

**ALL YOU  
NEED  
TO KNOW  
ABOUT  
MOVING  
TO**

**CANADA**

**Immigration and Settlement**

CN TOWER - TORONTO - CANADA - 1,815 FEET HIGH



**Canada:**  
**Immigration**  
**and**  
**Settlement**

**By Sam M. Bayat, B.Sc., L.L.B.**  
**Barrister & Solicitor**

Suite 702, Juma Al Majid Bldg.,  
1019 Khalid Ibn Waleed St.  
P O Box 32422, Dubai, United Arab Emirates  
Tel: 9714-3554646, Fax: 9714-3552357  
e-mail: [cls-dubai@ilsgroup.com](mailto:cls-dubai@ilsgroup.com)  
Web Site: [www.ilsgroup.com](http://www.ilsgroup.com)

© Copyright 2000 by Sam M. Bayat, B.Sc, L.L.B.

### **References**

*Diminishing Returns, The Economics of Canada's Recent Immigration Policy*, edited by Don J. DeVoretz, published by C.D. Howe Institute. ISBN 0-88806-365-2  
*Permanent Residence*, by Jacqueline R. Bart and David Allen Bruner, published by Carswell Thomson Professional Publishing. ISBN 0-459-25462-6  
*Immigration to Canada*, by Garry Segal  
*The Canadian Experience*, published by the Hongkong Bank of Canada  
*Websites of Citizenship and Immigration*, Government of Canada

### **Notice to Readers**

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior written permission of the author.

Laws are constantly changing. Every effort is made to keep this publication as current as possible. However, the author, the publisher, and the vendor of this book make no representation or warranties regarding the outcome or the use to which the information in this book is put and are not assuming any liability for any claims, losses or damages arising out of the use of this book. The reader should not rely on the author or the publisher of this book for any professional advice. The analysis contained herein represents the opinions of the authors and should in no way be construed as being either official or unofficial policy of any governmental body. Please be sure that you have the most recent edition.

### **Acknowledgement**

I wish to express my gratitude to Robin Arthur for assisting me in the writing of this book as well as thank my Legal Assistant, Mehar Noufal, my staff and associates for their support. I also acknowledge rights of reproduction given to me by Touch BASE.

*This book is dedicated to my mother, Parvin Mohyeddin without whose support and encouragement this book would have never been realized. She taught me to live life to its fullest.*

## Contents

Foreword.....	9
1. Canada: The Land And Its People.....	13
2. Canada's First Immigrants.....	25
3. Canada's Multiculturalism Policy.....	29
4. Immigration And Citizenship.....	35
5. Frequently Asked Questions.....	69
6. Settling In Canada.....	77
7. Employment And The Job Market.....	83
8. Talking About Tax.....	93
9. The Legal System.....	99
10. A Guide To Settlement In Canada's Cities.....	101
11. Doing Business In Canada.....	113
12. Buying A House? Investing In Property?.....	117
13. Canada's Health.....	121
14. Education In Canada.....	123
15. Appendixes.....	127

## Foreword

### **The changing face of Canada**

**T**oronto and Vancouver are a true reflection of a country that is changing fast, spurred by an enterprising, polyglot community of 31 million people. Canada is at the crossroads of change, driven by a powerful demographic reality. Its birth rate has dropped by at least 25 per cent over the last eighteen years to 11.5 births per thousand and by 2020 the current population growth will reach zero. It's just as well that its growth is now fuelled by an influx of new citizens.

About a million immigrants came to Canada in the first half of the nineties according to the 1996 census. The switch in emphasis to occupation and skills instead of race has brought more people from Asia rather than Europe as it did 30 years ago. The pace of immigrant flow into Canada was set in 1990, since when some 200,000 people or more 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 and will obviously produce a sea-change in the demographics. Today's new immigrants come from Hong Kong, India, China, Taiwan, Pakistan, Philippines, Iran, Sri Lanka, the United States, the United Kingdom and Bosnia-Herzegovina. They account for half of the immigrant influx into 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 even Africa. Within the next decade up to 80 per cent of all immigrants may be visible minorities.

What is notable, too, is that while the influx continues to centre on Canada's bigger provinces, Atlantic Canada and the Prairies will be lobbying hard for their share. New Brunswick and Newfoundland recently signed a deal with Ottawa to bring in a pre-determined number of immigrants per year, whose only admission criteria, other than health and criminal-record checks, will be that they want to live in the province. In Metro Halifax, the immigrant tide that was once a trickle, is making waves. Since 1993, at least 3,500 new Canadians have been coming to Halifax every year. In addition to stimulating economic growth through improved access to global markets, immigration in Nova Scotia is also playing a critical role in stabilizing the province's ageing and declining population. Without the influx of new immigrants, the province would experience a population decline of approximately 1.5 per cent annually. The fact that its population has grown marginally lately is almost exclusively derived from net foreign migration.

There is probably a new dimension to this demographic reality, that a *TIME* magazine report points to. When by 2005 Western governments move from free-trade agreements like the Canada-US Free Trade Agreement (FTA) into the Free Trade Area of the Americas (FTAA), this whole new common market will embrace some 765 million people. Some experts say that Canada will pass with flying colours and point to the relative openness of newcomers. But others see pitfalls. They point to equal opportunity in employment as one of them. One sees ramifications as the colour of the employment spectrum changes. In legislation mandating equal opportunity, Canada is seen to be dragging its feet compared with the United States. "That could have grave consequences in the future, including greater possibilities for racial unrest. 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," the report states.

Canada's growing diversity is a gigantic problem at the municipal level too. It's understood that 45 per cent of high school students in Richmond, B.C., speak a language other than English at home. Mexicans and Central Americans suffer from unusually high unemployment rates. Vietnamese immigrants have difficulty with the school system. In Toronto, more than 40 per cent of the high school students are foreign-born. In tandem, police departments are scrambling to keep up with their changing communities. In general, city planners are working hard to stay ahead of these population changes.

I am not saying that what we have now is a diversity bomb that's waiting to explode. But for as long as the media is going to be silent to this rapid demographic change and the socio-political and economic ramifications this change spurs, especially in the smaller provinces of Canada, ripples of that effect may be felt everywhere. The influx of the Kosovars this year awakened many Nova Scotians who are still oblivious of the changing face of Metro Halifax.

As the colour of this demographic spectrum changes, we will have to address the problems that surface. The challenges of diversity employment and the need for equity committees are some of them. It's common knowledge that engineers, accountants and doctors from say, Romania, Moscow or India have to re-qualify in Canada. It's just as well that the conference that opened in Toronto in October put the spotlight on the need for government and professional bodies to introduce equivalency programs and grant recognition of foreign credentials. If Quebec can have systems in place that determine the local equivalency of foreign degrees and certifications, surely other provinces can find ways to work around problems connected with foreign credentials recognition.

There are challenges connected with multicultural health too. Just as well, only lately, immigrant service providers are getting increasingly involved in training ethnic groups to interpret between doctor and patient. Also notable is the fact that there is little or no representation of new Canadians on health boards. If policy-making on a community health board is not truly reflective of the needs of all its people, there is an equity problem there.

Pier 21, the immigration shed through which one million people entered Canada between 1928 and 1971 at Halifax harbour is a case in point. Pier 21 Society

lately polished up the old shed for its formal opening on July 1, 1999 and turned it into a museum to honour "all those who set foot on Canadian soil through its gateways." Tall photo panels display a montage of old photos of European immigrants on overcrowded boats. You hear true stories of how people came to this country: "*I couldn't speak much English when I first came to Canada*". The driving forces and the notion of immigration have not changed. But what has changed is the face of immigration. On a large panel, one sees a graph of immigration patterns to Canada and learns that one in six Canadians has been an immigrant in the twentieth century. Yet the graph ends in the seventies. The celebration of immigrant achievement does not have to end with 1971 when the pattern of immigration shifted to include non-European nations.

It's true: whether you came to Canada 300 years ago or only a few years ago, we all came to Canada for the same reasons, whether that be poverty, persecution or the desire for a new life. Pier 21 commemorates the bravery of immigrants and refugees who fled war, persecution and instability to make a new life in Canada. But this isn't history. People are still leaving – or being driven from – their homes for these reasons. That is the point being made. The ongoing immigration tide must be celebrated.

## Chapter 1

### **Canada : The land and its people**

Canada is the world's second-largest country (9 970 610 km<sup>2</sup>), surpassed only by the Russian Federation. Regardless, people from other parts of the world including Canada's neighbours the United States, feign very little knowledge of this great country. There is a web page of jokes on the Net that lists what Canadians find most annoying about "ignorant and arrogant" Americans. On that list are snipes like these: "Canadians come from Canadia.... Let's nuke Windsor, Ontario to teach those Canucks a lesson....How do you plug a computer into an igloo?..... ..Is Toronto in Canada?"

Canada may be the country that invented hockey, basketball, the telephone and cable television, but there are people out there in the world who ask: "You're going to Canada? What's up there?" Canada is not on the moon. It's part of the G-7 and NATO (North Atlantic Treaty Organization), it introduced peace-making, has a lower debt-per-capita than the United States, its economy lives up to most of its potential of all G7 nations, it holds more than two million patents and invented insulin. What's better, Canada pays hospital bills and school tuition, unemployed Canadians receive higher welfare cheques than unemployed Americans and they say, it's also among the only countries in the world that can put up with Americans.

Canadian cities, namely Vancouver, Montreal and Toronto lead the world in quality of life. The UNDP (United Nations Development Programme) confirms that. But there are some other facts that make Canada a country out on its own: Canada never owned slaves. It has the lowest crime rate among major industrialized countries. It provides the United States the essential uranium for the nuclear bombs it prides itself on.

Canada was created in 1867 when Ontario, Quebec, Nova Scotia and New Brunswick united. This act is celebrated every year on July 1 as Canada's national day. The name Canada may have come from the word "Kanata" which in the language of the Huron-Iroquois Indians means a settlement. This is a country of immigrants, because all Canadians – except the First Peoples – share common immigrant origins. Before the English and the French came to Canada there were groups of First Peoples (distinct nations of Indians lived in every region).

Canada comprises ten provinces and two territories. The provinces are (from east to west) British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland/Labrador. The territories are the Yukon and the Northwest Territories (NWT). This year the

eastern part of the NWT will become a separate territory called Nunavut. It covers over 7,000 kilometres from east to west. Ottawa is the capital and Toronto, Montreal and Vancouver are Canada's biggest cities. The population is about 31 million. According to the 1991 census, more than four-fifths of all Canadians are Christian, with Catholics accounting for about 47 per cent of the population and Protestants about 36 per cent. But people of all beliefs are absolutely free to practice their faith – the other religions practised in Canada are Judaism, Islam, Hinduism, Sikhism and Buddhism.

The weather is an important consideration in every day life in Canada. Spring is a rainy season when average daytime temperatures rise steadily. In southern Canada the first flowers usually bloom in March. Summer officially begins on June 21. However, July and August represent summer for most Canadians. In southern Canada, daytime temperatures normally stay above 20 degrees Celsius and can sometimes rise above 30 degrees. Autumn in Canada is also called fall and begins when the first frost occurs after the middle of September. In late September and October, the leaves of trees (other than the pine -with needle-like leaves) change colour and fall to the ground. Autumn can be very rainy. Snow begins to fall during November except in the southern West Coast. In the winter months from December to March, the temperatures usually stay below freezing (0 degrees Celsius) day and night and in some parts of the country drop below -30 degrees Celsius. Winter is colder and lasts longer the further north you go.

Canada is governed by an organized system of laws, created by governments freely elected by its citizens and which function according to the principle of a parliamentary democracy. It has three levels of government: the federal government, provincial and territorial governments as well as municipal governments. The federal government has three main arms: the Executive (Governor General, the Prime Minister and the Cabinet), The Legislative (House of Commons and the Senate – Upper House) and the Judicial. The Governor General is the official representative of Queen Elizabeth II. Canada is a constitutional monarch and the Queen of England is Canada's official head of state. The Supreme Court of Canada is the highest body of the Judiciary.

The Canadian Charter of Rights and Freedoms is a fundamental part of Canada's Constitution and defines and guarantees personal rights in seven key areas. The Charter protects you even before you become a Canadian citizen. Two of the most significant passages are articles 2 and 7. The former states that everyone has the freedom of conscience and religion, thought, belief, opinion, expression, including the freedom of the press, freedom of peaceful assembly of association. Indeed, these freedoms do not mean that one can exploit them while violating the rights of other individuals. The latter states that everyone has the right to life, liberty and security and the right not to be deprived thereof except in accordance with the principles of fundamental justice. Every individual has a responsibility to understand and uphold the Canadian Charter of Rights and Freedoms which means defending one's own rights and protecting the rights of others. A copy of the Canadian Charter of Rights and Freedoms can be obtained from Canadian Heritage by calling (819) 997-0055. Canadians believe strongly in justice and the rule of law. Every person in

Canada is equal under the law and everyone is entitled to fair treatment. Article 15 (1) of the Canadian Charter of Rights and Freedoms states that every individual is equal before the law and under the law and has the right to equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

The Charter protects you from being stopped, searched or arrested without a valid reason. Nobody can enter your home without your permission unless they identify themselves as peace officers and show you a warrant which specifically names either you or your home. Article 9 states that everyone has the right not to be arbitrarily detained or imprisoned. It also means that you cannot be detained for an unreasonable time (no more than 24 hours) without being formally charged. If you are detained by the police, you must be informed of your right to contact and hire a lawyer. If you cannot afford a lawyer, Legal Aid will supply one for you. Legal Aid is a government-funded service.

English is the mother tongue of about 59 per cent of Canadians; and French, the first language of 23 per cent of the population. A full 18 per cent have either more than one mother tongue or a mother tongue other than English or French, such as Chinese, Italian, German, Polish, Spanish, Portuguese, Punjabi, Ukrainian, Arabic, Dutch, Tagalog, Greek, Vietnamese, Cree, Inuktitut, or other languages. The *Official Languages Act* makes French and English the official languages of Canada and provides for special measures aimed at enhancing the vitality and supporting the development of English and French linguistic minority communities.

Canada's changing demographics is reflected in the fact that about 19 per cent of the population report "Canadian" as their single ethnic origin, with 17 per cent reporting British Isles-only ancestry and nine per cent French-only ancestry. Some 28 per cent reported origins other than the British Isles, French or Canadian.

Canadians pay high taxes, but get back a great deal by way of free basic health care, government-funded education, child tax benefit, unemployment insurance and welfare, old age pensions and so on.

### **The Economy**

The US markets are Canada's biggest buyers accounting for 80 per cent of Canada's exports. That being the case, any forecast on Canada's economy must take into account economic conditions in the US. In a report, the Bank of Montreal says it expects real GDP in the US to grow to about four per cent and going by the currently strong economic growth reflected in high consumer spending, housing starts and manufacturing shipments, the feeling is that the Federal Reserve may raise interest rates by a percentage point this year, thus slowing down the economy somewhat.

The Canadian dollar was down last year because of a flight of capital to Europe and Japan, but economic analysts say they expect commodity prices to rise, thus strengthening the Canadian dollar. Crude oil and natural gas prices have risen sharply lately and are likely to consolidate those gains.



Finally, there are several factors that point to the fact that economic conditions in Asia are improving. Korea has seen a strong recovery in industrial production and there are signs of economic stabilization in Japan. These factors are going to have a domino effect on Canada's trade. It is, indeed, based on these extrapolations that economists believe Canada's economy should grow on an average at three per cent annually all the way up to 2003.

The sectors that will drive the economy are communications and electronic products, business services, aircraft production and motor vehicle parts, according to the Bank of Montreal's outlook. Its report suggests that there is likely going to be slower growth in mining, agriculture, forest products, refined petroleum and food processing.

Seen from an overall perspective, Newfoundland's economy is projected to grow fastest of all provinces, at about 5.5 per cent, the optimism fuelled by oil and gas exploration at Hibernia. In Ontario and Quebec, the provinces with diversified economies, there will also be strong growth. The principal natural resources are natural gas, oil, gold, coal, copper, iron ore, nickel, potash, uranium and zinc, along with wood and water. The principal industries include automobile manufacturing, pulp and paper, iron and steel work, machinery, manufacturing, mining, extraction of fossil fuels, forestry and agriculture.

Canada's leading exports are automobile vehicles and parts, machinery and equipment, high-technology products, oil, natural gas, metals, and forest and farm products.

## Canada's 10 Provinces

### Newfoundland

Newfoundland's climate is moderate and maritime. The winters are mild by Canadian standards. It was once the home of the now extinct Beothuk Indians, until the first Europeans – the Norsemen, explored the region in the late tenth century. Later British and French rivalry for supremacy over the island marked the on-going history of Newfoundland during the sixteenth and seventeenth centuries. The Treaty of Utrecht in 1713 finally ended an era of raids and skirmishes by both nations and reconfirmed British sovereignty over Newfoundland.

Since its first settlement, Newfoundland and Labrador have relied on the resources sector. The second and third most significant industry even today is mining and the newsprint industry. But the recent discovery of offshore oil and gas reserves has added a new dimension to the marine resources of the province. The Hibernia discovery in 1979 was Newfoundland's first significant oil find: reserves are estimated at 615 million barrels. Currently underway, Hibernia is the largest construction project in North America. In addition to fish products and pulp and paper products, about half of the province's manufacturing gross domestic product comes from other resource- and non-resource-based manufacturing. There are companies engaged in the manufacture of boats, lumber, chemical and oil-based

products, food, beverages and clothing. In total, the province shipped about \$1.4 billion in manufactured products in 1992.

### Nova Scotia

Nova Scotia lies in the northern temperate zone where the climate is continental rather than maritime. The temperature extremes of a continental climate, however, are moderated by the ocean. Almost eleven thousand years ago the Paleo-Indians first made tracks into North America by way of an ice corridor stretching from Siberia to the Atlantic. Their ancestors the Mi'qmaq were Nova Scotia's original settlers prior to the arrival of the first European explorers - the Norsemen, in the early eleventh century. The settlement of Leif Ericsson at Vinland in 1001 is evidenced at L'Anse aux Meadows. Then five hundred years later, John Cabot became the European to discover America. His landfall was reported to be a stone's throw from Leif Ericsson's settlement. But in the 17th century, all of Nova Scotia, as well as parts of Quebec, New Brunswick and Maine, which made up an area known as Acadia, was settled by the French. Pierre de Monts established the first successful agricultural settlement in Canada, at Port Royal in 1605.

The British contested the French for control over the area and the rivalry was pursued until 1713, when all of Acadia was ceded to the British under the Treaty of Utrecht. Later in 1783, thousands of United Empire Loyalists from the newly independent New England states of America immigrated to Nova Scotia. The influx of the Loyalists doubled Nova Scotia's population. In 1848 it became the first British colony to win responsible government and was one of the four provinces that constituted the new federation called the Dominion of Canada in 1867.

Over 80 percent of Nova Scotia's population of 940, 888 trace their ancestry either wholly or partly to the British Isles. Many residents of Nova Scotia are also of Polish, Italian, Jewish and Lebanese descent. After the War of 1812, several thousand Blacks settled in the Halifax area. Today's immigrants to Nova Scotia are Chinese, Vietnamese, Arab, African, Asian and east European including the recent Kosova refugees.

After several years of painful adjustment from the loss of the ground fishery and government spending cuts Nova Scotia has resurfaced in far better shape. Consumer spending has remained strong and manufacturing shipments are reported to have increased. The Sable oil project kicked into high gear this year and natural gas reportedly begun flowing through pipes to consumers in New England. The Sable project brings renewed hope to Nova Scotia where employment is lower than the national average. Economic growth is likely to be about three per cent. But on the downside, the province continues to reel under budget deficits. The mining sector is dominated by coal production, but Nova Scotia also has a highly specialized commercial agriculture sector. Tourism receipts exceed \$800 million and over 30,000 are employed in the many aspects of the industry.

## Prince Edward Island

Prince Edward Island is Canada's smallest province. It lies in the Gulf of St. Lawrence, separated from Nova Scotia and New Brunswick by Northumberland Strait. The Mi'qmaq Indians inhabited Prince Edward Island for some 2000 years before the arrival of the Europeans, led by Jacques Cartier in 1534. The island's population multiplied after an exodus of the Acadians who were deported by the British in neighbouring Nova Scotia in 1755. By the time Louisbourg fell to the British three years later, the island's population had risen to 5000. In 1769 the Island of Saint John became a separate colony, and thirty years later it was given its present name, in honour of Prince Edward of England.

The island's economy is spurred chiefly by agriculture, tourism and fishing. Most of the industrial activity has to do with food processing, although high-technology industry is becoming important, especially in the medical, electronics and agricultural fields.

## New Brunswick

New Brunswick borders on Nova Scotia, Quebec and the U.S. state of Maine. The Europeans had discovered New Brunswick in the early fourteenth century when Basque fishermen plied their trade off Miscou, northeast of the province. It was at the time inhabited by the Malecite and Mi'qmaq Indians who received Samuel de Champlain and the French when they landed in New Brunswick in 1604. The Aborigines established good camaraderie with the French helping the settlers to adapt to their new country as well as taking part in the French attacks on New England.

British and French rivalry over sovereignty continued for a century until 1713, when all of Acadia was ceded to the British under the Treaty of Utrecht. The flight of Loyalists to Nova Scotia in the aftermath of the American revolution created a rift with New Brunswick, and as a result it became a separate province in June. In 1867 it joined other provinces to form the Dominion of Canada.

The population of New Brunswick at the last census was 761 075. With the highest percentage of Francophones outside Quebec (almost 35 percent), New Brunswick is Canada's only officially bilingual province.

On the manufacturing side of the economy, food and beverages lead the pack, followed by pulp and paper, and other wood-based industries, metal processing, transportation equipment and processing of non-metallic ores and primary metals. Tourism is important to the province's economy as is fishing and agriculture. But in recent years, New Brunswick has undertaken an effort to further promote economic development that has resulted in new industries and companies being established in the province. Information technology has been a growth industry for the province, which now describes itself as the "Call Centre Capital of North America". The new economic impetus has also spurred the government of New Brunswick to sign separate immigration agreements with the federal government that would enable it bring in skills from across the world to the province.

## Quebec

Quebec is bordered by Ontario, New Brunswick and Labrador and by the United States and has an area of 1 450 680 km<sup>2</sup>, which is three times that of France, making it the largest of Canada's provinces. Quebec was originally inhabited by members of the Algonquin and Iroquois Aboriginal people. The northern part of the province was, and still is, inhabited by Inuit. European exploration first began with the Frenchman Jacques Cartier in 1534. But French-British rivalry in North America culminated with the Seven Years' War and the fall of Quebec City to British forces in 1759.

In 1774, under the Quebec Act, Britain granted official recognition to French Civil Law, guaranteed religious freedom and authorized the use of the French language. Subsequently, the colony was divided in two when Loyalists fleeing in the wake of the American revolution made their way into Quebec. Their exodus led to the creation of Ontario. But the two were reunited by the Act of Union later and in 1840 Quebec became a Province of Canada. But although in 1867, Quebec became a founding member of the new Dominion of Canada, Quebec has lately been seeking sovereignty. In 1980 a provincial referendum conducted to negotiate an arrangement for sovereignty association with Canada was defeated by a majority of Quebec citizens, as was a second referendum held in 1995. Throughout Quebec's history, the survival of the "French fact" in Quebec has been central to the concerns of Quebecers. At least five million of the total of seven million people in Quebec are of French origin. The others are of British origin as well Amerindians, Métis and Inuit.

Quebec is very industrialized. It has abundant natural resources and energy, along with well-developed agriculture, manufacturing and service sectors. Quebec exports air traffic control equipment, software, subway trains, helicopters, compact disks and a lot more. Montreal, the province's commercial capital, has developed competitive industries in space and aeronautics, pharmaceuticals, telecommunications, energy and transportation. It exports 40 percent of its total production, mainly from the forest industry, mining and transportation equipment, manufacturing, electricity, engineering know-how, electronic products and telecommunications equipment. Overall, Quebec's exports account for 20 percent of the province's gross domestic product.

## Ontario

Toronto, Ontario's capital and Canada's largest city, has a population of more than four million. It is also Canada's leading producer of manufactured goods. Ontario's first peoples, namely the Iroquois and Algonquin arrived about 10, 000 years ago. European explorers, led by Henry Hudson, Samuel de Champlain and Etienne Brule encountered their descendants when they came in 1610. In 1840, the Act of Union saw Upper and Lower Canada (Quebec and Ontario) reunited and when the Dominion of Canada was created in 1867 the two became separate provinces. Today, immigration continues to be important to Ontario, and there are large numbers of

people of Italian, German, Chinese, Dutch, Portuguese, Indian, Polish and Caribbean origin.

Ontario is Canada's most productive province, generating some 40 percent of the country's Gross Domestic Product. Its manufacturing industries lead the way with competitive advantages that include its natural resources, modern transportation system, well-educated labour force, reliable and relatively inexpensive electrical power, and proximity to key U.S. markets. Automobiles are Ontario's major manufacturing industry employing more than 140 000 people. Financial industries are also a source of prosperity. Toronto is the world's fourth-largest capital market; its stock exchange is North America's second-largest by volume and third-largest by value traded.

### **Manitoba**

Manitoba is bordered by Ontario, Saskatchewan, the Northwest Territories, Hudson Bay and the United States. It is one of the three Prairie provinces and is located in the centre of Canada. It is one of the sunniest provinces in Canada with a continental climate and with great temperature extremes. Typical of southern Manitoba, the mean January temperature in Winnipeg is about -20°C; the July average is about 19°C.

The Assiniboine Indians were the first inhabitants of Manitoba. But in their search for the Orient, Europeans reached Manitoba through Hudson Bay. Early European interest in Manitoba centred on the fur trade. Consequently, for many years, most Manitobans were of British origin. But changes in migration and immigration patterns have produced an ethnically diverse population. Manitoba today is home to dozens of groups from all over the world and is an important centre for several ethnic groups. It is one of the most important centres of Ukrainian culture outside Ukraine and has one of the largest populations of Mennonites in the world. More than 115,000 people are of Amerindian or Métis origin.

Manitoba today has a very diversified economy: the services sector is the most important although manufacturing is the largest goods-producing economic sector with food and transportation equipment being the leading manufacturing industries. Nonetheless, agriculture is the backbone of rural Manitoba, as well as supporting thousands of jobs in towns and cities. The strong balance in the Manitoba economy is reflected in agriculture, where both crops and livestock are important sectors. But mining is another major Manitoba industry, with metals normally accounting for three-quarters of the value of production. Manitoba also produces petroleum and a number of industrial minerals.

### **Saskatchewan**

Saskatchewan, located in the prairie region of Canada, is bordered by Manitoba, Alberta, the Northwest Territories and the United States. Camel caravans are a familiar sight especially in Athabasca which has sand dunes 30 m high and semi-arid vegetation. The whole province enjoys a hot, dry summer.

When Henry Kelsey, a Hudson's Bay company agent first visited Saskatchewan in 1690, he found established settlements of Aboriginal people. Later came fur-trading companies and trading posts, which became the foundation of many present-day settlements. Saskatchewan separated from the Northwest Territories and entered Confederation in 1905. The Métis, people of mixed European and Aboriginal descent, were among the first settlers, many of them having migrated from Manitoba. Today, Saskatchewan's population stands at little over one million. It is Canada's only province where the majority of the population is of neither British nor French background. The population has a variety of ethnic descendants - German, Ukrainian, Scandinavian, Amerindian, Dutch, Polish and Russian - as well as British, French and many other non-European origins. Regina and Saskatoon are the two main cities.

Saskatchewan has changed greatly since it joined Confederation in 1905. Back then, agriculture was the only industry, and it centred on wheat farming. Today, Saskatchewan supplies 28 percent of Canada's grain production. Northern Saskatchewan's 350 000 km<sup>2</sup> of forests are the province's most important renewable natural resource. Softwoods are the focal point of forestry development. It is also rich in minerals. Saskatchewan's 14 000 oil wells produce about 12 percent of Canada's total oil output. In addition, with an estimated two-thirds of the world's reserves, Saskatchewan is the leading exporter of potash.

