights Commission and, if the case is won, the employer can be put on his head.

But as more and more Canadian companies do business in the fast-moving international marketplace, the emerging challenge will be to compete with companies around the world, become more productive, be able to change direction quickly to respond to the marketplace, meet the needs of diverse customers as well as be able to hire quickly and lay off quickly as needed.

The new challenge in the job market

What does this mean for people in the job market. Firstly, one is going to see more "out-sourcing" of jobs as companies use contract workers rather than permanent employees. It will thus be important to become part of a team at work as teams respond efficiently to change. One is also going to see greater emphasis on customer service, possibly in different languages and time zones.

Today workers in Canada must therefore be knowledgeable about how world trends will affect one's field of career interest. Canada's prosperity used to be based on its natural resources and industries such as mining, agricultural and lumber. Today, those industries are much less important in our economy.

The growth in service-based industries means that one will need good "people" skills to succeed. The aging of our population, increasing computerization and the Internet is creating growth in traditional service industries such as health care, tourism, recreation, telecommunications, computer software design But since service-based industries tend to use the just-in-time work force, one should expect to see more part-time and contract work opportunities come up. People in the job market may have to work multiple contracts in order to earn a full-time salary. Since many aspects of service-based industries are often on the cutting-edge of technology, one may have to constantly upgrade one's skills and knowledge, be adaptable since technology changes continuously.

The computer has found its way into every part of Canadians' lives. Thus developing computer know-how will be essential for one's work life. Information technology is changing the way organizations operate as traditional work is disappearing. It is common to find computerized machines operating machinery for banking, parts assembly, warehouse inventory, truck and taxi dispatching, driver license renewals and so on. New jobs are being created to develop and run computer hardware, software and computer networks. Indeed, computers are also creating new technologies which are, in turn, creating new types of work that never existed before. It is thus going to be important to work on a computer and continually upgrade work-related skills.

Access to professions and trades

Ontario welcomes more than 100,000 immigrants every year

and more than 28 per cent of these newcomers are professionals and trades-people who may need to become licensed or certified to practice their occupation in that province. That is because in many cities of Canada, some professions are regulated by self-governing bodies established under provincial laws to protect the public by setting standards of practice and competence. These professions are called regulated professions.

A regulated profession has its own regulatory body with the authority to set entry and training requirements, set standards of practice, assess qualifications and credentials, register qualified applicants, or discipline its members

In order to enter a regulated profession, one must apply to the organization that regulates that profession, which will assess qualifications and if the applicant qualifies, will license or certify for practice in that profession. The registration process is different in each province and for each profession and if the documents related to one's education and work experience are not in English these can be translated by community settlement and private translation agencies. In some cases these documents must be notarized or authorized by a notary public or a lawyer.

The translated documents and an application form should be sent to the regulatory body which may also ask for the applicant's resume in order to assess work experience. In most cases the applicant will have to write one or more professional examinations and may also have to take some retraining or upgrading courses. Although these regulatory bodies try to provide examinations in both English and French, many of them are only available in English. The assessment process takes time and costs money.

Trade Certification

In a number of skilled occupations in Ontario, for example, there is a requirement that employees hold a certificate of qualification. Other skilled trades have only voluntary certification. Newcomers to Ontario who have a diploma or degree from another country may need to have their academic credentials recognized in order to join the labour market, enter a training or educational program or obtain recognition of prior professional training. Several assessment services are available against charge fees.

These assessments are mainly for employment purposes and not necessarily for obtaining professional certification, licensure or

admission to a post-secondary institution. Educational institutions and regulatory bodies generally do their own assessments. It is thus advisable to check with the organization one wants to obtain recognition with before beginning the assessment process.

It is important to note that credential assessment recognition and licensing are not requirements of the application process for immigration. However, one needs to be aware of these issues when considering applying to immigrate to Canada.

Regulated and Non- Regulated Occupations

Some professions and trades are regulated in Canada to protect public health and safety. Thus nurses, engineers, electricians and teachers work in regulated occupations and account for about 20 per cent of the workforce. The provincial and territorial organizations are responsible for setting entry requirements for people in individual occupations, recognizing credentials, training or experience and issuing licenses required to work in regulated occupations.

The way to have one's qualifications recognized is different in each province and territory, and for each occupation. In most cases, one can only apply to have one's qualifications recognized once the individual is in Canada. One may be asked to provide documentation of qualifications, take a language test, complete a technical exam (with applicable fee) and do supervised work.

Non-regulated Occupations

If one's occupation is not regulated, one does not need a license to work The employer will decide what requirements have to be met and if the employee needs to register with a professional association.

Credential Assessment

A credential assessment is advice on how qualifications from another country compare to Canadian qualifications. This assessment does not guarantee that the holder of an assessment will be issued a license to practice by a regulatory body or that one's credentials will be accepted by an employer. A credential assessment only enables the individual to understand the Canadian educational system. An employer may require that the prospective employee prove the credentials are equivalent to Canadian standards.

In Canada, the jobs on the market are sometimes listed at job banks. Some job banks are public, but many are private and may charge a fee to access job listings or to post resumés. The local and national newspapers are also a good source for job listings. These are some Canadian job banks: WorkinfoNet; Job Bank Canada; Government of Canada: Jobs, Workers, Training and Careers; Electronic Labour Exchange; SkillNet.ca; Workopolis; +Jobs Canada; Canadajobs.com; Monster.ca

SPECIAL NOTE:

Given that there are regulated professions in Canada which require the job applicant to be in possession of a professional license in order to secure a job, prospective immigrants are advised to obtain these licenses even prior to coming to Canada. The Canadian Banker's Institute, for example, organizes correspondence courses and candidates can sit for these exams in Dubai. One of my clients, a nurse, did her nursing exams in Canada while on a visit visa and got registered. Consequently, she was made three job offers even prior to becoming a landed resident.

Chapter 10

Doing Business in Canada

Licensing, the Registry of Joint Stock, the Companies Act and other tax-levying authorities differ from one province of Canada to another, although the general operating structure is about the same. This document is specific to businesses being established in Nova Scotia, but can be read as a general guide for operating a business anywhere in Canada - The Publisher.

The legal structure, small business and taxation

One of the first decisions to be made, when starting a new business, is the form of business structure. Seen from a legal point of view, there are three types of businesses, namely: i. Sole proprietorships ii. Partnerships and iii. Corporations

Of course, several factors may have to be considered, including questions about how many owners, how much financial risk are the owners willing to bear, the extent of involvement from each partner, the intended duration of the business and tax considerations. One usually adopts one of the following business structures. But the best course is to obtain professional advice before commencing business.

1. SOLE PROPRIETORSHIPS

1.1 General

A sole partnership is the simplest business structure as few legal formalities are required to create or operate one. A sole proprietorship exists when an individual carries on business for personal benefit without using any other form of business organization or involving other except as employees The structure is suited to small businesses starting out with limited resources and which require the hands-on management of one person in charge.

1.2 The Registration Requirements:

The responsibility for a sole proprietorship rests exclusively with the sole proprietor or owner. The Partnerships and Business Names Registration Act (NS) requires a sole proprietor who operates a business under a name other than his own to register a declaration at the Office of the Registrar of Joint Stock Companies. Any individual can then, by making enquiries at the Companies Office, determine who is operating the business.

1.3 Features of a Sole Proprietorship:

The sole proprietor is entitled to all business profits. The sole proprietor also has unlimited liability for business related claims. Unlimited liability is the greatest disadvantage of the sole proprietorship. Any individual wishing to sue the business starts a lawsuit against the sole proprietor personally. The Sole Proprietor is "on the hook" for the whole amount of any court award. A successful law suit against a sole proprietorship can result in the collapse of the business and the financial ruin of the sole proprietor personally. Steps can be taken to limit a sole proprietor's personal exposure. However, personal liability for bank financing is often unavoidable as banks usually require a personal guarantee and/or security from the sole proprietor

1.4 Tax :

The tax consequences of business structures should always be given careful consideration. A sole proprietor's income (which includes business income) is taxed at the individual's tax rate. Income from business is taxed whether or not it is retained in the business. If the business loses money, the losses are balanced against all income accruing to the sole proprietor in determining his/her net taxable income.

II. PARTNERSHIPS

2.1 General :

The Partnership Act (NS) defines a general partnership as: "The relation which subsists between persons carrying on business in

common, with a view of profit…."

Nova Scotia general partnership law is based on case law. Legislation has not introduced significant changes. The Partnership Act (NS) merely codifies certain aspects of the law as it has existed since the birth of business organizations and mercantile associations.

2.2 Legal Personality:

General partnerships are not legal entities independent from their partners. But because partnerships are not independent legal entities they are relatively easy to form. Although general partnerships can vary greatly in size and activities, there are no formal steps required for the creation of a general partnership except for filing a declaration under the partnerships and Business Names Registration Act at the Companies Office. A general partnership simply exists when the parties form the intention to create such a business association and take steps to manifest that intention.

2.3 The Partnership Agreement:

The relationship among partners does not require a written partnership agreement. However, a written partnership agreement clearly indicating the terms and conditions of the general partnership is strongly recommended. A simple partnership agreement addresses two main issues: the contribution to be made by each partner and the manner in which business earnings will be shared. However, most partnership agreements deal with a host of other matters including:

i) the purpose of the business and its name
ii) the place of business
iii) fixing the fiscal year end
iv) banking arrangements
v) the role of each of the partners in the management of the partnership
vi) signing authority
vii) provision for the retirement, bankruptcy, incapacity or death of a partner
viii) valuation of a partner's interest
ix) restrictions on competition if a partner leaves
x) expulsion of a partner

xi) admission of new partners, and
ii) the duration of the partnership

2.4 Features of a General Partnership:

The general partnership structure harnesses the collective abilities of all partners and their combined capital resources. Start-up costs are relatively low. The partnership structure offers income tax advantages in some cases.

The unlimited liability of each partner for all partnership debts and the ability of one partner to impose obligations on all others in the course of business are the chief drawbacks of the general partnership. This is a major distinction between partnerships and corporations and it is a trait that has strong ramifications in terms of liability to third persons.

There are important features of the partners' relationship that do not stem from the partnership agreement. These duties apply to all partnerships by virtue of the common law. Foremost among the partners' duties is the duty of utmost good faith.

This duty has been labelled " the foundation of the internal law of a partnership." The duty of utmost good faith is an umbrella for a combination of duties. These include the duty of care and skill which one partner owes the others in management of the partnership's business affairs. The steps necessary to satisfy the duty of care and skill will depend on the task at issue and what could "reasonably" be expected in the situation

The partners also owe each other a duty of loyalty. A partner's duty of loyalty is measured by a far stricter standard than his/her duty of care and skill. This is due to the close, personal nature of a general partnership. Every partner is both a principal and agent. With each partner being the agent of his/her co-partners, every partner has a right in law to the information that the others possess. No secret profit may be made to the exclusion of the others.

The partners cannot compete with the partnership or use any information acquired from the partnership for personal advantage. Every partner must account to the partnership for every benefit derived by him/her, without the consent of his/her co-partners, from any transaction concerning the partnership or from any use by him/her of the partnership property, names or business connections.

The relationship between a general partnership and third persons is defined by the law of the agency. The act of every partner

in the course of partnership business binds all partners unless the partner acts without authority and the person with whom the partner deals knows that the partner lacks authority. Even a partner whose authority has been withdrawn can bind a partnership.

Valid claims against a partnership expose all the partners to the full extend of their personal assets. This is the one characteristic of the partnership that most distinguishes it from the corporate structure. The estate of a deceased partner remains liable to pay unsatisfied debts and obligations of the partnership.

The richest partners may ultimately be saddled with partnership debts and liabilities. The only available recourse to these partners is to recover their losses from the other partners. The problems arise when the other partners cannot pay their share.

2.5 Tax:

The taxation of a general partnership is an important consideration. A partnership is not a distinct legal entity. Accordingly, income and losses arising from partnership business are attributed to the partners rather than the partnership itself. This is the major difference between the tax treatment of partnerships and corporations. The partners include their respective share of business income or loss in their respective personal income tax returns.

Two important characteristic of partnerships affect taxation. First, since the income is taxed in the hands of the partners as individuals, the partnership is (indirectly) subject to progressive tax rates. Secondly, each partner may have a personal income level which differs from all others.

III. CORPORATIONS/COMPANIES

3.1 General:

The corporation (also often referred to as a company) is a very common form of business organization. A corporation is a legal person distinct from its owners who are called shareholders. Most companies have the powers of a natural person. Corporations are ordinarily subject to laws of general application.

3.2 Federal and Provincial Corporations:

In Canada, the federal parliament and each of the ten provincial legislatures have legislative power in the corporate law area. The result is that there are eleven different Canadian jurisdictions for corporate law purposes. The relevant federal or provincial legislation determines the particular characteristics of a corporation.

A federal corporation has the right to carry on business in any province although it must first comply with provincial laws requiring registration to carry on business and payment of fees. The provincial corporations can carry on business as of right in their province of incorporation although they too may be required to register to carry on business.

A provincial corporation can carry on business beyond the boundaries of their province of incorporation, but to do so, should register to carry on business in those provinces in which they carry on business.

There are few substantial differences in the ability of federally and provincially incorporated companies to carry on business today. However, it is generally quicker and less expensive to incorporate under provincial legislation such as the Companies Act (NS). Moreover, those who seek foreign investment may have to take the provincial route. A majority of directors in federally incorporated companies must be Canadian residents. There is no similar requirement under Nova Scotia law, for example.

3.3 Features of a Corporation:

The most important characteristic of a corporation is that it is a distinct and separate legal entity. As a general rule, liability arising from business attaches to the corporation itself and not to its shareholders, officers or directors. Thus, shareholders, directors and officers of a corporation cannot generally be held personally responsible for the business dealings of corporations. There are exceptions to this rule.

Despite the exceptions, limited personal liability remains the feature that attracts most investors to the corporate form. Those investing in a corporation usually stand to lose only the amount of their investment. Unless the corporate veil is pierced or statutes imposing directors' and officers' liability are involved, then personal

assets of investors are generally not at risk to satisfy corporate debts.

One cannot emphasize the importance of limited liability too strongly. It is the feature which best explains why the corporate structure is often chosen over other business forms.

A second consequence of the distinct and separate legal existence is the corporation's perpetual existence. A corporation survives the death or withdrawal of its shareholders, directors and officers. Perpetual existence distinguishes a corporation from other business structures and allows corporations to weather internal changes and restructuring without any technical change in status.

3.4 Directors:

Directors are at the hub of corporate power. They manage the business on a day-to-day basis and are normally not personally responsible for decisions or actions taken on the corporation's behalf.

This immunity is not absolute. There are important exceptions to its application. For example, the Income Tax Act (Canada) attaches personal liability to directors and officers of corporations with respect to unremitted taxes.

Directors owe a high degree of loyalty and good faith to the corporation. There is an abundance of case law dealing with situations where directors have not fulfilled their obligations in this regard.

3.5 Tax:

Many investors form corporations since they tend to pay lower taxes than private individuals. Profits can be "sealed" inside a corporation and taxed at its lower rate rather than divided among shareholders and taxed at higher individual rates. The down side is that losses incurred by corporations cannot be offset against other income of the investors.

It is for this reason, that it's not unusual for new businesses to begin as sole proprietorships whose losses are deducted from their owners' income. As these sole proprietorships become profitable they are incorporated to take advantage of the corporate tax rates and limited liability.

3.6 Shareholders' Agreements:

If there are two or more shareholders, in the corporation, it is advisable for the shareholders to enter into a shareholders agreement.

Two important topics of concern to shareholders are: the direction and management of the corporation and the means of exit from the corporation.

Most shareholders want to know what control they have over the day-to-day operations of the corporation and that there are restrictions on significant action affecting their investment without their consent. Most shareholders want to know as well, how they can sever their ties with the corporation and liquidate their investment.

The following are examples of other issues which are often addressed in a shareholders' agreement:

i) A restriction upon the issuance of further shares of the corporation

ii) A restriction upon changes in the capital structure of the corporation

iii) A prohibition of or restrictions upon the pledging or mortgaging of shares

iv) A right of first refusal on sale of shares, i.e. a provision to the effect that if a shareholder proposes to sell any of his/her shares, he/she must first offer to sell to the other shareholders upon the same terms and conditions

v) A provision dealing with the shares of a deceased shareholder

vi) A provision to the effect that a shareholder must sell his/her shares to the other shareholders or to the corporation upon ceasing to be in the employ of the corporation or actively engaged in the corporation's affairs.

vii) A provision that upon bankruptcy, insolvency or mental or physical incapacity of a shareholder, the other shareholders or the corporation shall have the option of purchasing his/her shares at a price determined under the agreement.

viii) A "shot-gun clause" whereby one shareholder can cause the other shareholder(s) to either buy his/her shares or sell their shares to him /her at the price per share stipulated by

the shareholder who initiates action under this provision and

ix) A provision concerning the management of the corporation and the voting of the shares. Such provisions may be very detailed and expressly state the responsibilities of each of the shareholders and what, if any, extra remuneration by way of a salary or otherwise each shareholder is to obtain or, alternatively, may be more general in nature, for example, providing merely who the directors and officers of the corporation shall be; and

x) Valuation of shares

A shareholders agreement is strongly recommended.

1V. BUYING A BUSINESS

4.1 General

One other way of starting a small business is to purchase a business. There are two means of purchasing a business, namely:

i) purchase of assets

ii) purchase of shares

The distinction between purchasing assets of a business and purchasing the shares of a business is that in the case of purchasing assets the purchaser can select the assets to be included in the transaction. In the purchase of shares of a business, all of the assets and all of the liabilities of the business are in effect sold, since the purchaser buys the shares of the corporation which owns the assets and which is responsible for the liabilities of the business. There are important legal and tax considerations and professional advice should be sought in determining which avenue to pursue.

4.2 Asset Purchase Agreement

When purchasing the assets of a business, it is important that the vendor and the purchaser agree on the terms of the purchase of the business assets by a written agreement. An asset purchase agreement will provide that the purchaser is going to acquire all or part of the

assets utilized by the vendor in connection with its business as the case may be and deal with other items including:

i) the purchase price of the assets
ii) applicable taxes (such as HST in NS)
iii) method and time of payment of the purchase price
iv) identification of what, if any, outstanding contracts associated with the business are to be assumed by the purchaser
v) employee considerations
vi) certain representations and warranties on the part of the vendor such as representations and warranties to the effect that the assets are owned free and clear of all encumbrances, all agreements are in good standing, the assets are in good operating condition, the vendor is not in violation of any legislation governing the operation of the business, the sale has been approved by the directors and/or shareholders of the company operating the business, the vendor will do nothing to the detriment of the business between the date of the asset purchase agreement and the date of closing.
vii) Restriction on the vendor from establishing a competing business for a certain period of time.

4.3 Share Purchase Agreement

In the case of purchasing a business through the purchase of shares, it is crucial to the transaction that the terms and conditions of the purchase of the shares are set out in a written agreement between parties. The share purchase agreement will set out that the vendor is the owner of the shares that he/she proposes to sell and that the vendor has the capacity to enter into the agreement to sell the shares. The share purchase agreement will also cover other matters such as :

i) a listing of accounts receivable
ii) a listing of agreements entered into by the corporation and whether they are in good standing
iii) employment arrangements
iv) representations and warranties of the vendor

respecting the assets owned by the corporation and the extent of the debt and liabilities of the corporation

v) resignations and releases of officers and directors and new appointments and

vi) arrangements for review of the corporate records of the corporation and turnover of the corporate records

V. LICENCES, PERMITS AND OTHER REGULATIONS

Most provinces have legislation requiring businesses to be registered or obtain a licence. Most professionals must be licensed. The following business categories are among those that must be licensed under Nova Scotia statutes:

1. Collection agencies and Collectors
2. Real estate agencies
3. Motor vehicle dealers and sellers
4. Direct sellers
5. Consumer reporting agencies
6. Mortgage brokers
7. Lenders
8. Lenders who are tax discounters .
9. Hearing aid dealers, and

Other licences and regulations may apply depending on the nature of the business conducted.

Unless the business is operated under the name of the proprietor, the name of the business must be registered at the Office of the Joint Stock Companies. The first step required to register a name pursuant to the Partnerships and Business Names Registration Act (NS) is to arrange for name approval. A search is conducted in an effort to determine whether a similar name is already registered. If no conflict is found, name approval, is granted and the name will be reserve for 90 days. The name is then registered and filed with the Registrar.

In addition to registration and licensing, it is necessary to obtain a Business Number from Canada Customs and Revenue Agency (CCRA) in order to remit HST (Harmonized Sales Tax) and/ or register as an employer for the purposes of the deduction and

remission of employee income tax, Canada Pension Plan and Employment Insurance premiums. The application forms may be obtained from the respective CCRA offices in the province where the business is to be carried out.

Furthermore, depending on the nature of the business and the number of employees it may be necessary to register with the Workers" Compensation Board for payment of worker's compensation premiums.

Owners of real property are required to pay taxes imposed by the municipality to cover the costs of municipal services, including policing and fire protection. In addition, the occupant of a commercial premises may be required to pay a business occupancy tax. A prudent entrepreneur obtains legal advice in advance to ensure they are aware of all necessary licensing and regulation requirements.

VI CONCLUSION

The appropriate legal structure for a business is a judgment call best made after balancing competing factors. The point to be emphasized above all others is the array of business structures to choose from. Nova Scotia law, for example, lays the groundwork to support virtually any business concept or enterprise.

But because business law is constantly changing, it is wise to review the most up-to-date information before embarking on any new enterprise. Professional advice is invaluable in helping to choose the business structure that will be most beneficial in the long run and in sifting through the web of laws relating to business.

Courtesy : Jeffrey R. Blucher, McInnes Cooper & Robertson by arrangement with Touch BASE. These notes are for instructional use only. It does not completely describe the law in any subject area. A lawyer should be retained to advise.

NOTES on Business Taxation

1. Income Tax on Sole Proprietorships and Partnerships

Sole proprietorships and partnerships can deduct the same expenses from taxable income as corporations can. These expenses must relate to the generation of business income. However, business income, or share of the business income, in a partnership, is taxed personally. The business owner or partnership must pay quarterly tax installments

based on either an estimate of the tax payable for the year or on the tax paid the previous year.

2. Corporate Taxes

Corporate income tax rates vary depending on the type of business and its net income. The following are a few tax tips to remember: 1. Depending on when business operations have commenced, a corporation may have a taxation year other than the calendar year. 2. Corporate taxes must be paid by monthly installments, based on either a tax payable estimate for the year or the tax paid the previous year. 3. A corporate tax installment account should be opened with Canada Customs and Revenue Agency (CCRA) as soon as the business operations begin.

3. Income tax incentives

Scientific Research and Experimental Development (SR&ED) Program - The federal government provides income tax incentives to Canadian taxpayers that conduct scientific research and experimental development (SR&ED) in Canada. The program encourages industry, including small business and start-up firms, to develop technologically advanced products and processes in Canada. Tax incentive claimants can apply for SR&ED investment tax credits for expenditures such as wages, materials, machinery, equipment, some overhead, and SR&ED contracts. (http://www.ccra-adrc.gc.ca/taxcredit/sred/policyindex-e.html)

4. CCRA's Business Windows

Businesses can get one-stop service at Business Windows in most CCRA offices. The service is offered at the counter, or by telephone or fax for the four Business Number (BN) accounts (i.e. corporate income tax, import/export, payroll deductions and GST). Business Window staff can also put business clients in touch with the right contact for other CCRA business programs. (http://www.ccra-adrc.gc.ca/contact/tso-e.html)

5. Social Insurance Number (SIN) - Human Resources Development Canada

The Social Insurance Registration Program was developed to register

people for two federal government programs, namely, Employment Insurance (EI) and Canada Pension Plan (CPP).

6. Business Number (BN)

The Business Number (BN) increases government efficiency and helps it deliver one-stop service at Business Windows. This program contains information about which accounts a business may need and how to complete a request for a Business Number. (http://www.ccra-adrc.gc.ca/tax/business/bn/menu-e.html)

7. Excise Taxes and Excise Duties

When goods are manufactured in Canada, excise tax is payable at the time the goods are delivered to the purchaser. When goods are imported, excise tax is payable by the importer, at the time the goods are imported. Excise duties are charged on spirits, beer, and tobacco products manufactured in Canada. The Excise Act sets out the rates of duty for these goods. http://www.ccra-adrc.gc.ca/tax/technical/menu-e.html

8. Goods and Services Tax and Harmonized Sales Tax - GST/HST

The goods and services tax (GST) is a multi-stage tax that applies to most transactions throughout the production and marketing process. A quick method of accounting for the GST is available for small businesses with annual worldwide GST-included sales of $200,000 or less including sales of associated businesses. (http://www.ccra-adrc.gc.ca/tax/business/gsthst/menu-e.htm)

GST is a tax that applies at a rate of seven per cent to the supply of most goods and services in Canada. Three provinces (Nova Scotia, New Brunswick, and Newfoundland and Labrador) harmonized their provincial sales tax with GST to create HST. Most businesses in Canada have to register for, charge, collect, and remit GST/HST on their taxable supplies. The taxable supplies are goods and services provided by a business in a commercial activity where GST/HST is charged at the rate of seven per cent, 15 per cent, or at the rate of zero percent.

However, do note that some goods and services are exempt from GST/HST and that, if generally, a business provides only

exempt goods and services, one may not register for GST/HST, charge, collect, or remit the tax or claim input tax credits (ITC's).

9. Income Tax - Payroll Deductions

Under the Income Tax Act, an employer is required to withhold any amounts relating to income tax from an employee's pay cheque. The employer holds these deductions in trust for the company's employees. These funds are therefore expected to be kept separate from the operating funds of the business. http://www.ccra-adrc.gc.ca/tax/business/payroll/menu-e.html. In order to determine the amount of tax to withhold, employees must file a federal Form TD1,"Personal Tax Credit Return". The employees' income and deductions have to be reported on a T4 or T4A return every year.

10. EI rules and premiums payable for 2002 and 2003

The employer and the employee have to pay Employment Insurance premiums on every dollar of insurable earnings. However, these EI deductions stop when one reaches the maximum employee contribution. The maximum annual insurable earnings are $39,000 for 2003. The premium rate for 2003 is 2.1 per cent of insurable earnings and the maximum employee contribution is $819.00.

11. Deducting CPP for 2002 and 2003

The employer is also responsible for deducting Canada Pension Plan contributions, and Employment Insurance (EI) premiums from amounts paid to employees. Throughout the year, the company has to send the Canada Customs and Revenue Agency these deductions, along with the business's share of Canada Pension Plan contributions and Employment Insurance premiums. As for 2003, the contribution rate for both employees and employers is 4.95 per cent of pensionable earnings. The maximum pensionable earnings are $39,900. The basic exemption is $3,500. The maximum employee contribution is $1,801.80. (http://www.ccra-adrc.gc.ca/tax/business/smallbusiness/faq/bis/bis-e-03.html#P373_25506)

12. Municipal Taxes

In addition to a property tax levy, a municipality may impose a

business tax, a special tax, or a local improvement tax. As well, the Municipal Government Act (MGA) provides for taxes within a business revitalization zone (BRZ) and for a tax on well drilling equipment. http://www.gov.ab.ca/qp/acts.html

Small Business in Canada

Small business is a big deal for Canada's economy. The 2.5 million small businesses in Canada account for 50 per cent of private sector employment and half of the country's economic output. It's just as well that the bulk of the loan portfolio from the Business Development Bank of Canada (BDC), a financial corporation wholly owned by the government of Canada, goes to small business. It' s been reported that 70 per cent of all its loans go to companies with less than 10 employees.

Where do immigrant entrepreneurs figure in all this? While there is no stereotype immigrant business, one can see a greater concentration in the retail sector. This is ironic, because banks appear to dodge the borrower shopping for retail loans. The lending policy is guided by commercial viability. The standpoint is that a bank finances the business and not the individual. But the dichotomy is that, in the case of small business, the lending decision is taken based on the credit standing of the small business owner.

Credit is, thus, among the two major challenges immigrant entrepreneurs confront. New Canadians who immigrate in the "Entrepreneur" category have the financial resources for start-up. But they complain about the time it takes to establish credit history and worthiness in Canada. The bank's reliance on credit history of the borrower is a Catch 22 for the newcomer.

But small business is the backbone of the economy. It's a big employer and, according to reports, today most of the knowledge-based companies in Canada are small businesses. How do they cut it. Well, outside commercial banking, the small business entrepreneur can turn to a Crown corporation, such as BDC, or a government agency at a regional level such as ACOA (Atlantic Canada Opportunities Agency)

BDC's financing criteria is structured to examine viability and growth of the business idea and therefore seeks to establish management strength, the market potential, cash flow, security and

above all the individual's commitment to the project. What the small business entrepreneur brings to the table by way of initial investments is a reflection of that commitment. But there are no established minimum levels of investment that the bank sets out. When a potential entrepreneur is unable to present that vision to a banker and comes up with too many assumptions that cannot be substantiated, the bank feels less willing to put its money there

Small Business Week, hosted by BDC usually kicks off in the last week of October nationwide to celebrate entrepreneurship and pay tribute to the major contribution that small businesses make to the national economy. In fact, according to one report, jobs are created in the small business sector and not so much by corporations. Indeed, small businesses have been innovating in all sectors from manufacturing to aquaculture and with their ability to innovate rapidly, they respond to the changing needs of the marketplace and create jobs, making them one of the most significant forces driving the economy.

Outside the retail sector, one sees immigrant businesses transferring technology as well as bringing worldwide contacts to trading operations.

The Business Plan

Indeed, the starting point with a bank or a finance lending agency is a business plan – the road map by which the banker is guided in the decision to lend or not to lend. The business plan defines the operation - the manufacture of product or service, the logistics, the financials – a projection of start-up and running costs as well as revenues, the market, competition and so on and all of this does actually engage the small business entrepreneur in the most vital task – ground research.

A business plan is a document which describes who you are, what you plan to achieve, where your business will be located, when you expect to get under way, and how you will overcome the risks involved and provide the returns anticipated.

A typical Business Plan model would lay out the following:

i. Executive Summary: This is a one page document that describes whether or not this is a new business venture, expansion of

an existing business or the purchase of an existing business. An executive summary sets out the type of business activity - manufacturing, wholesale, retail, food processing, service, high technology - describes the product or service and its uniqueness, the market to be served, the advantage over the competition, the goals of the organization, management background and the project time frames involved.

In a typical executive summary, one would see a description of the form of business structure that has been chosen - sole proprietorship, partnership, corporation or cooperative – as well as a listing of the business name and coordinates, the date of business registration, the percentage of business equity or share values owned in partnership or corporation.

ii. Project Costs and Project Funding. This section of the Business Plan identifies the costs of the proposed business venture and the sources of the project funding. A typical project cost summary would be rendered as below:

Land and Buildings_____
Leasehold Improvements_____
Equipment/Furniture _____
Other Assets (goodwill, franchise, etc.) _____
Vehicles (if used in the business) _____
Inventory (opening cost) _____
Other Start Up Expenses as per Cash Flow (accounting, taxes and licenses, insurance, rent, supplies, etc.) _____
Working Capital _____
Total Project Cost _____

Project Funding Equity

Cash _____
Contributed assets _____
Land and Building Mortgage _____
Equipment Loan _____
Other Loan _____
Line of Credit (L/C) _____
Grant/Subsidy _____
Total Project Funding _____

iii. The Product: The Business Plan in this section describes the products to be manufactured or the services to be provided. It would state why the product or service is unique to the market and provide facts about accompanying warranties, patents, trade secrets, or other technical advantages over the competition.

iv. Marketing: This is a perspective on the state of the market in which one is about to launch a product or service and therefore lays out field studies on the competition and the opportunities and threats relative to them. This is best outlined by an indication of prices, projections, possible promotion campaigns.

v. Operating Requirements: This is particularly relevant to businesses engaged in manufacturing. The document must indicate size, location, and type of premises. It may be necessary to attach the most recent real estate appraisal, offers to purchase or lease agreement, supplier quotations as well as provide information relating to special requirements - water, power, compressed air, ventilation, heat, air conditioning, drainage, disposal.

If approvals from the relevant government departments have been obtained those approvals should accompany the Business Plan.

This section will also deal with equipment, vehicles, inventory and other assets. The listing should include the proposed purchase price of major assets and will provide a general description of the day-to-day operations of the business.

vi. Management. The success of a business is often evaluated on the basis of management experience that is brought to bear upon the operations of the company. It is thus advisable to make a careful projection of management resources, experience in the industry or market, professional background of the entrepreneur and track record.

vii. Financial Projections: This section is a projection of a three-year cash flow, balance sheet and profit or loss statement. It is common for a financial institution to request that the principal(s) submit, with a loan application, a statement of personal net worth. This form is usually provided by the financial institution. If applicable, historical financial statements on the business venture may also be requested. Other supplementary and supporting documents for one's business plan should be included in appendices.

Chapter 11

Canadians' rights to healthcare

Canada was challenged with more than a couple of public health crises earlier this year - the Severe Advanced Respiratory Syndrome (SARS) being the one that got international attention, forcing even the World Health Organization to issue its advisory against travel to Toronto, which it rescinded a week later.

Almost in tandem, public health authorities were confronted with the West Nile virus and Mad Cow disease – the latter triggered by the death of one cow, which prompted Canada's biggest trading partner, the United States, to ban Canadian beef.

But the swiftness with which SARS and Mad Cow disease were contained was a reflection of the resilience of the public health care system which derives from the priorities of the Canadian people.

That said, Canada's healthcare got its shot in the arm early this year with the release of the Romanov Report on the "Future of Healthcare in Canada" which engaged Canadians in a national dialogue and which set the stage for medicare reform. In the light of the recommendations of the Commission on the Future of Health care, Ottawa's support to health will now increase by $34.8 billion over the next five years. The modernizing of medicare for Canadians today means greater access to publicly financed, privately delivered health services - primary care, diagnostic services, home care, palliative care and catastrophic drug coverage.

And most notably, Canada's health sector is now also researching immigrant health patterns and the need for cultural health studies to be included in the medical curricula so as to narrow the gaps in understanding between doctor and patient. It's indeed, a reflection of the seriousness of our societies to work on the ground realities of pluralism.

Canada has a publicly financed, but privately delivered health care system. The national health insurance program is achieved through thirteen interlocking provincial and territorial health insurance plans, linked through adherence to national principles set at the federal level. The five principles of the Canada Health Act are the cornerstone of the Canadian health care system, and have iconic status for Canadians. This legislation, passed unanimously by Parliament in 1984, affirms the federal government's commitment to a universal, accessible, comprehensive, portable and publicly administered health insurance system. The basic objective of the Canada Health Act is to ensure that all eligible residents of Canada have reasonable access to medically necessary insured services on a prepaid basis, without direct charges at the point of service. In other words, because one's tax dollars pay for healthcare, medical care is, essentially, free. However, medically necessary insured services do not include dental care, ophthalmology, drugs prescription and cosmetic surgery.

How the system works

Canada's health care system relies extensively on primary care physicians (e.g. general practitioners) who account for about 51 per cent of all physicians in Canada. They are usually the initial contact with the formal health care system and arrange for access to most specialists, hospital admissions, diagnostic testing and prescription drug therapy. Most doctors are private practitioners who work in independent or group practices. Some doctors work in community health centres, or in affiliation with hospital out-patient departments.

The private doctors are generally paid on a fee-for-service basis and submit their service claims directly to the provincial/ territorial health insurance plan for payment. The physicians in other practice settings may also be paid on a fee-for-service basis, but are more likely to be salaried or remunerated through an alternative payment scheme. While nurses are generally employed in the hospital sector, they also provide community health care including home care and public health services. Canada's dentists work independently of the health care system, except where in-hospital dental surgery is required.