### **Alberta**

Alberta is the western frontier of Canada's three Prairie provinces. The forest areas of the plains make up the greater part of the northern region of the province and the vast stretches of northern muskeg that overlay Alberta's oil and gas deposits and oil sands. Alberta has a continental climate marked by long, cold winters and mild to hot summers with sunny days regardless of the season.

The Aboriginal people, whose ancestors are thought to have crossed the Bering Sea from Asia thousands of years ago, first inhabited Alberta. They became valuable partners of the European fur traders who arrived in the eighteenth century led by Anthony Henday, in 1754. The construction of the railways in 1883, grew the population as did the discovery of new strains of wheat particularly suited to the climate of the Canadian Prairies and the end of an economic depression throughout North America. Alberta, named after Princess Louise Caroline Alberta, fourth daughter of Queen Victoria, became a province of Canada with Edmonton as its capital city on September 1, 1905.

The need to develop Alberta's agriculture spurred the government to invite immigrants to the province between 1890 and 1920. But after 1960 the immigration pattern changed somewhat and immigrants have been coming to Alberta from all over the world, including the Pacific Rim, Asia and the Caribbean. Today, roughly 44 per cent of Albertans are of British descent; other large ethnic groups are the German, Ukrainian, French, Scandinavian and Dutch.

Alberta has one of the world's most productive agricultural economies, producing about 20 percent of the value of Canada's annual output. But it is also

Canada's "energy province" sitting on top of more than 80 percent of the country's reserves of conventional crude oil, 90 percent of its natural gas, and all of its bitumen and oil-sands reserves. The oil and natural gas sector has responded successfully to the challenges of unstable energy prices in the 1980s by significantly reducing production and operating costs.

In the manufacturing sector, food and beverage processing remains the largest industry in Alberta and is also a major employer. Today petrochemicals and plastics, forest products, metals and machinery and refineries are the major contributors to Alberta's economic diversification. An increasing range of industrial products - including aerospace and transportation equipment, as well as industrial and speciality chemicals - is also being manufactured in Alberta. The service sector accounts for more than 60 per cent of Alberta's gross domestic product. More than two-thirds of Alberta's employment is found in such industries as business and financial services, transportation, retail trade, health and education services and tourism.

### **British Columbia**

British Columbia is Canada's westernmost province bordered by Alberta, the Yukon Territory and several U.S. states, including Alaska. Given its location, British Columbia is a gateway to the Pacific and Asia. The Aboriginal peoples of British Columbia developed a rich and complex culture, partly because of the diversity of the Pacific coast - mild to cold climate, seashore to mountains. Unlike eastern Canada whose early history was marked by Anglo-French rivalry for supremacy and sovereignty, the first explorers to come to British Columbia were the Spanish and the Russians in 1774.

The Spanish claimed the west coast from Mexico to Vancouver Island, while at the same time, the Russians were staking their claims for control of the Pacific coast from Alaska to San Francisco. In 1778, Captain James Cook of Great Britain became the first person to chart the region. The first permanent colony, in present-day Victoria, was established by the British in 1843. The British government established the colony of BC in 1858 a little after the discovery of gold in Fraser Valley which brought thousands of people to the island.

The majority of B.C.'s inhabitants are of British origin, but the population is enriched by immigrants of all nationalities. More than 100 000 British Columbians are descendants of the thousands of Chinese who took part in the construction of the Canadian Pacific Railway in the late 19th century. Today, Vancouver has North America's second-largest Chinese community. In addition, more than 60 000 of B.C. inhabitants are from India and over 16 000 from Japan. British Columbians of Asian origin have contributed substantially to the province's economic and cultural vitality.

BC's economy is based on its natural resources, primarily its vast forests, but also relies on tourism. Every year, about 15 million people visit British Columbia. Mining is the province's third most important economic sector: the most valuable resources are coal, petroleum and natural gas. Manufacturing in B.C. is still largely resource-based, but is being gradually diversified by high-tech and computer-based

industries related to telecommunications and the aerospace and sub-sea industries. British Columbia has the most balanced export market of all Canada's provinces, with the United States, Japan, the European Union and the Pacific Rim countries as its customers.

## Chapter 2

### **Canada's first immigrants**

**T**he 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. There was a Portuguese colony in Cape Breton from 1520 to 1525. 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 North America, establishing the first settlements in 1605, many countries, nonetheless, were represented in the colony, including countries in Europe, China and Africa. The English (especially prisoners and refugees from New England), Irish and Scots were the most numerous.

Africans were present from the early Seventeenth Century. The first to have been brought to New France directly from Madagascar in Africa was Olivier le Jeune. He is reported to have died a free man in 1654. Blacks came in small numbers with early settlers and later in larger groups as fugitives and 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 British did not exclude the Jews as much as did the French. Jews had initially settled in Halifax soon after its founding in 1749 and later in the Maritimes and Jewish merchants based in the thirteen colonies contributed to

the furnishing of British troops.

### Settlement from 1880 – 1980

Until the late Nineteenth century, settlement of the West was slow. Americans played a role, but primarily as traders. Not until Confederation, the building of the Canadian Pacific Railway and the ending of the Metis resistance (the Metis were children of fur traders who married native women) did the pace of settlement accelerate and the population begin to diversify ethnically. Two notable settlements of the 1870s brought Mennonites and Icelanders to Manitoba. Individual Jews had begun to trickle into the West by 1850s as fur traders, gold miners and farmers. In the 1880s groups of Jews fleeing deplorable conditions in Poland and Russia were taken to the Northwest.

In the late 1880s the tide of immigration turned toward Canada. The completion of the Canadian Pacific railway, the closing of the American frontier, the Gold Rush to the Yukon, developments in dry-land farming and bumper wheat crops were factors that accelerated development. Clifford Sifton, the Minister of the Interior in the Liberal government of Sir Wilfred Laurier (1896-1905) was determined to settle the empty West with producing farmers. Consequently, between 1901 and 1911 at least 250,000 immigrants were drawn from the United Kingdom.

Sifton disapproved of the immigration of Asians but on the West coast the Chinese continued to increase in spite of discriminatory regulations. It is understood that because of pressure from anti-Asian groups, the Charter granted to the Grand Trunk Pacific Railway forbade hiring Chinese for construction work. By 1921, there were 39,587 Chinese in Canada, of these 23,533 were in British Columbia. The Japanese began to immigrate in large numbers at the turn of the century. In the first ten months of 1907 over 8,000 came to Canada. But after the violent anti-Asian riots in Vancouver in 1907, their entry was halted by a series of “gentleman’s agreements” between the Japanese and Canadian governments by which Japan voluntarily limited the number of passports issued to labourers and domestic servants to 400 per year.

Furthermore, about 5,000 South Asians came to British Columbia between 1905 and 1908. Although chiefly Sikhs, they were usually referred to as Hindus. They found work mainly as unskilled labour in railroad construction and in the logging and lumbering industry. But after 1908 the movement of Indians was halted by an order-in-council, requiring “a continuous journey from the country of origin.” Since it was impossible to come from India by a continuous journey, the measure was criticized as an ingenious attempt to restrict immigration of “coloured” British subjects, some of whom were actively engaged in efforts to drive the British out of India. In 1914, three hundred and seventy six East Indians arrived in Vancouver on the Komagata Maru – a Japanese steamer that an enterprising Sikh, Grit Singh, had hired to test the requirement for a continuous journey. They were refused entry and returned to the Orient after the Supreme Court had ruled against their admission.

### Between the wars 1920-1940

World War I cut short the movement of peoples to Canada. The number of immigrants dropped. The Canadian government had found itself in a difficult situation at the beginning of the war. The presence in the population, especially in the West, of large numbers of aliens born in countries with which Canada was at war triggered fears of hostility towards enemy aliens. But Jewish immigration continued during the inter-war period and the Scandinavians too continued to settle in the farming areas of the West.

Asian groups increased slowly in this period: the restrictive policies of the United States in the 1920s lent weight to the campaigns in Canada for tighter restrictions against them. From 1923 on, the Canadian government adopted the principle of excluding Chinese, except for extremely limited classes. So successful were the campaigns against the “yellow peril” that the census listed only 84,548 of Asian ethnic origin in 1931.

Blacks also suffered from discriminatory measures. After 1923, the term “British Subject” was limited to citizens of Commonwealth countries with predominantly white populations. Thus West Indians were deprived of preferential status to which, in theory, they were entitled to previously. In practice, of course, they had never had easy entry because of racism in the application of immigration regulations. The depression of the 1930s led the government to cut off the flow of immigrants to Canada. The passing of an order-in-council in August 1930 led to the view that Canada was fully settled and never again would need to absorb immigrants especially non-British immigrants.

### The Third Wave

The third wave had hardly begun when Prime Minister W. Lyon Mackenzie King stated in the House of Commons in May 1947 that the policy of the government was “to foster the growth of the population of Canada by the encouragement of immigration.” The principles of selection were to include preservation of “the fundamental composition of the Canadian population.” The ethnic origins most strongly represented in the immigrant flow from the end of World War II to 1967 were British, Italian, German, Dutch, Polish and Jewish.

But in 1967 a major revision of the regulations came into effect and opened the floodgates of immigration to South Asian communities. The new revisions introduced a system of computing factors of admissibility, emphasising education, training and skills and the system thus booted out discrimination on racial and ethnic grounds. The new Immigration Act became law in 1976 and almost immediately, considerable increases in the number of immigrants from China, India and Pakistan and the West Indies occurred.

By 1961, more than 2.5 million people had come to Canada and over the next ten years, 1.5 million people trickled in. In the 1971 census, 25 per cent of the Canadian population claimed ethnic origins other than British, French or native Indian and Inuit. Since then, the proportion of the population belonging to the other

ethnic groups has continued to rise. The picture of the ethnicity of Canada had changed dramatically by 1981. Of the total population, 40.2 per cent gave the single response *British* and 26.7 per cent gave the single response *French* in a census poll. In spite of the volume of post-war immigration, a large proportion of those of non-British, non-French and non-native origins were Canadian-born. By the 1971 census, 82 per cent of those of Ukrainian origin, 78 per cent of Scandinavian and 75 per cent of German origin were born in Canada. Only such groups as Italians, Hungarians, Greeks and Portuguese, Indians and Pakistanis were predominantly foreign-born. In Nova Scotia, 14 per cent of the population is of other origins, but only 1.5 per cent is foreign-born. But in Ontario, 30 per cent of the population is of ethnic origins other than British, French and Inuit and 14 per cent of the population is of foreign birth.

Among the three provinces of the Prairie region, Alberta prospered most in the post-war period. In the 1950s and 1960s it attracted a considerable number of Dutch and German immigrants and during the oil boom of the Seventies it drew immigrants from other parts of the world including South Asians, West Indians, Koreans, Filipinos, Chileans and Vietnamese.

*References:*

1. Gerhard P. Bassler in "Heinz Lehman and German Canadian History
2. *Coming Canadians* – Jean R. Burnet with Howard Palmer
3. L. Kos-Rabcewicz-Zubkowski – "Contribution Made by the Polish Ethnic Group to the Cultural Enrichment of Canada," an essay prepared for the Royal Commission on Bilingualism and Biculturalism.
4. John Norris, *Strangers Entertained : A History of the Ethnic Groups of British Columbia.*
5. Henry B. M. Best "The Auld Alliance in New France. The Scottish Tradition in Canada.
6. Robin W Winks: *The Blacks in Canada – A History.*
7. Vangeois: *History of the Jews in Canada.*
8. Douglas Hill: *The Opening of the Canadian West.*
9. Harry B. Hawthorn: *The Doukhobors of British Columbia.*
10. J.W. Dafoe: *Clifford Sifton in relation to his Times.*
11. *Canada's Immigration Policy 1896-1910* Mabel F. Timlin.
12. Edmund W. Bradwin. *The Bunkhouse Man: A Study of Work and Pay in the Camps of Canada 1903-1914.*
13. Fred Hawkins, *Canada and Immigration: Public Policy and Public Concern.*

## Chapter 3

### **Canada's Multiculturalism Policy**

**T**he fact that Canada is a plethora of cultural groups raises many questions that are not simple to answer. Consider the two vastly divergent observations, firstly: "*Canadian identity will not be undermined by multiculturalism. Indeed, we believe that cultural pluralism is the very essence of Canadian identity.*" (Federal government statement) Second: "*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*" (Douglas Fisher in Toronto Sun).

During the 1920s, Anglo conformity continued to be the cultural policy for Canadian society and the attitude was that all ethnic groups should become Canadianized, or assimilated into the dominant culture. This was precisely why ethnic groups that could be assimilated quickly were considered most suitable as immigrants. Blacks and Asians were considered to be the least desirable because it was thought they could not be assimilated.

The multiculturalism policy of 1971, prompted by a nation-wide response to the hearings of the Royal Commission on *Bilingualism and Biculturalism*, finally brought a wind of change. The Royal Commission held the view that there cannot be one cultural policy for Canadians of British and French origin, another for the original peoples and yet another for all others, for although there are two official languages, there is no official culture. The Royal Commission was guided by the belief that adherence to a group is influenced not so much by origin as by a sense of belonging to the group. That national unity must be founded on confidence in one's own individual identity.

Today Canadians realize that ethnic groups should be encouraged to preserve their cultures so that Canada can be a mosaic of the plethora of groups in our society. As Watson Kirkconnell in *Canadian Overtones* writes: "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 would be inspired to fuller citizenship by his realization of his origin."

The passing of Bill C-93 – the Canadian Multiculturalism Act - into law on July 21, 1988 was a historic event for all Canadians. It set forth the conviction that multicultural diversity is a fundamental characteristic of our society and an opportunity, participation and partnership, which must be shared not just as a matter of justice and fairness but of necessity in the continuing evolution of Canadian

society. It is no more a side show for new Canadians or those labelled as “ethnics”. Today’s multiculturalism is about removing the barriers of discrimination and ignorance which stand in the way of acceptance and respect and building a stronger and more inclusive Canada.

The Canadian Multiculturalism Act sets out Canada’s multiculturalism policy, identifies a framework for its implementation and provides a system of parliamentary accountability. It commits the Government of Canada to assist communities and institutions in bringing about equal access and participation for all Canadians in the economic, social, cultural and political life of the nation. It denies the notion that everyone must fit into some set mould, but encourages all of us to work together to build a society in which the principles of multiculturalism are fully realized in practice.

The Preamble of the Canadian Multiculturalism Act situates the Act within the broad framework of civil, political, social and language rights contained in the nation’s constitution. It calls attention to Section 27 of the Canadian Charter of Rights and Freedoms, which deems that the multicultural heritage of Canadians be considered in interpreting other sections of the Charter. The Charter establishes fundamental freedoms and democratic and legal rights. Clause 15(1) of the Charter, for example, establishes that every individual is equal before the law and is entitled to equal benefit of the law without discrimination. But Clause 15(2) goes further by allowing for the development of programs to aid groups that are at a disadvantage in society. Section 27 of the Charter enjoins our courts to interpret “in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.”

Finally, language rights are dealt with and affirm the principle of the equality of English and French as our two official languages, but ensure that any rights and privileges that exist with respect to languages other than English and French are not impaired by the official language provisions of the Charter.

Other pieces of landmark legislation, namely the Citizenship Act and the Canadian Human Rights Act – are also cited in the Preamble as sources from which the Canadian Multiculturalism Act draws its strength. The Canadian Human Rights Act gives legal force to the right of equality of opportunity and provides for legal action when that right is infringed upon through discrimination in the provision of goods, services, facilities or accommodation, or in employment. The Canadian Human Rights Act also forbids the publication of notices that discriminate or are intended to incite discrimination or the transmission of hate messages.

Furthermore, Canada is a signatory to several International Articles which affirm its commitment to better the human condition at home and abroad. The International Convention on the Elimination of All Forms of Racial Discrimination (an agreement recalled in the Preamble) ratified by Canada in 1970, obliges us to take positive measures against racial discrimination. The multiculturalism policy of Canada recognizes and promotes the understanding that multiculturalism reflects the cultural and racial diversity of Canadian society and acknowledges the freedom of all members of Canadian society to preserve, enhance and share their cultural heritage. It recognizes and promotes the understanding that multiculturalism is a fundamental

characteristic of the Canadian heritage and identity and that it provides an invaluable resource in the shaping of Canada’s future.

The policy promotes the full and equitable participation of individuals and communities of all origins in the continuing evolution and shaping of all aspects of Canadian society and assists them in the elimination of any barrier to such participation. It recognizes the existence of communities whose members share a common origin and their historic contribution to Canadian society and enhances their development. In its letter and spirit, multiculturalism ensures that all individuals receive equal treatment and equal protection under the law, while respecting and valuing their diversity. In doing so, the *Multiculturalism Act* promotes the understanding and creativity that arise from the interaction between individuals and communities of different origins and fosters the recognition and appreciation of the diverse cultures of Canadian society.

## Anti-racism commitment : A Nova Scotia perspective

By Golda Arthur

When in 1966, the United Nations declared March 21 as the *International Day for the Elimination of Racism*, Canada became one of the first countries in the world to commemorate this day. The UN declaration followed the shooting of 70 black demonstrators at an anti-apartheid march in Sharpsville, South Africa six years earlier. Now the Sharpsville incident is history. Racism very rarely culminates in gun shots on the street here. Yet no one can deny it still exists.

In Halifax, especially, diversity is not obvious in every day life. Neither is racism. It is usually subtle, quiet, under the carpet. It surfaces in a peculiar look, or a word out of place that could make the hair on the back of your neck bristle. What can be done about it? Canada has commemorated March 21 for over ten years. So it is that one day every year, people are made aware that racism exists and that something must be done. March 21 is widely recognized as a day for community action: schools, municipalities and community organizations commemorate it in some way. Canadian Heritage, for example, takes part in the Harmony Brunch, which helps community groups connect and create a strategy to combat racism.

So have we made progress in eliminating racism? “Yes, things have changed,” says Gilbert Daye, the Program Officer at Canadian Heritage. “The day itself will not eliminate racism. But it does raise awareness that racism can raise its head again and that we should work year-round to rid ourselves of it.” But what specifically, are we fighting? “It’s hard to say. It’s a subtle force and a difficult thing to fight,” says Daye, somewhat thoughtful. “It’s hard to get rid of something when you’re not sure what it looks like.”

RCMP Corporal Tom Jones, Head of the Aboriginal and Diversity Management Section of the RCMP explains that his department has many responsibilities, one of which is to advise senior management and work with government, providing a more multicultural view of any situation. It also recruits officers from diverse ethnic backgrounds and mediates internally in the case of a



dispute. "Racism is not a black and white issue," says Corporal Jones. "There may be overtones of racism in a certain incident. But rarely can you hear about an incident and say: yes, that's definitely a racist act." With an issue that is so hard to define and pin down, he continues, anti-racism awareness goes a long way in changing perspectives and actions – if not prejudices.

If someone decided to take racial discrimination seriously enough to involve the law, he or she would file a complaint to the Nova Scotia Human Rights Commission. The Commission is a watchdog of racial discrimination. Lori MacLean of the Human Rights Commission says that one in every five complaints alleges racism. Cases range from name-calling in schools to employees alleging that they have been discriminated against by their employers. This is the place where racism is taken apart, investigated and analyzed. "In most cases, it's subtle," admits MacLean, "So it's more challenging. It's harder to prove." But investigators are now beginning to look more seriously at systemic discrimination and once they find a consistent pattern of racial discrimination in a reported case, it becomes easier to turn an allegation into proof.

Terms are important when it comes to stripping racism down to the bare bones, and MacLean is very clear in her definition of those terms: *Discrimination* is one person being treated differently due to one particular characteristic – for example race or sex. *Prejudice* is one person treating others of the same sex or race or creed differently due to preconceived notions and a belief that these notions are justifiable. *Racism* is one person being treated differently because of the colour of his or her skin. Complaints from immigrants or ethnic Canadians are rare, admits MacLean. That could be because, she says, there are just not enough numbers, or that people file their complaints under different "categories", say for example, sexism instead of racism. But MacLean believes the hope of living closer to a racism-free society is still alive.

Betty Thomas, Chair of the Race Relations Committee of the Halifax Regional Municipality (HRM) says racism policy implementation is a matter of time. The Dartmouth Advisory Committee on Human Rights and the Halifax Community and Race Relations Committee came together last year to draft the Community and Race Relations Policy of the Halifax Regional Municipality. That policy has been approved by city council.

Thomas says that its race relations policy promotes equal opportunity, recognizes cultural diversity and has committed HRM to increasing anti-racism awareness among its employees. "There is so much diversity in Metro Halifax," says Thomas, "but you don't see it as plainly as you would, for example, in Toronto." Despite the fact that the process is a long drawn out one, Thomas is optimistic. "The executive council of the HRM is very committed to implementing this policy," she notes.

The policy aims to make both employees of the HRM and the general public aware of the cultural diversity around them. As for racism, which the policy firmly states it will fight, Thomas agrees that it does exist in Halifax, but says that it is subtle, almost under the surface. "The only way to eliminate it is to have an ongoing campaign," proposes Thomas. "It must start in schools and it must be built

into the curriculum."

Halifax West High School is one of the most culturally diverse schools in the region. The school's Race Relations and Student Support Worker, Pat Colley, helps manage this energetic, carefree diversity at the school. "Racism is just as pervasive in a school as it is anywhere else," says Colley. So what's to be done? "Stop preaching tolerance," is Colley's firm answer. "You tolerate a headache. You don't have another solution, so you tolerate it. Once you have a solution, you accept it." Move from the word tolerance to the word acceptance.

Shirley O'Neill, who co-ordinates a program called Youth Against Racism (YAR) has no trouble citing real life examples of racism. YAR is funded by the Multicultural Association of Nova Scotia and has trained 126 young people to recognize and respond appropriately to racism. "If you see racism in action and you choose to ignore it, you're giving it the OK," O'Neill would tell kids who joined the YAR. "Don't ignore it. Confront it. Let people know you don't appreciate it." She moved the Nova Scotia Human Rights Commission for the racist slurs her manager used against non-whites, including customers. O'Neill feels that most cases are not usually this overt. She tells of a time when she walked into a restaurant with a black friend of hers and was served later than other customers arriving at the same time. "Is this racism? I don't know, it's hard to say."

*Racism*, it must be said, is a hard thing to find, to pin down, to point a finger at. But March 21 is meant to remind us that racism is still around us and will probably be there for a while to come. *Prejudice* is something everybody has a little of and can hardly be eliminated. But we can change actions and laws and attitudes in our children and friends, our schools, organizations and governments. March 21 per se, cannot eliminate racism. But it can remind us that one person can, a little at a time.

## Chapter 4

### **Immigration and Citizenship**

**T**he creation of Citizenship and Immigration Canada (CIC) in 1993 is a reflection of the significance of immigration to Canada. It acknowledges the links between immigrant selection and the granting of Canadian citizenship as part of the integration process. The government recognizes the fact that immigration is indispensable for Canada's economic growth and that it is critical to develop immigration policies that benefit all Canadians. It is committed to fair and open processes that reunite families, provide a safe haven for refugees and promote the granting of citizenship in Canada.

Since the multiculturalism policy of 1971 Canada's immigration program has been based on non-discriminatory principles, both in law and in practice. Citizenship and Immigration assesses immigrants and visitors on standards which do not discriminate on the basis of race, national or ethnic origin, colour, religion or sex and applicants from around the world are assessed against exactly the same criteria. The Immigration Act of 1976 sets out three basic goals, namely to facilitate the reunion in Canada of Canadian residents with close family ties from abroad, fulfil Canada's legal obligations with respect to refugees and to foster the development of a strong and viable economy. Canada today admits about 175,000 immigrants every year and the numbers are on the rise. Within the next decade, Statistics Canada's reports indicate that the proportion of "visible minorities" could rise to 80 per cent of the immigrant population.

The immigration proposals tabled by the former Minister of Citizenship and Immigration, Madam Lucienne Robillard and that have sailed through parliament recently appear to make the granting of citizenship somewhat more stringent in the way it deems a minimum stay of 1095 days in Canada. New proposals may also make English and French skills mandatory in the selection criteria and there are other immigration-limiting proposals that advocacy groups are fighting against. A more recent report suggests that there may be major obstacles in the way of trades people coming to Canada.

### **Canada's Immigration Law**

Every year, millions of people enter Canada at airports, sea or inland ports, and border crossings – some are tourists, business people, foreign students, workers, Canadian citizens or permanent residents returning from trips abroad, while others are immigrants or refugees, coming to make Canada their new home. All of these

people are affected in some way by Canada's immigration law, as expressed in the Immigration Act and Regulations.

The current Immigration Act was passed in 1976. It was amended in 1989 (Bills C-55 and C-84) to improve the refugee determination process, which had become unmanageable because so many economic migrants were claiming refugee status. Again, in 1992, the government brought in new legislation (Bill C-86) to respond to the economic and technological changes that were accelerating the movement of people around the world. The purpose of this legislation was to provide modern management tools needed to maintain a fair, balanced and effective immigration program. The revisions to the Act, together with the first set of regulatory changes, came into effect on February 1, 1993. Throughout, the main objectives of Canada's immigration program have remained the same: to reunite families, protect genuine refugees, and promote Canada's economic development.

The Immigration Act and Regulations are based on such fundamental principles as non-discrimination, family reunion, humanitarian concern for refugees and the promotion of Canada's social, economic, demographic and cultural goals. At a glance, it links the immigration movement to Canada's population and labour market needs and provides for an annual announcement of the number of immigrants Canada can comfortably absorb, after mandatory consultations with provincial and territorial governments. As well, it allows Canadian citizens and permanent residents residing in Canada to sponsor close relatives; confirms Canada's commitment and responsibilities to refugees under the United Nations Convention; requires immigrants and visitors to obtain visas or authorizations abroad; introduces security measures to protect Canada from international terrorism and organized crime; safeguards the civil rights of immigrants and visitors through a quasi-judicial inquiry; provides short-term alternatives to permanent deportation for cases involving less serious violations of immigration law; and states in specific terms the powers granted to the government and its officials.

## Immigrating to Canada

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: Family class immigrants, Independent Immigrants and Refugees (asylum seekers). Other categories which are less known to the public are family business job offers, validated job offers and humanitarian and compassionate cases.

*For a better understanding of some of the terminology used in this chapter, we would recommend that you read the definitions which can be found in **Appendix I** at the end of this book, carefully.*

*Remember that it is an offence under the Immigration Act to knowingly make a false or misleading statement in support of an application for permanent residency in Canada.*

## 1. Family Class Immigration

Canadian citizens or permanent residents living in Canada, 19 years of age or older, may sponsor close family kin who wish to immigrate to Canada.

The policy intent of the *Immigration Act* with regard to family class immigration is to facilitate the reunion in Canada of Canadian citizens and permanent residents with their close relatives. The objectives are to ensure that anyone seeking admission is subject to standards that do not discriminate in a manner inconsistent with the Canadian Charter of Rights and freedoms as well as maintain and protect the health, safety and good order of Canadian society.

### Who can sponsor?

A Canadian citizen or permanent resident 19 years and more, who physically resides in Canada, provides financial information on resources and obligations for the 12-month period before the sponsorship application, meets the Low Income Cut-Off figures (**See Appendix 2** at the end of this book) for the size of family, and signs an agreement of undertaking with the sponsored relatives can sponsor family kin. The major requirement for sponsoring a relative is the capacity to support the family applicant and accompanying dependants for a period not exceeding ten (10) years from their landing as well as help them settle in Canada.

The sponsor must submit an Application to Sponsor a Member of the Family Class (Form IMM 1344A) in order to assess his eligibility to sponsor. The sponsor has to also meet some income requirements. He must submit a Financial Evaluation form (IMM 1283). This is to ensure that the sponsor has enough money to support his dependants in Canada and everyone he is sponsoring, including the sponsored relatives' dependants. Furthermore, this is to verify a track record of adequate and stable income from Canadian sources over the past 12-month period. On this form, the sponsor declares income as well as debts and obligations as well as the number of people currently being sponsored.

Depending on whether one lives in a rural or urban area in Canada, the minimum income requirements for family units are determined to be anywhere between Cd\$20,00 to Cd\$27,000 for a family of five. The Low Income Cut-Off Figures indicates the level of income that the sponsor should have over the past 12 months. The sponsor may have to provide evidence of income of an additional \$3,000 for every additional person he sponsors. If sponsors have previously sponsored relatives who have applied for welfare, they may not be allowed to sponsor another person. This is an obligation to be taken seriously. These financial guidelines do not apply when sponsoring a spouse or dependant child.