Canadians in need of medical care, in most instances, go to

their local clinic and present the health insurance card issued to all eligible residents of their province/territory. Canadians do not pay directly for insured services, nor are they required to fill out forms for these services. There are no deductibles, co-payments or dollar limits on coverage for insured services. However, it is important to note that in some provinces of Canada, a permanent, landed resident, may not be insured for the first three months.

Over 95 per cent of Canadian hospitals are operated as private non-profit entities, run by community boards of trustees, voluntary organizations or provincial health authorities.

In addition to insured hospital and physician services, provinces and territories also provide public coverage for other health services that remain outside the national health insurance framework. These supplementary health benefits often include prescription drugs, vision care, medical equipment and appliances such as wheelchairs for certain groups such as seniors, the disabled and welfare recipients.

In general, though, supplementary services such as cosmetic surgery are largely privately-financed and Canadians must pay privately for these non-insured benefits. Under most provincial laws, private insurers are restricted from offering coverage which duplicates that of the governmental programs, but they can compete in the supplementary benefits market.

The Romanov Report

The *Commission on the Future of Health Care in Canada*, created by Prime Minister Jean Chretien in April 2001 and headed by Chair Roy Romanow, had engaged Canadians in a national dialogue on its future and when it released its final report *"Building on Values: The Future of Health Care in Canada"* completing its mandate on December 31, 2002, it set the stage for medicare reform.

The Romanow Report has been hailed as a major step in that reform process. Maude Barlow, the Chair of the Council of Canadians, a government watchdog organization, says Romanow has examined the empty rhetoric of the free-market ideologues and proved that privatization will destroy, not improve our system. "He has examined the facts and demonstrated that the way forward is to expand the public health system and reject the right wing provincial governments' plans to open our system to giant health corporations."

Anil Naidoo, the Council's health campaigner says he believes Canadians must be ready to speak out over the coming

months to ensure that the government will stand up to the corporate lobby and adopt the Romanow recommendations. "We must also block every attempt to include health care in the current trade negotiations in the FTAA and the WTO, and must convince the government to adopt recommendation 44 that would prevent trade agreements from allowing foreign corporations to sue us for our national health system."

The observations are a rebuttal to free trade negotiations within NAFTA (North Atlantic Free Trade Agreement) which would see Canada's healthcare fall into the hands of foreign, giant health corporations.

The Romanow Commission on the Future of Health Care in Canada, the Kirby Senate Study on the State of the Health Care System in Canada and several recent provincial reports have clearly indicated that Canadians want and expect improved access to medicare services from our publicly funded health care system. Canadians from all parts of the country have said that modernizing medicare means providing better access to primary care, diagnostic services, home care, palliative care and catastrophic drug coverage. In short, they want real, substantive reforms, along with increased transparency and accountability.

The funds provided in this budget build on the significant investments in health care already made by the Government of Canada since the budget was balanced in 1997–98, including the September 2000 first ministers' agreement. This budget confirms increased health care funding of $34.8 billion over the next five years. The federal government is committed to ensuring that future generations of Canadians continue to have access to universal care—care that is based on need, not on the ability to pay.

This budget makes significant investments to address some major health care concerns of Canadians including waiting lists, the availability of diagnostic equipment and accountability for their tax dollars.

The SARS crisis

Since the emergence of Severe Acute Respiratory Syndrome (SARS), the government has acted on several fronts to protect the health of its citizens — as well as our tourists, and to help Canadians affected by the non-medical consequences of the outbreak. The success of these efforts was a result of close collaboration with

international and national partners.

In order to manage the effort, the government had set aside a minimum of $100 million this fiscal year for the fight against SARS and initiated several other measures to deal with the crisis. It screened travellers in major airports, boosted research efforts in the search for a vaccine, protected the blood supply, and developed a SARS national public health strategy.

On an international level, Canada is even now working in active partnership with the World Health Organization and the United States Centers for Disease Control and Prevention to address the challenge SARS poses internationally. As of May 28, 2003, Health Canada had received reports of 352 probable or suspect cases of SARS and 27 related deaths in Canada.

How did West Nile virus get to North America?

No one knows for sure how the virus made its way to North America. But there are theories, including one that suggests the virus arrived on this continent through an infected migratory or imported bird, or through an infected mosquito that was transported to North America by accident.

During 2002, more than 4,000 people in North America became ill after being infected with the WN virus. This is the largest outbreak of West Nile virus infection ever recorded. How do people get infected with West Nile virus? Well, evidence shows that most people infected with West Nile virus got it from the bite of an infected mosquito. A mosquito becomes infected when it feeds on the blood of a bird that is infected with the virus. Almost two weeks later, the mosquito becomes capable of passing the virus to people.

Health Canada took pre-emptive measures this year to prepare for the upcoming 2003 West Nile (WN) virus season in collaboration with its many partners and focused its efforts in some main areas of activity including Canada-wide surveillance for West Nile virus, keeping Canada's blood system safe from West Nile virus, testing for the virus, keeping Canadians informed about new findings on the virus and working in collaboration with First Nations communities on reserves

The immigrant dimension to health care

Most studies of immigrant health describe health patterns

without relating them to patterns in the country of origin. Ilene Hyman, a Research Scientist at the Centre for Research in Women's Health, Sunnybrook, in a working paper series on immigration and health submitted to the Applied Research and Analysis Directorate (ARAD) notes that in order to determine whether immigration has an impact on the health of migrants, it is important to compare health indicators among immigrants, residents of the destination country and residents of the country of origin.

"Migrant studies rely on epidemiological methods to examine three contrasting groups: natives of the country of origin (CO), migrants (M), and natives of the country of adoption (CA). According to the model implicit in these studies, if change in environment is the explanation for the observed difference in health indicator rates, one would expect the CO rates to differ from M rates and that M rates would approximate CA rates," she says. "For example, change in environment (e.g. tobacco use and fat intake) is often used to explain why colon cancer rates among Japanese migrants to the United States are higher than those in Japan, and indeed approximate American rates.

"If genetic factors were of prime importance, CO rates would equal M rates and these would differ from CA rates (Lilienfeld & Lilienfeld, 1980). Thus, persistent low rates of breast cancer among female Japanese migrants compared to American-born females are often attributed to genetic factors."

In her submission, Hyman notes that while there is a certain elegance to determining the relative importance of nature versus nurture in disease development, several limitations to migrant studies have been identified (Kasl & Berkman, 1983; Yu & Liu, 1991; Kliewer, 1992; Friis et al., 1998).

i. International variations in the recording of cause of death may contribute to differences in mortality rates between countries.
ii. Immigrants may not be representative of the general population of the country of origin due to selection effects.
iii. Immigrants are not homogeneous in terms of type and period of migration. For example, voluntary immigrants are probably healthier than involuntary immigrants and later immigrants may differ in social, educational and other demographic characteristics from earlier immigrants.

iv. Sample sizes need to be adequate to conduct multivariate analyses. A disease may be only partly under genetic influence.

v. Early exposure in the native country may confer a lasting immunity.

vi. Immigrants may not be exposed (for whatever reason) to the environmental risk to which the host country natives are exposed.

Cultural differences as a factor in treatment

In the province of Nova Scotia, a survey is underway to determine how Arabic speaking women think and feel about Breast Cancer so as to engage them in healthy breast practices including breast screening and mammograms. The program is being conducted by the Nova Scotia Council on Multicultural Health.

The survey, at this stage, is focused on Arabic women for two basic reasons. Firstly, the Arab community represents the fastest growing immigrant population in Halifax and second, there is a mythical, skewed understanding of breast cancer in this community. The observations are based on research of the knowledge and attitude of Arab women to breast health all of which act as barriers.

The purpose of the survey is to determine what education and support may be necessary to improve the outreach of breast cancer health practices. Science has still not come up with a theory on what causes breast cancer. One cannot point to diets, culture, genetics as a cause. But the way to pre-empt its growth is through early detection. That is why the need for annual mammograms, breast screening and so on. It's reported that one in nine women suffer breast cancer.

In Canada, the common barriers to early detection have been identified as language, cultural beliefs, socio-economic status and the lack of referral from doctors. But health analysts say that if these are the barriers, these can be fixed. But what they also observe is that Arab women are known to refuse mammograms or breast screening done by a male radiologist and thus the need for education to rethink these approaches to healthcare.

Arab women volunteers in the program say that a new generation of Arab women are now receptive to new knowledge on the subject, but nonetheless there must be consideration of the religious beliefs of Muslim women for whom modesty requires that

they be examined by a female technician, in the presence of another woman.

In a sense, what this program is determining is the need for education on both sides – where Arab women understand the need for early detection and hospital administrators can look for ways to outreach breast cancer services to more women in the community. Indeed, modesty in two divergent cultures can have a different meaning.

The last focus group held in March sought to get some notions from Arab women in respect of breast cancer and according to one report, the majority opinion was that this is a disease typically caused by North American environment, high fat food such as pork and genetics - not commonly found in home countries. Arab women, reportedly, believe that poultry, plants with steroids, pork, as well as war zone environments threatened with biological weapons and resultant stress are some of the other causes.

But the fact is that science points to none of these and which is why education and support are seen to be necessary to improve outreach and bring Arab women more readily to the monthly breast screening services and regular mammograms.

Swarna Veersinghe, who teaches bio-statistics at Dalhousie University in Halifax, is currently researching health priorities for immigrant women and some of those projects include studying access to healthcare by newcomers and the desirability of a culturally-sensitive health policy. She says there have been problems identified – especially systemic barriers: economic, cultural and others – in access to healthcare by newcomers.

"Language barriers are not the big hurdle," she says. "Cultural health interpreters can step in during an examination of a patient to interpret symptoms to a doctor, although the interpreter's fee is beginning to hurt," she says. "But there are other problems. The doctors tend to rely on symptoms for diagnosis, whereas patients from eastern cultures, for example, look at health from a holistic point of view. A husband without a job could affect the health of the wife," Swarna says.

It's a complex situation, clearly. Swarna believes that for better doctor-patient communication in a rapidly emerging diverse society, the education process must be two-way. "Our medical practitioners should understand issues in multicultural health and it's just as well that some changes in the medical education system are being talked about," she says.

What is notable, thus, is that diversity issues in health may soon be included in the medical sciences curriculum. It's indeed, a reflection of the seriousness of our societies to work on the ground realities of pluralism.

Chapter 12

Education in Canada

How cultures collide in Canada's schools and universities

Canada's schools can be a culture shock for the immigrant teenager. That is probably the biggest challenge immigrant families confront as they step into Canada. The barriers of language, colour and religion must be overcome and most of all the clash of value systems. The bigger challenge is for teenagers with home-grown notions of society that are diametrically opposed to Western culture.

Indra Veersinghe, a scientist in Canada of Sri Lankan descent says: "We try very hard to hang on to our culture. It's one that emphasizes the respect for teachers, conduct with adults, and this thing about youth smoking, drinking, teenage pregnancies are something we were grown up to believe as social taboo."

But Reza Arifi, an oil and gas engineer of Iranian descent says: "My children have adapted perfectly to the school environment. I have not over-emphasized religious practice with them. Instead, I want them to be great human beings. So we accept Canada as a total package."

It is, in fact, in Canadian schools that immigrant teenagers begin to overhaul their mindsets. But pressure at home to stick to home-grown values and not submit to Western lifestyle throws the young into the horns of a dilemma. Chinese youth are thus sometimes labeled "bananas", the allusion being to "the yellow covering over white fruit" Likewise Indian youth are labeled "coconuts."

But Karima Bushra, who is of Egyptian descent, says: "I want my children to feel a sense of belonging to Canada, because only then will they have a sense of identity. It's not the social climate in which you raise children that matters. One may find that in your own country, your children may not truly follow the faith. Faith and

values have to be home grown." Bushra is convinced Canada is good for the family. "It respects diversity, it's laws protect against discrimination and so it's really up to everyone of us to realize that for as long as we do not bother others with the way we practice custom or faith, this system works best."

Indeed, there are underlying fears and anxieties about how one's young will adapt to a Western environment. But there is never a shadow of doubt of the high standards of Canadian education.

In Canada, public schools are completely funded by governments through tax income and most children go to public schools. The medium of instruction is English and French. By law, children must attend schools from age five to sixteen. There are several levels in the Canadian education system, namely Elementary, Junior and Secondary. Secondary school students must take courses such as English or French and Mathematics and Science. While some courses are designed to put students on the job market after they graduate from school, other courses prepare students for college or university.

In Canada, teenage students usually make these choices for themselves, assisted by guidance counsellors. Upon graduating from high school, many young adults continue their studies through post-secondary education. Typically, they cover any of three streams i) Formal training for a skilled trade ii) Community College which offers one to three-year Diploma programs in technical or academic subjects iii) University, which offers multi-year Degree programs in arts, sciences or professional fields.

The school and teaching environment in Canada is distinguished from the education systems in countries other than the West by its curricula which are set to meet distinct career goals and are presented to students in a way that emphasizes an understanding of concepts rather than memorization of theory and text. No home work is encouraged and students in need of addition help can get it. The in-class atmosphere is informal and this is sometimes a culture shock for young children moving from schools, especially in Asia and the Middle East, to Canada.

The barriers of language, colour and religion:

In most regular public schools, religion does not play an active role. These schools usually teach world religions as a subject, instead of providing religious instruction. In many provinces, the

school population is very multicultural.

But Canada is a country of immigrants and society welcomes the pluralism that is fast emerging across the country. That said, there is not just a high degree of tolerance of other cultures and beliefs, but acceptance as well. Just as well most public schools with a high degree of multiculturalism observe the Friday prayers and celebrate Eid Al Fitr - the Islamic festival - even as they celebrate Hanukkah, or Easter. In many schools, Muslim students are, in fact, encouraged to wear the "*hijab*".

The schools are challenged by occasional violence, but strict laws that even include expulsion from the education system help to prevent violence. While it may not be reasonable to say that racism in schools does not exist, it is fair to say that school managements are quite committed to dealing with racism. The schools boards in many provinces are known to have a Race Relations Officer to oversee discriminatory actions.

University life for immigrant women

A young Eritrean student at Dalhousie University says she does not always fit in with the crowd. When she goes out with her peers, she never forgets she has to be home before midnight, unlike her other Canadian friends. But she is clear about what's important to her: "I'm Eritrean and I'm proud of my culture. There are problems, for sure, but my traditions are important."

One of the big challenges young people face is to find a meeting ground between the culture they integrate with at school and the one they live with at home. There is powerful pressure on multicultural kids to abandon the cultural values they were raised with. But this Eritrean student feels the multicultural student body at Dal is great. "You walk into the Student Union Building and you see all these diverse faces, people from everywhere and it feels good to be there," she says.

It's a good balance from other aspects of her life, like her English class of 53 students, where she is the only black student. "When I first walked into that class, it was so uncomfortable," she remembers. "It still is, sometimes. But see, I don't care any more. I know who I am."

Immigrant young women, and particularly those from more conservative Eastern cultures have certain expectations placed on

them. Traditionally, Eastern cultures keep their women well-protected from the public eye, saving opportunity and education for the males of the family. Not so anymore. The change from suppressed ambition to independent confidence has begun with a new breed of young women now embarking on a university education in Canada. This seems to be a generation of young women who have got on top of the problem.

Muna Chowdhury also lived in the Middle East before immigrating to Canada. The 18-year old Bangladeshi graduated from school and went to Dalhousie to study medicine. Ambitious? "It is somewhat ambitious, but I want to be well-established and my parents want the same for me," says Muna. She seems also to have found the balance of east-west despite the challenges. She's frank with her parents, but she is respectful too.

She admits there is always the temptation to forget where you're coming from. "Everyone worries when they first get here. You don't want to be the only ethnic person around. But dropping your cultural values is not going to make me fit in any better. I think girls from the East are really headstrong these days – especially when it comes to education. After all, that's why our parents came here."

Bodour Aubaid, who came to Canada from Kuwait, when she was 18 was terrified on her first day at school. The pressure of having to fit into an alien culture hit hard. Her *hijab* (headscarf) set her apart from everyone else. She knew no one and spoke very little English. She knows that a new culture, and a less strict one, has confused other girls. "Some people had a problem with my *hijab*," she remembers. "Now I know that they just didn't understand it."

Chapter 13

Settling in Canada

It must take a lot of faith and hope to make the transition from conservative to progressive societies. But Canadians share some important values: human rights, equality of women, the rights of the child, the right to education, health care and basic social services, fair labour standards and a fair standard of living, honesty and integrity and protection of the environment. That said, settling in Canada is only a matter of time, before the hurdles get out of the way.

Before coming to Canada, it may be a good idea to read all about it, and if one's English or French skills are not up to speed, a crash-course may be necessary. A newcomer will obviously bring along important documents: birth and marriage certificates, university or technical training certificates, employment documents, references and an up-to-date resumé, immunization certificates and other health records. It may also be advisable to bring along three-month health insurance, because in some provinces of Canada, newcomers may not be insured for three months.

Even as one copes with language and cultural barriers, there are systems at work in Canada that the newcomer is not all too familiar with. The tax culture, the self-reporting tax system, the Child Tax Benefit, GST/HST credits, the Job Bank, social insurance, Employment Insurance (EI) or the Canada Pension Plan are new to people from other parts of the world.

Likewise, it's important to know how to obtain a health card and what is covered under the province's medical insurance plan. The Canadian government is trying to come to terms with the notion of multicultural health and its ramifications. Just as well it's important for immigrants to know what are "patient rights".

In the search for a job, it's just possible that a newcomer might encounter a racist or discriminatory response. Canada's Human Rights Commission is dedicated to addressing these problems. But

newcomers to Canada ought to know how to file a complaint. Just as well, this chapter deals with those systems that work in Canada and shows the newcomer the ropes that enable one to work around them and ultimately fit into mainstream Canadian life.

When you first arrive…..

Get a map of your community, in order to find one's way around and get a grasp on the public transportation and the telephone system in the area. If one has not already made arrangements for temporary housing, one may want to contact some of the settlement agencies at the airport. *Canadian Beaver Settlement Services*, for example, can assist the newcomer in Montreal, Toronto and Vancouver with settlement services that include airport-pick-up, finding accommodation, information on schools and universities, job searches, business information and so on. But should one want to organise settlement independently, check into a motel. The motel and their lodging rates are advertised on liquid crystal display boards at the airports.

After initial night stay at a motel, you may make contact with a real estate agent or look up accommodation options in the classified pages of the local newspaper. The broad range of rentals can be seen in the following chapter: *A Guide to Settlement in Canada's Cities*

First things first:

Almost as soon as one begins looking for a house that you may want to rent or buy, you should apply for a provincial health insurance card and a Social Insurance Number. Canada has one of the finest health care systems in the world. The medicare services are free of charge to all residents of Canada registered under the national health insurance program. Canada's national health insurance program pays for most necessary medical services. However, in some provinces, health insurance may not be provided for the first three months.

The landed immigrant also needs a social insurance number (SIN) to work at most jobs in Canada. One can apply at the local Government of Canada Employment Insurance office. It could take up to six weeks for the SIN card to arrive, but one can apply for jobs while one waits for it to arrive.

If one needs assistance with the application of a SIN,

contact an immigrant service organization. The federal government provides funding for services to help immigrants integrate. Some provinces (British Columbia and Manitoba) have taken over the delivery of settlement programs and services, under federal-provincial agreements.

In addition, the Canada-Quebec Accord gives Quebec responsibility for planning and administering its own settlement and language training programs with a federal grant.

Furthremore, the Canada-Quebec Accord gives Quebec responsibility for planning and administering its own settlement and language training programs with a federal grant.

The federal programs are the Immigrant Settlement and Adaptation Program (ISAP), the Host Program, and Language Instruction for Newcomers to Canada. ISAP provides such services as orientation, interpretation, counselling and help with job-hunting.

The Host Program matches new immigrants to Canadian volunteers who help them adapt to life in Canada, learn about community services, practice new language skills, and look for employment. The language and settlement services provided by settlement agencies funded by the government are absolutely free.

Child Tax Benefit : tax-free monthly payments for low-income families

The federal Child Tax Benefit provides monthly payments on behalf of children under 18 years of age. The applicant is the person primarily responsible for the care and upbringing of the child, usually the mother. It also provides financial support for low-income working families. Assistance and applications are available from the local Revenue Canada office. Call charge-free: 1-800-387-1193

Education Savings Grant

If one invests $2,000 in a Registered Education Savings Plan (RESP) a Canada Education Savings Grant (CESG) equivalent to 20 per cent of that investment will be contributed by the Government of Canada.

This scheme is to encourage families to save for education costs. This will help offset the need for student loans. The investment

income earned on the savings, as well as the grant payments made to the RESP will be tax sheltered until the student begins to finance his education out of those funds.

Canada's public schools are completely funded by government through tax revenue. By law, children must attend school from age five to 16. The government uses tax revenues to support post-secondary education, however, all post-secondary institutions also charge tuition fees. But of course, post-secondary students may apply for, in some case, interest free student loans.

In order to enrol one's child, visit the local school. The documents one may need include a birth certificate, immigration landing papers, passport, health records and school records.

The Canada Student Loans Program provides financial assistance for full-time and part-time students attending post-secondary educational institutions. Low income student borrowers with dependants are eligible for a Canada Study Grant of up to $3,000 per year.

Thirty months of interest relief is available over the life of the loan. Since 1999 a graduate relief program will cover all or a portion of interest owed for the life of the loan, depending on the borrower's income.

Application forms are available from financial aid offices at colleges and universities and from student aid offices in the provincial ministry of education. Contact Canada Student Loans Program, HRDC, Hull, PQ K1A 0M5 Tel: (819) 994-1844.

Employment

It may take one longer than expected to find a suitable job, but fortunately there are plenty of sources of assistance. Contact Human Resources Development Canada (HRDC) which has offices across Canada as well as an electronic Job Bank. Immigrant serving agencies can help with job search.

The Job Bank is available through all Human Resources Development Canada (HDRC) offices, provincial government offices, as well as through several public locations including libraries and shopping centres. It is also accessible on the Internet. Job Bank: http://jb-ge.hrdc-drhc.gc.ca. Canada WorkInfoNet works for both youth and employers.

It supports a vast information network on the Internet that

enables users to connect to extensive work opportunities as well as allows one to advertise skills to potential employers. Go to CanadaWorkInfoNet: http://www.workinfonet.ca

Several federal and provincial laws apply to the employer and the employee. Minimum wage laws ensure that employees receive at least basic compensation for their work. The minimum wage is currently $5.75 per hour. Laws protect employees against employers who treat them unfairly. Employees can object to unjust treatment based on sex, age, race, religion or disability. Safety standards protect employees from unsafe machinery or workplaces.

Child labour laws control the hours and types of work. Employers must deduct income taxes and certain compulsory payments such as Employment Insurance, Workers Compensation and the Canada Pension Plan. Self-employed people must also contribute to the Canada Pension Plan.

Employment Insurance in the event one loses a job

In most cases, if one has worked at least 420 to 700 hours in the last 52 weeks at a job where employment insurance contributions were taken off the pay cheque and the individual is now unemployed, one may be eligible for Employment Insurance benefits. While one looks for work, Employment Insurance benefits pay 55 per cent of the average insurable earnings, which are calculated from the last 26 weeks worked. If one earns less than $25,921 and if you or your spouse support a dependant, one can receive a maximum of 65 per cent of the average insurable earnings.

The program also pays maternity, sickness and parental benefits. The maximum weekly benefit rate is set at $413. Those who quit work without just cause or are fired for misconduct are not eligible for Employment Insurance until they again qualify through new employment. Employment Insurance Inquiries can be made by calling 1-800-531-7555

Canada Pension Plan

The Canada Pension Plan (CPP) provides basic benefits when a person with CPP contributions becomes disabled, retires or dies. Both the CPP disability and survivor provisions can provide benefits for children of disabled or deceased CPP contributors. In order to be eligible, one's parent/s must have made sufficient

contributions to the CPP and the recepient must be between the ages of 18 and 25. The Disabled Contributor's Child's Benefit is a monthly benefit paid to a natural or adopted child. Contact a Human Resources Development Canada (HRDC) office toll free at 1-800-255-4786.

GST /HST credit

Low or modest-income earners, 19 years of age or over, parents, married or living common law may be eligible for a Goods and Services/Harmonized Sales Tax (GST/HST) credit. The GST/HST credit payments are issued by Canada Customs and Revenue Agency (CCRA) four times a year. The payments are based on family income. To apply for the credit, one has to file an income tax return each year and complete the GST/HST credit column on page 1 of the return. Call 1-800-959-8286 for information.

Human Rights Commission

The Canadian Human Rights Commission is an independent government commission that is charged with the administration of the country's Human Rights Act. The Human Rights Act affirms every person is free and equal in dignity and rights without regard to age, race, colour, religion, creed, sex (gender), sexual orientation, physical or mental disability, ethnic, national or aboriginal origin, family or marital status, source of income or political belief, affiliation or activity. The act also prohibits sexual harassment in all areas of public life.

Commission staff investigate complaints of discrimination. As well, staff in the public education and affirmative action and race relations divisions provide programs and services on diversity and stopping sexual harassment. If an individual has experienced discrimination or is interested in training in cultural diversity or in the prevention of sexual harassment within one's organization or one is not sure where to turn to for help, contact the nearest office or call toll-free 1-877-269-7699.

Identification

It is a good idea to always carry two pieces of identification. Common forms of recognized identification include a driver's licence, permanent resident papers or a citizenship card, a social insurance

(SIN) card, a birth certificate and credit cards.

Income Tax Returns

Generally all income, from all sources, is taxable in Canada. The Canadian system of income taxation is a self-reporting system. It is the responsibility of each tax payer to report all income on their tax return. The return must be completed honestly and filed with Canada Customs and Revenue Agency (CCRA) along with any balance owing by April 30 every year.

A volunteer outreach Income Tax Program helps people with straight forward tax situations complete their income tax returns, free of charge. It is designed to help newcomers to Canada, low-income wage earners, students and seniors. With few exceptions, all types of income are reported on the T1 General Personal tax return. These forms are available free of charge at any postal outlet or at a CCRA office.

Ombudsman

The Office of the Ombudsman investigates complaints involving provincial or municipal governments. Call toll free: 1-800-670-1111

Rights

The Canadian Charter of Rights guarantees fundamental rights and freedoms, such as equality rights, legal freedom of expression, freedom of religion, and freedom of association. Democratic rights allow Canadian citizens to vote and participate in elections.

A permanent resident is entitled to most of these rights, although one cannot vote until one obtains Canadian citizenship. Permanent residents and citizens also have responsibilities, such as the responsibility to obey Canadian laws and to allow others to enjoy their rights. And like all Canadians, one has to pay taxes.

Understanding the law

The Charter of Rights guarantees equal treatment and protection under the law for all individuals. It also explicitly recognizes equal access to all the rights and freedoms guaranteed under the Charter

for both men and women. This means women have the same opportunities for employment, education, democratic participation, financial status, and the benefits of the law as men. Domestic abuse is not tolerated in Canada. Anyone who assaults his spouse or partner can be charged with assault. Canadian laws also protect children against abuse or neglect.

Settlement Guide

Although the operational systems are generally similar across Canada, there are variables in house prices, rentals and the processing functions of provincial organizations. A health insurance plan may be acceptable in all provinces of Canada, but re-registration may be necessary. Likewise, the systems governing the application for a driving licence, granting credentials equivalency and the professional bodies to which professionals must register are often dissimilar from province to province.

This guide points the newcomer to the resources necessary in four of Canada's major cities, namely, Vancouver, Toronto, Montreal and Edmonton. It provides pointers to house prices, contact resources for registering children in schools, the Canada Employment and Immigration Centres, the major hospitals, motor vehicle registration offices, equivalency granting agencies and so on.

SPECIAL NOTE: *While the publishers have made every effort to ensure the accuracy of information in this guide, they cannot accept responsibility for any error that may occur or losses resulting from reliance on the information.*

VANCOUVER

Climate:

Winter (Jan – March) 0 to 5 degrees; Spring (April-June) 8 to 15 degrees; Summer (July – September) 16 to 12 degrees; Fall (October-December) 10 to 3 degrees

Accommodation:

See classified section of the newspapers for rental apartments. Contact the Resident Tenancy Branch which provides information on tenancy agreements, conflict resolution, appoints arbitrators to settle disputes between landlord and tenant. Home owner costs include Property Purchase Tax (1 % on property value of $200,000) Municipal taxes and property insurance.

Housing Prices

	Standard 2-storey	Condominium
Surrey	$200,000	$98,000
Richmond	$295,000	$170,000
North Vancouver	$300,000	$175,000

Utilities

Telephone: Call BC Telephone: 643-4242 ;
Electricity: Call BC Hydro: 299-0321

Education

School registration : In Vancouver, call the Oakridge Reception and Orientation Centre at 266-8376 for an appointment. In Richmond, call the Richmond Universities

University of British Columbia : 228-3014;
Simon Fraser University : 291-3224

Employment

Contact : Canada Employment and Immigration Centres at:
Vancouver: 6464 Fraser: 324-1142
Surrey : 590-3346; Richmond : 273-6431

Postings, a weekly tabloid lists employment positions for government jobs.

Foreign credentials Evaluation Agency

Student Services Office, Open Learning Agency, 4355 Mathissi Place, Burnaby, BC VSG-458 Tel: 431-3100. The agency evaluates education up to a Bachelor's degree for a fee. Master's degree evaluations may be done at University of British Columbia or Simon Fraser University.

Professional qualifications:

Trades people: Training and Enterprise Centre of the Ministry of Advanced Education :
Vancouver: 660-6272
Surrey: 660-8944
Lawyers: BC Law Society: 669-2533
Engineers: Association of Professional Engineers and Geoscientists, 2210 W, 12th Ave,
Vancouver. 736-9808
Doctors: College of Physicians and Surgeons of British Columbia, 1807 W, 10th Ave,
Vancouver 733-7758
Teachers: College of Teachers, Suite 405, 1385 W 8th,
Vancouver 731-8170
Accountants: CGAs should contact the National Membership Office at 669-3555.

Medical:

Medical insurance coverage is available from the Medical Services Plan of British Columbia (MSP) after three months. Individuals pay premiums. But private health insurance is also available.

Call MSP at : 688-8358

Major Hospitals:

The Vancouver General, 855 West, 12th 875-4111
St. Paul's, 1081 Burrard St. 682-2344
Surrey Memorial, 13750, 96th Ave, Surrey 581-2211

Legal Aid: 687-1831

Driver's Licence:

International driver's licence is valid for the first six months. Contact the Motor Vehicle offices at:
Burnaby: 660-5888
Richmond: 660-9439

Surrey: 590-3899
Vancouver: 660-2397

Business

Business Information Centres, operated by the Ministry of Regional and Economic Development provide information on starting up new business, operating problems and government regulations. Contact: Business Development Services, Ministry of Regional and Economic Development, second floor, 770 Pacific Blvd, S.

Vancouver: 660-4188

Immigrant Service Providers

Immigrant Services Soceity (ISS) of British Columbia
501-333 Terminal Ave,
Vancouver 684-2561

Crisis Centre : 733-4111

TORONTO

Climate

Winter : (Jan – March) -10 to 0 degrees; Spring: (April-June) 6 to17 degrees; Summer: (July-September) 20 – 15 degrees; Fall (October-December) 9 to -4 degrees

Accommodation

See classified advertising section of newspapers for rented apartments. Home owner costs include Land Transfer tax. The Rent Review Services Office provides information about the Tenanacy Act.

Housing Prices

	Standard 2-storey	Condominium
Missisauga	$177,500	$100,000
Markham	$205,000	$155,000
Central Toronto	n/a	$190,000

Utilities

Telephone : Call Bell Telephone 599-3911
Electricity: Call Ontario Hydro
Toronto: 592-5111
Scarborough 292-1530
Missisauga 279-9050

Education

Registration: The Bickford Reception Centre (East of Yonge Street) provides translation and lisison services to help register children.
Contact: 777 Blvd St. W,
Toronto 393-0530

Board of Education :
Etobicoke: 394-7000
Scarborough: 396-7100
East York: 396-2034

Universities

University of Toronto: 978-2011
York University: 736-5278
Queen's University, Kingston : 613-545-2040

Employment

Contact Canada Employment & Immigration Centres at:
Scarborough: 200 Town Centre Court: 973-4400
Toronto East: 811 Danforth Ave: 461-3511
Etobicoke: 5343 Dundas W: 954-1500

Provincial government job opportunities

Contact: Human Resources Secretariat, Staffing Services Branch, First floor, Frost Building, 7 Queen's Park Crescent, Toronto:
965-6081

Foreign Credentials Evaluation

Educational qualifications can be evaluated at: Comparitive Education Service, Office of Admissions, University of Toronto, 315 Bloor St. W Toronto: 978-2185

Professional qualifications:

Trades people : Call Ministry of Skills Development 326-5800
Lawyers : Law Society of Upper Canada 947-3300
Engineers: Associartion of Professional Engineers of Ontario, 1155 Yonge Street. Toronto 961-1100
Teachers: Ministry of Education, Registrar Services, Twelfth floor, Mowat Block, Queen's Park, Toronto: 325-4300
Doctors: College of Physicians & Surgeons of Ontario, 80 College Street, Toronto. 961-1711
Accountants: National Membership Office: 977-7741

Medical

The Ontario Health Card provides medical insurance coverage. The individual does not pay premiums. Contact: Ontario Health Card at : 482-1111

Major Hospitals

Doctors, 45 Brunswick Street: 923-5411
Mount Sinai: 600 University Ave. 596-4200
Toronto General 200 Elizabeth Street. 595-3111

Newcomer Health Clinics

Immigrant Women's Health Centre, Ste 301, 750 Dundas St. Toronto 367-1388

Legal Aid: 598-0200

Driver's Licence

Individuals may use the international driver's permit for 60 days. Call Motor Vehicle Driver Examination Centre at : 235-2999

Business

Contact the Business Start-up Hotline, Ontario Ministry of Industry (Small Business Branch), Seventh floor, Hearst Block, 900 Bay Street, Toronto: 1-800-567-2345

The New Venture Program provides access to funding through loan guarantees. Loans up to $15,000 can be obtained from most financial institutions. Contact: Ontario Development Corp., New Venture Program , Ministry of Industry, 1160 – 1 Robert Speck parkway, Missisauga

The Small Business Development Corp stimulates the growth of small business by spurring private sector investment. Contact SBDC, Ontario Ministry of Revenue, 33 King Street. W POBox 625, Oshawa, ONT L1H 8H9 965-8470

Immigrant Service providers

Catholic Immigration Bureau, 291 Yonge Street., Toronto:
977-3264
Youth Employment Counselling Centre: 531-4631
South East Asian Services Centre, 603, Whiteside, Toronto :
362-1375
Access for New Canadians (Downtown Employment Services)
431 Roncesvalles Ave, Toronto: 530-1455

EDMONTON

Climate

Winter (Jan-March) –18 to 0 degrees; Spring (April-June) 2 to 13 degrees; Summer (July – September) 16 to 10 degrees; Fall (October to December) 5 to –13

Accommodation

Landlord and Tenant Advisory Board provides information to landlords and tenants about the Tenancy Act. Call: 428-2525

Housing Prices:

	Standard 2-storey	Condominium
Millwoods	$137,000	$55,000
Sherwood Park	$131,000	-
West End	$126,000	$75,000

Utilities

Telephone: Call Edmonton Telephone: 423-2500
Electricity: Call Edmonton Utility Service Dept. 441-2064

Education

Call the Edmonton Public School Board 429-8000

Universities

University of Alberta : 492-3133

Employment

Contact Canada Employment & Immigration Centres at: CEIC, First floor, 9700 Jasper Ave. 495-2280
or CEIC, 17420 Stony Plain Road. 489-2272

Government Job Opportunities

Federal: Public Service Commission of Canada Room 830, 9700 Jasper Ave. Edmonton: 495-3144

Provincial: Alberta Government Employment 10011, 109th St. Fourth floor, Edmonton: 427-2751

Call Options Hotline for entry level clerical positions
427-8792

Foreign Credentials Evaluation

The University Coordinating Counsel at the University of Alberta determines the Canadian equivalent of foreign degrees. Call University Coordinating Counsel at University of Alberta, 11034, 89th

Ave., SW Edmonton: 492-6850

Job opportunities are posted on Trades Employment Opportunity notice boards. Contact: Fifth floor, 10050, 112 St. One Twelve Professional Centre, Edmonton. 427-4481

Professional qualifications

Trades people:
Career Development Centre,
Third floor, , 10050. 112 St. Edmonton. 427-3722

Lawyers:
University Coordinating Counsel,
University of Calgary, 760 Earth Sciences Building,
2500 University Drive. N.W. Calgary. 220-7067

Engineers:
Association of Professional Engineers,
Scotia Place, Fifteenth floor, Tower One,
10060, Jasper Ave. Edmonton. T5J 4A2. 426-3990

Teachers:
Evaluate your education and transcript by Teacher Certification and Development Branch of Alberta. Applications can be obtained from Alberta Education, Devonian Building, 11160 Jasper Ave, Edmonton. T5K 0L2. 427-2045

Doctors :
College of Physicians & Surgeons of Alberta, 900 Manulife Place, 10180, 101 St. Edmonton T5J 4P8 423-4764

Accountants:
Certified General Accountants (CGAs) should contact the CGA National Membership Office.