The sponsor must also sign and submit to Immigration Canada two agreements (contracts) with their sponsored relatives. These agreements are the Undertaking to Assist a Member of the Family Class (Form IMM 1344B) and the Sponsorship Agreement (Form IMM 1344C). This is to confirm the promises in writing to provide for the lodging, care and support of members of the family class and their dependants and to ensure that both parties understand, and will fulfil their

mutual obligation and responsibilities. Sponsors residing in Québec must complete federal sponsorship applications, but Québec assesses their ability to support according to provincial criteria.

### **Who can be sponsored?**

Spouses, Fiancé(e)s, Dependent children, parents, grandparents and unmarried orphans, brothers, sisters, nephews, nieces, or grandchildren who are under age 19. The sponsor can also sponsor any other relative if the sponsor has none of the family members as listed above either in Canada or abroad.

The application for sponsorship must be made in Canada by the sponsor to a Case Processing Centre (CPC), and should include: the above-mentioned forms, all the supporting documents required and the correct processing fee. A decision can usually be provided after eight weeks.

Only Canadian citizens, who are outside of Canada, for short temporary purpose (i.e. 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 only sponsor their spouse and children under 19 years of age. Furthermore, they do not have to make settlement arrangements. Visa offices give spousal applications top priority.

If the sponsorship application is approved, a notice will be sent to the visa office designated to the territory of residence where the sponsored relatives are residing. Once the Canadian Visa office receives an IMM 1344 (the approval of sponsorship) from the CPC in Mississauga, Ontario, Canada, they will send a family Class application kit to the sponsored relative.

The application kit contains an application for Permanent residence in Canada (IMM 8), a Family Tree form (IMM 1411), a client guide and local forms or instructions added by the visa office. In some areas, where conditions permit, this kit may also include medical instructions and forms. The sponsored relatives will need to undergo a medical examination and provide a police certificate for every country they have lived in. Unlike the class of independent and other immigrants, family class immigrants are not assessed under the point system. The amount of time required to process this part of the application varies from country to country, but it is usually around four to ten months.

If the application is refused, the visa officer will write to the sponsored relatives giving the reason for the refusal. The sponsor will also be notified and will be informed of the right to appeal. Sponsors may appeal the refusal to the Immigration Appeal Division of the Immigration and Refugee Board, which is an independent tribunal.

## **2. Independent Class Immigration**

This class of immigrants includes skilled workers and business applicants (entrepreneurs, self-employed and investors). The independent class applicants are assessed on their merits, abilities and the likelihood of their successful establishment

in Canada. These applicants, except investors, are assessed and selected against 10 factors as set out in Schedule I of 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 worker is 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. Finally this program is also to support provincial and territorial economic objectives.

Under the current selection criteria, independent applicants wanting to come to Canada must qualify under a system which awards points based on language skills, occupation, age and other factors, with education accounting for 16 per cent of that total. It may be noted, however, that media reports in October last year said Canada now plans to erect almost insurmountable hurdles for would-be immigrants, who lack a university or college degree. The scheme, some lawyers say, would make it almost impossible for trades and business people to get into the country, thanks to this new emphasis on higher education. Thus, while any future selection models will continue with a similar "points system", it will give education approximately 30 per cent of the weight, instead of 16 per cent hitherto. The present "point system" takes into consideration a series of factors related to the principal applicant's abilities, experience, intention, assets and proof of successful establishment in Canada.

Applicants destined for Québec should know that there is an agreement between Canada and Québec to divide responsibility in the selection of applicants. The Government of Québec has exclusive responsibility for the selection "only" of independent immigrants destined to that province. Québec visa officers will interview these applicants, and the Canadian authorities will issue the medical and their visas and will do the security checks. Québec immigration regulations are similar to the federal regulations although the criteria are somewhat different and much more emphasis is put on French language skills.

Independent applicants are required to apply at a Canadian Embassy, Consulate, or High Commission in either their homeland, their country of residence abroad, or in some country other than Canada where the applicants have someone to follow their case and where they could travel to if an interview was required by the Canadian authorities.

An independent applicant for immigration (skilled or business) to Canada must be 19 years of age or older. Those applicants are assessed on all ten factors (9 factors and 1 bonus) and they are required to obtain a minimum of 70 units.

## 2A. Skilled Workers

In general terms, Canada is currently looking to recruiting immigrants who have a good education, employment skills that are portable to the Canadian labour market, communication skills, in English and/or French, to enable easy integration into the Canadian community and good character and good health.

Those applying as skilled workers do not have any terms and conditions on their visas unlike business applicants. They must have an occupation that is listed in the General Occupations List (GOL) (See **Appendix 3**). The GOL, which can be found as an appendix at the end of this book, is based on an analysis of the labour market conditions, present and future. The GOL identifies occupations that are in demand and can, on a national basis, absorb newcomers to Canada. It contains about 178 broad occupation groups, covering more than 2,400 eligible occupations. This list is reviewed on an ongoing basis by the Immigration Commission to determine if there are any labour market or immigration management reasons for making additions or deletions to the list.

### Who is eligible to apply?

Skilled workers are applicants who intend to enter the labour force in Canada and have the intention and ability to be self-supporting upon their arrival in Canada. In order to qualify, applicants must accumulate at least the 70 units of assessment to be selected. If the application of the principal applicant is approved, his dependants will also automatically get selected. But selection does not necessarily mean permanent residency visas. One needs also to comply with other statutory requirements in the regulations such as medical examination. In general, skilled workers need to be well educated, trained and experienced in their occupation and Canada must have a need for that occupation at the time the application is filed.

Skilled workers are applying on the basis of their occupation, job skills and experience. Skilled workers are not required to show a lot of money. The Establishment Funds chart, which can be found as an appendix to this chapter, gives an indication of the funds required by independent skilled workers to support themselves and their dependants upon arrival in Canada and for six months thereafter. For example, a family of four persons going to live in an urban area is required to have Cdn\$15,000 upon their arrival in Canada (See **Appendix 4, the Establishment Funds Chart**).

All the factors (1 to 10) have to be considered in the evaluation of skilled workers applications. If the applicants have at least 60 units for factors 1 to 9 (not including the points for personal suitability, #10) the applicants and their spouse will usually be asked to attend an interview with an immigration officer. For a detailed explanation of the Point System and the factors of assessment, please refer to the **Self Assessment Guide, Appendix 5**.

**Positive discretion:** If an applicant fails to accumulate sufficient units of assessment to pass, the assessing or interviewing officer may feel that the units of assessment do not reflect the applicant's ability to successfully settle in Canada. If this opinion of the officer is concurred by a senior officer, the officer will be able to pass the applicant "on discretion". The officer's discretion is applied in three different situations. First, when an applicant fails to get the 70 required units of assessment to pass after the interview. Second, if due to lack of experience in a specific occupational group, an applicant fails to accumulate the 70 needed units. Lastly, where the applicant's occupational skills are not among those selected as open for immigration as per the GOL.

A good example of the second situation is that of an applicant who has only 30 months of experience as an accountant, thus scoring four units of assessment, making up a total of only 68 units after the interview. In the visa officer's mind, what could occur is that if the applicant was interviewed six months later, his points of assessment for experience would have been six units instead of four and he would get his total of 70 units.

On the other hand, a good example of the third situation is that of a Web designer. A Web designer's job is not listed in the GOL. But, in fact, this occupation is well in demand and has excellent employment opportunities in Canada.

Discretion is usually considered after the interview. But in some exceptional cases, an applicant could request that his application be considered on discretion alone due to some special circumstances, particular to his application. For eg. an applicant who is 49 years old and gets 0 units of assessment for age will have difficulty getting the 70 units of assessment but could convince the officer that his level of expertise is quite unique and will be well in demand in Canada.

It is important to understand that the two main objectives in selecting skilled workers are to predict their employability in and social integration into the Canadian environment. If an applicant is convinced that he shall not have difficulty obtaining a job and if his pretensions are well justified, there is serious grounds to request the use of discretion in accepting the application. These applicants should note that their applications should be well presented and sufficient supporting documents should be included to support their claims.

**Negative Discretion:** As positive discretion could waive the requirement to accumulate 70 units of assessment to pass, negative discretion works to the contrary. If an applicant accumulates the required number of units, the officer may still feel that the units of assessment did not accurately reflect the client's true ability to successfully settle in Canada. The reasons for when an immigration officer uses negative discretion should always be based on economic considerations.

A good example of negative discretion is that of a young engineer, 35 years of age, with several years of experience, but whose language skills are assessed as being less than "well" or "with difficulty". He shall score 65 units before the interview. After the interview, even with an average point score of 5 over 10, for personal suitability, he will accumulate enough units of assessment (70) to pass. But even though the selection system is indicating the likelihood of this candidate's

successful establishment in Canada, the visa officer could safely assume that this applicant will not obtain employment in his field and therefore, will not be successfully settled. An engineer who speaks, reads and writes English or French with difficulty will have little chances or almost no chances of obtaining employment as an engineer in Canada. Of course, one could argue that this engineer will improve his language abilities and could prove that he has enough funds to support himself while he is unemployed and learning French or English in Canada. This is the grey zone area and should be discussed on a case-by-case basis.

#### **Forms required from skilled workers:**

- Application for permanent residency for the principal applicant (IMM 0008)
- Application for permanent residency for spouse and all dependants over 19 years of age
- Additional family Information (IMM 5406)
- Immigration Summary form
- Personal net worth statement

#### **Important documents required:**

##### **General documents:**

- Six recent passport size photographs for each person, including accompanying dependants;
- Birth certificates or affidavits attesting place and date of birth for all persons;
- Passport (s) copies for all;
- Marriage, separation and final divorce certificates;
- Proof of custody for children under the age of 18 (if applicable);
- Adoption and death certificates of children (if applicable);
- Police clearances (or Certificates of Good Conduct) from each country where you have resided for over six months during the past 10 years - only required for persons 18 years of age and over;
- Bank confirmation letter stating the current balance of Current and Saving Accounts;
- Appraisal for jewellery and other special valuables such as antiques;
- Copy of ownership or purchase contract of any real estate property (if applicable).

##### **Education certificates (for both spouse):**

- Secondary or high school leaving certificates;
- College or university diplomas, degrees or certificates;

- Vocational training, trade or apprenticeship certificates;
- English and French language training certificates.

##### **Work experience documents (for both spouse):**

- Practice licences, municipal or trade licences and permits;
- Letter of employment from the present employer or termination letter;
- Letters from previous employers indicating duties, responsibilities and work history;
- Membership certificates in professional and trade organizations;
- Military services record (if applicable).

## **2B. Entrepreneurs**

This category is for an applicant who plans to set up a business venture in Canada, invest in it and be involved in its day-to-day management. Initially, this program was designed to facilitate the entry of business persons to Canada who could make a substantial investment to a venture in Canada and thus create employment opportunities and contribute significantly to the Canadian economy.

The objective of the Canadian Business Immigration Program as defined in Chapter 6 of the Immigration Manual (Inland Processing) is 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 "importing" people who are familiar with those markets and their special understanding of customs. The program is also intended to support provincial and territorial economic objectives.

In determining if an applicant qualifies as an entrepreneur, the officer has to make sure that they meet both the statutory definition of entrepreneur and the selection criteria (**See Appendix 6**) as set out in Schedule I of the regulations. You need to show that your net worth is adequate for your projects and your establishment in Canada and is also transferable to Canada. There is no set minimum net worth mentioned in the *Immigration Regulations* but Cdn\$100,000 and more is recommended. Generally, it depends on the business plan you intend to execute, as the net worth required depends on your intended project. Net worth should have been derived from the profits of the applicant's business in order for it to be indicative of a good track record.

The applicant should have a good knowledge of the way the business is conducted in Canada. Business immigrants must apply at one of nine Business Immigration Centres, namely, Beijing, Bonn, Buffalo, Damascus, Hong Kong, London, Paris, Seoul and Singapore.

Over the years, thousands of foreign business people have found Canada to be an excellent place to invest and to apply their particular business know-how to Canadian ventures. Canadian business people have also benefited from the

admittance of these entrepreneurs. They have been put in touch with immigrants who can contribute expertise to a Canadian venture or who have capital to invest.

**Statutory Definition:** The Immigration Regulations defines an “entrepreneur” to mean an immigrant (a) Who intends and has the ability to establish, purchase or make a substantial investment in a business or commercial venture in Canada that will make a significant contribution to the economy and whereby employment opportunities will be created or continued in Canada for one or more Canadian citizens or permanent residents, other than the entrepreneur and his dependants, and (b) Who intends and has the ability to provide active and on-going participation in the management of the business or commercial venture.

**Visa officers:** They are to assess, usually at an interview, whether or not the entrepreneur meets the statutory definition. They should examine the applicant’s business and financial background and also the soundness of the applicant’s business plan. The source of the applicant’s wealth will also be questioned.

The visa officer will consider several indicators in assessing the applicant’s ability and intention such as: The educational background, level of expertise, entrepreneurial spirit of the business immigrant, standing in the business community and past and present field of activity. The applicant’s proven track record in business, financial resources and intent to participate in the proposed business plan are also carefully reviewed. The officer, in assessing the entrepreneur, will examine research, preparation for the move to Canada and will question the applicant on his exploratory visit to Canada. As an entrepreneur, the applicant may be required to present a business proposal to both federal immigration department and sometimes to the provincial industry department.

Experience in managing self business is not a requirement. You have to show that you intend to do business in Canada and as far as your ability is concerned, your past experience could be indicative of your ability. Generally, you can also do this by demonstrating your experience in a higher managerial position in a credible business or in running your own business. In terms of business experience, specific experience in the field of intended business, professional experience, etc. could also be indicative of the applicant’s ability. Business experience is not always required in this category, although business experience is an excellent indicator of ability. Normally, immigration officers put a substantial weight on experience.

When assessing business experience, what is more important is the transferability of the experience to Canada. If you are a doctor by profession and your specific business experience has been that of running your own medical clinic, this cannot be considered as transferable to Canada because you would have to go through several steps and be registered as a professional in Canada before you can establish your own business.

The visa officer will also consider if an applicant will be able to establish, purchase or make a substantial investment in a business or commercial venture in Canada. The requirement of establishing or purchasing a business is an expectation of an on-going activity and of profit generation. The applicant should show his

intention by submitting a business plan with the application. The business plan could be comprised of activities such as professional practice or normal commercial trading or retail/wholesale activities. It is important for the entrepreneur to demonstrate that he has a sufficient networth to carry out his business plan and to settle his family in Canada. Each province has its own policies on presenting formal business plans and acceptable businesses. Some provinces such as Ontario, British Columbia and Quebec aggressively, market the provinces with entrepreneurs and would provide prospective applicants in this category with the much needed information and help. As for making a substantial investment in Canada, this means becoming a partner in a Canadian business.

The visa officer is also required to assess if the intended business by these applicants makes a significant contribution to the Canadian economy. He has to ensure that the business contributes in more than a temporary and marginal way to the level or nature of economic activity of Canada or one of its communities, regions, provinces or territories. Such factors as creation of employment opportunities for Canadians, profit potential of intended business, and revenue generated by the proposed business, are evaluated.

Finally, the visa officer would try to look at the applicant’s intent and ability to provide active and on-going participation in the management. The entrepreneur must demonstrate that his future plans are to be in Canada and be involved in the operation of the proposed business on a continuing base. It should be noted that the requirement does not require the entrepreneur to be present each day and every day. The requirement of active and on-going involvement means causing action, making changes and doing so continuously.

During the interview, the interviewing officer must act in fairness and decide whether an applicant meets the definition of an entrepreneur as set above. The visa officer must act fairly and inform the applicant of any negative assessment and give the applicant the opportunity to correct or contradict the assessment. It is important to note that, the residency visa issued to these applicants contains a condition. From the date of landing, these new residents have to start a business within two years and employ at least one full-time Canadian citizen or permanent resident in their business venture. The terms and conditions are attached to the IMM 1000 (record of landing) and entrepreneurs should sign these when they land. These conditions are imposed on all entrepreneurs and their dependants.

Unlike skilled workers, an entrepreneur does not have to obtain points for pre-arranged employment or occupational demand. Section 9 (1) of the *Immigration Regulations* states that “...the visa officer may issue an immigrant visa to him and his accompanying dependants if ...in the case of an entrepreneur or provincial nominee, he is awarded at least 25 units of assessment”. They have to score at least a minimum of 25 points in accordance with the selection criteria. Entrepreneurs will also receive 18 units of assessment under the ETF Factor.

The entrepreneur should obtain 70 out of possible 132 points on the point system. Nine of the ten factors in the selection criteria set out in Schedule 1 of the Regulations are assessed. This includes 45 bonus points that the visa officer grants by discretion if he believes the prospective immigrant will be able to become

successfully established in his occupation or business in Canada (See Appendix 6, for the Selection Criteria table for entrepreneurs).

The term significant contribution to the economy as referred to in the statutory definition is determined by looking at a business' longevity. An applicant will have to deal with this concept twice. First, to convince the assessing or interviewing officer and secondly the provincial, territorial or inland offices to lift the terms and conditions of the visa. During the interview, the type of business proposed, its location, start up cost, the availability of Canadian partners, the nature of any inventory or equipment to be taken to Canada and shipping and customs costs will be assessed. It is very important to also satisfy the visa officers and the inland officers that you will or have provided active and on-going participation in the management of the business in Canada.

#### Forms required from entrepreneurs

- Application for permanent residency for the principal applicant (IMM 0008)
- Application for permanent residency for spouse and all dependants over 19 years of age
- Additional family information (IMM 5406)
- Business Questionnaire
- Business Plan
- Immigration Summary form
- Personal net worth statement

#### Documents required:

- General documents (same as in skilled workers)
- Educational documents (same as in skilled workers)
- Work experience documents (same as in skilled workers)

#### Special documents:

- Reference Letters (from bank and business associations)
- Bank confirmation letter stating the current balance of saving accounts, fixed deposits and numbers of years in dealing with the bank
- Copies of shares or bonds stating their market value (if applicable)
- Appraisal for jewellery and other special valuables such as antiques;
- Copy of ownership or purchase contract of any real estate property (lots, building, flats);
- Registration documents of all present and past companies;
- Partnership agreement of the business stating the applicants number of shares in the business and value;
- Copy of shareholders' agreement;
- Current balance sheet (with an explanation for the basis of the business validation);

- Profit/loss statements, profit tax assessment, profit tax computations and personal tax assessment (if possible by international accounting firm); and
- Wealth tax or annual returns, (if applicable).

## 2C. Self-employed

Self-employed applicants must be able to establish or buy a business in Canada that will provide employment for them and will make an economic or cultural contribution to Canada. They are expected to use their talents and abilities in Canada to create employment for themselves. This selection is based primarily on the qualities of the applicant, not on their business proposal. They must simply submit a brief outline of the type of business they propose to establish in Canada and their general plans for operating it. At the interview, the visa officer will ask questions about the business plan(s) and assess the ability and intention of the self employed to see if he meets the statutory definition of self-employed. There is no minimum investment level for a self-employed and the capital required depends on the nature of the proposed business and the qualities of the applicant. Business immigrants must apply at one of nine Business Immigration Centres, namely, Beijing, Bonn, Buffalo, Damascus, Hong Kong, London, Paris, Seoul and Singapore.

**Features of the Self-employed Program:** Unlike Entrepreneurs, no "terms and conditions" are imposed by Immigration Canada to a self employed to set up a business in Canada. Secondly, self-employed immigrants must have the ability to establish a business that will at least create an employment opportunity for themselves. Finally, the proposed business should make a significant contribution to the economy or to Canada's artistic or cultural life.

This category includes small business people, artists and professionals. Professionals whose occupation does not figure in the GOL cannot apply as self employed. If certain occupations are not on the GOL, it is because Canada has an oversupply of these individuals. It would be extremely difficult for these professions to demonstrate that they would significantly contribute to the Canadian economy.

**Statutory Definition:** The Immigration Regulations define a "self-employed" person to be an immigrant who intends and has the ability to establish or purchase a business in Canada that will create an employment opportunity for himself and will make a significant contribution to the economy or the cultural or artistic life of Canada.

**Visa officers:** They are to assess, usually at an interview, the self-employed applicant to determine whether he meets the statutory definition.

A visa officer will consider several indicators in assessing the applicant's ability and intention such as: experience, past success in business, hands on experience in management and financial assets. If a person has always worked for others in his profession, trade or craft, the individual may have difficulty in showing his ability to operate or purchase a business on his own. The applicant must show



that he has in the past supported himself and his family through his talent and would be likely to continue to do so when in Canada. This includes the ability to be self-supporting until his employment has been created.

In establishing or purchasing a business there is an expectation of on-going commercial activity and of profit generation. Also it is expected of the self-employed to hold a significant degree of control in the business. These facts will be assessed by the visa officer with regard to the proposed business plan (s). For example, a self-employed planning to do contract work falls within the scope of the self-employed program if it does not result in an employer-employee relationship. A salesperson may be an independent agent or representative for several companies and earning a direct commission. But if this salesperson represents only one company, then we are in presence of an employer - employee relationship. A professional may qualify as a self-employed if he intends to practice his profession in Canada as a business.

There are no specific determinants of what is a significant contribution when assessing a self-employed applicant and the proposed business in Canada. But the self-employed should contribute in more than a temporary and marginal way to the economy or the cultural or the artistic life of Canada. The visa officer, at the interview, should either consider the significant contribution requirement for the business plan either in the first stream, in regard to the economy, or the second stream, that of the cultural or the artistic life of Canada.

The self-employed applicant should obtain 70 out of possible 127 points on a modified version of the point system. Nine of the ten factors in the selection criteria set out in Schedule 1 of the Regulations are assessed. This includes 30 bonus points that the visa officer grants by discretion if he believes the prospective immigrant will be able to become successfully established in his occupation or business in Canada. (See Appendix 7, for Selection Criteria table for Self Employed).

**Forms required from self-employed:**

- Same as in entrepreneur

**Documents required:**

- General documents (same as in entrepreneur)
- Educational documents (same as in entrepreneur)
- Work experience documents (same as in entrepreneur)

**Special documents:**

- Same as in entrepreneur.

## 2D. Investors

Canada welcomes business immigrants who have the ability and resources to invest in or establish businesses in Canada. During 1997, business immigrants invested more than \$731 million in Canada. Business immigrants, who represent nearly 10 per cent of total immigrants, include investors, entrepreneurs and self-employed immigrants. Selection criteria vary for each category. Business immigrants must apply at one of nine Business Immigration Centres, namely, Beijing, Bonn, Buffalo, Damascus, Hong Kong, London, Paris, Seoul and Singapore.

Most individuals who qualify for immigration to Canada under the investor category would also most probably qualify as entrepreneurs. But the investor category is simple and convenient and the visa is unconditional and does not require establishment or purchase of, and ongoing involvement in business venture. Investors are not bound to a specific geographic region and may live anywhere in Canada. However, if their investment is in any of the Quebec funds, they are bound to reside in the geographical region of Quebec.

The investor category was designed to attract experienced business persons and investment capital to Canada. This program attracts more immigrants than the self-employed category but less than the entrepreneur category. This category requires that the potential immigrant should have operated or controlled a successful business, but does not require him to be directly involved in the management of a business in Canada. The new investor program which was implemented on April 1, 1999 is for those who wish to make an investment through approved offerings and should have a personal net worth of at least Cdn \$800,000. They must invest in an offering approved by both the federal or provincial governments. It is important to note that the investor and his dependents must comply with the ordinary immigration requirements applicable to all immigrants, including medicals and criminal admissibility.

Immigration Canada in January 1986 introduced a new category in the business program, namely, the investor category program. There has always been a substantial level of dissatisfaction with this new and well-defined entry gate. Cynics, as well as sophisticated critics, argue that the investor entry gate actually represents an indirect sale of an entry slot in the immigration queue. The argument is that it is just an indirect way of purchasing a ticket in the entry queue to Canada. But some argue that this new class of immigrants have positive effects on the Canadian economy by providing needed venture capital to Canadian companies. Moreover, it is apparent that the present required investment level for this program is modest. The present requirement of Cdn \$400,000 capital investment should be compared to the US\$1 million for the similar program in the United States and £ 1 million for Great Britain.

The new program of April 1999 sends a clear message that Canada continues to welcome immigrant investors. Conceived together with the provinces, it permits them to use the funds in the sectors of their choice in order to fulfil their own economic development objectives. In accordance with the new regulations, the federal government will act as an agent on behalf of the provinces and the territories,

which will determine where to invest the money, except for investors destined for Quebec where they have to invest directly in Quebec approved funds.

The immigrant investment is now secured by the provinces and territories against loss. Consistent with the spirit of the Canada-Québec Accord, signed in 1991, Québec has agreed to harmonize its regulations with the new program and it retains its ability to select investors. Investors chosen by Québec must be destined to that province; investors selected under the federal program can be destined to any other province of their choice. Québec can participate in the federal program at any time if it so chooses.

**Statutory Definition:** The Immigration Regulations define an "investor" as a person who has successfully operated, controlled or directed a business; made the minimum investment since the date of the investor's application for an immigrant visa as an investor; and has a net worth accumulated by the investor's own endeavours, of at least Cdn \$800,000

**Visa officers:** They are to assess, usually at an interview, whether or not the investor meets the statutory definition.

The visa officer will assess the business experience, net worth and the proof of investment. The business experience of an investor must be related to a successful operation, control or direction of a business. For example, an applicant will meet the business experience requirement if the investor has a successful experience in an executive position. It should be noted that the term successful is related to the investor's experience and not his employer's or company's financial position. However, if the investor demonstrates that he has generated profits for his company or department under his control or direction, this will be considered as successful experience.

The net worth of the investor will also be assessed during the interview and should be at least Cdn. \$800,000 and must be accumulated by the investor's own endeavours and may not be obtained through bequests or gifts. All investor's assets are considered when calculating the net worth. The net worth is the difference between the investor's gross assets and liabilities.

The visa officer will also verify if the investor has signed an Investor Agreement and transferred all or part of the required investment amount to the trustees and will, before the issuance of the visa, require a letter from the investment fund that the full investment has been made. This investment involves an investment of Cdn. \$400,000 in a Quebec approved venture-capital fund or should be paid to the Receiver General of Canada for the federal administrated venture-capital fund program. This investment is locked in either of the funds for a period of five years. During this period, the investor receives a very low interest or dividend on the investment and the investment is guaranteed either by approved third-party guarantees, including bank guarantees or in the latter case, directly by the Federal government.

#### **Forms required from Investors:**

- Same as in Entrepreneur

#### **Documents required:**

- General documents (same as in entrepreneur)
- Educational documents (same as in entrepreneur)
- Work experience documents (same as in entrepreneur)

#### **Special documents:**

- Same as in Entrepreneur, plus...
- Bank confirmation for the transfer of the deposit to the trustees
- Investment agreement
- Confirmation of the payment of the total investment to the investment fund before the issuance of the visa

### **3. Refugee Status Immigration**

Canada is a signatory to the United Nations Convention for Refugees (1951) and in keeping with its international commitments, accepts Convention refugees and other displaced people.

**Convention refugees** are persons who by reason of a well-founded fear of persecution based on race, religion, nationality, membership of a particular social group or political opinion are either outside the country of their nationality and are unable or unwilling to be protected by that country or not having a country of nationality are outside the country of their former habitual residence and are unwilling to return.

The landing in Canada as a Refugee can be made in two ways :

#### **1. Landing as a Convention Refugee from within Canada-**

The refugee claim may be made to an immigration officer immediately upon arrival, either legally or illegally, in Canada at an airport or at a land crossing, at an inland Canada Immigration Centre, or it could be made to a case presenting officer or an immigration adjudicator during the course of an immigration inquiry dealing with the issue of an individual's status in Canada.

#### **2. Landing as a Refugee through an Overseas Refugees Resettlement Program.**

Canada operates an *Overseas Refugee Resettlement Program* for which annual targets are established. This program allows a visa officer abroad to issue an immigrant visa to an individual who meets the definition of a Convention refugee, as given under the United Nations Convention and Protocol Relating to the Status of Refugees, or individuals from selected

countries identified for special consideration who find themselves in refugee-like situations. The program presently consists of three designated classes. 1. the Convention refugee class 2. The country of asylum class 3. The source country class.