Medical

The provincial medical plan is the Alberta Health Care Insurance. Call 427-1432. Coverage is available upon arrival. A copy of Canada Entry

Permit or visa and the Social Insurance Number is necessary. Quarterly premiums: $90/person $180/family

Major Hospitals

University of Alberta: 492-8822
Edmonton General: 482-8111
Grey Nuns: 450-7000

Legal Aid: 427-7575

Driver's Licence

Contact Motor vehicle Division, 15220-114 Ave; 10125 Princess Elizabeth Ave., 5848-111 St. 427-7013

The international driver's licence is valid for three months. Contact a Motor Vehicle Office for registering a car. The documents required are Bill of Sale, proof of insurance, personal ID, new vehicle information statement.

Business

The Alberta Economic Development & Trade, Metro Edmonton Regional office offers asistance in the development and diversification of Metro Edmonton businesses, advice on planned business enterprises.
Call : 427-5267

The Alberta Opportunity Company provides financial and management assistance. Loans from $75,000 to $100,000. Contact: 1275 Weber Centre, 555 Calgary Trail, Edmonton. 421-7979

Immigrant Service Providers

Edmonton Mennonite Centre for the Assistance of Newcomers. Room 202, 10830-107 Ave, Edmonton. 424-7709
Edmonton Immigrant Services Association (EISA), Cromdale School, 11240-79 St. Edmonton. 474-8445

MONTREAL

Climate

Winter (Jan-March) –12 to 0 degrees; Spring (April-June) 6 to 18 degrees; Summer (July-Sept) 20 to 15 degrees; Fall (Oct-Dec) 8 to –8 degrees

Accommodation

See classfied advertising section of the Gazette for rented apartments or check with immigrant service providers. Home owner costs include Property Purchase tax and Property Insurance

Housing Prices

	Standard 2-storey	Condominium
Chomeday Laval	$100,000	$90,000
St. Laurent	$125,000	$110,000
St. Lambert	$160,000	$110,000

Utilities

Telphone: Call Bell Canada	287-5911
Electricity: Call Hydro Quebec :	
North	381-4262
East:	493-9633
South:	521-4161
West:	338-1122

Education

Contact: Montreal Catholic School Commission:	596-6000
or Protestant School Board of Greater Montreal :	483-7200

A directory of independent schools in Quebec is available from: The Quebec Association of Independent Schools, Suite 203, 484 Beaconsfield Boulevard, Beaconsfield, Quebec, H9W 4C4. 694-5050

Universities

Concordia University: 848-2600
McGill University: 398-4466
Universite de Montreal : 343-7076

Employment

Contact Canada Employment & Immigration Centres:
Anjou : 355-3330
Laval East : 661-5564
Laval West : 682-8950
Montreal Centre-Ville : 283-4444

Provincial government job opportunities. Contact Office Des Resources Humaines,
2 Complexe Desjardins, Montreal : 873-7701

Foreign Credentials Evaluation

Ministere de L'Education Equivalence d'Etudes : 873-4630

Professional qualifications

Trades people :
Credentials can be assessed by Apprentissage et Qualification, 255 Rue Cremazie Est, 3 etage, Montreal. 873-6076

Lawyers:
Contact Bar of the Province of Quebec. 866-3901

Engineers:
Contact Ordre des Ingenieurs du Quebec, 2020 rue University, 14 stage, Montreal 845-6141

Teachers:
Ministere de L'Education, 600 rue Fullum, 6 etage, Montreal. 873-4630

Doctors:
Professional Corporation of Physicians of Quebec, 914-1440
St. Catherines St. W. Montreal 878-4441

Accountants:
CGAs should contact the CGA National Membership Office in Montreal at : 861-1823

Medical

The medical plan is Regie de l'Assurance Maladie du Quebec (Medicare). Landed immigrants are covered by Medicare after the first three months since landing. The individual does not pay premiums. Apply to Regie de l'Assurance-Maladie on forms available at pharmacies and hospitals. Call 873-4006

Major Hospitals

Montreal General: 937-6011
Royal Victoria: 842-1231
St. Marys's 344-3511

Legal Aid:

McGill University Legal Aid: 398-6792

Driver' Lcence

International driver's licence is valid for 90 days. The Quebec Highway Code available at the Motor Vehicle Bureau outlines Quebec's driving laws. Contact the Quebec Motor Vehicle Bureau at 873-7620. The car dealer can register the car on the customer's behalf.

Business

The Quebec and federal governments provide several programs including loans, tax credits, wage subsidies and grants. Contact: Ministere de l'Industrie du Commerce et de la Technology, 770 rue Sherbrooke Ouest, 7 etage, Montreal. 982-3000

Call the Federal Business Development Bank at : 283-3657

Business registration forms can be obtained from: Incorporation, L'Inspecteur Generale des Institutions Financieres, 800 Place Victoria Niveau Promenade, CP 355 Montreal 873-5324

Chapter 14

Talking about tax

The Canadian system of income taxation is a self-reporting system. This means that it is the responsibility of each tax payer to report all their income on their tax return. Generally, all income from all sources including foreign income, is taxable in Canada. In the year that the tax payer immigrates to Canada, only the income that has been earned since residing here would be taxed.

In other words, if the tax payer did not immigrate to Canada until June 16, for example, one's taxable Canadian income from all sources would start accumulating from June 16. Canada has tax treaties with most foreign countries to prevent double taxation. This prevents the tax payer from paying tax on their income in both countries.

The return must be completed honestly and filed with the Federal government along with any balance owing, by April 30, 1999. Of course there are always exceptions and in this case it applies to the small business owner. Although any taxes that are owing by a small business owner are still payable by April 30 of the following year, the small business owner's return does not have to be filed with the government until June 15.

At first, this may seem puzzling. After all, in order to know how much tax one owes, one would have to complete one's tax return before the tax is paid? This is not necessarily true. In a lot of cases the owner of a small business may have losses and have no taxes to pay. However, a tax return must still be filed.

This amount can then be paid as an installment by April 30. In both cases, the small business owner has an additional 45 days to prepare their return and in the second case, the "installment payment" made reduces the chance of the tax payer being charged a penalty and interest for late payment of income taxes. Canada's self-reporting

system is based on honesty, keeping good records and making all payments and filings by the appropriate deadline.

Special Note: It's important to realize that although Canada taxes its citizens, what it pays back by way of health, education and other federal, provincial and municipal services is far better than what one can get in other countries including the United States.

The T1 General personal tax return

Canadians are responsible for paying both Federal and Provincial tax on the personal income earned each year. In most provinces, however, one is only required to prepare this one combined tax return and the federal government looks after the rest. With few exceptions, all types of income are reported on the T1 General personal tax return.

The T4 General return itself consists of four pages. (All tax return forms are available free of charge and can be obtained at any postal outlet or can be picked up at any Canada Customs and Revenue Agency (CCRA) office. Depending upon the types of income that one has earned during the year, other forms called Schedules, are used to list the details. A common example would be listing the details of investment income on Schedule No. 4 entitled: "Statement of Investment Income"

The T4 General return is broken down into five sections. The first section is where the tax payer lists their Total Income. This income can be from various income sources such as: employment, business, commissions, pension income or even employment insurance benefits, to name a few. The next two sections deal with reducing the Total Income to Taxable Income. The Taxable Income figure is the income figure that is used to determine how much income tax is payable.

In the fourth section, Non-Refundable Tax Credits, our personal tax credits, such as our basic exemption, age exemption, medical expenses and so on are calculated. These credits are subtracted from our taxable income to help reduce the income tax we pay. They are called Non-Refundable because they can be used to reduce taxable income to $0, however, they cannot be used to create a negative income, (refund) situation.

The final section on page four is where the actual income tax payable is calculated. This figure is calculated with the help of tax

tables which are very easy to understand and use. Any income taxes that have been paid to the government throughout the year (deductions taken from your pay cheque as an example), are subtracted from the tax calculated, to arrive at the amount of tax that is due when you send in your tax return. (In some cases, a refund could be owing to the tax payer). Most tax returns have to be filed with the government no later than April 30 of the following year to avoid penalty and interest charges that can be levied by the government.

The Child Tax Benefit

The Child Tax Benefit is a non-taxable, monthly benefit that is paid to a parent for qualifying dependent children under the age of 18. Usually the mother of the dependant (s) receives this monthly cheque from the federal government. The amount of the monthly payment for each child varies from family to family depending on several factors including the income of the parents and the number and ages of the qualifying children.

In determining the amount of benefit payable for each child, the income of the parents is used in determining how much Child Tax Benefit is received, or more precisely, by how much the available benefit is reduced, as the more the family income, the less the benefit. In its calculations, the Federal Government calculates two types of income, one is referred to as "Net Family Income" the other as "Earned Income" of each parent. The difference in these two calculations is mostly transparent.

There are four stages in the benefit calculation. The first is the Basic entitlement, which is $1,020 for each of the first two children and $1,095 for the third, fourth and so on. Next, any children under the age of seven receive an additional $213. This is reduced by 25 per cent of any childcare expenses claimed by the parents on their tax returns. Thirdly the National Child Benefit Supplement of $50 per month for one child, $80 for two and $111 for three or more. These amounts are reduced when the family income is greater than $20,921, by varying percentages to the point that at a Net Family Income of $26,000, this benefit is wiped out.

Finally, the total of these amounts calculated above is reduced by five per cent of the parents' "Net Family Income" which exceeds $25,921. If there is only one child in the family, this percent is reduced from five per cent to 2.5 per cent.

As an example of the above calculation, a family where the parents' Net Family Income, totalled $50,000, (assuming both parents work), and they have three children, ages five, eight and 12, their monthly child tax benefit would be as follows: The first two children would receive a basic benefit of $1,020 and the third child $1,095. The child under seven would receive an additional $213. In this example, the Net Family Income is too high to receive the National Child Benefit Supplement. So far the total of the calculations equal $3,348. From this we would subtract five per cent of the family income that exceeds $25,921, which amounts to $1,203.95.

This leaves us with an annual Child Tax Benefit of $2,144.05. Therefore, for the purpose of our example, the mother would receive a monthly cheque in the amount of $178.67. This is a simplified example, which did not take into account the variance created because the first six months of the Child Tax Benefit paid in 1999, is based on 1997's "Net Family Income" while the remaining six months is based on the previous year's, meaning that the actual benefit changes each July and January when the new calculations are made.

The ABC of GST

In 1990, the Federal Government created the Goods and Services Tax (GST) and began charging it on almost all personal expenditures. Also, as part of this tax, they created the Goods and Services Tax Credit to offset the cost of tax for lower-income individuals and families. Unlike other Federal Tax Credits which are used to reduce the personal income tax that you calculate as owing on your personal tax return, the GST credit is paid to the tax payer quarterly in July, October, January and April, providing that your T1 return was filed on time.

Applying for the GST Tax Credit is as simple as putting a tick mark in the GST/HST Box, at the top of the front page of your tax return each year. Revenue Canada will do the calculation for you and will indicate the amount that will be refunded to you, on your assessment notice that you will receive, after you file your return. Keep in mind that if you are married, only one of you may apply for this credit. In most cases, you can apply for this credit if you are 19 years of age or older, or you are married, or you are the parent of a child.

The calculation of the GST Tax Credit, is not as complicated

as the Child Tax Benefit, however, CCRA does not allow the tax payer to make that calculation. One is able to make a determination to see if you qualify, but why bother just tick the "yes" box and CCRA will do the rest.

This tax credit is aimed to give relief to lower income families. This means that at a certain level of total family income, the tax payer will not qualify for the credit. For a family with a husband and wife and children under the age of 19, when the combined income of the parents approaches $38,000, this credit will be lost. If that same family had a combined income of $26,000 in 1998, the GST credit would work out to be around $600. This would be paid in four equal installments of $150 each, paid in July and October of 1999 and January and April of the year 2000.

To summarize the GST Tax Credit, the lower the family income and the more children under the age of 19 living at home, the greater the credit. On the other hand, the higher the income and the fewer dependants, the lower the credit, until it disappears. The GST Tax Credit, like the Child Tax Benefit, is another good reason to insure that your personal tax returns are filed by April 30, of each year.

The RRSP as a tax shelter

Registered Retirement Savings Plans (RRSPs) seem to be the one thing that most tax payers know something about. An RRSP is one of the few remaining tax shelters available to you as tax payers. An RRSP is a form of investment whereby the income tax normally payable on the amount invested is deferred until the funds are withdrawn during the tax payer's retirement years.

This tax deferral also applies to the interest these investments earn during that period. There are maximum limits that a tax payer can contribute to their RRSP plan in any given year. The amount of this limit is calculated by multiplying your previous year's Earned Income by 18 per cent to a maximum of $13,500 and adding to that any unused RRSP contribution allowance from previous years, (referred to as RRSP Room).

One is now allowed to carry forward this RRSP Room indefinitely, allowing the tax payer to put off, but not lose one's accumulated contribution room; perhaps until the kids are grown up or the mortgage is paid off. As mentioned, the amount that one is allowed to contribute to one's RRSP or carry forward, is all based on

18 per cent of the Earned Income, that was earned in the previous year. Earned income includes income from employment or self employment, rental income from property and disability benefits from the Canada Pension Plan just to name a few. Income not considered earned income includes investment income, taxable capital gains, (profits made from selling a business or rental property for example), or Regular Canada Pension income. These are just a few examples.

RRSP funds can have other important uses during their life. Two that come to mind are the Home Buyers Plan and the newly announced RRSP withdrawal for education . If you are a first time home buyer, you can use funds from your RRSP as a down payment on your new home, instead of borrowing that money from the bank, as long as the funds are paid back to your RRSP within the 15 year time limit.

The RRSP Education Withdrawal can be used to finance full time training or education for the tax payer or their spouse. Again, the payback rules are similar to the Home Buyer Plan, although the payback period is reduced to 10 years.

RRSPs can be a very powerful savings tool if used properly. The most important point to remember is that the amounts you invest and the interest they earn are not tax free, but tax deferred. The idea being that tax is paid on the withdrawals during the tax payer's lower income, retirement years, instead of at the time when the income was first earned, usually a higher income and corresponding tax levels. It is recommended that one talks to tax and investment professionals to learn all the RRSP details and investment options available to tax payers.

This article was contributed by Bob Newcomb - an accountant with Padgett Business Services of Halifax. Reproduced with rights from Touch BASE.

Chapter 15

Buying a house or property

Home-buying in Canada can be an unfamiliar exercise. The laws governing the purchase of real estate vary between provinces and are administered by regulatory commissions and real estate boards. Anyone involved in the sale of property, other than private owners, must be licensed to do so and is governed by industry laws. Brokerages and individual realtors are licensed by provincial and state governments and must ensure that one's interests are adequately protected.

The Multiple List Service (MLS) is perhaps the most unique to North America's real estate market. Essentially it is "one stop shopping." When an owner decides to sell his or her property, they would ordinarily contact a realtor who will complete a "listing agreement" which is a contract detailing the price, commission and particulars of the property. This can either be an exclusive listing or an MLS. An exclusive listing allows only realtors employed by a specific broker to sell their property. But if the seller chooses MLS, it means that any realtor in the specific province can sell their property. The information related to the house for sale is entered into the MLS system and is published in MLS catalogues. Most sellers opt for the latter. This means that a buyer need only contact one realtor to purchase virtually any property and a seller has every realtor in the region marketing his or her property.

Buying a House

The home-buying process begins and moves forward once the buyer has determined their needs and the budget. The first thing to do is to talk to a banker who will provide a pre-approval for a mortgage based on the buyer's current assets and liabilities, income etc. This will be the amount the bank will lend based on the

information it has been provided.

A bank can lend up to 75 per cent of the purchase price and Canada Mortgage and Housing Corporation (CMHC) will secure up to an additional 20 per cent for first time home-buyers and 15 per cent for second-time buyers. This means that the buyer is able, upon financial approval, to finance up to 95 per cent of the purchase price of the home. The banker will also provide a guaranteed interest rate for a specific period of time. The mortgage will be amortized (paid out) over a specific number of years (up to 25 and sometimes more).

The buyer can choose a specific term during which the interest rate will be locked in and the buyer determines the number of years in which he wishes to pay it out. The monthly payments to the bank are calculated based on the principal down payment with interest added. The buyer may choose to have the municipal taxes included in the payment as well as mortgage insurance, which will pay out the mortgage in the event of one's death (or disability). This method of residential financing is typical throughout the world but is often poorly understood.

Once pre-approval of mortgage has been obtained from a bank, the buyer is ready to shop. Buyers are advised to start by picking up the free real estate booklets on shelves in stores and review the classified section of newspapers. One can do better by going to the website <www.mls.ca> which will tailor one's search to the specific area, style and price range through a series of reducing maps. It lists all the properties on the Multiple List System (MLS) available through the several real estate agencies as well as the name and phone numbers of the agent who has the home for sale.

In Canada, buyers have equal representation in a purchase even though it is the seller who pays the real estate commissions, which is quite different from the other parts of the world. The advantage of using a Realtor is that he or she has a far greater information base than is available to the general public as well as the expertise to ensure the buyer's interests are well protected in a purchase or sale of property.

The Purchase and Sale Agreement (as anywhere in the world) is the contract between the buyer and seller. It details what the buyer is offering for the property, the amount of down payment, the terms of financing, insurance approvals, the date the buyer wishes to close on the property (take possession), or what the buyer wants included in the sale, namely a fridge, a stove etc. It should be noted that in some provinces of Canada, a sale will automatically include

anything that is affixed to the structure of the home such as light fixtures, dishwashers, built-in appliances, but does not include anything that can be simply unplugged and moved. It also details acknowledgement of leased items, terms of conveyance of title deed, building inspections and other related conditions.

It is very important to note that many of the clauses in the contract are time-related. Conditions such as financial approval, building inspection, water tests, insurance approval and so on have to be completed within specific time frames. If the buyer fails to notify the seller or the seller's agent in writing that he or she wishes to withdraw the offer and the date of expiry of that condition has passed, the seller can sue for performance (force the sale to go through) or claim the buyer's deposit in addition to any expenses or losses incurred.

The Counter Offer is a form on which the seller responds to the buyer's offer. If the offer is not satisfactory, they will respond to the buyer on this form. It may be related to price, closing date, inclusions or any specific concern. If what the seller proposes is satisfactory, the buyer simply signs and the agreement proceeds. If not, the buyer will write a new offer or look for suitable property.

Investing in Property

Lawyers or real estate agents will have standard "Purchase and Sale Agreements" at their disposal which cover all the basic conditions of a typical offer. These contracts have provisions for specific additions to the agreement which allows the purchaser to address special concerns.

The financing clause, which is an integral part of the basic contract, should always be used for the purchase of investment properties as the financial institutions will need assurance that the investment is a good one. They will require an independent review of the investment by an accredited appraiser before lending their money on the property. This will reassure the investor that the investment is sound.

Where rental income is fully taxable, the loan interest is tax deductible (as are the operating expenses). This obviously reduces the investor's taxes and frees up the investment capital for other purchases. The investor, in consultation with a good accountant, is well advised to maximise tax deductions in all ways possible.

The key conditions relevant to investment purchases which

should be added to the standard purchase contract are to make the offer subject to review and amendment by a solicitor and accountant, to the satisfactory review of financial statements for the previous three years to an independent professional appraisal of the property (if one chooses to buy without financing); and to a satisfactory environmental assessment (which is frequently necessary for financing purposes).

The laws in Canada can force a property owner to clean his property if there is soil contamination and this can sometimes run into millions of dollars to excavate underground tanks which have leaked oil or other contaminates into the sub-soils, particularly where the contaminates have migrated to adjoining properties though the water table. There have been some real horror stories regarding environmental pollution and subsequent clean-up costs.

Unfortunately the uninformed or indifferent attitudes of this and previous generations toward the environment have, in some cases, created enormous problems which must be corrected. The purchaser, naturally does not want to assume liability for any such remedial work. Generally, all that is required is a Phase One environmental assessment which basically is a historical review of the previous usage of the property under purchase.

If this review indicates that the previous land was not conducive to chemical contamination, nothing further is required, but it is better to be safe than sorry. A Phase Two assessment requires probing of soil and Phase Three would require remedying.

There are numerous other conditions which can be incorporated into the contract, such as terms of possession (tenancy or vacant possession), conveyance of rental deposits, professional inspections and insurance approval clauses and specific concerns which come with the type of property under purchase. Any condition the investor sets to an agreement must be written into the agreement along with the period of time required for either party to satisfy the condition.

One should never attempt to purchase an investment property without initially seeking some form of professional advice. If it is one's intent to invest in real estate, the investor is advised to learn every trick of the investment trade. The dividends can be very rewarding. As a final word of caution, market prices in Canada may be substantially less than in one's previous homeland. What appears to be an unbelievable bargain may be overpriced in the local market. There have been several people who have made fortunes selling overpriced properties to newcomers who did not know market values.

When one is proposing to invest in revenue generating properties, the first and most critical item is location, not because of resale value but rather because a property owner can incur headaches and sleepless nights created by troublesome tenants or local social problems. There are apartment buildings for sale from time to time at seemingly ridiculous prices. These usually sell to inexperienced investors because they are so cheap. The inexperienced investor assumes he can correct the high vacancy rates and make an excellent return on his money. This is seldom true as certain neighbourhoods are magnets to problem tenants.

Landlords have their properties destroyed by such tenants and rents are often impossible to collect. Their buildings usually come up for sale within months of the initial purchase and seldom appreciate in value. The ancient adage "Caviat emptor" (let the buyer beware) is more applicable here than anywhere.

Never invest in a bargain without professional consultation, which must include legal and accounting advice. Always make the offer subject to bank financing (usually up to 65 per cent of purchase price) as a banker will be very cautious in lending out money on risky investments. Also ensure the offer is subject to review and *amendment* by your lawyer.

If one decides to proceed with the purchase, these conditions will allow the buyer a few days to re-think the offer and seek information from other landlords in the area. This said, there are areas where there are large concentrations of people on social assistance. Many of these people make excellent, responsible tenants. I have a friend who has done very well purchasing a large building in receivership with a 50 per cent vacancy rate.

The price was good and he renovated the vacant units, moved the existing tenants into the renovated units and finished the other half. He raised the rents to slightly above market rents and quickly filled the whole building. Many of his tenants are on social assistance but because he has provided them with decent, respectable accommodation, they in turn, treat their homes with respect and ensure he is the first to be paid when they receive their cheques. They are fine respectable people who have experienced difficulty, for a variety of reasons, but if treated with the dignity they deserve, they are as fine a tenant as you'll ever find.

Many of the best buys in investment real estate are also the most expensive. The items of greatest importance to an investor are vacancy rates, market rents (which vary substantially within short

distances), tenants with tenure (long term residents), potential for expansion within the confines of the property, zoning restrictions, operating costs and numerous other considerations.

The best buys are properties in good rental areas whose rents are under market, whose operating costs could be trimmed substantially and with potential for the addition of more units. Even at full value and based on net revenues, with minor changes these buildings can generate excellent returns. If you are not familiar with investing or are new to the area, ensure you seek professional advise, either from a professional realtor, an experienced local investor or a real estate lawyer.

This article was contributed by Don Hunt, a former real estate and property specialist in Halifax. Rights of reproduction granted by Touch BASE

Immigrant Profiles

Indonesian turns successful entrepreneur in Canada

Ron Mills, a Canadian geologist, worked for a mineral exploration organization in Indonesia. But perhaps his best find was Irna, a staffer in the company who is now his wife.

But Irna, too, had to do her own exploration. "Indonesians believe you must explore the seed and its quality in order to determine how tall the tree shall grow," she says. "So I had to tell Ron, we cannot marry in Indonesia. I have to come and see Canada and your mother and your family and your environment." And so, Irna came to Canada.



Three days later Irna swore she was going back. "The things around me may not have been strange. But I felt strange with the environment. I missed my friends, the parties, the billionaires I networked with. I used to dress for success but in Halifax I could only look at them in my wardrobe and wonder."

Ron went the extra mile. He introduced his friends to her. But that wouldn't do. Irna wanted her own friends. And to make things worse, Irna could not find herself a job. She had to requalify.That meant forking out a lot of money. "So I said to Ron, if you think you

can find that kind of money why don't we go into business,"

Something clicked out there. A couple of years later after a great deal of ground work, research and brain storming with government agencies linked with ACOA (Atlantic Canada Opportunities Agency), Irna launched Dutch East Indies Furniture at Lacewood Square.

"It didn't come easy," she says. "I was first talking to the family in Indonesia – my father does extensive trade with China and the East, an uncle furnishes the Hilton Group of hotels and other major resorts. I used their goodwill." But most importantly, Irna believes the support systems that pushed her into business came from the professionalism at the Nova Scotia Business and Economic Development Centre. "I was growing almost suspicious with the way these guys were pushing towards an initiative. They were not bothered by my English language skills. Apparently they could see the bigger picture from my business plan. CEED and ACOA made the loan possible."

Irna is not happy to return to Indonesia anymore. "It's a reverse culture shock," she says. "There is so much I see there that is wrong – whether business practice, government regulation or the structure of society. "I, for example, need a bodyguard in Indonesia when I am doing business with men." She says while one has one's rights in that country, those can be manipulated.

"Having come to Canada, I know what life ought to be like," she says. "If one man in the NS Business and Economic Development Centre could go the extra mile for me to start-up business, you know there is a work culture here that makes Canada a great country."

Irna has never experienced racism in Canada. But instead she says she experienced it in her family in Indonesia, where the household servants were given "just white rice and coconut " while there was a feast at the table for the rest of the family. "I have rebelled against this with my grandmother who would knock me on my ears and ask me not to interfere in the way she would deal with her servants. "I cannot stand by and watch this happen," she says.

Well, at least now, Irna is standing by and watching Dutch East Indies Furniture grow. It is, she says, the only place in Halifax or Canada for that matter, where solid teak and Mahogany furnishings can be found at those prices.

Everyday is a challenge for Ethiopian entrepreneur

Like many Africans, Mulu Gebre was raised in the crossfire of war in Ethiopia. On the one hand, the government was fighting a rebellion and on the other Eritreans were fighting its war of independence. Gebre says she did not understand what the fighting was all about and so did not want to die in military service.

"I never experienced youth. We became adults at the age of 12, witnessing bloodshed all around." she says. It was a time when Gebre had lost so many relatives, her brothers had fled and her father was imprisoned. "We were bothered about whether he would be killed today or tomorrow. But they finally released him."

And famines in Africa came at the worst times and so people were dying from gun shots as well as the scarcity of water and food. "If there was any food in the warehouses, it was reserved for loyalists," Gebre says.

So Gebre left with a friend – travelled on foot to Djibouti, and lived for sometime on the wild desert plain at the border until someone helped her to fly out to Italy. But in reminiscing, Gebre gets sentimental: "People have been in those refugee camps for 20 or more years. We were lucky to get out. I feel sorry for them.... They are stateless, cannot go back, there are no schools, no freedom...if there is work, it is



only as maids…and some women would sell their bodies for a living."

How Gebre got to Italy is only a second guess. "Someone may have forged papers," she says. "I don't know." Most East European refugees there, fleeing their communist regimes got first preference from the governments of the United States and Australia. Gebre was looked after by the nuns of the Vatican until it was time to be accepted by Canada.

She may not have hit the ground running, but today Gebre manages her own business – Pangae Beauty Salon on 6021 Cunard Street in Halifax which she started three years ago.

Gebre says she came from a wealthy family. But what's the point? "What's money worth without peace, when you cannot even trust your neighbour?" She says the pain of brutality that one has seen in Iraq hardly rivals what one has seen in Ethiopia. She speaks about the killing of pregnant women and of children in silly strife across the Sudan and Sierra Leone.

"If Ethiopia and Eritrea go to war again, it's not about those rocky borders," she says. "It's about pride and power. Instead of focusing on issues – almost 2,000 people die of HIV/AIDS in Ethiopia everyday - Africa's leadership goes to war over nothing. These people need help, not war."

On adopted home ground in Canada, Gebre says she has worked hard. She has volunteered at the Pearson International Centre, the African Women's Association, the Metropolitan Immigrant Settlement Association and several other organizations. "

But finding a job has been uphill. Although you qualify, the employer tells you there's something missing. I had to listen to my instinct and believe in myself. Even getting into business was a nightmare. The banks tells us to go to Black organizations for finance. The Black organizations serve indigenous blacks first."

But nothing succeeds like success, as they say, and Gebre's salon is now expanding to include a day spa and an outlet for beauty accessories. "Everyday is a challenge. But that's life."

In Canada, Gebre met with Ash, an Eritrean, whom she married later.

Economist from Bangladesh speaks through her paintings

On September 11, 2002 the auditorium of Pier 21 in Halifax brought together people of different faiths, politicians, NGOs and people of diverse cultures to observe the anniversary of that bloody day. There were observations made by government ministers and councillors, a priest, an imam and a rabbi as well as by NGO representatives. But the highlight of the ceremony was a presentation by Najma Sharif, who made her observations through paintings.

Sharif is an Economics professor at St. Mary's University and modestly apologized saying: I am not used to speaking publicly about anything other than economics. "In thinking about the events of 9/11, it was not difficult to relive the despair, anguish and bewilderment that followed," she said. Indeed, it was somewhat reminiscent of the feelings I felt when my country of birth, from where I came to Canada more than 25 years ago, was itself born of violence." Sharif was born in Bangladesh. "Some of the paintings echo those emotions: of catastrophe, grief and longing," she says.

But as she explains, the work was not about falling buildings. "The scenes from New York after that horrific day, of families searching for family and others lighting candles by night led to my painting 'Vigil'," she says. Among the other paintings are emotions connected with fear and trauma as



a war rages. It's titled "The children of Kabul". The painting captures those emotions from the eyes of children peering out of their windows.

When civil war broke out in what was then East Pakistan, fear engulfed the city. "People were confronted on streets, homes were inspected. People's faith and ethnicity were questioned and there were all kinds of atrocities going on," says Sharif, who witnessed it all 25 years ago. "The intelligentsia at universities were especially targeted and girls were vulnerable because rape was rampant.," she says.

Although fleeing in the midst of war, Sharif's father who was an economist with the World Bank, posted in Bangkok at the time, managed to get his family out of the country. On returning after the war, the Sharifs learnt that many of their relatives were killed. It's just as well that she observes today: "I am not attached to the land of a nation. I am attached to people."

Sharif came to Canada with a scholarship from McMasters and that was where she met her husband Atul. "But the reason we chose to settle down here was because in Canada we wouldn't have to worry about the social stigma of a Muslim-Hindu marriage," she says. At Saint Mary's University, the couple teach economics, but Najma has specialized in development issues around the world, gender issues and especially the empowerment of women.

The question to a professor of development economics is an automatic one: what's the root cause of poverty in the developed world? Sharif's observation to that is that the solutions lie outside economics. "While literacy and education may be all important to eradicate poverty, the real culprits are bad governance and corruption," she says. "Within such environments, you find that even the educated are poor."

The point she makes is that bad governance and corruption act as road blocks to access of education and opportunity by all. "That is why in the Asian subcontinent, women live in marginalized conditions."

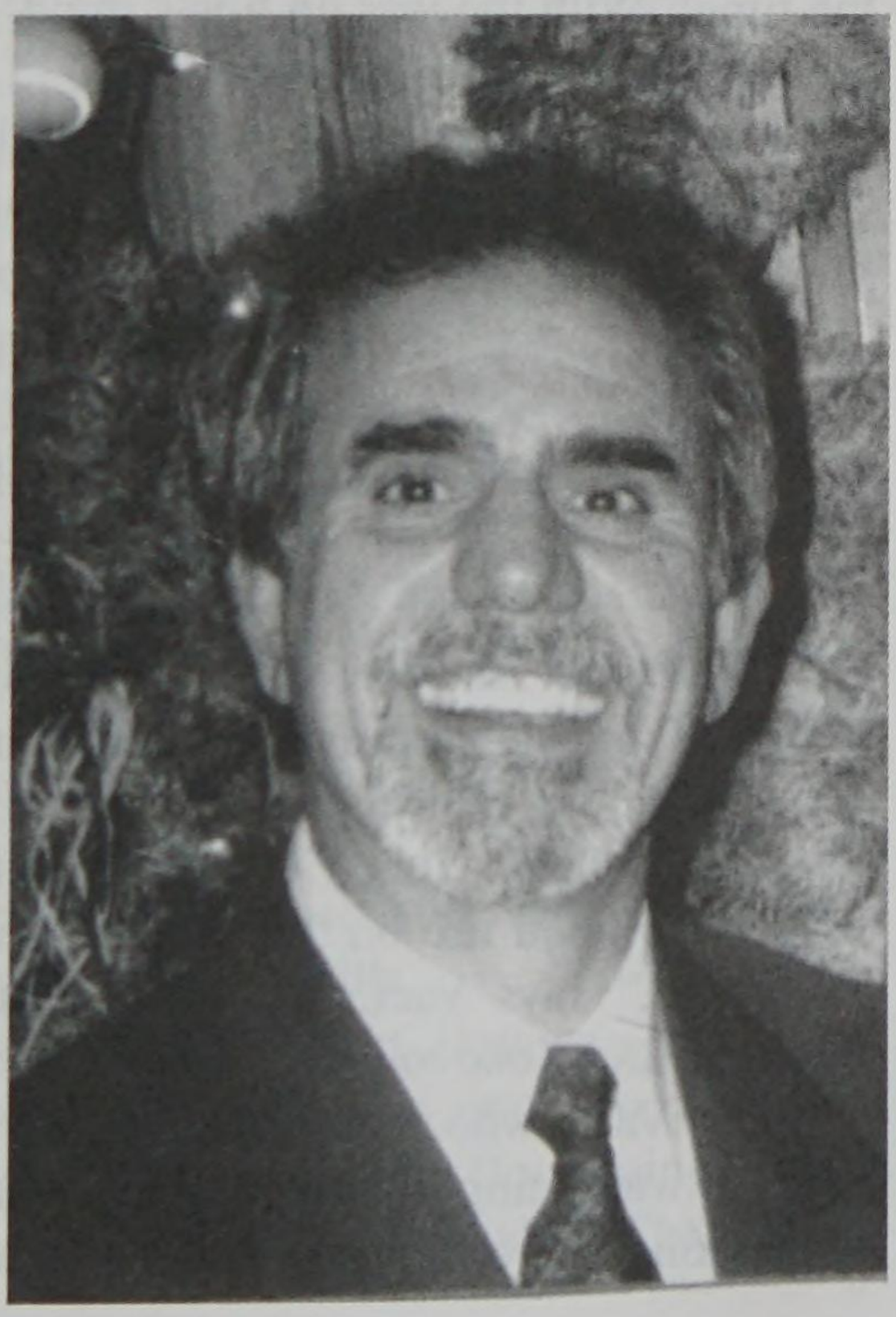
But that's true of Africa as well. It's really a chicken and egg question. What comes first: social change or prosperity. "Social change," says Sharif.