*The Convention Refugee Class:* As discussed above a member of the Convention Refugee Class should meet the definition of Convention refugee as given in the United Nations 1951 Convention. The member must also satisfy a visa officer that the person and dependents will be able to successfully establish in Canada. Convention refugees selected abroad receive either public assistance with resettlement in Canada or receive assistance through "private sponsorships" by Canadian corporations or groups.

*Group sponsorship of refugees-* Under this, a group of at least five Canadian citizens or permanent residents 19 years of age or older, or a corporation may be allowed to sponsor a person, who has been determined to be a refugee by an immigration officer abroad. Undertaking a sponsorship agreement means agreeing to provide settlement assistance for the refugee(s) for a period of one year. Both sponsors and refugees must meet the requirements of the Immigration Act and Regulations.

*The Asylum Country Class :* A member of this class is a person who has left his country of nationality or habitual residence and who has been and continues to be seriously and personally affected by civil or armed conflict or a massive violation of human rights in his country of citizenship or habitual residence, in respect of whom there is no possibility of resettlement within a reasonable period. The visa officer must be satisfied that the person has adequate financial resources or assistance to become successfully established in Canada.

*The Source Country Class :* A member of Source Country Class is a person who is residing in his country of citizenship or habitual residence as set out in the schedule to the Humanitarian and Designated Classes Regulations. The member must also be seriously and personally affected by civil or armed conflict in the person's country of citizenship or habitual residence as a direct result of acts committed outside Canada that, in Canada, would be considered a legalized expression of free thought or a legitimate exercise of civil rights pertaining to dissent or trade union activity; be apprehended or imprisoned in that country with or without charge, or presently or in the past have been subjected to some other recurring form of penal control; or meet the definition of a Convention refugee other than being outside of the country of persecution. The visa officer must be satisfied that the person has adequate financial resources or assistance to become successfully established in Canada.

#### **4. Humanitarian And Compassionate Cases**

Immigration Act of Canada has a provision to facilitate the entry of applicants based solely on humanitarian and compassionate grounds provided they meet the set criteria. Such applications may be made in Canada or overseas. These applicants

have to prove that they are currently facing tremendous hardship or very extraordinary circumstances due to which they have to seek entry or remain in Canada.

In the past, several precedents or principles have been set by courts that the visa officers have had to respect when considering applications based on humanitarian and compassionate grounds. The applicant has to be entitled to a full and fair review by the officers when such an application is made. A wide scope of discretion is allowed to officers when assessing such cases. Of course, it is expected of them to make a reasonable judgement.

#### **5. Studying in Canada**

Canada has always recognized the benefits of having students from different countries and welcomes them. Admission to a Canadian School, College or University is *easy*. Once you have identified the program of study that matches your needs, and the right institution offering the program, you write to their admissions office and follow the instructions thereon.

However, getting admitted to a university is only "part" of the process. In order to obtain admission to and study in Canada, you must also meet certain Canadian immigration requirements. A Student Authorization (Visa) and compliance with certain rules during your term of studies in Canada is also required.

##### ***Getting admitted to University***

There is no real secret to the procedure of getting admitted to the university of your choice. Every institution of education has specific admission requirements for the programs and courses they offer.

The first step to getting admission is to fill out the university/college application forms, which can usually be obtained by writing to the university/college directly. Once this application is properly filled, return it to the institution along with all the supporting documents requested by them. Usually the main documents required are those that reflect your academic history. Always make sure that these documents are mailed back to the institution well before the application deadline. Once the application is sent, the university usually gets back to you - of course, the time frame varies a little with the universities and your area of residence.

In certain cases, admission requirements for International students might vary slightly. For example you have to demonstrate language proficiency, if your native language is not French or English. You should also contact an academic counsellor in order to solicit advice and information on your career orientation.

### *Applying for Student Authorization*

Once your application has been approved by the university, you will receive a letter of Admission or an Acceptance Letter. The next step will be to apply to the nearest Canadian authority in your area of residence to obtain a Student Authorization. There are some courses for which a Student Authorization is not required. These are usually language courses that lasts a maximum of 3 months.

You must apply for Student Authorization from outside of Canada only. Before a Student Authorization is issued, you must have several documents to present to Canadian officials. You must have an official letter of acceptance from a Canadian educational institute, a valid passport, proof of sufficient funds, proof of good character, proof of good health and finally, demonstrate that your intentions are to leave Canada once your studies are completed. Of course, you must also fill up the right Canadian immigration application form, IMM 1294.

If you wish to study in the province of Quebec, you must obtain prior approval from the Quebec Provincial authorities. They will issue a CAQ (Certificate of Acceptance of Quebec) if they approve your application.

### *Staying in Canada*

Once a Student Authorization is issued and you have entered Canada, you must comply with certain immigration rules during your period of stay in Canada. You must always maintain your full-time student status, inform the Canadian authorities of any education status changes, and not work without prior permission. There are strict regulations about working in Canada while you have a Student Authorization. Under certain circumstances, you can be granted permission to be employed while you are pursuing University studies. In all cases, you must apply for and be issued an Employment Authorization from the Vegreville processing centre in Alberta. Employment after graduation is also possible. This permission is for 12 months maximum and is valid only for work that is directly related to the student's field of study.

Healthcare is the biggest cause of anxiety for international students. Healthcare is very expensive if you do not have proper health insurance. It is your responsibility to arrange for a suitable health insurance plan. Each province in Canada has a different rule regarding international students and health insurance plans. Therefore, make sure that you contact your educational institute or the provincial health authorities to obtain proper information and a suitable insurance plan before leaving for Canada. Information about living in Canada can be obtained by contacting the Canadian Bureau for International Education or the institution you will be attending.

## **6. Québec Immigration**

Quebec has the authority to select a wide variety of immigrants willing to settle in the French-speaking province. Section 95 of the Constitution Act, Section 108 of the Immigration Act as well as the 1991 Canada-Quebec Accord set this authority. Independent immigrants i.e. skilled workers, entrepreneurs, investors and self-employed constitute over 45 per cent of the immigrant flow to this province.

### **Quebec Certificate of Selection and of Acceptance**

Prospective independent immigrants to Quebec would have to seek a certificate of selection. Temporary foreign workers and students would need a certificate of acceptance. Obtaining those two certificates starts by filling an 'Application for a Certificate of Selection or Acceptance' which is submitted to the Quebec authorities. These certificates symbolize the control exercised by the government of Quebec over certain categories of prospective immigrants, workers, students and medical treatment seekers in the province of Quebec. The exercise is a public policy intended to demonstrate to the world that Quebec has achieved certain autonomy leading to its sovereignty, this latter being a public objective of the government of Quebec.

The Quebec immigration system is handled overseas by missions in Brussels, Damascus, Hong Kong, Mexico, New York, Paris and Vienna, while Montreal regional office provides inland services. The Ministry of Immigration and Citizen Relations (MIRC) has issued the immigration program guidelines in the GPS (Guide des Procédures de Sélection) which is an indispensable reference for all matters related to Quebec Immigration. One detail to outline here is that this guide is only in French and it is in the process of being changed into the GPI (Guide des Procédures d'Immigration).

### **Federal Requirements**

Although the Quebec Immigration Program is self-regulated, prospective immigrants would have to satisfy federal requirements in terms of medical and security screenings. Hence, federal processing fees are applicable in addition to the Quebec ones. The federal government could also accept any prospective immigrant or temporary worker who has been refused a certificate of selection or acceptance by the Quebec authority.

### **Discretion**

Discretion 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, specially that 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.

### **Skilled workers selection**

The law of October 1, 1996 brought some radical changes to the Quebec immigration selection system. This system is based on a screening procedure and then a selection procedure.

The screening procedure for skilled workers is based on two grids: a Screening one (**Selection Grid for Quebec Immigration, Appendix 8**) and a Mini-Grid (**Employability and Professional Mobility, Appendix 9**) within it. It is important in the Screening Grid to establish that the applicant has enough settlement funds, he has experience, and his profession is not on the Inadmissible List of Occupations (**See Appendix 10**). As for the selection, the candidate's occupation should either be on the General Occupations List for Quebec (**See Appendix 11**) or he should demonstrate his successful establishment by scoring enough points on the mini-grid of employability. Failing to prove so, the application would be refused.

If a candidate has obtained a validated Offer of Employment from a Quebec employer, his case will be considered as an exceptional application and in most instances would obtain residency without an interview. These cases are usually treated as a priority.

Since an employer in Quebec has already made representation on behalf of the applicant to the Quebec Manpower and Immigration authorities and convinced them of this bonafide job offer, the successful establishment or employability of the applicant is assured.

The Mini-Grid is entitled 'Employability and Professional Mobility' whose objective is to help an applicant who does not have his occupation figuring in the Quebec GOL. This Grid awards to the applicant, points for age, education, language skills, experience, ties with Quebec and knowledge of Quebec. An applicant who achieves the minimum of 30 points required would be given a certain score in the main Selection Grid. Once the application is accepted in the Selection Grid, the Quebec immigration officer would issue the Certificate of Selection of Quebec.

The Selection Grid assesses the following factors:

1. Education: comprising points for the certificates obtained, a second specialty and training.
2. Job: either by having a job offer from a Quebec-based employer, an occupation in demand in Quebec, or a passing mark in the Mini-Grid.
3. Experience.
4. Adaptability: this is considered on the basis of the applicant's motivation, knowledge of Quebec, stay in Quebec, relatives or friends in Quebec, age, language, spouse's background, children and finally his financial capability.

### **Quebec Business applications**

Similar to the federal system, Quebec has three categories for business applicants: Investors, Entrepreneurs and Self-Employed. The selection criteria are very close to those set in the Immigration Act, taking into consideration in this case that the business applicants would have to demonstrate their genuine intentions to settle in Quebec. In the case of entrepreneurs applying for Quebec immigration, they must visit Quebec and attend a meeting with Quebec immigration officers in Quebec before an interview is arranged at a visa post. Most often, following the meeting with the Quebec immigration officers in Quebec, the requirement of an interview is waived, based on the recommendation of the inland officers (in Quebec).

### **7. Where And How To Apply**

Federal-provincial agreements on immigration may provide for different criteria depending on the province of destination. Québec is responsible for selecting its own immigrants. Different criteria apply for immigrants to Québec. Check the web site for Québec's immigration ministry or contact a Québec immigration office abroad. British Columbia, Manitoba, Saskatchewan, New Brunswick and Newfoundland have recently signed agreements regarding the selection of provincial nominees to fill specific provincial labour market needs. Provincial nominees do not have to meet the usual selection criteria, but they must pass health and security requirements. B.C. also has a new pilot project for business immigrants.

Immigrants must apply at a visa office outside Canada. Applications for permanent residence in Canada can be obtained from Canadian embassies, consulates or immigration offices overseas. The application document for permanent residence in Canada is Form IMM 0008. The business application should be sent to one of eight Regional Business Immigration Program Centres and skilled workers can send their applications to any Full-Service Centre at a Canadian mission, depending on one's location of residence. Regional Program Centres may transfer file to the nearest Satellite Office if an interview is needed. For example, the Canadian High Commission in London covers all applicants in the northern Europe and the AGCC (Arab Gulf Cooperation Council) states. In the case of applications where an interview is required, the applicant has the opportunity of choosing the interview location - either London or the nearest satellite office to him - for example, Abu Dhabi for a resident of U.A.E.

The principal applicant, spouse and dependant children aged 18 or over must complete a separate application form. Even if the principal applicant does not intend to have the family accompanying him or her, they still need to submit the required documentation, undergo medical examinations and background checks but they don't have to pay the processing fees.

The processing fee, paid at the time of submission of application, will not be refunded if the application is refused. Furthermore, applicants now also have to pay a right of landing fee (ROLF) for each adult in the family, which is refundable if the

application is refused. The payment of the ROLF can also be deferred, but it must be paid before a visa is issued. The application should be mailed to the appropriate visa office, along with the fees and all documents requested. The applicant will be notified should an interview be necessary or if documentation is incomplete.

The documents needed include birth certificates, marriage certificate, passports, referrals from employers, school/college transcripts, trade/apprenticeship certificates, character references and proof of funds. These should be certified copies and not originals. Furthermore, all immigrants must meet health and security requirements. The principal applicant, spouse and dependents will have to pass a medical examination and all adults must produce police certificates for the countries where they have lived. An applicant with a criminal record or who presents a security risk is likely to be refused admission to Canada. One of the other prohibited groups also includes people who are a danger to public health and people who, in the opinion of two government medical doctors, suffer from a disease, disorder or impairment that would cause excessive demand on health or social services.

Processing of the immigration application begins the day the application for permanent residency is received along with the processing fees and supporting documents at the Canadian Embassy or Consulate. The Canadian authorities after reviewing the file, will decide if an interview is necessary or not.

An interview is usually required to determine personal suitability of the applicant and their professional expertise. During the interview, the applicant will be asked questions regarding education, past and present job experiences and reasons for migration to Canada. Attending an interview is the most crucial step in the entire immigration process and a proper preparation is of crucial importance.

Several professional categories are required to be registered/licensed when practising in Canada. Therefore, these applicants are required to have their professional education and work experience assessed by their Canadian professional association before the interview with the visa officer.

If accepted after the interview, the applicant and his/her dependants will be required to undergo a medical examination by a designated medical practitioner. Some embassies or consulates might require the medical examinations to be done before the interview, but usually they are done after the interview.

After the interview, a background check is carried out in the applicant's countries of origin. These applicants also have to submit certificates of good conduct or police clearance certificates with the application, from countries where they have resided for more than six months in the last ten years. This check includes every adult in the family.

In order to be issued the immigrant visa (record of landing, IMM 1000), all applicants should pay the government of Canada the Landing Fee. The landing fee of Cdn\$975 for each adult 19 and above is to be paid after the interview and before issuance of immigrant visa. If the application is refused, the landing fees is refundable. There is no landing fee for children.

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 immigrant visa will have an expiry date, which is usually one year from the date of the medical examination. No extensions are provided and if the applicant fails to meet the expiry date, they should submit a new application and pay new processing fees.

Upon arrival in Canada, the visa is signed by an immigration officer and becomes a record of landing. This is proof of one's status in Canada. It is important to keep this document in a safe place.

### **Inadmissibility**

The circumstances under which an individual may be denied an immigrant visa, refused admission or removed from Canada is, for example: 1. Two medical officers believe that they are likely to be a danger to public health or to cause excessive demands on health or social services. 2. They are unable or unwilling to support themselves and their dependants. 3. They have been convicted of criminal offences or reasonable grounds exist to believe that they have committed a crime. 4. They have engaged in acts of espionage, subversion or terrorism, or reasonable grounds exist to believe that they will engage in such activities. 5. They are, or were, members of criminal, violent, terrorist or subversive organizations, or reasonable grounds exist to believe that they will take part in acts of violence, subversion or terrorism while in Canada. 6. They constitute a danger to the security of Canada. 7. There are reasonable grounds to believe that they have committed a war crime or crime against humanity. 8. They are, or were, senior members or senior officials in the service of a government that is or was engaged in terrorism, systematic or gross human rights violations, war crimes or crimes against humanity. 9. They have previously been deported and are seeking to enter Canada without the consent of the Minister. 10. They have violated any terms or conditions of their admission or have violated other provisions of the Immigration Act or Regulations.

### **Admissibility Requirements**

One of the aims of immigration legislation is to protect the safety, security and health of Canadians. Prospective immigrants to Canada must meet certain admissibility requirements, by undergoing medical examinations and criminal and security checks. Background checks are routine for all immigrant applicants. Applicants may be refused a visa for the following reasons: likely danger to public health or excessive demand on health or social services, criminal record membership in a criminal or terrorist organization, involvement in espionage, subversion or terrorism, security risk, war crimes or crimes against humanity, senior rank in a government engaged in terrorism, crimes against humanity or serious human rights abuses.

One important requirement is to answer all questions completely and truthfully, both on the application form and at an interview. Withholding or misrepresenting significant information could result in enforcement proceedings leading to removal from Canada.

## **8. Maintaining residency**

Once admitted to Canada as a permanent resident, there are different ways in which you could lose your residency. You could lose it:

- If you have broken any terms or conditions of your landing. For example: Entrepreneurs are required to establish a business and be actively involved in the day-to-day management and this condition needs to be fulfilled within two years of landing
- If you are engaged in the subversion of any government by force
- If you have been convicted of a certain offence while in Canada
- If you obtained your permanent resident status in Canada by means of false or forged documents
- If you obtained your permanent resident status in Canada by reason of any false or misleading information. For example, if you told the government that you were not married, when this was not true.
- If you wilfully fail to support yourself or any dependent family members in Canada
- If it is found that you have committed war crimes or crimes against humanity
- If you stay out of Canada for more than 183 days in any 12 month period. If that is so, you are deemed to have lost your resident status, unless you can satisfy an immigration officer or adjudicator that you have not abandoned Canada as your place of residence, or unless you obtain a Returning Resident Permit (RRP).

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. In such cases, you may have to satisfy the immigration officer at the port of entry or an adjudicator at a hearing that you have not lost your intention to be a resident and that your absence was only temporary. A *Returning Resident Permit (RRP)* would facilitate your re-entry to Canada.

## **9. Returning Resident Permit (RRP)**

### **What is the need for such a permit?**

Permanent residents who have been outside Canada for a total of six months or more (in law, 183 days) in any 12-month period must prove to an immigration officer at a port of entry that they have not given up residence in Canada. This is necessary whether the absence has been a series of short trips or one long one.

According to Section 25 (2) of the Immigration Act, "possession by a person of a valid Returning Resident Permit ...is in the absence of evidence to the contrary,

proof that the person did not leave or remain outside Canada with the intention of abandoning Canada as his place of permanent residence".

This is very important because according to section 24 (2) of the Immigration Act, "Where a permanent resident is outside Canada for more than 183 days in any one twelve month period, he shall be deemed to have abandoned Canada as his place of permanent residence unless that person satisfies an immigration officer or an adjudicator...that he did not intend to abandon Canada as his place of permanent residence".

Therefore, if permanent residents intend to leave Canada for more than six months, and do not want to jeopardize their permanent resident status, in other words, lose their residency, it is advisable to apply for a Returning Resident Permit (RRP). The Returning Resident Permit is presented at the port of entry upon return to Canada. These permits show that it was not your intention to "abandon" Canada as your place of permanent residence.

### **How to obtain a Returning Resident Permit**

Applications for RRP can be made on the IMM1227 form and filed in Canada or at any overseas Canadian mission. Permanent Residents who intend to leave Canada for an extended period of more than six months can obtain this permit by applying at any Canadian Immigration Centre before they leave Canada. As an alternative, should they intend to leave Canada for a short period of time, but due to unavoidable reasons, are compelled to stay for a longer period of time outside Canada, they can apply at a local Canadian mission abroad ie. at the nearest Canadian Embassy, High Commission or Consulate for this permit.

In both cases, the visa officer must be satisfied that the absence from Canada is only temporary and that you have not ceased to be a permanent resident. Documentary evidence in support of your application must be provided. Currently, a fee of Cdn \$ 75 is charged for the application of the permit.

### **Processing time for an RRP application**

Applications for RRP are generally assessed in about 2-3 weeks time. The said processing time might vary from mission to mission depending on various factors such as work load, backlog etc. Hence, it is always advisable to apply for this permit well in advance in order to be on the safe side.

### **Who has to apply ?**

A permit is required for each individual intending to remain out of Canada for more than six months. If one member of the family intends to stay out of Canada, only he has to apply for the permit and not the remaining members. On the other hand, if all members of the family intend to stay out of Canada, all of them have to be in the possession of a valid RRP permit.

## Validity and extension of the permit

An RRP is valid only for the period of time stated on the IMM1228 form. Such period of time will not extend beyond 12 months, unless a longer period of time to a maximum of an additional 12 months is authorized by a senior immigration officer.

## Documentation required

The documentation required varies according to an applicant's reason for absence from Canada. The burden of proof is on the applicant to show by his actions or by way of documents that he did not intend to abandon Canada as his place of permanent residence and that his absence from Canada is only temporary.

The valid reasons that can be acceptable for an RRP application are for example, 1. A contract showing that you are employed by a Canadian company abroad 2. School certificates if you are studying abroad, 3. Documents showing the death of a parent, for example, and that you have to return to your homeland to handle the estate and property 4. Medical certificates indicating extended treatment or hospitalisation outside Canada and 5. Documents confirming that you have maintained your ties to Canada during your period of absence.

The various factors that can be taken into consideration by the visa officers to determine your true intentions to maintain your permanent resident status may be:

- Where do your immediate family and dependants reside ?
- What is the extent of the physical absence ?
- Is the physical absence caused due to a temporary situation?
- What is the quality of the connection to Canada ?
- Do you have children studying in Canada;
- Do you have a house in which your family is living;
- Is your mode of living centralized in Canada;
- Have you made some contribution to Canada as a landed immigrant;
- Do you have friends in Canada'
- Have you "rubbed shoulders with Canadians";
- Have you joined various organisations;
- Have you paid your taxes;
- Have you enrolled in a local library;
- Do you have bank accounts in Canada which are frequently used etc.....

If your absence from Canada was only temporary and this can be proved, then you have better chances of obtaining your Returning Resident Permit.

## Returning back to Canada with or without a permit

When you return to Canada, you will be questioned at the port of entry as to the reasons for your prolonged absence. If you have a returning resident permit, your job

of convincing the officer that you have not ceased to be a resident becomes easier.

If you have been outside Canada for extended periods, and you arrive at a port of entry without a returning resident permit, you must satisfy immigration officers that your absence from Canada was temporary. The examining officer will consider documents as evidence that the absence was temporary. If you cannot satisfy an immigration officer at a port of entry that your absence from Canada was temporary, you may be required to present yourself before an adjudicator where you will be given the chance to present your case. If you are denied entry into Canada, your case will be reviewed according to guidelines set out in Canada's Immigration Act. If, after this review, it is determined that you are not a returning resident to Canada, you will be required to leave.

## 10. A Citizenship of Canada Act proposed in parliament

A Bill to strengthen the value of Canadian citizenship was tabled in the House of Commons on November 25, 1999. Elinor Caplan, Minister of Citizenship and Immigration, proposed the Citizenship of Canada Act to strengthen the value of Canadian citizenship by better defining what it means to be Canadian and by setting clearer criteria for acquiring citizenship.

"Citizenship is at the heart of what it means to be Canadian. One of the ways we define ourselves as individuals is through our citizenship," said Minister Caplan. Citizenship is an important part of who we are, and the government has listened to what people across this country have to say about it. Similar citizenship legislation was introduced last fall. It reflected the views of Canadians that were gathered over several years.

The proposed legislation establishes clear, fair and objective criteria for Canadian citizenship, ensures that future Canadians have a link to Canada, and provides measures to protect the integrity of Canadian citizenship. The proposed legislation: sets more precise terms of residence, requiring that applicants be physically present in Canada for three years of the six years prior to applying. This provides flexibility for people who must be out of the country for extended periods of time, while allowing future Canadians to demonstrate their loyalty and allegiance to Canada - two pledges they make when they recite the oath of citizenship. A clear definition also ensures consistent and objective decision-making.

The legislation includes reasonable limits on the number of generations that citizenship can be passed on to children born abroad. A person born outside Canada to a Canadian will have Canadian citizenship. If that person stays abroad and in turn has a child, that child will have to apply to retain citizenship and meet the residency requirement before age 28. This introduces clear limits that are not in the current law.

The legislation maintains the integrity of Canadian citizenship. The Minister will be able to annul a person's citizenship if it was obtained through a false identity or if that person had been prohibited for criminal activities under Canadian citizenship law. It simplifies the decision-making process and allows for quicker processing of applications. Citizenship applications will be dealt with by people



delegated by the Minister.

It also offers a new oath that clearly expresses loyalty to Canada. The current oath, which dates back to 1947, does not make reference to Canada. The new oath will also require citizens to commit to respecting the rights and freedoms of citizens and upholding the values of democracy. It also establishes that a foreign child adopted by a Canadian citizen can receive citizenship abroad without having to first become a permanent resident. This reduces the distinction between children born abroad adopted by a Canadian and children born abroad to a Canadian and is consistent with the Canadian Human Rights Act.

"I believe that this legislation reflects what Canadian citizenship should mean to each and every one of us," said Minister Caplan. If passed, the Citizenship of Canada Act would represent the first major reform of citizenship legislation in more than twenty years.

## **11. Future Discussions**

### **Ottawa must be faster at admitting immigrants says minister**

Immigration Minister Elinor Caplan is taking a more aggressive approach to wooing newcomers conceding that Ottawa has, hitherto, focused more on protecting its borders than on encouraging the entry of new Canadians.

Ms. Caplan told newsmen in November '99 that the past few years of budget cuts have led to a greater emphasis on enforcement than on promoting immigration, but that she plans to streamline operations and put in place policies aimed at wooing more immigrants. She said her department is contemplating the establishment of a central processing centre to ease the strain on foreign visa officers who are inundated with applications from potential immigrants.

She said the goal was to improve how quickly the department was able to do things by focusing on "our desire to do it faster, better, smarter." Ms. Caplan made the comments two weeks after releasing statistics showing that Canada will fail for the second year running to meet its targeted levels of immigrants. Canada will bring in about 180,000 immigrants this year, 20,000 to 45,000 below the government's goal. But there is now a backlog of about 370,000 potential immigrants, and some immigration experts say it takes as long as two years for applicants to get in.

Ms. Caplan agreed that programs designed to bring immigrants into Canada took a greater share of the spending reductions than did programs aimed at dealing with illegal immigrants. She said the department protected the enforcement side, but neglected client services which should have "encouraged people to come to Canada as quickly as they can, that families are reunited as quickly as they can, and that we can respond to workers who are skilled."

The minister said her department must advertise Canada's benefits, or face losing out to other countries who are aggressively seeking newcomers. The government wants to bring in 300,000 immigrants a year, both to boost the economy and prop up the country's static birthrate. "With an economy that's booming and

firing on all cylinders and jobs being created in the high-tech sector particularly, we have to get out there and promote," she said. "And we're not going to be [in a position to] promote if we ... make them wait too long."

She said a new immigration act being planned will include measures to speed the entry of newcomers. One item being considered is a new centralized processing centre, where domestic staff would perform much of the paperwork now done overseas. "Some other countries are doing it, and it poses some challenges, but I have had that suggestion from a number of people and we are looking at it," she said.

### **Canada to facilitate the entry of highly skilled temporary workers**

The new directions for immigration and refugee protection legislation acknowledge that the current system for the processing of temporary foreign workers could be improved to better serve its original purpose. The speed at which the modern economy moves creates an urgency for key personnel in short supply. Lucienne Robillard, the former minister of the Department of Citizenship and Immigration had said sometime ago that the Canadian government plans to adopt a new approach to facilitate the entry of temporary workers, in order to better respond to the needs of industry and the Canadian economy. She said the government would do it by devising a faster and more effective system. "The main objective of the legislative review is to ensure that the entry of a foreign worker will benefit Canada."

The new system would permit the issuance of employment authorizations while ensuring that these employers or sectors undertake specific human resource development commitments, such as training, to benefit Canadian workers. Other initiatives, such as a list of nationally or regionally validated occupations, would enable many employment authorization decisions to be made based on solid labour market information, but without the need to repeat the investigation process in each case.

Most foreign workers who want to work temporarily in Canada must have an approved job offer and an employment authorization before they arrive. It is the Canadian employer's responsibility to have the job offer approved by the local Human Resource Centre (HRC). If the job meets Canadian labour standards and cannot be filled by a qualified Canadian, the HRC may approve the job offer. Upon receipt of a HRC-approved offer, visa officials abroad will decide if the foreign worker qualifies for the employment authorization. They will assess if the worker meets health, character, security, job qualifications and other criteria. If an employment authorization is issued, it is valid only for a specified job, employer and time period.

The temporary foreign worker must meet the usual requirements of a visitor to Canada, which vary with the country the worker is entering from. This includes medical and security concerns. In addition, the applicant must satisfy the immigration officer on two counts, namely: 1. That his or her intention is only to work in Canada temporarily, and not to try and stay in Canada indefinitely. The onus is on the applicant to satisfy the immigration officer that his or her intent is not to stay permanently. 2. That the applicant has the skills and qualifications required to

do the job they are being hired to do. This might involve providing documentation to substantiate educational credentials, or providing evidence of necessary professional accreditation. There is a non-refundable fee to process a request for an employment authorization.

An employment authorization is issued for a specific job after the job offer has been approved by a Human Resources Centre in Canada (HRCC). Outside Canada, you should submit the application to a visa office at a Canadian embassy, high commission or consulate abroad. A non-refundable processing fee must be paid at the time of application.

### **New directions for immigration and refugee protection legislation**

In January last year, the then Minister of Citizenship and Immigration, Lucienne Robillard, announced proposals which represented an important step toward the goal of new legislation and policy for the twenty first century.

"Since the introduction of the Immigration Act in 1978, the world has changed immensely" Minister Robillard noted. "While the principles on which the 1978 Act was founded remain sound, the number of amendments that have been made since then has resulted in legislation that lacks coherence and transparency. We must concentrate our efforts on key areas for review," the Minister emphasized.

"I want to strengthen and support family reunification; new legislation must modernize our selection system for skilled workers and business immigrants and ease the entry of highly skilled temporary workers. We reiterate our commitment to uphold Canada's humanitarian tradition by strengthening the protection of genuine refugees. We must also continue to maintain the safety of Canadian society. I want to see this process result in a clearer, simpler and more coherent Act," the Minister said.

### **Strengthening family reunification**

The new directions for immigration and refugee protection legislation acknowledge the importance of reuniting families and recognize the need to modernize legislation to better reflect the reality of what constitutes a family.

The new directions include proposals which take into consideration the evolution of the Canadian family. The proposed measures would ensure the reunification of close family kin, enhance immigration policies related to adoption, and expand the definition of spouse to include common-law and same-sex partners.

In order to allow the reunification of more families and to better reflect the realities of longer child dependency, the age limit for sponsoring a dependent child would increase to under 22 years from the current limit of under 19 years. In addition, it is proposed to make it easier for spouses and dependent children already in Canada to apply for permanent residence from within Canada, as long as those individuals hold legal status in Canada at the time they apply. The government will

also consult the provinces on the possibility of decreasing the length of sponsorship of spouses and children, and removing the clause regarding excessive demand on health services.

Canada's immigration policies related to adoption would also be changed to better protect the interests of children, promote the principle that an adopted child and a biological child should have the same rights, and eliminate, to the extent possible, inequalities in treatment among various adoption cases. As adoption falls under provincial jurisdiction, the government will consult the provinces on the proposed directions.

While Canada seeks to facilitate family reunification, it is also committed to preserving the integrity of the sponsorship system. It is proposed to introduce measures to prevent further sponsorship when the sponsor fails to honour his or her commitment to support family members and to introduce strategies for dealing with cases of spousal and family violence.

### **Canada is looking to modernize the selection system**

The new directions for immigration and refugee protection legislation acknowledge that immigration has given Canada great strength by attracting diversely talented individuals. At the same time, the current selection system for independent immigrant applicants needs to be updated and modernized to better enable these individuals to contribute to Canada's social and economic well-being.

Minister Robillard had believed that the current selection system has served Canada well. "But we must remember that it is the product of a time when we aimed at matching immigrant skills with specific Canadian labour market shortages," she said. "Today's world is more globalized, and the pace of technological change means that Canada's selection system needs to focus on flexible and transferable skills. We need to attract the types of immigrants who will help Canada meet the economic, social and cultural challenges of the twenty first century." The new selection model will place less emphasis on the current occupation-based system and focus more on choosing skilled workers with sound and transferable skill sets and the emphasis, therefore, shall be placed on education and experience.

The business category would be streamlined and refined to require significant business experience, as well as education and language skills for the Investor and Entrepreneur category applicants. Program integrity would be strengthened by adding a requirement that applicants establish the provenance of their funds.

### **Citizenship of Canada Act**

On December 7, 1998, the then Minister Lucienne Robillard tabled a new Citizenship of Canada Act, Bill C-63. The new act introduces changes to citizenship by birth. While children born in Canada or born abroad to Canadian parents will continue automatically to enjoy Canadian citizenship, the second generation of children born abroad will lose Canadian citizenship after age 28, unless they have lived in Canada. The new act will allow foreign children adopted by Canadians to

become citizens without going through the immigration process.

The requirements for obtaining citizenship will also change. Applicants will need three years of residence in Canada in a five-year period. They will also be expected to speak one of the two official languages and show understanding of Canadian values. In a simplified process, citizenship officers will decide on citizenship applications. The oath sworn by new Canadians will require them to declare allegiance to Canada as well as to the Queen.

## **12. Rights and Obligations of a permanent resident of Canada**

You and your dependents have the right to live, study and work in Canada for as long as you remain permanent residents and are entitled to most social benefits accorded to Canadian citizens. When you have met citizenship requirements, you may apply for Canadian citizenship and a Canadian passport.

There are a few limitations on permanent residents: 1. You cannot vote in certain elections. 2. You may be ineligible for certain jobs requiring high-level security clearances. 3. As a permanent resident, you also have the same legal obligations as Canadians, such as paying taxes and respecting other laws. 4. If you or your dependents commit serious crimes, you or your dependents risk being deported from Canada. 5. You remain a permanent resident until you become a Canadian citizen or abandon Canada as your place of residence. 6. You may be considered to have abandoned Canada if you have frequent and/or lengthy absences from the country. If you travel to Canada to present your immigrant visas to obtain permanent residence and then return to live in your home country indefinitely, you will lose your permanent resident status.

## Chapter 5

# **Frequently Asked Questions (Immigration)**

### *About the Application ...*

#### **1. Who qualifies as a skilled worker ?**

A person with specific occupational skills and experience may qualify as an independent immigrant. These skills must be readily transferable to the Canadian labour market. The applicant must have at least one year of continuous work experience in the designated occupation. Also, this occupation must figure in the GOL.

#### **2. Does it help to have a relative in Canada?**

Yes. Having a close relative living in Canada increases your point score under the selection system. The relative must be a permanent resident or Canadian citizen aged 19 or over, and he/she must be a "close relative". You must provide documentation to prove the relationship. However, having distant relatives or friends would also help the assessment of the case, but would not entitle the applicant to any bonus points. Under special circumstances, if the distant relative or friend has had in the past an extra ordinary close relationship with the applicant, these facts could be presented in the application.

#### **3. What fees must I pay?**

You must pay a Cost Recovery (CR) fee to pay for the processing of your application, commonly called the Processing Fee. The CR fee is non-refundable, even if your application is refused. The Right of Landing Fee (ROLF) is required of every adult aged 19 or over in your family but, unlike the CR fee, is refundable if an Immigrant Visa is not issued or used, or if you withdraw your application or if your application is refused. The ROLF can be paid at any time during the application process, but must be paid before an Immigrant Visa can be issued. The ROLF must be paid to the same office where you paid the CR fee. You will also have to pay other fees such as those related to obtaining a medical examination and a police certificate to the examining doctor and the police authorities. Finally, if the service of a lawyer or consultant is needed, their fees should also be negotiated and determined in a Retainer Agreement before the start of the process. (Note: CR and

ROLF are not applicable to non-accompanying family members, or to family members who are already permanent residents of Canada).

#### **4. Who is included in my application?**

If you are married, your spouse should be included as a dependant. You must also include on your application all dependent children whether they are accompanying you to Canada or not.

#### **5. What about my dependents who will not accompany me to Canada?**

All of your dependants, whether they will accompany you to Canada or not, must be included in Part A of the Immigrant Application Form (IMM 0008). In addition, each dependant 18 or over must complete his/her own application form. All of your dependants, whether they will accompany you to Canada or not, must pass medical examinations and background checks.

#### **6. Must I or other members of my family attend an interview?**

A visa officer will review your application and decide if an interview is necessary. If so, you will be informed of the time and place. Your spouse and dependant children aged 18 or over may be asked to accompany you to the interview. The visa officer may ask about your job, work experience, education, reasons for migrating, plans and preparations. The officer may also ask about your family, spouse and/or dependants, or about your health, financial situation, or past difficulties with the law. There may also be questions to determine your ability to settle successfully in Canada.

#### **7. Do professionals need registration and licensing to work in Canada?**

In Canada, approximately 20 percent of occupations are regulated to protect the health and safety of Canadians (e.g., nurses, engineers, teachers, electricians). People who want to work in regulated occupations need to obtain a license from a provincial regulatory body. Licensing requirements often include education from a recognized school, Canadian work experience and completion of a technical exam. Fees for exams can be costly and are the responsibility of the applicant. Final assessment by the provincial authority can only be made once you are in Canada with permanent resident status.

#### **8. For how long is my Immigrant Visa valid?**

The validity date is based upon the earlier of: your or your dependants' passport validity date(s); or the medical validity date(s). Medical examination results are valid for 12 months after the initial medical examination. Immigrant visas cannot be extended once issued. If applicants do not use the visas within their validity, they

must reapply for immigration to Canada.

#### ***About the Medical Examination...***

#### **9. Is there a medical requirement for immigrating to Canada?**

Yes. You and your dependants, whether accompanying you or not, must undergo and pass a medical examination. To pass the medical examination, you or your dependants must not have a condition that is a danger to public health or safety or would cause excessive demand on health or social services in Canada.

#### **10. Will I receive a copy of the medical report and the result of the medical examination?**

All medical reports and X-rays for the Immigration Medical Examination become the property of the Canadian Immigration Medical Authorities and cannot be returned to the applicant. The designated medical practitioner (DMP) will not advise you of the results of the medical. However, he/she will advise you if you have a health-related problem. The visa officer and not the DMP makes the final decision on whether or not a medical examination has been passed for immigration purposes. The visa office will inform you in writing should there be a problem with your medical examination.

#### **11. How long is the medical examination valid?**

The medical examination is valid for 12 months from the date of the first medical examination. If your visa is not processed in this time, you must undergo another complete medical examination.

#### ***Upon Arrival...***

#### **12. What happens when I arrive in Canada?**

When you arrive, you must present your Immigrant Visa to a Canadian customs or immigration officer at your first port of entry. The officer will check your visa and travel document and ask you questions similar to those on the Immigrant Application Form (IMM 0008) to verify that you are of good character and in good health. You may also be required to show proof of your funds. If there are no difficulties, the officer will authorize your admission to Canada as a permanent resident.

#### **13. What settlement services are available?**

Canada's settlement services are limited. You can learn about them from Canada Immigration Centres, Human Resources Canada Centres and private organizations.

#### **14. Can you help me find a job?**

Human Resources Canada Centres are available to assist all Canadian citizens and permanent residents in finding employment.

#### **15. After obtaining permanent resident status, what if I need to settle some affairs in my country ?**

Permanent residents may leave and re-enter Canada as often as they wish as long as they spend less than six months in any 12-month period outside Canada. If permanent residents are out of Canada for more than six months in any 12-month period, they will require a Returning Resident Permit to re-enter Canada. While such permits can be applied for either in Canada or overseas, they can only be applied for after you have become a permanent resident.

#### **16. What is the benefit of a returning resident permit?**

Canadian residents who are not citizens may lose their permanent resident (landed immigrant) status when they leave Canada to engage in activities which indicate that they intend to make a permanent home elsewhere. An example of such an activity would be working in another country for a foreign employer.

Permanent residents who have been outside Canada for six months or more (in law, 183 days) in any 12-month period must prove to an immigration officer at a port of entry that they have not given up residence in Canada. This is necessary whether the absence has been a series of short trips or one long one. When you return to Canada, even if you have a returning resident permit, you will be interviewed by an examining officer at the port of entry. The permit will help identify you as a permanent resident who travelled abroad with the intention of maintaining permanent resident status in Canada.

Although any permanent resident may apply for a returning resident permit, if you are travelling abroad on vacation, to visit relatives, or for other short-term purposes, you generally will not need one.

#### **17. How do I get a permit?**

You can obtain a returning resident permit by applying at any Canadian Immigration Centre before you leave Canada. If you are already abroad, you can apply at the nearest Canadian Embassy, High Commission or Consulate, where you will have to satisfy the visa officer that you have not ceased to be a permanent resident of Canada. Permits are valid for the period of time stated on the form, usually no longer than 12 months. The period may in certain cases extend up to 24 months.

#### **18. What happens if I come back without a permit?**

If you have been outside Canada for extended periods, and you arrive at a port of entry without a returning resident permit, you must satisfy immigration officers that your absence from Canada was temporary. The examining officer will consider other documents as evidence that the absence was temporary. Such documents include school certificates for studies abroad, or medical certificates indicating extended treatment or hospitalization outside Canada. It is preferable to produce original documents, especially your proof of landing. If you cannot satisfy an immigration officer at a port of entry that your absence from Canada was temporary, you may not be allowed back into the country. If you are denied entry into Canada, your case will be reviewed according to guidelines set out in Canada's Immigration Act. If, after this review, it is determined that you are not a returning resident to Canada, you will be required to leave.

If you wish to regain permanent resident status, you must apply at a Canadian immigration office outside Canada. Remember, a returning resident permit is the best way to indicate that you did not intend to abandon residence in Canada.

### **(FAQ) Citizenship**

This is the current law. Please note this law might change. See section 11 of Chapter 4.

#### **19. How can I become a Canadian citizen?**

To apply to become a Canadian citizen you must fulfil some conditions and go through the following process: 1. You must be a permanent resident of Canada (landed immigrant) 2. You must have lived in Canada for at least three of the past four years (1095 days) 3. You must be at least 18 years of age to apply on your own 4. You must complete an application form (contact a Call Centre or call 1-888-242-2100 to obtain an application form) and mail it to the centralised processing centre, along with the appropriate documents, photographs and fee, to CPC Sydney, Citizenship and Immigration Canada, P.O. Box 7000 Sydney, Nova Scotia B1P 6V6 Canada. 5. You must be tested on your knowledge and understanding of English or French, of Canada as a nation, and of the rights and responsibilities of Canadian citizenship ( you will be notified by mail as to where and when to take the test) 5. If you pass the test you will be invited to a citizenship ceremony where you will take the Oath of Citizenship and receive a certificate of Canadian citizenship.

#### **20. Do I have to apply separately for my children?**

Yes. You must complete a child's application form for each child and submit copies of their documents. Children over age 14 must sign the application form in the appropriate space and sign their photographs on the white signature strip. Children under age 18 are not required to write the test. If you apply for yourself and for your minor children at the same time, you must be successful at the test and take the Oath

of Citizenship for your children to become citizens.

### **21. What documents will I need?**

Adults aged 18 and over will need: 1. Immigration paper: your IMM 1000 "Immigrant Visa and Record of Landing" 2. Two pieces of identification such as a driver's licence, provincial health card or Social Insurance Number 3. Two signed photographs: citizenship sized (35 mm x 53 mm). The photographs must be stamped on the back with the photographer's name and address and the date that the photos were taken 4. The current fee is \$200 which includes the \$100 "Right to be a Citizen" fee.

If you are applying on behalf of your child, the documents you will need are :

1. Your child's long-form birth certificate or adoption order that shows the names of the parents 2. Two pieces of identification such as school records, report cards, provincial health card, immunization record or library card 3. Two photographs: citizenship-sized (35 mm x 53 mm) 4. Children 14 years of age and older must sign the photographs 5. The current \$100 "Right to be a Citizen" fee.

### **22. How long before I am called to write the test?**

It takes about eight to 12 months to process an application. A Call Centre agent can tell you how long you will wait for your test. You should begin to study for the test when you receive the booklet *A Look at Canada*, which will be sent after your application is received at the CPC in Sydney.

### **23. What is the test?**

The test demonstrates whether or not you have an adequate knowledge of Canada and of either official language. More precisely, the language test should demonstrate that you are able to comprehend simple spoken statements and are able to express yourself accurately. The test is usually in written form, but can also be oral. The test will also ask questions to determine if you have a general knowledge of Canada and of the responsibilities and privileges of citizenship. Everything you need to know for the test is in the book, *A Look at Canada*.

You may be asked to answer questions on any or all of the following topics:

1. How to vote in elections (for example, how do you get on the voters' list?) 2. Canadian social and cultural history ( for example: which three Aboriginal groups are recognized in the Constitution?) 3. Canadian political history (for example, who is your Member of Parliament and who are the leaders of the major political parties?) 4. Canadian physical and political geography (for example, how many provinces are there in Canada? What are their capital cities?) 5. Responsibilities and privileges of citizenship.

### **24. What happens if I do not pass the test?**

You will be asked to appear for an oral interview. The interview is a personal meeting between you and an official and usually takes 10 to 15 minutes. It will allow you to prove you meet the language and knowledge requirements when the questions are put to you in oral form.

### **25. Is my adopted child a Canadian citizen?**

No. Adopted children of Canadian citizens are not automatically citizens. After the child has been landed as a permanent resident, he or she may receive citizenship after application.

### **26. Can I become a citizen if I have had problems with the police?**

It depends on your particular situation. A person cannot become a citizen if he or she has been convicted of an indictable offence within the past three years. For more information, phone a Call Centre.

### **27. Can I have dual citizenship?**

It depends. If you become a Canadian citizen, you could lose your present nationality. If you have any questions about this, you should ask the Embassy, High Commission or Consulate of the country of your current nationality. Since 1977, Canadian citizens have been allowed to hold dual nationality. This means that they will not lose their Canadian citizenship if they become a citizen of another country. However, prior to February 15, 1977, a Canadian citizen who became a citizen of another country ceased to be Canadian, except in rare cases.

### **28. If I was born overseas to a Canadian citizen, am I automatically a Canadian citizen?**

Yes. You most likely have Canadian citizenship. Contact a Call Centre for clarification or call toll free: 1-888-242-2100.

### **29. Do I become a Canadian when I marry a Canadian?**

No. Marriage to a Canadian citizen does not give you citizenship. You must apply for Permanent Residence and meet the same requirements as any other person seeking naturalisation in Canada. For information regarding how to obtain permanent resident status, call the government number listed under "Immigration" in your telephone directory.

## Settling in Canada

**W**hen a journalist from India was once asked if he would ever migrate and join the gang of new thinkers that were taking the leap to Canada, he said: "No. Migration to me is like changing religion." It must take a lot of faith and hope to make the transition to a land that's so very different from the Orient. Often that step means beginning life from scratch, re-qualifying to fit into the job market, making new friends after leaving behind old acquaintances, coping with a culture shock, setting up house, conforming to value systems that have hitherto been seen to be diametrically opposite.

Canadians share some important values: human rights, equality of women, protection of children, the right to education, health care and basic social services, fair labour standards and a fair standard of living, honesty and integrity, protection of the environment. But by the time you set foot in Canada, you have taken that leap and all you ought to bother about is getting on top of it all.

Before you come to Canada, it may be a good idea to read all about it, and if your English/French skills are not up to speed, even take courses in English or French. You may want to look up the Canadian government web sites, federal, provincial and municipal, if you know where you will be living and keep abreast of current issues in Canada by reading the electronic version of Canadian newspapers. Furthermore, make sure you bring along important documents. Of course, you will need your passport, visa and money, but do not forget other documents, including birth certificates for all family members, marriage certificate, school and other education certificates, employment documents, references and an up-to-date résumé, immunization certificates and other health records.

Fitting into Canada like a glove to a hand is not as simple as changing shirts. Even as you cope with language and cultural barriers, there are systems at work that one is not all too familiar with. Canada's taxation culture, the self-reporting tax system, the Child Tax Benefit, GST/HST credits, the Job Bank, social insurance, Unemployment Insurance (UI) or the Canada Pension Plan are not too familiar to people from other parts of the world.

On the health front, 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. But likewise, it's important for immigrants to know what are "patient rights" in Canada and what steps must be taken to call in a health interpreter.

In the search for a job or in social circles, it's just possible that a racist or discriminatory action could raise its ugly head. 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 you the ropes that enable you to work around them and ultimately fit into mainstream Canadian life.

#### **When you first arrive.....**

Get a map of your community, so you can find your way around and get a grasp on the public transportation and the telephone system in your area. If you have not already made arrangements for temporary housing, you may want to contact some of the settlement agencies at the airport. *Canadian Beaver Settlement Services*, for example, can assist you 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. CBSS can be contacted on 1-416-716-3884 or e-mail: [cbservice@aol.com](mailto:cbservice@aol.com). But should you want to organise your 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 you begin looking for a house that you may want to rent or buy, you should apply for a provincial health care card and a Social Insurance Number. Canada has one of the finest health care systems in the world. The health care services are usually available 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. But you must apply for an official health card to qualify for medicare. The medicare card will be accepted throughout Canada, however, you must register again if you move to another province.

You also need a social insurance number (SIN) to work at most jobs in Canada. You can apply at your local Government of Canada Employment Insurance office. It could take up to six weeks for your SIN card to arrive, but you can apply for jobs while you wait for it to arrive. If you need assistance with the application of a SIN, contact an immigrant service organization. (Please see the chapter: *A Guide to Settlement in Canada's Cities* for contact resources on the health insurance program and Canada Employment Insurance offices in the cities of your choice).

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. 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.

#### **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 you invest \$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. In order to enrol your child, visit the local school. The documents you 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 graduated 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 you longer than you expect 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 (HRDC) 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 you to advertise your skills to potential employers. Canada WorkInfoNet: <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 you lose a job**

In most cases, if you worked at least 420 to 700 hours in the last 52 weeks at a job where employment insurance contributions were taken off your pay cheque and you are now unemployed, you may be eligible for Employment Insurance benefits. While you look for work, Employment Insurance benefits pay 55 per cent of your average insurable earnings, which are calculated from your last 26 weeks worked. If you earn less than \$25,921 and if you or your spouse support a dependant, you can receive a maximum of 65 per cent of your 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 426-8490 in Halifax.

### **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 recipient 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 Revenue Canada four times a year. The payments are based on family income. To apply for the credit, you have 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 Nova Scotia Human Rights Commission is an independent government commission that is charged with the administration of the province's Human Rights Act. Nova Scotia's Human Rights Act is a provincial law that 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 you think you have experienced discrimination or are interested in training on cultural diversity or on preventing sexual harassment within your organization or you are 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 Revenue Canada 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 Revenue Canada 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. If you are a permanent resident, you are entitled to most of these rights, although you cannot vote until you obtain 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, you will have to pay taxes.

### **Small business**

The Business Development Bank (BDC) offers a complete range of financial and management services to assist small and medium-sized businesses and provides an appropriate financing product. BDC also has programs specially designed to meet the needs of high-technology or knowledge-based businesses, women entrepreneurs, exporters and other new sectors of the economy. The Micro Business Program, for example, combines personalized management support with term financing of up to \$50,000 for existing businesses and up to \$25,000 for start-up enterprises. Other programs include term loans, venture capital, working capital for exporters and the young entrepreneur financing program. Call BDC toll-free (1-888-463-6232).

### **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.

## Chapter 7

### **Employment and the job market**

**T**he job search can be a lot of work. It is particularly difficult to find a new job when moving from another country, because the working paradigms and job environment are different. If you are new to the workforce, you might not know all the rules and regulations that govern your chosen occupation.

But there is help. If you would like information on a specific profession, you can search the Mobile Worker's Web site. Just about every job imaginable exists in Canada. No matter what experience or education you have, there is a job for which you are qualified. If you have special training and experience, you may qualify to work in a regulated profession, but even without this special training and experience, there are many non-regulated professions available to you.

#### **Regulated Professions:**

Some jobs in Canada require that you have a special license before you can begin work. These are called regulated professions. Most regulated professions require that you have specialized education and experience before receiving your license. Physicians and electricians are examples of workers who need to be licensed in order to do their job. There are two main types of regulated professions in Canada, namely, Regulated professions and Apprentice trades.

Regulated professions usually require several years of university education, practical experience under the supervision of a licensed worker in the chosen profession, and the successful completion of a licensure examination. Physicians, nurses and lawyers are examples of workers in regulated professions. It is important to note that provinces and territories sometimes expect different things from their regulated professionals. In some instances, this means that a person licensed in one province may have to re-apply for a license in order to work in another province or territory.

Apprentice trades, on the other hand, usually require the completion of a period of apprenticeship training on the job by a licensed supervisor, some specialized college education courses, and the successful completion of a certification examination. Mechanics, plumbers, and welders are examples of workers in apprentice trades.

Across Canada, there are about 50 different regulated professions and more than 100 apprentice trades. Combined, the regulated professions account for about 20 per cent of the Canadian workforce. But why do professions need to be

regulated? The regulation of professions allows Canada to ensure the safety of the public by preventing those without proper training from taking jobs where they could cause harm. The other reason for regulation is so that a profession or trade can ensure that all of its members are adequately trained to the desired standards. This helps ensure public safety and consumer protection. It is a serious crime to claim that you have a licence to perform a particular job when, in fact, you do not.

Who is in charge of the regulation process? In Canada, each of the ten provinces and two territories are generally responsible for their own regulated professions. Apprenticeship trades are regulated directly by the provincial and territorial governments. Professional occupations are usually regulated by a self-governing body that is established through provincial and territorial legislation. These occupations have the power to decide on the exact process of licensing its members, but are still subject to the scrutiny of the province or territory. A few professions are regulated federally.

### **Licensure Examinations**

One way to license members of professions is by having them take an examination that covers the critical skills that they need to practice safely. Indeed, because people come from different education and experience backgrounds, a licensure examination can help a regulatory body determine that a candidate has the minimal level of ability. These examinations are the last step, for most professions, before being fully licensed to work.

Licensure examinations are usually multiple choice tests that have anywhere from 150 to 300 questions, and take up to a full day to complete. Some professions also use simulations of on-the-job situations to help determine if a candidate can perform the necessary actions. Many types of tests are available, and it is a good idea to find out what type your chosen profession uses. It is important to remember that licensure examinations are only the final step in the licensing process, and that most professions also require a certain level of education and experience.

### **Non-regulated Professions**

Non-regulated professions do not require special licensure and can range from those requiring extensive education and training, such as a university degree (i.e. computer analysts and biologists) to those that require little in the way of formal training and involve little risk to the public (i.e. bartenders, salespersons, and housekeepers). Almost 80 per cent of the Canadian workforce is employed in non-regulated professions. The non-regulated professions requiring little or no special training are the easiest jobs to get.

If you are moving to Canada, and you work in a non-regulated profession, securing employment may not take long. It is up to the employer, not the province or country, to decide on who to hire. It is possible that a non-regulated profession in another country is regulated in Canada, and so you should check this out just to be sure.

### **Moving between provinces**

Moving between provinces or territories may mean that you have to re-apply for a license. A nurse in Alberta, for example, has different duties than one in Ontario. That is why a practical nurse who wants to move from Alberta to Ontario must re-apply for licensing in Ontario. It would be prudent to verify if your license meets the provincial or territorial requirements before you move from one province to another.

In the same way that moving within Canada may require re-licensing, moving to Canada from another country can also require a similar re-licensing procedure. It is not unusual for immigrants to Canada who want to work in a regulated profession to have to take a test or provide evidence of specialized training. Professional licensing bodies or apprenticeship authorities will assess your training and experience and may require examination or additional training or education. This is not done to discriminate, but is simply to ensure that workers meet the provincial or territorial standard that has been established. Frequently, the requirements for immigrants to Canada are not different from those for people born in Canada.

Whether moving within Canada or moving between countries, it is important not to assume that because you were working in a profession in your home province, territory, or country, that you can automatically continue to practice in Canada or in another province/territory. In most cases additional paperwork will be necessary, and sometimes testing and additional education may be required. Of course, there are agreements between provinces/territories or countries that involve recognizing each other's professional credentials. Check these out as a first step, and you may find that there is no problem in entering the workforce immediately.

### **Tips on preparing for employment:**

1. Be prepared to take a position which is less than your goal.
2. Obtain a Social Insurance Number (SIN). You can get one at the port of entry or at the nearest Canada Employment and Immigration Centre. In order to apply for the SIN you need to submit your passport, immigration document and other identification. The SIN card shall be posted to you in about three weeks.
3. If your English language skills are poor, join an ESL (English as a second language) school. Most immigrant service agencies offer ESL classes.
4. Obtain an official translation into English of important documents, especially the school/college transcripts and trade/apprenticeship certificates.
5. Prepare a resume'. See the advice of an immigrant service agency on resume' formats.
6. Professionals should take the necessary steps to qualify in Canada. You should contact the provincial regulatory authority for accreditation of your qualifications.