Iraqi flees country...now builds homes for Canadians

Talib Abidali has made Canada his home. But now he is also making it home for hundreds of people every year. He is President of Cresco homes in Halifax, one of the biggest construction companies in Metro, building about 75 condos and 150 houses every year and developing many acres of land in Clayton Park and the Bedford areas, employing more than 250 people.

Abidali is of Iraqi descent and it's no real guess why he had to flee his country. He fled Iraqi repression 25 years ago and settled in Kuwait, setting up a construction business. At the time, he was engaged to his wife.

But because she was a practicing dentist, under Iraqi laws at the time, her flight out of Iraq was impossible. Six years later Mrs Abidali was able to reunite with her husband. A shrewd businessman, he had long since concluded the Middle East was no place to do business, neither raise a family. "The region is politically unstable. The safety and security that business and family needs cannot be found there," he says. So he left Kuwait in 1992 and came to Canada as an entrepreneur.



"Nova Scotia has lots of opportunities," says Abidali. "This city is small and therefore has little competition from builders compared to the competitiveness in cities like Toronto," he says. "If the government woos entrepreneurs, we can generate a lot of employment. People do not have to go to Toronto for jobs." But of course, there is the big IF there.

He is passionate about his love for Canada and the peace and tranquillity it has brought him and his family. His business partner is of Iranian descent. But says Abidali: "At home we are enemies, but in Canada, we are brothers. That's the favour Canada has done us. I am proud to be Canadian."

With a passing reference to the 9/11 crisis, Abidali, who confesses he is neither political nor religious, says our governments need to determine peace through justice, especially when working on the Palestinian problem. Neither has he felt discriminated on account of being a Muslim. "September 11 was the terrorism of a few Muslims. But that should not taint the image of the one billion Muslims across the world. Just as Tim McVeigh did not taint the Christian image with the Oklahoma bombing."

Abidali says that when he travels to the Middle East with the family, the children feel an urge to get back home. "Once while flying over Halifax skies back from the Middle East, I could see the excitement in their eyes," he says. "They are all very Canadian."

There is no talk about racism or discrimination. "I do business with Canadians. I employ Canadians and I never think of them as different from me. Nor do they."

Anybody would know Abidali speaks from the heart most of the time. With the war on one's mind, getting back to Afghanistan in the conversation was inevitable. "I worry about our Canadian soldiers there," he says. " I am a father. I know what it is for my children to learn to live without me."

Croatian refugee paints rosy picture

Stanco Vaci, a Croat who lived in Serbia, says former Yugoslavia president Slobodan Milosevic took a page out of Adolf Hitler's book when he provoked a war in 1991. "Just as Hitler sent German soldiers disguised in Polish military fatigues to open fire on the German border and provoke a war, so did Milosevic," says Vaci. "He later went on to attack Bosnia, Croatia, Slovenia and Kosovo."

Vaci, who today operates his own house painting company, says he was being conscripted to fight Serbia's war but chose not to fight alongside criminals. "This was not a war in defence of Serbia.

This was Serbia's aggression," he says. "Milosevic had once proclaimed wherever there is a Serb, that is Serbia."

It was just as well, that Vaci was at a friend's house on the night soldiers came over to conscript him. "I got a call from my wife at this house and all she said was 'do not come home' after which she slammed the phone down," he says. His friend, that very night, fetched his passport from his home and Vaci crossed into the Hungarian border hours later. A week later the borders were sealed for males under 65.



In Hungary, Vaci lived in a refugee camp, where his wife and children visited him once a month. Aware of the fact that he would have to speak English, if he was admitted into Cánada or the United States, he says, he began to familiarize himself with some conversational English from a British dictionary. "It didn't work in Canada," he says. "The British respond to the question 'how are you' with the traditional response: 'I'm fine, thank you. In Canada, there are other courtesies: 'I'm good…I'm not too bad…..' and so I had to begin learning English all over again."

Vaci was sponsored by the Saint Agnes Church and came to Canada as a landed immigrant. His problems were no different from those with language barriers. In Yugoslavia, he had worked as an electrician as was hailed as a famous photographer. He had won the "Best Photographer of the Year in 1981" in which some 100 photographers had contested. But language was the road block he says. So, while he did English courses he took up a job at a print shop and worked in the bindery.

Two years later, his wife Maria joined him. That gave him a raise at the print shop, but not enough to pay bills.

Vaci then chose to go the way most immigrants do: he contemplated a business in house painting. He ran into Stipe Rudic, a former Croatian who had, at the time, set up a flourishing house painting business in Canada. He trained under Rudic. Then later,

through diligent networking with building superintendents, Vaci got his first contract on Cowie Hill.

Today Stanko's Painting employs a crew of six people and boasts a very wide clientele. So he does not only hold the keys to many homes, whose owners go painting the town while he paints the walls…but he also holds the keys to success. His wife Maria works with the Research Lab at Dalhousie University while his sons study there.

The Vacis would have been detained as traitors if they ever dared to return to Yugoslavia during the war years. But when peace returned Vaci set foot on home ground and connected with his mother once again last year.

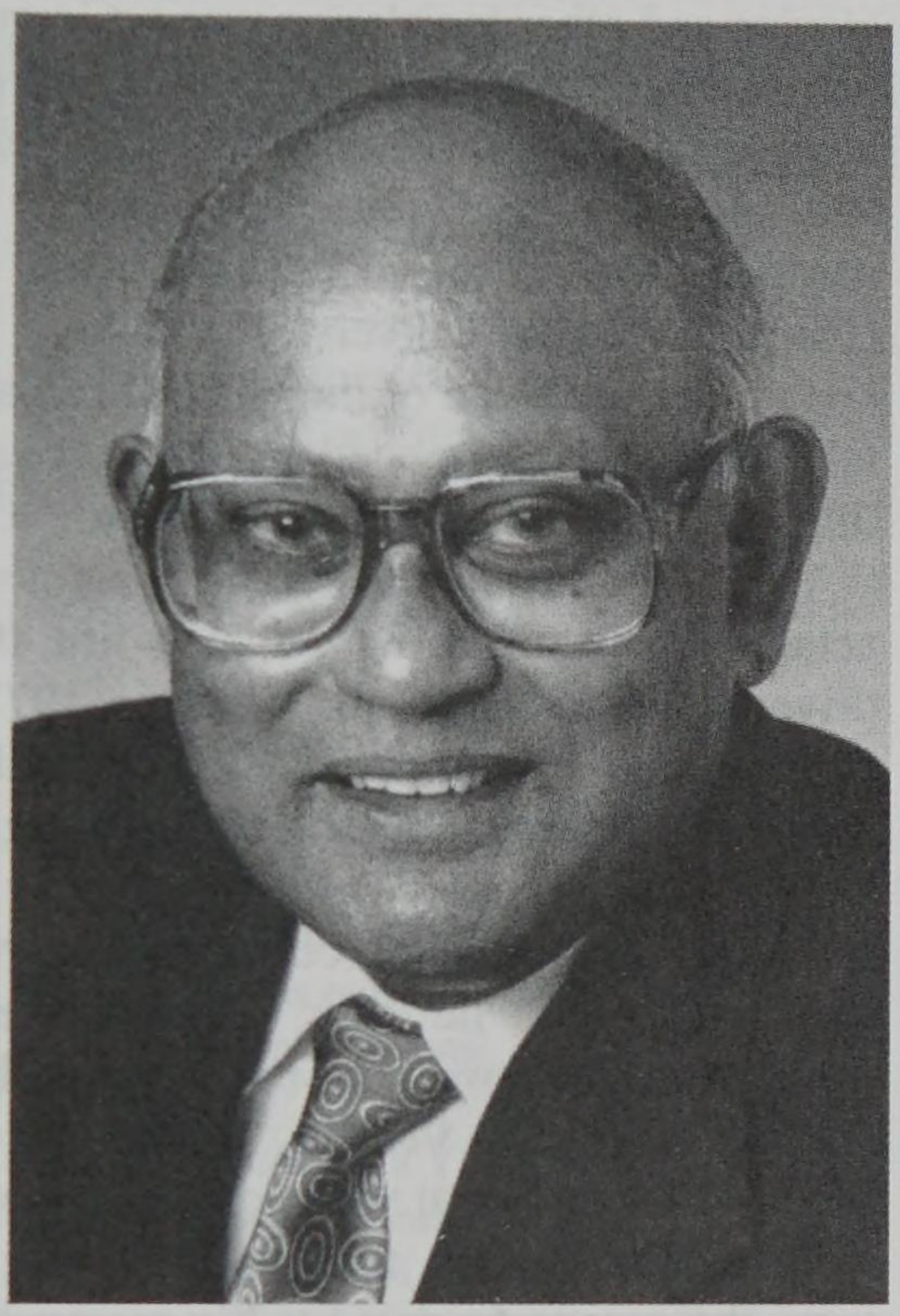
South African of Indian descent merits Order of Canada

Dr. Bridglal Pachai, who left South Africa when the freedom struggle against apartheid had reached boiling point, has moved with kings...but not lost the common touch.

In 1963 when he felt the heat boil over and the desperate urge to leave South Africa, Ghana's president Kwame Krumah, who Dr. Pachai says, was the most charismatic politician in Africa at the time, provided him refuge and an appointment as a founding member of the University of Cape Coast.

President Krumah, he says, had envisioned a continental government for Africa. "He even thought of Ghana's freedom as meaningless without freedom for the rest of Africa. He was probably the most outspoken critic of apartheid," he says. Dr. Pachai had by then completed his doctorate in history and Philosophy. Two years later, he was posted to Malawi as Founding Head of the History Department of the newly established university, where he spent 10 years before coming to Canada in 1975 as Senior Killam Fellow at Dalhousie University. When he left Malawi, the country's President H.K. Banda invited him to speak at a state banquet.

But Dr. Pachai has had humble beginnings. His father had come to South Africa as an indentured labourer when he was a young



boy. On completion of his contract he had set up a small laundry and pressed clothes for a living. His son remembers him as a hardworking man. "And that means a lot to me," he says.

As a teacher in South Africa, Dr. Pachai says he was constantly bothered about what he was saying or thinking. Although he distanced himself from politics, he gave anti-apartheid advocates a patient ear and that meant tight rope walking because special branch agents were watching him.

Dr. Pachai is of Indian descent. But he does not link biological heritage to his identity. "I like to think of myself as a world citizen appreciative of the religions and cultures of the world," he says. I have dedicated my life to breaking down barriers between fellow human beings, whether those be white-black or white-brown relationships. It's only the small mind that focuses on ethnicity, religious and cultural barriers," he observes.

Although of Indian descent, Dr. Pachai's long working relationships with Africans was vindicated when he was appointed Executive Director of the Black Cultural Centre for Nova Scotia in 1985. He functioned in that position until the Nova Scotia government invited him to head the Nova Scotia Human Rights Commission four years later.

At the Human Rights Commission, Dr. Pachai says he was able to open up services to all citizens and residents who needed help. "It was a mandate that was carefully entrusted to me as a result of the changing times in the country. 1989 onwards was a watershed in human rights jurisdictions, when sexual orientation, the promotion of Human Rights education, affirmative action, race relations in the civil

service and other legislation was set in motion," he says.

When in 1979, Dr. Pachai was granted Canadian citizenship, he says he was delighted to be in possession of a Canadian passport. "At last I felt free from the legacy of apartheid. The South Africa passport was despised all over the world. So when the Vice Chancellor of the University of Sokoto, in Nigeria made me an offer appointing me Head of the History Department and Dean of Arts and Islamic studies, I grabbed it. Africa is very close to my heart." At the time, Dr. Pachai was full time director at Saint Mary's University.

But as he explains, the final product is no reflection of what actually shapes it. In Dr. Pachai's life, there was hardship, some of it driven by discrimination. When in 1977, his term at Dalhousie had come to an end and there was not another posting in the offing, he applied to the school boards for teaching positions.

Dr. Pachai says that with four university degrees and three teaching certificates, he could not secure a job. "They told me I was over qualified," he says. But another official came up with it truthfully. "I know you have no problem with English language skills," he said to Pachai. "But if you don't have a name such as a McDonald or a Scott, your applications will be thrown into a bin." Dr. Pachai says those were trying times, when he didn't even have the means to pay for his mortgage and meet the needs of his children. "But there were good people in Nova Scotia. I was assured of some money from a friend. Then later I was commissioned to write a story on Rev. Oliver for the Nova Scotia Museum and it got me some money to pay my bills. Life's full of obstacles and pitfalls, which ultimately turn up as opportunities," he says.

Dr. Pachai merited the Order of Canada in the year 2000. Last year he was called to join the Canadian delegation to the UN conference on Racism, Racial Discrimination and Xenophobia in South Africa.

He lives in Halifax with his wife.

KEY IMMIGRANT SERVINGORGANIZATIONS ACROSS CANADA

Newfoundland

Association for New Canadians
P.0. Box 2031, Station C
144 Military Road
St. John's, Newfoundland A1C 5R6
(709) 722-9680
www.anc-nf.cc

Nova Scotia

YMCA Newcomer's Centre
3663 Dutch Village Road
Halifax, NS B3K 3B7
(902) 457-9622
www.ymcahrm.ns.ca

Metropolitan Immigrant Settlement Association
Chebucto Place
7105 Chebucto Road, Suite 201
Halifax, NS B3L 4W8
(902) 423-3607
www.misa.ns.ca

Prince Edward Island

PEI Association for Newcomers to Canada
179 Queen Street
Charlottetown, PEI C1A 8C4
(902) 628-6009
Mailing address: P.O. Box 2846
Charlottetown, PEI C1A 8C4
www.peianc.com

New Brunswick

Multicultural Association of Fredericton
123 York Street, Suite 201
Fredericton, NB E3B 3N6
(506) 457-4038
www.mcaf.nb.ca

Multicultural Association of the Greater Moncton Area
1299A Mountain Road, Suite 2
Moncton, NB E1C 2T9
(506) 858-9659
www.multiculturalassociation-moncton.com/

Saint John YM/YWCA
19-25 Hazen Avenue
Saint John, NB E2L 3G6
(506) 646-2389
www.saintjohny.com

Quebec

North Island
255, boulevard Crémazie Est
8e étage
Montréal (Québec) H2M 1L5
(514) 864-9191

West Island
181, boulevard Hymus
2e étage
Pointe-Claire (Québec) H9R 5P4
(514) 864-9191

East Island
8000, boulevard Langelier
6e étage

Saint-Léonard (Québec) H1P 3K2
(514) 864-9191

South Island
800, boulevard de Maisonneuve Est
Place Dupuis, bureau 200
Montréal (Québec) H2L 4L8
(514) 864-9191

Ontario

Barrie YMCA Immigrant Services
22 Grove Street West
Barrie, Ontario L4N 1M7
(705) 726-6421, ext. 264
www.ymcaofbarrie.org

Quinte United Immigrant Services
28 Isabel Street
Belleville, Ontario K8P 3N3
(613) 968-7723
www.reach.net/~quis/

Newcomer Information Centre
Centre for Language Training and Assessment
Brampton Civic Centre
150 Central Park Drive, Suite 200
Brampton, Ontario L6T 1B4
(905) 270-6000
www.clta.on.ca/Newcomers-Information/about.html

Brampton Neighbourhood Resource Centre
50 Kennedy Road South
Suite 24
Brampton, Ontario L6W 3R7
(905) 452-1262

Catholic Cross-Cultural Services
37 George Street North, Suite 403
Brampton, Ontario L6X 1R5
(905) 457-7740

YMCA of Cambridge
250 Hespeler Road
Cambridge, Ontario N1R 3H3
(519) 621-3250
www.cambridgeymca.org

Arab Community Centre
5468 Dundas Street West, Suite 324
Etobicoke, Ontario M9B 6E3
(416) 231-7746

Rexdale Women's Centre
8 Taber Road, 2nd Floor
Etobicoke, Ontario M9W 3A4
(416) 745-0062
rexdale.on.ca/rwc/

Polycultural Immigrant and Community Services
3363 Bloor Street West
Etobicoke, Ontario M8X 1G2
(416) 233-0055

Guelph and District Multicultural Centre
214 Speedvale Avenue West, Unit 7
Guelph, Ontario N1H 1C4
(519) 836-2222
www.gdmc.org

Settlement and Integration Services Organization of Hamilton
360 James Street North
Hamilton, Ontario L8L 1H5
(905) 521-9917
www.siso-ham.org

Kingston and District Immigrant Services
322 Brock Street

Kingston, Ontario K7L 1S9
(613) 548-3302
www.kdis.org/welcome/

Mennonite Central Committee
of Ontario
50 Kent Avenue
Kitchener, Ontario N2G 3R1
(519) 745-8458

Kitchener-Waterloo YMCA
301-276 King Street West
Kitchener, Ontario N2G 1B6
(519) 579-9622
www.ymcakw.org

London Cross-Cultural
Learner Centre
717 Dundas Street East
London, Ontario N5W 2Z5
(519) 432-1133
www.lcclc.org

Catholic Cross-Cultural Services
90 Dundas Street West, Suite 204
Mississauga, Ontario L5B 2T5
(905) 273-4140

India Rainbow Community
Services of Peel
3038 Hurontario Street, Suite 206
Mississauga, Ontario L5B 3B9
(905) 275-2369
www.creditvalley.com/indiarainbow/

Newcomer Information Centre
100 Elm Drive West, Room 126
Mississauga, Ontario L5B 1L9
(905) 270-6000
www.clta.on.ca

Jewish Immigrant Aid Services
of Canada
4600 Bathurst Street, Suite 325
North York, Ontario M2R 3V3
(416) 630-6481
www.jias.org

Northwood Neighbourhood
Services (C.S.)
2528A Jane Street
Wycliffe Jane Plaza
North York, Ontario
(416) 748-0788

Catholic Immigration Centre
219 Argyle Avenue
Ottawa, Ontario K2P 2H4
(613) 232-9634
www.cic.ca

Lebanese and Arab Social Services
Agency of Ottawa-Carleton
151 Slater Street, Suite 302
Ottawa, Ontario K1P 5H3
(613) 236-0003

Ottawa Community Immigrant
Services Organization
959 Wellington Street
Ottawa, Ontario KIY 4W1
(613) 725-0202
www.ociso.org

Ottawa Chinese Community
Service Centre
391 Bank Street, 2nd Floor
Ottawa, Ontario K2P 1Y3
(613) 235-4875

Catholic Community Services
of York Region
21 Dunlop Street
Richmond Hill, Ontario L4C 2M6
(905) 770-7040

South Asian Family Support Services
(SAFS)
1200 Markham Road, Suite 214

Scarborough, Ontario M1H 3C3
(416) 431-4847

Catholic Cross-Cultural Services
780 Birchmount Road, Unit 3
Scarborough, Ontario M1K 5H4
(416) 757-7010

Thunder Bay Multicultural Association
17 North Court Street
Thunder Bay, Ontario P7A 4T4
(807) 345-0551

Afghan Association of Ontario
29 Pemican Court, no. 6
Toronto, Ontario M9M 2Z3
(416) 744-9289

Canadian Centre for Victims of Torture
192-194 Jarvis Street, 2nd Floor
Toronto, Ontario M5B 2B7
(416) 363-1066
www.icomm.ca/ccvt/

Canadian Ukrainian Immigrant Aid Services
2150 Bloor Street West, Suite 96
Toronto, Ontario M6S 1M8
(416) 767-4595

Centre for Spanish-Speaking Peoples
2141 Jane Street, 2nd Floor
Toronto, Ontario M3M 1A2
(416) 533-8545

COSTI-IIAS Immigrant Services
1710 Dufferin Street
Toronto, Ontario M6E 3P2
(416) 658-1600
www.costi.org

Ethiopian Association in Toronto, Inc.
2057 Danforth Avenue, 3rd Floor
Toronto, Ontario M4C 1J8
(416) 694-1522

Jamaican Canadian Association
995 Arrow Road
Toronto, Ontario M9M 2Z5
(416) 746-5772
www.jcassoc.com

Mennonite New Life Centre
1774 Queen Street East
Toronto, Ontario M4L 1G7
(416) 699-4527

Newcomer Information Centre
YMCA of Greater Toronto
42 Charles Street East, 3rd Floor
Toronto, Ontario M4Y 1T4
(416) 928-3362
www.ymcatoronto.org/service/

Riverdale Immigrant Women's Centre
1326 Gerrard Street East, Suite 100
Toronto, Ontario M4L 1Z1
(416) 465-6021

South Asian Women's Centre
1332 Bloor Street West
Toronto, Ontario M6H 1P2
(416) 537-2276

Toronto Chinese Community Services Association
310 Spadina Avenue, Suite 301
Toronto, Ontario M5T 2E8
(416) 977-4026

Vietnamese Association of Toronto
1364 Dundas Street West
Toronto, Ontario M6J 1Y2
(416) 536-3611

Woodgreen Community Centre of Toronto
835 Queen Street East
Toronto, Ontario M4M 1H9

(416) 469-5211
www.woodgreen.org

Lakeshore Area Multi-Service
Project Inc.
185 Fifth Street
Toronto, Ontario M8V 2Z5
(416) 252-6471

YMCA of Metro Toronto
(Korean Community Services)
721 Bloor Street West, Suite 303
Toronto, Ontario M6G 1L5
(416) 538-9412

New Canadians' Centre
Windsor Essex County Family
YMCA
511 Pelisser Street
Windsor, Ontario N9A 4L2
(519) 256-7330

Multicultural Council of Windsor
and Essex County
245 Janette Avenue
Windsor, Ontario N9A 4Z2
(519) 255-1127
www.themcc.com

Manitoba

International Centre of Winnipeg
406 Edmonton Street, 2nd floor
Winnipeg, Manitoba R3B 2M2
(204) 943-9158
www.icwpg.mb.ca

Jewish Child and Family Services
123 Doncaster Street, Suite C200
Winnipeg, Manitoba R3N 2B2
(204) 477-7430

Indochina Chinese Association
of Manitoba
648 McGee Street
Winnipeg, Manitoba R3E 1W8
(204) 772-3107

Immigrant Women Association
of Manitoba
200-323 Portage Avenue
Winnipeg, Manitoba R3B 2C1
(204) 989-5800

Employment Projects of Winnipeg
990-167 Lombard Avenue
Winnipeg, Manitoba R3B 0V3
(204) 949-5300
www.epwinc.mb.ca

Success Skills Centre
616-1661 Portage Avenue
Winnipeg, Manitoba R3J 3T7
(204) 975-5111

Ukrainian Canadian Congress
456 Main Street
Winnipeg, Manitoba R3B 1B6
(204) 942-4627
www.ucc.ca

Black Youth Helpline
P.O. Box 11
1631 St. Mary's Road
Winnipeg, Manitoba R2M 4A5
(204) 253-7475

Manitoba Interfaith Welcome Place
397 Carlton Street
Winnipeg, Manitoba R3B 2K9
(204) 977-1000
www.miic.ca

Saskatchewan

Moose Jaw Multicultural Council
60 Athabasca Street East

Moose Jaw, Saskatchewan S6H 0L2
(306) 693-4677
www3.sk.sympatico.ca/mjmul/

Prince Albert Multicultural Council
17 11th Street West
Prince Albert, Saskatchewan S6V 3A8
(306) 922-0405

Regina Open Door Society
1855 Smith Street
Regina, Saskatchewan S4P 2N5
(306) 352-3500
www.accesscomm.ca/nonprofits/reg.open.dr/index.html

Saskatoon Open Door Society
311 4th Avenue North
Saskatoon, Saskatchewan S7K 2L8
(306) 653-4464
www.sods.sk.ca

Alberta

Calgary Catholic Immigration Society
3rd Floor, 120-17th Avenue South West
Calgary, Alberta T2S 2T2
(403) 262-2006
www.ccis-calgary.ab.ca

Calgary Immigrant Aid Society
12th Floor, 910-7th Avenue South West
Calgary, Alberta T2P 3N8
(403) 265-1120
www.calgaryimmigrantaid.ca

Calgary Immigrant Women's Association
300, 750 - 11th Street South West
Calgary, Alberta T2P 3N7
(403) 263-4414
www.ciwa-online.com

Calgary Immigrant Development and Educational Advancement Society
203-4310 17th Avenue South East
Calgary, Alberta T2A 0T4
(403) 235-3666

Calgary Mennonite Centre for Newcomers
125, 920-36th Street North East
Calgary, Alberta T2A 6L8
(403) 569-3325
www.cmcn.ab.ca

The Calgary Bridge Foundation for Youth
4112-4th Street North West
Calgary, Alberta T2K 1A2
(403) 230-7745

Catholic Social Services
10709-105th Street
Edmonton, Alberta T5H 2X3
(780) 424-3545
www.catholicsocialservices.ab.ca

Changing Together - A Centre for Immigrant Women
#103, 10010 - 107A Avenue
Edmonton, Alberta T5H 4H8
(780) 421-0175
www.changingtogether.com

Indo-Canadian Women's Association
335 Tower II, Millbourne Mall
Edmonton, Alberta T6K 3L2
(780) 490-0477

Edmonton Catholic Schools
9(807) 106th Street
Edmonton, Alberta T5K 1C2
(780) 441-6000

www.ecs.edmonton.ab.ca

Assist Community Services Centre
9653-105A Avenue
Edmonton, Alberta T5H 0M3
(780) 429-3111
www.telusplanet.net/public/eccsc/

Edmonton Immigrant Services Association
11240 - 79th Street
Edmonton, Alberta T5B 2K1
(780) 474-8445
www.compusmart.ab.ca/eisa/EISAorg.html

Edmonton Mennonite Centre for Newcomers
#101, 10010 - 107A Avenue
Edmonton, Alberta T5H 4H8
(780) 424-7709
www.emcn.ab.ca

Edmonton Public School Board
1 Kingsway
Edmonton, Alberta T5H 4G9
(780) 429-8000
www.epsb.edmonton.ab.ca

Millwoods Welcome Centre for Immigrants
335 Tower II, Millbourne Mall
Edmonton, Alberta T6K 3L2
(780) 462-6924

New Home Immigration and Settlement
572 Hermitage Road
Edmonton, Alberta T5A 4N2
(780) 456-4663
www.newhomecentre.org

YMCA of Wood Buffalo
#203-10022 Franklin Avenue
Fort McMurray, Alberta T9H 2K6
(780) 743-2970
www.ymca.woodbuffalo.org

The Reading Network
Grande Prairie Regional College
Academic Upgrading
Lower Level, 9920 - 100th Avenue
Grande Prairie, Alberta T8V 0T9
(780) 538-4363
www.telusplanet.net/public/reading1/

Lethbridge Family Services
Immigrant Services
508-6th Street South
Lethbridge, Alberta T1J 2E2
(403) 320-1589
(403) 317-7654 (FAX)
www.lethbridge-family-services.com/immigrant.cfm

Flexibility Learning Systems
506-4th Avenue South
Lethbridge, Alberta T1J 0N5
(403) 320-2057
www.socialhousing.ca/education.htm

SAAMIS Immigration Services
177- 12th Street North East
Medicine Hat, Alberta T1A 5T6
(403) 504-1188
(403) 504-1211 (fax)

Catholic Social Services - Red Deer
5104-48th Avenue
Red Deer, Alberta T4N 3T8
(403) 347-8844

Catholic Social Services
202-5000 Gaetz Avenue
Red Deer, Alberta T4N 6C2
(403) 346-8818
www.catholicsocialservices.ab.ca

Central Alberta Refugee Effort (C.A.R.E.) Committee
202-5000 Gaetz Avenue
Red Deer, Alberta T4N 6C2

(403) 346-8818

British Columbia

Abbotsford Community Services
2420 Montrose Avenue
Abbotsford, BC V2S 3S9
(604) 859-7681
www.abbotsfordcommunityservices.com/

Mennonite Central Committee of B.C.
31414 Marshall Road, Box 2038
Abbotsford, BC V2T 3T8
(604) 850-6639
www.mcc.org/bc/

Burnaby Family Life Institute
17-250 Willingdon Avenue
Burnaby, BC V5C 5E9
(604) 659-2200
www.burnabyfamilylife.org

Burnaby Multicultural Society
6255 Nelson Avenue
Burnaby, BC V5H 4T5
(604) 431-4131
www.bby-multicultural.ca

Campbell River and Area Multicultural and Immigrant Services Association
15-1480 Elm Street
Campbell River, BC V9W 3A6
(250) 830-0171
www.crcn.net/service/justice/misa

Chilliwack Community Services
45938 Wellington Avenue
Chilliwack, BC V2P 2C7
(604) 792-4267
www.comserv.bc.ca

Comox Valley Family Service Association
1415 Cliffe Avenue
Courtenay, BC V9N 2K6
(250) 338-7575

SUCCESS - Coquitlam Office
B-435 North Road
Coquitlam, BC V3K 3V9
(614) 936-5900
www.success.bc.ca

SUCCESS - Tri-City Office
2058-1163 Pinetree Way
Coquitlam, BC V3B 8A9
(604) 468-6000
www.success.bc.ca

Cowichan Valley Intercultural and Immigrant Aid Society
3-83 Trunk Road
Duncan, BC V9L 2N7
(250) 748-3112
www.volunteercowichan.bc.ca/21.html

Kamloops Cariboo Regional Immigrant Services Society
110-206 Seymour Street
Kamloops, BC V2C 2E5
(250) 372-0855
www.kamloopsimmigrantservices.net

Langley Family Services Association
5339-207th Street
Langley, BC V3A 2E6
(604) 534-7921

Central Vancouver Island Multicultural Society
114-285 Prideaux Street
Nanaimo, BC V9R 2N2

(250) 753-6911
www.cvims.org

Lower Mainland Purpose Society
for Youth and Families
40 Begbie Street
New Westminster, BC V3M 3L9
(604) 526-2522

North Shore Multicultural Society
102-123 East 15th Street
North Vancouver, BC V7L 2P7
(604) 988-2931
www.district.north-van.bc.ca/nsms/index.htm

Penticton and District Multicultural Society
508 Main Street
Penticton, BC V2A 5C7
(250) 492-6299

Immigrant and Multicultural Services Society of Prince George
1633 Victoria Street
Prince George, BC V2L 2L4
(250) 562-2900
www.mag-net.com/~imss/

Richmond Multicultural Concerns Society
210-7000 Minoru Boulevard
Richmond, BC V6Y 3Z5
(604) 279-7160
www.rmcs.bc.ca

Family Services of Greater Vancouver
250-7000 Minoru Boulevard
Richmond, BC V6Y 3Z5
(604) 279-7100
www.fsgv.bc.ca

SUCCESS - Richmond Office
220-7000 Minoru Boulevard
Richmond, BC V6Y 3Z5
(604) 279-7180
www.success.bc.ca

Surrey Delta Immigrant Services Society
1107-7330 137th Street
Surrey, BC V3W 1A3
(604) 597-0205

Options: Services to Communities Society
100-6846 King George Highway
Surrey, BC V3W 4Z9
(604) 596-4321
www.options.bc.ca

Progressive Intercultural Community Services Society
109-12414 82nd Avenue
Surrey, BC V3W 3E9
(604) 596-7722
www.picssociety.com

Family Services of the North Shore
101-255 West 1st Street
Vancouver, BC V7M 3G8
(604) 988-5281
www.familyservices.bc.ca/

Immigrant Services Society of B.C.
501-333 Terminal Avenue
Vancouver, BC V6A 2L7
(604) 684-2561
www.issbc.org

MOSAIC
2nd floor, 1720 Grant Street
Vancouver, BC V5L 2Y7
(604) 254-9626
www.mosaicbc.com

Inland Refugee Society of B.C.
101-225 East 17th Avenue
Vancouver, BC V5V 1A6
(614) 873-6660

South Vancouver Neighbourhood House
6470 Victoria Drive
Vancouver, BC V5P 3X7
(604) 324-6212
www.anhgv.org/southvan/southvan.htm

SUCCESS
28 West Pender Street
Vancouver, BC V6B 1R6
(604) 684-1628
www.success.bc.ca

SUCCESS
5836 Fraser Street
Vancouver, BC V5W 2Z5
(604) 324-1900
www.success.bc.ca

Pacific Immigrant Resources Society
Suite 205-2929 Commercial Drive
Vancouver, BC V5N 4C8
(604) 298-5888
www.pirs.bc.ca

West End Community Centre Association
870 Denman Street
Vancouver, BC V6G 2L8
(604) 257-8333

Vernon and District Immigrant Services
100-3003 30th Street
Vernon, BC V1T 9J5
(250) 542-4177

Victoria Immigrant and Refugee Centre
305-535 Yates Street
Victoria, BC V8W 2Z6
(250) 361-9433

www.vircs.bc.ca

Inter-cultural Association of Victoria
930 Balmoral Road
Victoria, BC V8T 1A8
(250) 388-4728
www.icavictoria.org

TORONTO PUBLIC LIBRARY



Sam M. Bayat, B.Sc, L.L.B., is a Quebec licensed attorney with a background in international law and is specialized in Canada's immigration law. He is a registered lawyer with both the Quebec Bar and the Canadian Bar Association and was the former President of the Canadian Bar, International Section in Quebec. He has lectured in International law at Concordia University in Montreal and is the senior resident lawyer of the law firm Canadian Legal Services (CLS) in Dubai.

Bayat is an immigrant too. He migrated to Canada in August 1974 from Iran with his parents.

As the pace of immigration to Canada out of the Middle East stepped up, Bayat set up Canadian Legal Services in Dubai. CLS is also affiliated to the Canadian law group, Weigel Chan Bayat, with Canadian offices in Montreal, Toronto and Vancouver. The group specializes in corporate, commercial, investment, intellectual property, arbitration and of course, immigration law.

Bayat has published two other books. *All you need to know about moving to Canada* and *Canada's Immigrants, Heroes and Countrymen.*

www.sambayat.com

There are few subjects more controversial in Canada than Immigration. Nearly every Canadian has an opinion, often a strongly held opinion. Some are very much pro-Immigration; some are equally very much anti-immigration. What no one disputes is the tremendous impact that immigration has had, and will continue to have, on Canadian society: our values, our economy, our sense of ourselves.

Sam Bayat' s treatment of Canadian immigration is an exuberant and robust examination of everything from the historical to the practical. This book is a unique blend of understanding the Big Picture and understanding the "how to": how to make an immigration application, how to get a job, buy a house or start a business.

Sam and I, as expatriate Canadian lawyers, approach immigration from the same perspective. Our clients want to know how to immigrate to Canada and how to make a successful transition to Canada after landing. This book provides valuable advice on both the process of immigration and making the transition to Canada as home.

Carter Hoppe
Carter Hoppe Legal Consultants

ISBN 0-9730000-2-3
9 780973 000023

Cdn $19.00