### **Trades People**

Obtain a Trades Qualification Certificate from the appropriate regulatory authority.

### **Lawyers**

In order to practice law in Canada, you must either obtain a Canadian LLB degree or the Certificate of Qualification issued by the Joint Committee on Accreditation. You can write to the JCA for an application form at the following address : Joint Committee on Accreditation, Faculty of Law, Common Law Section, University of Ottawa, Ottawa, Ont. K1N 6N5. Or contact the Law Society in your province.

### **Engineers**

Professional engineers must have an education equivalent to a Bachelor's degree in an accredited engineering program from a Canadian university and 24 months of engineering experience, 12 of which must be Canadian. Contact the Association of Professional Engineers in your province. The association operates a placement referral service.

### **Teachers**

Teachers must have their qualifications evaluated by the provincial accrediting authority. Teachers require a basic university degree in addition to one year of teacher training to teach at elementary or secondary levels.

### **Doctors**

Doctors must retrain and pass exams to practice in Canada. This is a minimum two-year process. Contact the office of the College of Physicians and Surgeons in your province for an assessment. Nurses should contact the Registered Nurses Association in the province.

### **Accountants**

The three professional accounting designations in Canada are: CA (Chartered Accountant), CGA (Certified General Accountant) and CMA (Certified Management Accountant). Qualified CGAs should contact the CGA National Membership Office in Vancouver at 604-669-3555. The Vancouver office will then send it to the designated provincial office. CMAs should contact their provincial office. The Canadian Institute of Chartered Accountants is the largest body of professional accountants in Canada. CMAs and CGAs who wish to become CAs receive exemption from most prerequisite courses but must pass additional courses and exams from the School of Chartered Accountants.

## **The job market in Atlantic Canada**

**By Golda Arthur**

**H**alifax, it seems, is a perfect city for family life. After immigrating here, many people admit that they love this quiet, picture-postcard city: no crowds or pollution, relatively little crime, and the general absence of fear and instability in everyday life. But after the relief settles in, the process of settling in begins. Moving is always tough and more so when you move to another country: put the kids in school, find a place to live, learn the language, cope with culture shock and homesickness and then, the big one: find a job. Finding a job in Nova Scotia and particularly Halifax, is something everyone struggles with, immigrant or mainstream Canadian. For every job advertised in the newspapers and job banks, there are quite literally hundreds of others applying and competing.

Rarely a smooth process, finding a job often leads to frustration early on in the process. The complaints are common: "They don't recognize my qualifications," or, "They say I have no Canadian job experience, but how can I? I just got here!" People tell stories of others they know facing similar problems. There was one man who applied for a job as a dishwasher at a restaurant but was told that he must first present three references in addition to his resume'. "How do you get references in a city where you are new and don't as yet know anyone, or have a job?" he asks, frustrated.

The complaint from professionals such as engineers, lawyers, doctors or teachers is the same: "I can't get in". To many with an international education and experience, the idea that Nova Scotia appears not to look outside of itself is frustrating. But the rent must be paid, and the kids fed. Soon, the job search becomes unfocused and people settle for "survival jobs". Doctors and teachers have had to become cleaners in order to make ends meet. This is the job trap: to get a job, it seems, you must first have had a job.

There are many barriers to be faced: education, experience and professional credentials are not always recognized immediately - or at all, in some cases. Many are not even sure what they need to do to get work again in their profession because the process is not clear. The cost of re-qualifying is often too expensive. Many are caught in this trap, but some have learned what seems to be a way of "fitting in." The buzz word is *networking*.

Magdi Ismail is an architect who came to Halifax in 1994. "This city reminds me of my home, in Alexandria, Egypt," he says. "So I thought it would be a good place for my family too." Ismail came to Canada from Saudi Arabia, where he had lived and worked as an architect in a large, multinational firm. Initially, Ismail started a business which he had to close for reasons that were beyond his control. Soon, he found himself looking for a job. He sent out applications to about 30 firms here and says he did not hear back from most of them. Growing more frustrated with time, he enrolled in a program called New Beginnings, a job search workshop organized by the Metropolitan Immigrant Settlement Association (MISA). The 16 week workshop teaches people how and where to look for jobs, interview techniques and the importance of networking.

At the end of the workshop, Ismail had a work placement for six weeks at an architectural firm in Halifax. "It was a good work placement but what really made a difference was the referral that came out of it," Ismail says. Using that letter of reference, Ismail applied to companies again and has already had two interviews. "If the door was closed to me before, I think that letter opened it up a little. And that is a good start." He found that companies who did not reply to him earlier, now replied, if only to say that they would keep him in mind in the future. "They call it networking, here," says Ismail. "You need to get to know people before they will hire you. And once you know someone they know, it seems, the process becomes a little easier."

Admittedly, it is harder for some professionals, like those in medicine, to get a foot in the system. But this seems to be the unspoken rule governing the way things are done, not only in Nova Scotia but in other places as well. It's not what you know, but who you know, as the saying goes. But how do you get to know people? "There are other ways," says Jan Sheppard-Kutcher, manager of the employment services department at MISA. "Volunteering is one of them."

Sheppard-Kutcher feels networking is a powerful tool which must not be overlooked. "There is a hidden job market of jobs that are not advertised but get filled by people employers know," she explains. "It is generally known that 80 per cent of the jobs out there are from the hidden job market." This job market can be accessed through networking: knowing people who know of job vacancies.

Another way to network is to talk to people face-to-face. I.K. came here from Uganda in 1987 and says personal contact has always made a difference when she was job hunting. "Income was the first priority, of course," she says. "But I also wanted a specific environment - I wanted to work in a university and so I talked to people who did." I.K. remembers she would always try go to the university department to ask for information or an interview. "People I talked to remembered my name when I called them later to follow up," she says. "Follow-up is also key: persistence is very important." I.K. now has an administrative position with Dalhousie's faculty of computer science.

Mira Musanovic who was the work placement co-ordinator of the New Beginnings Program at MISA and had daily contact with employers says that most employers are open and willing to give the program's participants a chance. "The general response I get from employers is positive," Musanovic says. "Some go as far as to say that it is high time they hire people with fresh ideas and experience." There is light at the end of the tunnel.

### Canadian experience without a Canadian job

**M**any immigrants and newcomers to Nova Scotia have stumbled over this Catch 22 when they started to look for work in Canada. And yet, most immigrants to Canada are successful at breaking the cycle and finding work here. How do they do it? What can you do to break the cycle as soon as possible?

Start by having confidence in your own abilities. Focus on your strengths and skills and become comfortable talking about them. If you don't believe in yourself, no one else will either. Remember that in the global world we live in - having experience from outside Canada is a special asset. Speaking more than one language is an extra qualification that you bring to any job.

Experience from outside of Canada is valued, but employers here are not always that good at figuring out what you did in your country of origin. Therefore, your second challenge is to describe your previous work in a way that can be easily understood by a Canadian employer. Do some research on Canadian job titles. The National Occupational Classification (NOC) is useful for doing this. There may be several job titles used to describe the work that you know how to do. The NOC will also help you to describe your skills and duties accurately and in detail. Be as specific as possible and use action words which indicate your transferable skills.

Investigate your field here in Canada. Visit workplaces, read trade or professional journals, talk to people working in the field. Learn the special language of your occupation - the "jargon". Remember, customer service, keyboarding or driving a forklift truck are basically the same no matter where you have done them. Sometimes it's just a matter of knowing how to talk about your work. Research potential employers carefully. Approach those that you know will be interested in your skills and experience. Be ready to tell an employer what you can offer to his/her company.

There are ways to gain Canadian work experience even if you don't have a job yet. Volunteer work is one way to gain experience - and often a job (although this is only true in certain fields such as youth work, social work, recreation, education - not in private business). As a volunteer, you can choose the kind of work you do, but the experience is just as valid whether you are paid or not. Don't hesitate to accept short term or contract jobs. This gives you the opportunity to demonstrate your strengths and to get Canadian experience even if it is very brief. Temporary agencies can be particularly helpful for this purpose. Even a "survival" job can give you the chance to show your excellence as an employee. There are also employment programs which specifically address this "Catch 22" of no Canadian work experience, no job. MISA's New Beginnings Program is one such program.

The New Beginnings Program offers classroom training on job search skills and a six week work placement related to your previous occupation. Although there is no guarantee of a job - the program certainly assists people to find work. After the program, a participant has excellent job search skills, references, contacts in their field and Canadian work experience.

Finally, try asking some employers what they most expect from their employees. You'll find that most employers are more interested in attitudes than experience, anyway. A strong work ethic, reliability, willingness to learn and a friendly, positive nature are highly valued by all employers.

## A case for foreign credentials recognition

By Golda Arthur in Halifax

Many people come to Canada qualifying on the basis of their profession only to learn that this does not always mean that they can work in their profession, says Peter Rans, director of the Nova Scotia Council on Higher Education. He also represents the Atlantic Provinces on a board of the Canadian Information Centre for International Credentials (CICIC) which collects and distributes information on the recognition of international credentials in Canada.

CICIC advocates the mobility of credentials, or the recognition of educational degrees and work experience from other countries. Rans says the CICIC was beginning to process more requests for information but was running into a major problem: the answers could not be found in any one place. In Nova Scotia, in particular, more professionals immigrating to the province were frustrated by the confusing and often complicated process of getting their credentials recognized.

So Rans created a committee to deal with the problem on a provincial level, with representatives from the Department of Citizenship and Immigration and local employment counsellors including the Metropolitan Immigrant Settlement Association (MISA) and the Prior Learning Assessment Centre (PLA), both of which deal with job seekers. Then, in December 1998, MISA and the PLA Centre organized a focus group of professionals to find exactly what the situation was like for people facing barriers because of their credentials. Rans felt that more information should come to government and professional associations from individuals. "That way the people who make these decisions get an idea of what the situation is like and the message that something needs to be done goes home," he says.

But the problem is an overwhelming one to address and there are several inter-related issues, Rans explains. Each profession has its own governing body that qualifies its people. Each province has its own professional body for any one profession. Therefore, if a teacher is certified by the school board in Nova Scotia, he or she would need to be certified again to teach in British Columbia. So not only does the problem need to be solved by professional bodies, it also needs to be addressed by provinces.

Rans outlines other problems. People feel disillusioned because they say they were not told they could not work here. "But these are muddy waters, where there can be many misunderstandings," he notes. In addition, professional associations are self-regulated and rarely have to answer to other organizations. The CICIC would like the associations to agree to a set of guidelines to standardize the rules for recognizing credentials. Yet the independence of the professional associations must also be recognized.

"Nova Scotia's problem is that it has not seen so many immigrants before and thus finds itself at an early phase in its efforts to deal with it," explains Rans. Larger cities in Canada have to deal with more immigrants, so they are often more familiar with the process of translating credentials. Now, however, the situation is rapidly changing. Since we're expecting more immigrants here in the future, it's important

to put our heads together now to work out a plan," Rans says. He agrees that voices can make a difference. He explains that as more people talk about their experiences and frustrations and make their voices heard, policy-makers will begin work on solutions.

Douglas Myers who is executive director of the PLA Centre and echoes Rans' sentiments says the PLA Centre helps people to find work in Nova Scotia. "In cities facing large numbers, there is considerable pressure and growing political influence," Myers says. "Although we might have smaller numbers of immigrants, there is the same amount of wastage of enthusiastic and talented people." Myers is optimistic because he feels that this situation is open to alliances with Canadian partners. "I know this is small comfort, but there are barriers to Canadians as well," he says. "So there is room to work together."

Notes:

**1. Discrimination in the workplace:** *Canada promotes equality in the workplace and the law protects people from discrimination, although it does not interfere with an employer's right to decide who is best for the job. Laws and customs are changing to ensure equal pay and opportunities for men and women.*

*Every province has a Human Rights Commission that checks reported acts of discrimination. If you feel that you have been discriminated against because of your race, religion, origin or sex, keep a written record of your facts and later seek advice from the HRC. Furthermore, every province has labour laws designed to protect workers.*

### Income security

*Once you are employed, you are eligible to receive several types of income protection and social benefits. Of course, you contribute to some of these benefits through deductions on your pay cheque. The employer normally deducts contributions to an Employment Insurance fund from your pay cheque. If you lose your job, contact a counsellor at the nearest Human Resource Centre. You could get up to 65 per cent of your last earned pay cheque, if unemployed. However, Employment Insurance benefits are not paid to workers who quit without a good reason, who are fired for good reason or who have not worked for a specified period of time. Furthermore, Workers' Compensation and income support, or disability pension payments may be available to people who can no longer work because they have been injured on the job. Indeed, almost 30 per cent of all workers in civilian jobs are union members. In a unionised job or industry, labour and management follow laws, regulations and practices established through a bargaining process.*

## Talking about tax

By Bob Newcomb

**T**he 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 you did not immigrate to Canada until June 16, for example, your 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 you owe, don't you have to complete your tax return before you can pay the tax? 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.

Or, and the example perhaps most common, the tax payer knows that he or she will owe income tax and may wish to estimate the amount payable. This amount can then be paid as an instalment 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 "instalment payment" made reduces the chance of the tax payer being charged penalties 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.

### The T1 General personal tax return

Canadians are responsible for paying both Federal and Provincial tax on the personal income earned each year. In some provinces, however, we are 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 the local Revenue Canada office. Depending upon the types of income that you have 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 HST**

In 1990, the Federal Government created the Goods and Services Tax (GST) and began charging it on most 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. If you are settling anywhere in Atlantic Canada, it's good to know that in 1997, three Maritime Provinces introduced the Harmonized Sales Tax (HST). It combined provincial sales tax with the Federal GST, to simplify the sales tax collection system. The federal portion of this tax is still referred to as the GST.

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, Revenue Canada does not allow the tax payer to make that



calculation. You are able to make a determination to see if you qualify, but why bother? Just tick the "Yes" box and Revenue Canada 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 instalments 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**

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).

We are now allowed to carry forward this RRSP Room indefinitely, allowing us to put off, but not lose our accumulated contribution room; perhaps until the kids are grown up or the mortgage is paid off. As mentioned above, the amount that you are allowed to contribute to your RRSP or carry forward, is all based on 18 per cent of your 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. I would suggest that you talk to tax and investment professionals to learn all the RRSP details and investment options available to you.

### **Personal tax planning**

Personal tax planning should be looked at from the point of view of the family as a whole and not just individual members of the family. An important area that involves this type of tax planning has to do with what are termed as "Personal Amount Credits". The first credit that every taxpayer receives is called the "Basic Personal Amount" of \$6,456. (The Federal Budget that was just tabled in February 1999 has, however, increased this amount by \$650 effective mid-1999). This credit is applied against our income to reduce our tax liability. These credits are called "Non Refundable" because they can be used to reduce your taxable income to \$0.00, but do not create a refund for the tax payer. This credit is available to your spouse as well. If your spouse does not work, however, you are able to transfer a maximum of \$5,380 to your return to further reduce your taxable income.

Alternatively to transferring your spouse's "Personal Amount" to your tax return, if you are unmarried or separated from your spouse and have a child under the age of 19 living with you, you can take advantage of the "Equivalent-To-Spouse" amount. Simply put, because you cannot claim the \$5,380 spousal credit, (if you are single), you can apply this amount to your dependant instead, and use it to reduce your taxable income.

If you are the owner of a small business and your spouse has no income, you may want to try another approach, a common tax planning strategy called "Income-Splitting". In this situation, you would employ your spouse in the business and pay him/her a fair wage and at the same time reduce the income that you receive by the same amount. In doing so, you have not increased the gross pay received by the family from the business, however, by transferring some of your income to your spouse, the overall tax rate for the two may be lowered.

A few words of caution, however. First, when you employ your spouse, it is important that he/she must actually perform the duties and be paid a fair wage. Revenue Canada is very specific on this point. You cannot pay your spouse for work that is not performed and the pay must be in line with what a non-related employee would receive to perform the same work. Secondly, by employing your spouse, the business will most likely incur additional payroll taxes such as Canada Pension Plan premiums, and perhaps Employment Insurance premiums.

These taxes may not amount to a lot but should be taken into consideration when calculating the overall benefits of Income-Splitting. On the plus side, in addition to reducing overall family income tax, your spouse will now be contributing to the Canada Pension. He/ She now has "Earned Income" which means that they can contribute a maximum of 18% of that income to a RRSP in future years.

*Bob Newcomb is an accountant with Padgett Business Services of Halifax.*

**Notes:**

**The principal types of taxes are:**

**Federal:** *Income Tax, Goods and Services Tax (GST); Customs and Excise Duties; Oil and Gas Royalties*

**Provincial and territorial:** *Income Taxes, Retail Sales Taxes, Mining Taxes, Natural Resources Taxes, Capital Taxes*

**Municipal:** *Real Property Taxes, Business Taxes*

**Income Tax:**

Anyone who resides in Canada for 183 days or more in a year, regardless of citizenship, is considered a resident and taxed on worldwide income for the full year. A non-resident must pay Canadian tax on employment and business income earned in Canada. Income earners must complete and submit a tax return for Revenue Canada by April 30 of every year. Income is defined as earnings from employment, business, property, investment income, pensions, unemployment insurance benefits, rental income and taxable capital gains.

The federal income tax rate (1993) ranges from 17 per cent (up to \$29,590) to 29 per cent (\$59,181 and over). The provincial tax rate, with the exception of Quebec, is a percentage of basic federal tax payable.

**GST and provincial sales tax**

A seven per cent federal GST applies to most goods and services sold in Canada. The exemptions are basic foods, child care, residential rent, resale housing, prescription drugs, medical services, tuition, financial services, insurance and bus travel. All provinces, except Alberta slap a seven per cent sales tax to the retail price of goods and specified services at the time of purchase in addition to GST.

## The Legal System

Canadians are expected to be familiar with the law. (Ignorance is no excuse for committing an offence), obey the law, respect the honour system (honestly function at vending machines), report crimes. The police forces consist of : 1. The federal police force called the Royal Canadian Mounted Police (RCMP). It is under contract to enforce criminal and provincial laws in every province except Ontario and Quebec as well as provides police services to the Yukon, NW Territories and 191 municipalities. 2. The provincial police forces. 3. Municipal police force.

**You and the police**

1. Police forces exist to protect society and enforce law.
2. A police officer cannot enter your home without identifying themselves as peace officers and providing a warrant specifically naming you or your home. Article 8 and 9 of the Canadian Charter of Rights and Freedoms protect you from being stopped, searched or arrested without a valid reason.
3. Everyone in Canada is equal under the law and is entitled to fair treatment. This fundamental right is constitutionally guaranteed by article 15(1) of the Canadian Charter of Rights and Freedoms. It states: "Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."

**If detained or arrested**

1. Your right to fair treatment is protected under articles 10,11 and 12 of the Canadian Charter of Rights and Freedoms. Article 10 states that you must be told why you are being detained by the police and that this action must be approved by a judge. It also means that you must be informed of your right to contact and hire a lawyer. Specifically:
2. You must be given the opportunity to make at least one telephone call to tell your lawyer where you are and what you have been charged with. If you cannot afford a lawyer, Legal Aid will supply one for you. Legal Aid is a government-funded service.

3. You cannot be detained for more than 24 hours without being charged with a crime and brought before a judge
4. You are not required to answer police questions or discuss the crime unless a lawyer is present.
5. Be cooperative, rational and calm. Meet the officer's eyes directly. Looking away may be misunderstood as trying to conceal something.

### **The Judicial System**

The federal, provincial and municipal governments pass laws for the courts to interpret and enforce. The Canadian judicial system contains three levels: trial courts, appeal courts and the Supreme Court of Canada, which is the court of final appeal.

### **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.

Can a permanent resident be deported? Yes, but only for a serious cause. A permanent resident can be subject to enforcement action which could lead to removal from Canada in cases involving: serious crime, terrorist activities, war crimes or crimes against humanity, misrepresentation on immigration application. A permanent resident may be denied admission to Canada if considered to have given up Canadian residence because of a lengthy stay in another country. Permanent residents have the right to appeal a deportation order, unless declared by the Minister to be a danger to the public because of violent crime.

## Chapter 10

### **Guide to settlement in Canada's Cities**

**A**lthough 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.

### **VANCOUVER**

#### **Climate**

Winter (Jan – March) 0 to 5 degrees; Spring (April-June) 8 to 15 degrees; Summer (July – September) 16 to 22 degrees; Fall (October-December) 10 to 3 degrees

#### **Accommodation**

See classified section of the newspapers for rental apartments. Contact the Resident Tenancy Branch : Tel: 660-3456. 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

	<u>Standard 2-storey</u>	<u>Condominium</u>
Surrey :	\$200,000	\$ 98,000
Richmond:	\$295,000	\$170,000
North Vancouver:	\$300,000	\$175,000

### Utilities

Telephone: Call BC Telephone:	<u>643-4242</u>
Electricity: Call BC Hydro:	<u>299-0321</u>

### Education

School registration : In Vancouver, call the Oakridge Reception and Orientation Centre at 266-8376 for an appointment. In Richmond, call the Richmond School Board on 668-6000.

### Universities

University of British Columbia :	<u>228-3014</u>
Simon Fraser University :	<u>291-3224</u>

### Employment

Contact : Canada Employment and Immigration Centres at:	
Vancouver: 6464 Fraser:	<u>324-1142</u>
Surrey : 590-3346; Richmond :	<u>273-6431</u>

*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 V5G-4S8 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

<i>Trades people:</i> Training and Enterprise Centre of the Ministry of Advanced Education :	
Vancouver:	<u>660-6272</u>
Surrey:	<u>660-8944</u>
<i>Lawyers:</i> BC Law Society:	<u>669-2533</u>

*Engineers:* Association of Professional Engineers and Geoscientists, 2210 W, 12<sup>th</sup> Ave,  
Vancouver: 736-9808

*Doctors:* College of Physicians and Surgeons of British Columbia, 1807 W, 10<sup>th</sup> Ave,  
Vancouver: 733-7758

*Teachers:* College of Teachers, Suite 405, 1385 W 8<sup>th</sup>,  
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, 12 <sup>th</sup> :	<u>875-4111</u>
St. Paul's, 1081 Burrard St. :	<u>682-2344</u>
Surrey Memorial, 13750, 96 <sup>th</sup> Ave, Surrey:	<u>581-2211</u>

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:	<u>660-5888</u>
Richmond:	<u>660-9439</u>
Surrey:	<u>590-3899</u>
Vancouver:	<u>660-2397</u>

### 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 Society (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 to 17 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 Tenancy Act.

### Housing Prices

	<u>Standard 2-storey</u>	<u>Condominium</u>
Mississauga:	\$177,500	\$100,000
Markham:	\$205,000	\$155,000
Central Toronto:	n/a	\$190,000

### Utilities

Telephone : Call Bell Telephone	<u>599-3911</u>
Electricity: Call Ontario Hydro	
Toronto:	<u>592-5111</u>
Scarborough:	<u>292-1530</u>
Mississauga:	<u>279-9050</u>

### Education

Registration: The Bickford Reception Centre (East of Yonge Street) provides translation and liaison 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: Comparative 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*: Association 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, Mississauga

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, P! 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

	<u>Standard 2-storey</u>	<u>Condominium</u>
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 Edmonmton 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, 109<sup>th</sup> 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, 89<sup>th</sup> 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 assistance 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 classified 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

	<u>Standard 2-storey</u>	<u>Condominium</u>
Chomeday Laval:	\$100,000	\$90,000
St. Laurent:	\$125,000	\$110,000
St. Lambert:	\$160,000	\$110,000

### Utilities

Telephone: Call Bell Canada:	<u>287-5911</u>
Electricity: Call Hydro Quebec :	
North:	<u>381-4262</u>
East:	<u>493-9633</u>
South:	<u>521-4161</u>
West:	<u>338-1122</u>

### Education

Contact: Montreal Catholic School Commission:	<u>596-6000</u>
or Protestant School Board of Greater Montreal :	<u>483-7200</u>

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:	<u>848-2600</u>
McGill University:	<u>398-4466</u>
Universite de Montreal :	<u>343-7076</u>

### Employment

Contact Canada Employment & Immigration Centres:	
Anjou :	<u>355-3330</u>
Laval East :	<u>661-5564</u>
Laval West :	<u>682-8950</u>
Montreal Centre-Ville :	<u>283-4444</u>

Provincial government job opportunities. Contact Office Des Ressources Humaines, 2 Complexe Desjardins, Montreal : 873-7701

### Foreign Credentials Evaluation

Ministere de L'Education Equivalence d'Etudes :	<u>873-4630</u>
---	-----------------

### 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, St. Catherines St. W. Montreal: 914-1440  
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 immediately covered by Medicare. 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's Licence

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 your 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 Technologie, 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 11

# Doing business in Canada

## The legal structure

One of the first decisions to be made, when starting a new business, is the form of business structure. Several factors must be considered, namely: how many owners, how much financial risk, the extent of involvement from each partner and tax considerations. One usually adopts one of the following business structures: Sole Partnerships, Partnerships, Corporations.

**Sole Partnerships:** A sole partnership is the simplest as few legal formalities are required to create or operate one. The structure is suited to small businesses starting out with limited resources. A sole proprietor is required to register a declaration at the Office of the Registrar of Joint Stock Companies in Halifax. He or she is entitled to all business profits but also has unlimited liability for business related claims. Any individual wishing to sue the business starts a lawsuit against the sole proprietor personally. A sole proprietor's income is taxed at the individual's tax rate.

**Partnerships:** A written partnership agreement indicating the terms and conditions of the general partnership is strongly recommended. The general partnership structure harnesses the collective abilities of all partners and their combined capital resources. 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 are the chief drawbacks. This is a major distinction between partnerships and corporations. 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 in tax treatment of partnerships and corporations.

**Corporations:** A corporation is a legal entity distinct from its owners who are called shareholders. Provincial corporations 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. The most important characteristic is that liability arising from business attaches to the corporation itself and not to its shareholders, officers or directors. Those investing in a corporation usually stand to lose only the amount of their investment. Directors are at the hub of corporate power. Although they are not personally responsible for actions taken on the corporation's behalf, the Income Tax Act (Canada) and the Excise Tax Act (Canada) attach personal liability to directors of corporations with respect to unremitted taxes.

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. If there are two or more shareholders, it is advisable to have a shareholders' agreement.

**Licences and Permits :** The following business categories are among those that must be licensed under Nova Scotia statutes: 1. Collection agencies 2. Real estate agencies 3. Motor vehicle dealers 4. Direct sellers 5. Consumer reporting agencies 6. Mortgage brokers 7. Lenders 8. Lenders who are tax discounters 9. Hearing aid dealers 10. Conditional sellers.

In addition to registration and licensing, it is necessary to obtain a Business Number from Revenue Canada in order to remit HST 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. Application forms may be obtained from Revenue Canada.

*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.*

### Small Business: A Case Study in the Atlantic Provinces

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. Andre Dusablon, the Vice President & Area Manager (Nova Scotia and Newfoundland) of BDC says that 70 per cent of all its loans go to companies with less than 10 employees.

"Small business is the backbone of the economy," he says. "It's a big employer and today most of the knowledge-based companies in Nova Scotia are small business." It's just as well that the BDC should host Small Business Week once every year to salute small businesses and focus, through seminars and conferences being held across the province, on boosting productivity, seize opportunities for growth and explore the opportunities in international trade.

Dusablon says the Atlantic Provinces have posted encouraging economic results these three years. "Our currency has played a key role in this increase. But we wonder what will happen to our economy after this currency advantage gradually disappears," He makes the point that small businesses are currently on a good ride on account of the Canadian dollar's low exchange rate with the US dollar which is good for trade, but was expressing concern about how a rising dollar could affect business. As the wave of new technology opens up opportunities for companies, the

BDC says it will play a catalytic role through innovative financing. It's currently focusing on small businesses that need finance for equipment, expansion, upgrade of technology and so on.

### Where do immigrant entrepreneurs figure in all this?

The Metropolitan Immigrant Settlement Association's (MISA's) Immigrant Entrepreneur Showcase brings together several small businesses. But while there is no stereotype immigrant business, there is a greater concentration in retail, says Nabiha Atallah, the IEOP (Immigrant Entrepreneur Orientation Program) manager at MISA. This is ironic, because banks appear to dodge the borrower shopping for retail loans. "Our lending policy is guided by commercial viability. We do not lend to the person, but to the business," says Dusablon. He says that 38 per cent of BDC's new loans now go to export-oriented businesses in Nova Scotia.

Immigrant entrepreneurs tend to think of Canadian banking as "gutless". Branco Radisic, a businessman from Sarajevo who has set up Tara Trading on the Halifax waterfront says: "I got no money from the banks." Radisic sells hand-cut glass from the Czech Republic. "My shop is open and running on credit from my suppliers in the Czech republic. In Europe, you do business with people, not institutions." Radisic's experience led him to believe that banks in Canada are highly conservative. "The banks tell you they are open to new ideas, but in reality it's another story. Everyone asks for proven Canadian experience and that's a Catch 22."

Atallah too believes credit is 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," she points out.

The Bank of Nova Scotia differentiates between retail and business loans. "A retail loan is advanced on the personal capacity of the borrower to payback," says Patti Davis, Manager, Commercial Services of the VP Office of ScotiaBank. "But ScotiaBank's lending policy for small business also takes into account the owner's track record. Now the bank is constantly looking for ways to lend to small business and our new account package for small businesses is one of them." Commenting on the fact that creating credit history for new immigrant entrepreneurs is a Catch 22, Davis says establishing credit for new immigrants against cash collateral is not a problem. "ScotiaBank has done this before because we see new immigrants as clients in the future. But of course, one case is not quite like another."

Like the BDC, Atlantic Canada Opportunities Agency (ACOA) also supports small business, but the essential criteria for loan participation is part equity from the borrower, as well as commercial viability. ACOA's Business Development Program is focused on SMEs (small and medium sized enterprises) and offers access to capital in the form of interest-free, unsecured, repayable contributions. It's loan programs are more focused on manufacturing, processing, agriculture and tourism, but an underlying factor also determines how the project it finances can benefit the region.

The BDC has several loan products for small business including Micro Business loans of up to \$50,000 which are accompanied by customer training. "BDC

is a high-risk lender and can tailor-make loan products to suit small business owners who may even need repayment terms that are seasonal-business-friendly. It's just as well 46 per cent of its loans are below \$50,000 and that 48 per cent of all loans go to non-urban areas," says Dusablon.

But are immigrant businesses important enough to effect regulatory change in Nova Scotia? According to Atallah, at least 300 immigrant entrepreneurs have been coming to Nova Scotia every year since 1993. Of these, less than 100 entrepreneurs ultimately become MISA clients and it appears success rate is high. "In 1998, some 100 jobs were created and maintained by our clients alone," she says. If one was to extrapolate on that, it would seem that some 300 jobs are being created annually by immigrant entrepreneurs in Nova Scotia. The assumption is based on the fact that MISA's clients account for a third of all Metro's immigrant entrepreneurs.

The biggest challenge to immigrant entrepreneurs, Attalah says, is that of understanding "what will work" in Canada. It's something that is addressed by several business support organizations in Nova Scotia including the Centre for Entrepreneurship, Education and Development (CEED), the Canada/Nova Scotia Business Service Centre (BSC) and of course, MISA. Immigrant entrepreneurs can speak to Canada/NS BSC about licensing requirements, financial assistance, profiles of domestic and export markets, information on franchises, trade marks and Copyrights and so on.

Nova Scotia Premier John Hamm told the local paper *Touch BASE* in an interview that the Progressive Party would take away some of the regulatory burdens on small business. "The PC party will provide more opportunities for dialog with government," he said. Mr. Hamm was responding to the observation that the banks and finance institutions have restrictive credit policies – some of which are particularly unfriendly to immigrant entrepreneurs. "Nova Scotians do not understand what's involved in being a trader. It's not our culture. But that must change," Mr. Hamm said.

Nova Scotia's growing entrepreneurial society is making it necessary, consultants say, for business systems to be geared to intercultural business practice. Mourad Farid, a management training consultant says he sees the need for Nova Scotians to develop a mental frame of reference for dealing with individuals from different cultures. This should include an awareness that there are many different ways of organizing societies: different ways of living, speaking, learning, worshipping and conducting business.

## Buying a house? Investing in property?

By Don Hunt

**H**ome-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 your 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 you have determined your needs and your budget. The first thing to do is to talk to your banker who will give you a *pre-approval* for a mortgage based on your current assets and liabilities, income etc. This will be the amount they will lend you based on the information you provide. 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 the first time home-buyers and 15 per cent for second-time buyers. This means that you will be able, upon financial approval, to finance up to 95 per cent of the purchase price of your home. The banker will also give you a guaranteed interest rate for a specific period of time.

Your mortgage will be amortized (paid out) over a specific number of years (up to 25 and sometimes more). You can choose a specific term for which your interest rate will be locked in and you determine the number of years in which you wish to pay it out. Your banker will calculate your monthly payments based on the principal down payment with interest added. You can also have your municipal taxes included in the payment as well as mortgage insurance, which will pay out the

mortgage in the event of your death (or disability). This method of residential financing is typical throughout the world but is often poorly understood.

Once you have pre-approval you are ready to shop. Start by picking up the various free real estate booklets available in stores and review the classified section of newspapers. If you have Internet access, enter the web site <http://www.mls.ca> which will tailor your search to the specific area, style and price range through a series of reducing maps. It gives you all the properties on the Multiple List System (MLS) available through the various real estate agencies as well as the name and phone number of the agent who has the home for sale.

Canada, as explained in earlier notes, operates on an MLS, which means that, except in the case of exclusive and private sales, you only need to contact one real estate agent to show you any house within a given province. The vast majority of homes are listed MLS as this system obviously gives the greatest exposure to the buyer market. Unless a property is advertised as a private sale or indicated exclusive (excl) through an agent, it is an MLS and you need only work through a single agent. In some provinces, 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 your 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 Nova Scotia, 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**

Your lawyer or real estate agent will have standard "Purchase and Sale Agreements" at his or her 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 you 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 your taxes and frees up your 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 your solicitor and accountant, to the satisfactory review of financial statements for the previous three years to an independent professional appraisal of the property (if you choose 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 contaminants into the sub-soils, particularly where the contaminants 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. You, as a purchaser, do 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 you set to an agreement must be written into the agreement along with the period of time required for you or the seller to satisfy the condition.

One should never attempt to purchase an investment property without initially seeking some form of professional advice. If it is your intent to invest in real estate, you are advised to learn every trick of the investment trade. The dividends can be very rewarding. As a final word of caution, if someone approaches you with a good investment proposal, be careful. Market prices here may be substantially less than in your previous homeland. What appears to you to be an unbelievable bargain may be overpriced in the local market. There have been several persons who have made fortunes selling overpriced properties to newcomers who did not know market values. Become informed and be careful. Odds are you'll do well.

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.

One of the unfortunate aspects of the freedom we experience in Canada is that drug dealers ply their trades on some streets and this brings their clients into these neighbourhoods. In order to support their addictions, drug users resort to crime and these areas are plagued with theft, vandalism, undesirable traffic and countless social problems. 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 "caveat 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 your offer subject to bank financing (usually up to 65 per cent of purchase price) as your banker will be very cautious in lending out money on risky investments. Also ensure your offer is subject to review and *amendment* by your lawyer.

If you decide to proceed with the purchase, these conditions will allow you a few days to re-think your 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 tenants with tenure, 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.

*Don Hunt is a Realtor with Coldwell Banker and a partner in Hunt-Hintze International*

## Canada's health

Canada's healthcare compares with the best in the world. A substantial proportion of tax dollars provides funds for free hospital and in-patient care up to ward level and free services of doctors. Their services are usually available free of charge to all residents of Canada registered under the national health insurance program. This program is funded by the governments.

Canada's national health insurance program, sometimes known as Medicare, pays for most necessary medical services. You must have an official health card from the province you live in to qualify for Medicare. In order to obtain one, get an application form from a doctor's office, hospital or pharmacy. The Medicare card will be accepted throughout Canada. However, you must register again if you move to another province. It allows you to access medical services from a licensed medical doctor. Medicare does not pay for prescription medicine as well as for some medical services that include routine dental treatment, (Medicare usually only covers dental services performed in a hospital), acupuncture, prosthesis (artificial body parts), cosmetic surgery or telephone advice.

In Canada, most people choose a family doctor to consult on medical problems. This is advantageous in both emergency and routine situations as a family doctor will be familiar with your medical history. Choose a family doctor, after seeking recommendation from friends. You may also consult the yellow pages of the telephone book, where doctors and their specialities are listed as well as the languages they speak. It is your right to choose a doctor and if you disagree with your doctor, you may also seek another opinion. In most cases, patients make an appointment to see a doctor, although some clinics see patients on a first-come, first serve basis.

In case of a medical emergency, such as a heart attack, head injury or broken bones, go to the emergency department of the nearest hospital. In many Canadian cities, you can dial 911 to get ambulances and other emergency services immediately. If you are not fluent in English, take an interpreter along. The larger, urban hospitals may also be able to provide an interpreter. There is professional help even for emotional or other mental problems. The family doctor may recommend psychiatric counselling, which like other medical services, is paid for by Medicare.

Canada's public health laws protect all Canadians in many ways. Polio diphtheria, mumps, measles and chicken pox have been eliminated or reduced because of high public health standards. Ensure that your children are routinely inoculated against serious diseases that easily spread, especially diphtheria, polio and tetanus. The children cannot be admitted to school without an immunization card to prove that his or her inoculations are up to date.

Health information and advice are available free from public health nurses

or at any hospital. Health Canada and provincial departments of health provide printed health information, usually in many languages. The *Health Care in Canada* video is available, too, in many languages. Consult your local immigrant service agency for a copy.

In its 1999 Budget, the federal government announced key steps to strengthen health care in Canada, improve the health of Canadians and enhance health research funding for new initiatives. These key steps aim to provide significant new federal resources for health research and help transform the way in which Canadian health research is governed, funded and conducted. Health research has expanded beyond its traditional boundaries of basic and medical research. In the future, research teams representing many disciplines would be linked by institutes structured along thematic lines, to create powerful pan-Canadian networks of expertise in areas of importance to Canadians.

But while great strides are being made in health research, what is currently of concern to health educators in many provinces, is the need for culturally sensitive health care. This is a need triggered by the rapid emergence of new Canadians of diverse cultures, resulting in urgent calls for funding to train cultural health interpreters (CHIs). The service providers to diverse cultures say that as these communities grow, the systems that support them must also grow. The catchword to the program is sustainability. It's just as well that awareness of the need for CHIs is growing, although a lot will depend on how the other health-focused organizations see the need and urgency for sustaining the CHI project.

While the major hospitals in urban areas have realized the need for trained interpreters and cover the costs of interpretation services within the hospital, most other clinics do not have budgetary provisions to pay interpreters. What it probably boils down to is the fact that while there is some recognition of the need to include culturally sensitive health care into policy making, there is hardly a voice from the ethnic community in health care decision making.

Just as well, one of the goals of the health care reform is to involve a cross-section of all communities so as to give them control over health care decisions and to make the health care system more accountable to the community. When the Nova Scotia Council on Multicultural Health, for example, published the results of its project on how hospitals and health care agencies were addressing the health care needs of clients from culturally diverse groups, it underlined the importance of developing mechanisms to establish the partnerships between regional and community health boards and the culturally diverse communities.

The data from the cultural focus groups have revealed that the community health boards do not reflect the cultural diversity of their province. While it was recommended that the health care system should facilitate the process of including culturally diverse people on their health boards, the recruitment procedures and criteria seem to deter their inclusion. The big challenge is to find a way to partner the health care system with the ethnic communities. Most importantly, ethnic communities should be able to voice their concerns and contribute to the implementation of a multicultural health policy.

## Education in Canada

It is common to hear newcomers to Canada say that they migrated to Canada for the education of their children. The decision to migrate is not an easy one and especially for those whose value systems are diametrically opposed to Western cultures. There are underlying fears and anxieties about how the children will adapt to a Western environment. In time, however, these are problems that get addressed. Let's firstly, therefore, look at the education systems and opportunities.

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. Some courses help students get a job after they graduate from school, while 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: 1. Formal training for a skilled trade 2. Community College which offers one to three-year Diploma programs in technical or academic subjects 3. University, which offers multi-year Degree programs in arts, sciences or professional fields.

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. Halifax West High School, for example, is the most multicultural school east of Montreal with about a thousand students, two thirds of which are immigrants from about 45 countries.

### The barriers of language, colour and religion:

#### A Nova Scotia perspective

By Golda Arthur

One of the many questions we confront when taking the decision to migrate to Canada, is the one about how the children will adapt to a Western environment. Dr. Gordon Young, the Principal of Halifax West High School, the most multicultural school east of Montreal, shares a worthy perspective on the issue: "The barriers of language, colour and religion must be overcome and most of all the value systems,"

he says. "The big challenge is for Muslim children, whose value systems are diametrically opposed to Western culture. Thus acceptance is keenly sought."

But in schools such as Halifax West, Muslim students are, in fact, encouraged to wear the "hijab". Halifax West is a multicultural school where we see diverse cultures, religions and dress enriching the personality of the institution, says Dr. Young. "Our school observes the Friday prayers and celebrates Eid Al Fitr even as it celebrates Hanukkah, the Jewish festival or Easter."

The schools are challenged by occasional violence, but strict laws that even include expulsion from the education system of the province, help to prevent violence. While nobody can say that racism does not exist, school managements are quite committed to giving racism the boot. The Halifax Regional School Board has a Race Relations Officer to oversee discriminatory actions. In fact, plans were underway earlier last year to make anti-racism awareness a part of everyday education. An anti-racism awareness kit, consisting of teacher's resource materials, was being produced some months ago to be made available to school boards around the province, thus allowing teachers to incorporate anti-racism education into their curriculum.

The Multicultural Education Council of Nova Scotia (MECNS) began the project three years ago. The idea was born at a conference, when teachers voiced their concerns over a serious lack of diversity and anti-racism materials that could be used in the classroom. Teachers are reported to have told MECNS that the books they used did have a bias and were not always inclusive of other cultures.

### University life for immigrant women

Nineteen-year-old Sofia Fesshaye begins her second year at Dalhousie University this year. Sofia came with her family from Eritrea five years ago and graduated from Halifax West High School. Despite having lived here five years, Sofia does not always fit in. When she goes out with her friends, she still has to be back home before midnight, unlike her other Canadian friends. "I'm a second year student, but this is the way it is in my culture." Her choice of university was also a cultural decision: her parents would not hear of her studying outside Halifax, since they felt she was too young to leave home. But Sofia 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." So important, in fact, that Sofia plans to return to Eritrea a few years after she graduates as a pharmacist from Dal.

One of the big challenges young people face is to find a meeting ground between the culture they live in at school and the one they live in at home. There is constant and powerful pressure for multicultural kids to lose the cultural values they were raised with, especially for girls, who, in many Eastern cultures, are raised strictly and traditionally. But Sofia 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."

Halifax, for some, is a transitory city. Having to deal with an influx of new immigrants has seen its already-burdened education system struggling to keep up with the needs of these new students. In high schools, awareness of the issues faced by multicultural kids is only now beginning to increase. Only five years ago, there were seriously violent incidents between multicultural and mainstream students. Teachers are now beginning to understand that some students will need ESL help and cannot be treated like everyone else. These kids are still called slurs. But there are other, more individual problems.

On the other hand, girls, and particularly girls 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 male members. 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 Nova Scotia. This seems to be a generation of girls who have got on top of the problem. Through education and opportunity – Eastern girls are creating a future of their own that is bolder and braver than the generation before.

Ask any immigrant why he or she moved to Canada. The response is almost a stereotype: "I came for a better future - not for myself, but for my kids, you know." Immigrant or refugee, Muslim or Christian, Eastern or Western, this is the common denominator: Canada is for the kids, to make sure they have an education and the opportunity. So the difficult process of settling in begins. But as education and opportunity open up the minds of young people and show them ideas and lifestyles never seen before, the price is often high. Many young people, due to culture shock, parental and peer pressure don't get it right. Still, despite the fact that kids have their share of problems, there's a generation coming of age in Halifax.

Eighteen-year old Bodour Aubaid came to Dartmouth from Kuwait and was terrified on her first day at school at Dartmouth High. The pressure of having to fit into an alien culture hit her harder: Bodour's 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," Bodour remembers. "Now I know that they just didn't understand it. Sometimes I felt bad that I had to wear it. But then I thought, hey, it's my culture." Looking back on high school, she realizes that the reason no one talked to her was probably because she did not speak English well enough. "Once I went to ESL, people came to me and actually asked me about my culture." She plans to go to Dalhousie to study computer science and business.

Muna Chowdhury also lived in the Middle East before immigrating here. The 18-year old Bangladeshi graduated from the Grammar School and is going to Dalhousie to study medicine this year. Ambitious? "It is somewhat ambitious, but I want to be well-established and my parents want the same for me." Muna seems also to have found the balance of east-west despite the challenges. She's frank with her parents, but she is respectful too. "No sex before marriage is an important value system I hold," she says. 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."

## APPENDIX – 1

### DEFINITIONS – IMPORTANT WORDS TO KNOW

Read the following definitions carefully.

**Accompanying dependant:** A spouse or a dependant child of the principal applicant

**Arranged employment:** A guaranteed job offer from a Canadian employer that has been validated by a Human Resources Canada Centre certifying that no suitably qualified Canadian or permanent resident is available to fill the position.

**Background Check:** Checks conducted by Immigration Canada in all countries in which you and your dependents have lived, to determine if you have any arrests or convictions or are a security risk to Canada.

**Certificat de selection du Québec (CSQ):** A document issued by the Ministère des Relations avec les citoyens et de l'Immigration (MRCI), indicating that an immigration candidate has been accepted to live in the province of Québec upon arrival in Canada.

**Close relative:** The brother, sister, mother, father, grandparent, aunt, uncle, niece or nephew of the principal applicant. You must provide documents proving the relationship.

**Cost Recovery (CR) fees:** Fees established to enable Immigration Canada to recover a portion of the cost of processing an application. A refund cannot be issued should the application be refused, as the fees apply to the processing of an application and not the issuance of a visa.

**Dependant:** A spouse or a dependent child of the principal applicant.

**Dependant children:** Daughter(s) and/or son(s), including a child adopted before the age of 19, who are under the age of 19 and unmarried; or have been continuously enrolled and in attendance as full-time students in an educational institution and financially supported by their parents since turning 19 (or from the date of marriage if married before the age of 10); or are unable to support themselves due to a medical condition and are financially supported by their parents. (Note: Some disabilities may prompt a refusal for medical reasons.)

**General Occupations List:** The list of occupations that are in demand in Canada and can absorb newcomers to Canada.

**Human Resources Canada Centre:** Local office of Human Resources Development Canada (HRDC), which provides advice on local labour market conditions and job opportunities.



**Independent immigrant:** A person with specific occupational skills, experience, and personal qualifications, who meets Canada's selection criteria and is accepted to immigrate to Canada.

**Non-accompanying dependant:** A spouse or dependent child of the principal applicant who does not intend to immigrate to Canada.

**Permanent resident:** A person nominated by a province and holding a nomination certificate.

**Right of Landing Fee (ROLF):** A fee paid to obtain permanent residence in Canada. The fee is partial compensation for the many benefits and privileges that permanent resident status confers. It is to be paid by any person 19 years of age or over who is granted permanent residence in Canada.

**Spouse:** A person of the opposite sex to whom the applicant is legally married.

**Visa Office:** A Canadian immigration office outside Canada, located at a Canadian Embassy, High Commission, or Consulate.

## APPENDIX – 2

All independent applicants must also prove that they have enough money to support themselves and their dependents for at least six months after they arrive in Canada. The Government of Canada provides no financial support to new independent immigrants. You should research the cost of living in the region of Canada where you intend to live. You should take with you as much money as possible to make your initial establishment easier. You will be required to show proof of your funds. As a guide, an independent applicant is usually expected to have at least Cdn\$10,000 plus Cdn\$2,000 for each dependent. Some visa offices, particularly those where exchange controls exist, may require proof that these settlement funds have been transferred to Canada before visas are issued.

**Low income cut-off table for federal  
(Effective March 1998 to February 1, 2000)**

SIZE OF AREA OF RESIDENCE					
	A	B	C	D	E
Size of Family Unit	500,000 – and over	100,000 – 499,999	30,000 - 99,999	** Less than 30,000	Rural Area
1 person	17,409	14,931	14,827	13,796	12,030
2 persons	21,760	18,664	18,534	17,245	15,038
3 persons	27,063	23,213	23,050	21,448	18,703
4 persons	32,759	28,098	27,903	25,964	22,639
5 persons	36,618	31,409	31,191	29,023	25,307
6 persons	40,479	34,720	34,478	32,081	27,795
7 persons	44,339	38,032	37,766	35,140	30,643
For each additional person	3,860	3,312	3,288	3,059	2,668

\*\* includes cities with a population between 15,000 and 30,000 and small urban areas (under 15,000).

## APPENDIX – 3

### The General Occupations List (GOL)

To see if your skills are needed in Canada, check the General Occupations List. If your occupation is not on the list, you will not qualify, unless you have arranged employment. If an occupation is not on the list, it usually means that there are enough Canadians qualified in that occupation to meet the demands of the labour market.

It is important to remember that even if your occupation is on the list, that is no guarantee of employment in Canada. Labour market needs can change. You may not meet Canadian standards for your occupation and may need upgrading. Some professions such as engineers require applicants to meet standards set by a professional body or association, which may be different in each province. Check to see if this applies to your profession and which association you should contact. For example, an engineer should contact the Canadian Council for Professional Engineers for an evaluation of qualifications.

The list of occupations is constantly changing.

For the latest list, please check the Citizenship and Immigration Canada – web-site: <http://www.cicnet.ci.gc.ca/english/immigr/occ/occup1.htm/>

Before you choose an occupation, it is better that you refer to the NOC (National Occupation Classification). For a detailed definition of the various jobs, please refer to the web-site: <http://www.worklogic.com:81/noc/Query.htm>

NOC*	Title	Occupational Factor	ETF**
1111.2	Accountants	3	15
1431.0	Accounting and Related Clerks	1	5
2161.3	Actuaries	1	15
1441.0	Administrative Clerks	3	5
1221.0	Administrative Officers	1	7
1122.2	Advertising and Marketing Consultants	3	15
2255.3	Aerial Survey Technologists and Technicians	1	15
2146.0	Aerospace Engineers	5	17
2148.1	Agricultural Engineers	5	17
2123.0	Agricultural Representatives, Consultants and Specialists	1	17
2272.1	Air Traffic Controllers	1	15
7437.0	Air Transport Ramp Attendants	1	5
2244.2	Aircraft Electrical Mechanics and		

7315.2	Technicians	1	15
2244.1	Aircraft Inspectors	3	15
	Aircraft Instrument Mechanics and Technicians	1	15
7315.1	Aircraft Mechanics	1	15
6433.5	Airline Station Agents	1	7
2262.3	Airworthiness Inspectors	1	15
3213.0	Animal Health Technologists	5	15
5223.1	Animation Painters	1	2
5231.0	Announcers and Other Broadcasters	1	15
4169.1	Anthropologists	1	18
2211.2	Applied Chemical Technicians	1	15
2211.1	Applied Chemical Technologists	1	15
1235.3	Appraisers	1	7
2225.1	Arborists and Tree Service Technicians	1	15
4169.2	Archaeologists	1	18
2151.0	Architects	1	15
5113.0	Archivists	3	18
5131.4	Art Directors	3	15
2111.2	Astronomers	1	18
5225.0	Audio and Video Recording Technicians	5	7
3141.1	Audiologists	10	18
2244.4	Avionics Inspectors	1	15
2244.3	Avionics Mechanics and Technicians	1	15
6252.0	Bakers	1	15
1434.1	Bank Clerks	1	5
6271.2	Barbers	1	2
2221.2	Biological Technicians	1	15
2221.1	Biological Technologists	1	15
2121.1	Biologists	1	17
2148.2	Biomedical Engineers	5	17
7266.1	Blacksmiths	5	2
9491.1	Boat Assemblers	5	2
7262.0	Boilermakers	1	7
1231.0	Bookkeepers	1	7
5224.0	Broadcast Technicians	5	15
6463.2	By-Law Enforcement Officers	5	7
7272.0	Cabinetmakers	1	7
7247.2	Cable Television Maintenance Technicians	3	7
7247.1	Cable Television Service Technicians	3	7
2255.1	Cartographic Technologists and Technicians	1	15
5244.1	Carvers	1	15

6241.3	Chefs and Specialist Chefs	10	7
2134.0	Chemical Engineers	5	17
2112.0	Chemists	1	17
2231.2	Civil Engineering Technicians	1	15
2231.1	Civil Engineering Technologists	1	15
2131.0	Civil Engineers	5	17
3214.2	Clinical Perfusionists	10	15
7382.0	Commercial Divers	1	15
4212.0	Community and Social Service Workers	5	2
3131.1	Community Pharmacists and Hospital Pharmacists	1	17
2147.1	Computer Hardware Engineers	5	17
1421.0	Computer Operators	1	5
2163.0	Computer Programmers	10	15
2162.0	Computer Systems Analysts	10	15
1226.0	Conference and Event Planners	1	1
2224.0	Conservation and Fishery Officers	3	15
5212.1	Conservation and Restoration Technicians	1	7
5112.1	Conservators	3	15
2234.0	Construction Estimators	1	15
7311.0	Construction Millwrights and Industrial Mechanics (Except Textile)	10	7
7216.0	Contractors and Supervisors, Mechanic Trades	3	15
6242.0	Cooks	10	7
5223.2	Copy Stylists	1	2
5121.3	Copywriters	3	15
1244.1	Court Recorders	5	15
5244.8	Craft Instructors	1	15
5121.1	Creative Writers	3	1
0122.2	Credit Managers	3	15
5212.2	Curatorial Assistants	1	7
3222.1	Dental Hygienists	5	15
3412.0	Dental Laboratory Bench Workers	1	2
3223.0	Dental Technicians	1	15
3221.0	Denturists	1	15
1423.1	Desktop Publishing Operator	3	7
7266.2	Die Setters	5	2
3132.0	Dieticians and Nutritionists	1	17
5131.2	Directors	3	15
5131.7	Directors of Photography	3	15
2253.2	Drafting Technicians	1	7
2253.1	Drafting Technologists	1	15
4216.2	Driver's Licence Examiners	1	1

4216.1	Driving Instructors	1	1
6681.1	Dry Cleaning and Laundry Machine Operators	1	2
4163.0	Economic Development Officers and Marketing Researchers and Consultants	1	17
4162.0	Economists and Economic Policy Researchers and Analysts	1	17
1452.3	Editorial Assistants and Publication Clerks	3	5
5122.0	Editors	3	17
2241.2	Education Policy and Researchers, Consultants and Program Officers	1	17
2241.1	Electrical and Electronics Engineering Technicians	1	15
2133.0	Electrical and Electronics Engineering Technologists	1	15
7333.0	Electrical and Electronics Engineers	5	17
7244.0	Electrical Mechanics	1	7
3218.1	Electrical Power Line and Cable Workers	5	15
3218.2	Electroencephalographic Technologists	10	15
2242.0	Electromyography Technologists	10	15
6272.2	Electronic Service Technicians	1	7
4213.0	Embalmers	1	15
2148.3	Employment Counsellors	3	7
1222.0	Engineering Physicists and Engineering Scientists	5	17
6241.1	Executive Assistants	1	7
5243.3	Executive Chefs	10	7
0721.0	Exhibit Designers	1	15
4153.0	Facility Operation Managers	1	15
5243.2	Family, Marriage and Other Related Counsellors	5	18
5222.0	Fashion Designers	1	15
5131.5	Film and Video Camera Operators	1	15
5131.1	Film Editors	3	15
1112.0	Film, Television and Radio Producers	3	15
1111.1	Financial and Investment Analysts	3	17
1434.3	Financial Auditors	3	15
1114.2	Financial Clerks	1	5
1114.3	Financial Examiners and Inspectors	3	7
0111.0	Financial Investigators	3	7
1114.1	Financial Managers	3	15
	Financial Planners	3	7

6262.0	Firefighters	3	5
2222.1	Fish and Fish Products Inspectors	1	7
2272.2	Flight Dispatchers	1	15
2271.2	Flight Engineers (Second Officers)	1	15
5226.1	Floor Directors	1	15
2271.3	Flying Instructors	1	15
2148.4	Food Processing Engineers	5	17
2122.0	Forestry Professionals	1	17
2223.0	Forestry Technologists and Technicians	1	15
6272.1	Funeral Directors	1	15
7342.2	Furriers	1	2
5226.3	Gaffers and Lighting Technicians	1	15
4169.3	Geographers	1	18
	Geographic Information System (GIS)Technologists and Technicians	1	15
2212.2	Geological and Mineral Technicians	1	15
2212.1	Geological and Mineral Technologists	1	15
2144.0	Geological Engineers	5	17
2113.0	Geologists, Geochemists and Geophysicists	1	17
5244.2	Glass Blowers	1	15
2225.2	Golf Course Superintendents	1	7
6234.0	Grain Elevator Operators	1	7
5241.0	Graphic Designers and Illustrating Artists	1	7
5227.1	Grips	1	7
7383.1	Gunsmiths	5	7
6271.1	Hairstylists	1	2
7312.0	Heavy-Duty Equipment Mechanics	10	7
4169.4	Historians	1	18
4164.2	Home Economists	1	15
2225.3	Horticulturalists	1	15
4164.3	Housing Policy Analysts	1	15
6481.1	Image Consultants	1	5
4211.4	Independent Paralegals	1	7
2141.0	Industrial and Manufacturing Engineers	5	17
2252.0	Industrial Designers	1	15
7242.0	Industrial Electricians	5	15
2233.2	Industrial Engineering & Manufacturing Technicians	1	15
2243.0	Industrial Instrument Technicians and Mechanics	5	15

3131.2	Industrial Pharmacists	1	17
	Inspectors in Public and Environmental Health and Occupational Health and Safety	5	7
2262.4	Inspectors, Weights and Measures	1	15
1233.1	Insurance Adjusters	3	7
1233.2	Insurance Claims Examiners	3	7
1434.2	Insurance Clerks	1	5
1234.0	Insurance Underwriters	3	7
5242.0	Interior Designers	1	15
4164.4	International Aid and Development Project Officers	1	15
5125.3	Interpreters	1	15
1114.4	Investment Underwriters	3	7
7344.1	Jewellers and Related Workers	1	15
5123.0	Journalists	3	15
5226.2	Key Grips	1	15
2152.0	Landscape Architects	1	17
	Landscape Designers and Landscape Architectural Technicians and Technologists	1	15
2225.5	Landscape Gardeners	1	7
2225.6	Landscapers	1	7
4211.1	Legal Assistants and Paralegals	1	15
1242.0	Legal Secretaries	5	15
5223.6	Lettering Artists	3	2
5111.0	Librarians	3	18
5211.0	Library and Archive Technicians and Assistants	1	15
4169.5	Linguists	1	18
1232.0	Loan Officers	3	5
7383.2	Locksmiths	5	7
7316.0	Machine Fitters	1	7
	Machine Operators, Electrical Apparatus Manufacturing	1	2
7231.2	Machining and Tooling Inspectors	5	15
7231.1	Machinists	1	15
7332.2	Major Appliance Repairers/Technicians	1	15
5226.5	Make-Up Artists	1	15
1122.1	Management Consultants	3	15
2148.5	Marine and Naval Engineers	5	17

2115.3	Materials Scientists	1	17
2161.1	Mathematicians	1	18
2232.2	Mechanical Engineering Technicians	1	15
2232.1	Mechanical Engineering Technologists	1	15
2132.0	Mechanical Engineers	5	17
7321.2	Mechanical Repairers, Motor Vehicle Manufacturing	1	7
3211.1	Medical Laboratory Technologists	5	15
1243.0	Medical Secretaries	5	7
3216.0	Medical Sonographers	5	15
1244.2	Medical Transcriptionists	5	15
5244.3	Metal Arts Workers	1	15
2142.0	Metallurgical and Materials Engineers	5	17
2115.1	Metallurgists	1	17
2213.0	Meteorological Technicians	1	15
2114.0	Meteorologists	1	17
2121.2	Microbiologists and Cell and Molecular Biologists	1	17
7342.3	Milliners	1	2
2143.0	Mining Engineers	5	17
5227.2	Motion Picture Projectnists	1	7
7322.0	Motor Vehicle Body Repairers	1	2
7321.1	Motor Vehicle Mechanics and Technicians	1	7
2262.1	Motor Vehicles Defects Investigators	1	15
7334.0	Motorcycle and Other Related Mechanics	1	7
5212.4	Museum Extension Officers	1	7
5212.3	Museum Guides and Interpreters	1	7
5212.5	Museum Registrars and Cataloguers	1	7
2261.0	Nondestructive Testers and Inspectors	3	5
3215.2	Nuclear Medicine Technologists	5	15
3143.0	Occupational Therapists	10	17
8615.0	Oil and Gas Drilling, Servicing & Related Labourers	1	2
3233.2	Operating Room Technicians	1	15
3414.1	Orthopaedic Technologists	1	7
	Other Professional Occupations in Therapy and Assessment	10	15
7445.0	Other Repairers and Servicers	1	2
7335.0	Other Small Engine and Equipment Mechanics	1	7
	Other Workers in Motion Pictures, Broadcasting and the Performing Arts	1	15
5223.3	Paste-Up Artists	1	2

4161.3	Patent Agents	1	15
3211.2	Pathologists' Assistants	5	15
5245.0	Patternmakers -- Textile, Leather and Fur Products	1	7
1223.0	Personnel and Recruitment Officers	3	15
2145.0	Petroleum Engineers	5	17
2255.2	Photogrammetric Technologists and Technicians	5	15
5221.0	Photographers	1	2
2111.1	Physicists	1	18
3142.0	Physiotherapists	10	17
2271.1	Pilots	1	15
4169.6	Political Scientists	1	18
5244.4	Potters	1	15
7352.2	Power Station Operators	1	7
7243.0	Power System Electricians	1	15
7352.1	Power Systems Operators	1	7
5212.6	Preparators	1	7
4155.1	Probation and Parole Officers	5	7
1473.0	Production Clerks	3	5
	Professional Occupations in Public Relations and Communications	1	15
	Program Leaders and Instructors in Recreation and Sport	5	5
1224.0	Property Administrators	1	5
5227.3	Props Persons and Set Dressers	1	7
3219.3	Prosthetists and Orthotists	10	15
4151.0	Psychologists	3	18
4169.7	Psychometricians	1	18
7422.0	Public Works Maintenance Equipment Operators	1	2
1225.0	Purchasing Agents and Officers	1	15
3215.3	Radiation Therapists	10	15
3215.1	Radiography Technologists	5	15
2262.2	Railway Accident Investigation Officers	1	15
7314.0	Railway Carmen/women	1	2
7361.1	Railway Locomotive Engineers	1	7
2275.1	Railway Traffic Controllers	1	7
5131.6	Record Producers	3	15
7383.3	Recreational Vehicle Repairers	1	7
7313.0	Refrigeration and Air Conditioning Mechanics	1	7
2255.4	Remote Sensing Technologists and Technicians	5	15

7441.0	Residential and Commercial Installers and Servicers	1	2
3214.1	Respiratory Therapists	10	15
6233.0	Retail and Wholesale Buyers	1	15
6421.0	Retail Salespersons and Sales Clerks	3	2
7383.4	Safe and Vault Servicers	5	7
	Sales Representatives, Wholesale Trade (Non-technical)	3	7
4143.0	School and Guidance Counsellors	1	17
5227.4	Script Assistants	1	7
7342.4	Seamstresses	1	2
1241.0	Secretaries (Except Legal and Medical)	5	7
4216.3	Sewing Instructors	1	1
7261.0	Sheet Metal Workers	1	7
7343.2	Shoe Repairers	1	2
7343.1	Shoemakers	1	2
5223.4	Sign Painters	1	2
7332.1	Small Appliance Servicers and Repairers	1	7
4164.1	Social Policy Researchers	1	15
4164.5	Social Survey Researchers	1	15
4152.0	Social Workers	5	17
4169.8	Sociologists	1	18
2147.2	Software Engineers	5	17
2115.2	Soil Scientists	1	17
6241.2	Sous-Chefs	10	7
1121.0	Specialists in Human Resources	3	15
3141.2	Speech-Language Pathologists	10	18
5244.5	Stained Glass Artists	1	15
	Stationary Engineers and Auxiliary Equipment Operators	5	7
2161.2	Statisticians	1	18
7252.1	Steamfitters and Pipefitters	1	7
1472.0	Storekeepers and Parts Clerks	3	2
5244.6	Stringed Instrument Makers	1	15
7263.0	Structural Metal and Platework Fabricators & Fitters	1	15
5226.4	Stunt Co-ordinators and Special Effects Technicians	1	15
	Supervisors, Motor Transport and Other Ground Transit Operators	5	7
2254.2	Survey Technicians	1	15
7246.2	Switch Network Installers and Repairers	1	15
7342.1	Tailors and Dressmakers	1	2

5212.8	Taxidermists	1	7
6221.0	Technical Sales Specialists, Wholesale Trade	1	15
5121.2	Technical Writers	3	17
7246.4	Telecommunications Equipment Technicians	1	15
7245.0	Telecommunications Line and Cable Workers	3	15
7246.3	Telecommunications Service Testers	1	15
7246.1	Telephone Installers and Repairers	1	15
5125.2	Terminologists	1	18
2148.6	Textile Engineers	5	17
7317.0	Textile Machinery Mechanics and Repairers	1	7
5243.1	Theatre Designers	1	15
7232.0	Tool and Die Makers	5	15
4211.3	Trade Mark Agents	1	15
1113.2	Traders	3	7
5125.1	Translators	1	18
1476.0	Transportation Route and Crew Schedulers	3	5
6431.0	Travel Counsellors	1	15
1114.5	Trust Officers	3	7
7341.0	Upholsterers	1	7
2153.0	Urban and Land Use Planners	1	17
3114.0	Veterinarians	1	18
5226.6	Wardrobe Supervisors	1	15
7344.2	Watch Repairers	1	15
7265.0	Welders	1	15
7361.2	Yard Locomotive Engineers	1	7

## APPENDIX 4

### THE ESTABLISHMENT FUNDS CHART

All independent applicants must also prove that they have enough money to support themselves and their dependants for at least six months after they arrive in Canada. The Government of Canada provides no financial support to new independent immigrants. You should research the cost of living in the region of Canada where you intend to live. You should take with you as much money as possible to make your initial establishment easier. You will be required to show proof of your funds. As a guide, an independent applicant is usually expected to have at least \$ 10,000 Canadian dollars plus \$ 2,000 Canadian dollars for each dependant. Some visa offices, particularly those where exchange controls exist, may require proof that these settlement funds have been transferred to Canada before visas are issued.

<b>Funds Required by Independent Immigrants upon Landing in Canada To Support Self and Dependants for Six Months</b>						
Size of Family Unit	Size of Area of Residence	500,000 and over	100,000 – 499,999	30,000 – 99,999	Less than 30,000	Rural Areas
1 Person		7,238	6,563	6,448	6,032	5,468
2 Persons		9,804	8,892	8,739	8,168	7,408
3 Persons		12,939	11,778	11,585	10,862	9,893
4 Persons		14,784	13,447	13,223	12,391	11,278
5 Persons		16,899	15,438	15,194	14,287	13,070
6 Persons		18,325	16,470	16,476	15,487	14,167
7 Persons		20,411	18,705	18,421	17,539	15,937
Each Additional Persons		1,880	1,743	1,722	1,634	1,522

## APPENDIX 5

### THE SELF- ASSESSMENT GUIDE FOR THE FEDERAL SYSTEM

In order to be an independent applicant for immigration to Canada, you must be 18/19 years of age or older. You will be assessed against ten (10) criteria and will be required to obtain 70 out of possible 107 points. Independent applicants include anyone from a manual labourer to a company director. The criteria's composition and weighting are designed to meet Canada's demographic and labour market needs. The selection criterion, known as the "point system", focuses on occupation, education and training, work experience, age and knowledge of English and/or French. Bonus points are awarded if relatives in Canada are Canadian citizens or permanent residents or if the applicant is applying in the business category.

Not every independent applicant is assessed against all of the selection criteria. Applicants are rated only according to those factors, which actually affect their ability to become successfully established in Canada. For example, entrepreneurs and investors who create jobs for Canadians are not assessed for the occupation factor. Since intended occupation is not a relevant factor in selecting a self-employed applicant, it is not assessed for this category either. However, more emphasis is placed on ability and experience by making it possible to gain bonus units for being self-employed.

In order to be admitted to Canada as permanent residents, immigrants must receive a minimum number of units (see chart below). Immigrants must also have an intended occupation that is in demand or can easily be absorbed by the labour market. In most cases, applicants will also require at least one year of work experience in their intended occupation. Occupations which are in short supply in specific provinces are referred to as "designated". Additional points, as well as priority processing, are awarded to the applicant whose occupation is designated. The following chart summarizes the point system.

FACTOR	MAX	
Age	10	You will get the maximum of 10 if you are between 21 and 44. If you are under 18 or older than 48, you will get zero for age. If you are 18 or 47, you score only 4 points for age
Education	16	You must have completed secondary school to get any points for education. Secondary school completion may give you 5 or 10, depending on the level of the program. If your secondary diploma would allow you to enter university, it is worth 10 points. A non-university post-secondary diploma may be worth 10 or 13 points depending on the level. You may get 15 points for a university degree requiring at least three years of full-time study. The maximum of 16 is granted for a post-secondary degree
Education/Training Factor	18	This refers to the level of training required for your occupation and is shown in the General Occupations List. For example, a petroleum engineer may get 17 for ETF, but an oil and gas drilling labourer gets only 2
Occupation	10	The points for occupation are shown on the General Occupations List. If your occupation is not on the list, you will not qualify for immigration, unless you have arranged employment
Arranged Employment	10	This refers to a job offer validated or approved by a Human Resource Centre in Canada
Experience	8	You must have at least one year of experience in your occupation to qualify. The points given for experience are calculated based on the years you have worked in the job and the Education / Training Factor your occupation

Language Ability	15	This assesses your knowledge of English and French. If you speak, read and write English and / or French fluently, you get 15 points. If you speak, read and write only English or French, but have no or little knowledge of the other, you are entitled to 9 points. You get zero if you have no knowledge of either language or your knowledge is considered "with difficulty"
Demographic Factor	8	This number is set by the federal government
Personal Suitability	10	This refers to your ability to settle successfully in Canada, based on such qualities as adaptability, motivation and initiative. At the interview, the visa officer assesses personal suitability and awards points, usually between 5 and 7. It is extremely rare to get 10 points for personal suitability.
Relative in Canada	5	You get 5 bonus points as an assisted relative if you have a brother, sister, mother, father, grandparent, aunt, uncle, niece or nephew living in Canada as a permanent resident or Canadian. You need proof of the relationship and of the relative's status in Canada.

This section determines the principal applicant's chances of qualifying for permanent residence in Canada. If an applicant is married, either of the spouse could be the principal applicant. The spouse which will score the highest on the point system should be the principal applicant to maximize the chances of success.

But not always the principal applicant should be the spouse that scores the highest. Sometimes, it is advisable to file as the principal applicant the case of the spouse, which has a more straight-forward fact. For eg. If a couple are interested to migrate to Canada and one is a computer programmer and the other is a travel agent. If the husband did not have the formal education required of a computer programmer and is not assuming in the work place all the responsibilities of a computer programmer, he might have problems satisfying an officer that he is a computer programmer and that he is likely to be employed as a Computer Programmer in Canada. Although he would get 72 points not considering personal suitability factor, this is not a straight-forward case and the applicant might have difficulty during the interview.

On the other hand, the wife who is university educated and has had formal training as a Travel Agent, and is working for several years as a Travel Agent, fulfilling all the job descriptions required of a Travel Agent, and finally who is



working in a travel agency which is well-known, this applicant will have far less complications at the interview and could actually have her interview waived. Interviews are normally waived if an officer is convinced in his assessment of an applicant that the applicant merits without doubt all the units of assessment.

It explains the ten factors on which points are based and details how you can estimate the number of points you would earn for each factor. It also provides a self-assessment worksheet you can use to tally your results. If you score fewer than 60 points based on nine factors, excluding personal suitability, your application may not merit further consideration. Based on this self-assessment, you can decide if this is an appropriate time for you to apply. Read the explanation for each factor, on the following page, then fill in your score on the work sheet.

**Factor 1: Age**  
(Maximum 10 points)

Points are given for your age at the time your application is received

**Calculating age points**

AGE	TOTAL POINTS
16	0
17	2
18	4
19	6
20	8
21-24	10
45	8
46	6
47	4
48	2
49 and over	0
SCORE	

**Factor 2: Education:**  
(Maximum 16 points)

You have not completed secondary school	0
You have completed secondary school but in a program that does not lead to entrance to university, or does not include trade or occupational certification	5
Secondary school completed in a program that may lead to entrance to university	10
Secondary school completed in a program that includes trade or occupational certification	10
Post-secondary program completed ( for example, college, trade school or apprenticeship), which required, as a condition of admission, secondary schooling at a level that does not ordinarily allow for entrance to a university (the program must have included at least one	10
Post-secondary program completed ( for example, college trade school or apprenticeship), which required, as a condition of admission, secondary schooling at a level that allows for entrance to a university ( the program must have included at least one year of full-time	13
University degree in a program that requires at least three years of full-time study	15
Second or third-level university degree ( for example, Master's, Ph.D.)	16
SCORE	

**Factor 3: Occupation**  
(Maximum 10 points)

You must obtain at least one point under Factor 3 to be considered. If you do not score at least one point, you must have "arranged employment".

Review the enclosed general occupations list. If your intended occupation is on the list, then give yourself the appropriate points. If you cannot find your occupation, check whether there is another occupation for which you are qualified and experienced	As listed
If there is no occupation listed for which you are qualified	0
If you have arranged employment and your ETF is 15 or more	10
SCORE	

**Factor 4: Education/Training Factor  
(Maximum 18 points)**

Education/Training Factor (ETF) refers to the length of training, education and/or apprenticeship required to work in your occupation in Canada

If your occupation is listed in the general occupations list, give yourself the number of points listed under the column marked "ETF" for that occupation. If your occupation is not on the general occupations list, but you have "arranged employment" validated by a Human Resources Canada Centre, the ETF points will be shown on the notification of arranged "arranged employment"	<b>As listed</b>
SCORE	

**Factor 5: Arranged Employment  
(10 points)**

"Arranged Employment" is a guaranteed job offer from a Canadian employer that has been validated by a Human Resources Canada Centre certifying that no suitably qualified Canadian or permanent resident is available to fill the position.

If you have "arranged employment" (If you have arranged employment and the ETF is 15 or more, you may also give yourself 10 points under factor 3) or	<b>10</b>
If you are a member of the clergy and have a letter from a congregation in Canada offering you a permanent salaried position or	<b>10</b>
If you have a Family Business Job Offer from a close family member in Canada, which has already been approved by their local Canada Immigration Centre, give yourself 10 points	<b>10</b>
SCORE	

**Factor 6: Work Experience  
(Maximum 10 points)**

You must have the equivalent of at least one year's experience in your occupation to score points in this factor. If you do not, your application will be refused and you must either wait until you gain the required experience or have arranged a job validated by a Human Resources Canada Centre, which states that the prospective employer in Canada does not require you to have a year of experience. The number of points depends on the number of years you have worked in your intended occupation after completion of formal training; You will find the point value of your ETF listed beside your occupation in the enclosed General Occupations List. Calculate the number of points you would receive for experience. Find the point value that corresponds to your ETF (Factor 4) and read across to the number of years of experience you have in your occupation. This number is your score.

ETF	EXPERIENCE			
	1 Year	2 Years	3 Years	4 Years or more
<b>1 to 2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>
<b>5 to 7</b>	<b>2</b>	<b>4</b>	<b>4</b>	<b>4</b>
<b>15</b>	<b>2</b>	<b>4</b>	<b>6</b>	<b>6</b>
<b>17 to 18</b>	<b>2</b>	<b>4</b>	<b>6</b>	<b>8</b>
<b>SCORE</b>				

**Factor 7: Language ability in English and French  
(maximum 15 points)**

If you are fluent in both of Canada's official languages (English and French), give yourself 15 points. If you are not fluent in both languages, estimate your credits. Award the credits that best reflect your ability to read, write and speak English and/or French.

Skill Level	Speak	Read	Write
<b>Fluently</b>	The applicant speaks and understands oral communication with approximately the same ease as that of an articulate native speaker	The applicant reads and understands texts of a general or job specific nature, including technical instructions	The applicant writes proficiently in any context
<b>Well</b>	The applicant is able to comprehend and to communicate effectively on a range of general topics	The applicant is able to comprehend almost all documents of a general non-abstract nature	The applicant is able to write a basic report or summary relevant to their education, work or social situation
<b>With difficulty</b>	The applicant is able to communicate only in a very limited way	The applicant is able to read and comprehend only short, familiar or memorized text	The applicant is able to write only a few learned words or sentences of a familiar nature
<b>Not at all</b>	The applicant is unable to understand appropriately to spoken communication	The applicant shows no understanding of the written word	The applicant is unable to express any message in writing

See the following page for calculation of language credits

First Language	Read	Write	Speak
Fluently	3	3	3
Well	2	2	2
With difficulty	0	0	0
Second Language	Read	Write	Speak
Fluently	2	2	2
Well	1	1	1
With difficulty	0	0	0
Not at all	0	0	0
SCORE			

Add your credits: Total of read+ write+ speak= \_\_\_\_\_ (total credits)

Calculate your points as follows:

For a total of 0 or 1 credit you score 0 points

For a total of 2 to 5 credits you score 2 points

For a total of 6 to 15 credits you score the same number of points as credits

**Factor 8: Demographic Factor**

This is a number set by the government of Canada. Presently 8 points are awarded	<b>10</b>
SCORE	<b>8</b>

**Factor 9: Bonus**

**(maximum 5 bonus points for skilled workers)**

**(maximum 45 bonus points for business applicants)**

Give yourself 5 points if you, the principal applicant or his spouse, have a brother, sister, mother, father, grandparent, aunt, uncle, niece or nephew who is a permanent resident or Canadian citizen and living in Canada. You must provide documents proving the relationship; and if you are applying as an entrepreneur, give yourself 45 points; or and if you are applying as a self-employed give yourself 30 points	
SCORE	

## Factor 10: Personal suitability

Schedule I of *Immigration Regulations* requires the visa officer to assess an applicant's personal suitability at an interview with the applicant to assess the applicant and his dependant's successful establishment in Canada based on the person's adaptability, motivation, initiative, resourcefulness and such other similar qualities. This assessment rests on the judgement of the interviewing visa officer. Other attributes, admirable or otherwise, as the applicant and his dependants may display, could be used at the interview by the visa officer in his determination of personal suitability points.

A visa officer will award points for personal suitability, up to a maximum of 10, at interview. The visa officer in order to establish the personal suitability points will ask questions in order to evaluate the person's adaptability in regard to professional activity and daily activities. When assessing adaptability, the officer will consider personal qualities, motivation, knowledge of Canada, staying in Canada and links with Canada. Personal suitability has to do with the degree to which a person and his family are deemed able to settle successfully in Canada.

The visa officer will determine personal qualities by looking at such indicators as flexibility, sociability, dynamism, initiative, self-confidence, perseverance, realism and maturity. All these indicators will be evaluated in function to professional activities and daily activities.

The visa officer's assessment of a person's motivation is based on reasons motivating the applicant's immigration and reasons for establishment in Canada. In doing so, the officer will seek to know if the applicant possesses the motivation susceptible to facilitate his adaptation to Canada. This is very similar to the determination of the applicant's knowledge of Canada, where the applicant's knowledge of his job market, conditions in his intended profession or related field of work, life conditions and climatic conditions are assessed.

Finally, the visa officer will assess if an applicant has had any stays in Canada, either studying or working in the past or has he travelled in a significant manner in the past. Significant stay (travel) is a period of time spent in Canada which could have positively helped the applicant make his mind as to his move to Canada. For eg. A three day stay in Toronto, sight-seeing, could hardly convince an officer, that it was sufficient to form one's mind in relocating to Canada. At the same time, links with Canada are considered in a case where an applicant has family or friends in Canada. Please note that if an applicant has close family relatives and is entitled to the bonus 5 points, the officer would not consider this factor since this will be double counting.

In personal suitability, presence of family is considered, if these family members could not be considered at the time of application, as family members entitling the applicants to the five unit bonus points. During the interview the applicant should indicate to the officer whether or not they have a friend or distant relative in Canada. For example, if an applicant has a cousin in Canada, which is as close as a brother, because they grew up together and have always been in touch with each other, these facts should be brought to the officer's attention. This applicant

would not be entitled to the five units for family in Canada, but could certainly persuade the officer to give him a higher mark for personal suitability since someone in Canada would definitely look after this applicant's successful settlement.

## SELF-ASSESSMENT WORKSHEET: YOUR ASSESSMENT

Use this worksheet to calculate your total point score. You must have at least 70 points to qualify. If there is a difference between the points you give yourself and the points the visa officer awards you, the visa officer's assessment will prevail

FACTOR		Max pts	Your Score
1	Age	10	
2	Education	16	
3	Occupation ( You need at least 1 point or arranged employment)	10	
4	Education/Training Factor (training/education/ apprenticeship)	18	
5	Arranged employment	10	
6	Work experience ( you need a minimum of 2 points or arranged employment)	8	
7	Language ability	15	
8	Demographic factor	10	8
9	Bonus	5	
10	Personal Suitability	10	
<b>TOTAL</b>			

Notes: A visa officer will award points for personal suitability, up to a maximum of 10, at interview. With the additional points for personal suitability awarded to you by the visa officer, you will normally be required to have at least 70 points in total in order to pass to the interview stage. Remember, however, that unless you have at least 60 points on the first 9 factors, your application may not merit further consideration and you may therefore not be called for an interview.

**The minimum selection units required per category are as follows:**

Entrepreneur: 70 (if including 45 bonus points)

Investor: 25

Self-employed: 70 (includes 30 bonus points)

Skilled worker: 70

Assisted relative: 70 (includes 5 bonus points for assisted relative).

Notes: Assisted relative is the same category as skilled worker. If a skilled worker has family in Canada, and is entitled to the bonus points for relatives, they will be called Assisted Relative .

**APPENDIX 6**

**SELECTION CRITERIA FOR ENTREPRENEURS**

FACTORS	MAX. UNITS	SCORE
Education	16	
ETF	18	18
Experience	8	
Occupational Demand	N/A	N/A
Arranged Employment	N/A	N/A
Demographic Factor	10	8/10
Age	10	
Language	15	
Personal Suitability	10	
Bonus	45	45
<b>TOTAL REQUIRED</b>	<b>132</b>	<b>70</b>

**APPENDIX 7**

**SELECTION CRITERIA FOR SELF EMPLOYED**

FACTORS	MAX. UNITS	SCORE
Education	16	
ETF	18	
Experience	8	
Occupational Demand	10	
Arranged Employment	N/A	N/A
Demographic Factor	10	8
Age	10	
Language	15	
Personal Suitability	10	
Bonus	30	30
<b>TOTAL REQUIRED</b>	<b>127</b>	<b>70</b>

## APPENDIX 8

### SELECTION GRID FOR QUEBEC IMMIGRATION

<b>1. Formation</b>	10 Education – Last Obtained Diploma <span style="float: right;"><b>Max 11</b></span>			
	Secondary	3 pts	University – third year	8 pts
	Post Secondary	5 pts	University – Masters	10 pts
	University - First year	6 pts	University – Doctrate	11 pts
	University - Second year	7 pts		
	20 Second Specialty with a diploma <span style="float: right;"><b>Max 2</b></span>			
	First year formation	1 pt	Second year formation	2 pts
	30 Privileged formation <span style="float: right;"><b>Max 4</b></span>			
<b>2. Employment</b>	Job Offer (Validated)	OR 0-15 pts	Empl. & Prof. Mobility	OR 0-7 pts
	Professional Demand	0-12 pts		
<b>3. Professional Experience</b>	One point for each six months of professional experience			<b>Max 10</b>
<b>4. Age</b>	<b>Max 10</b>			
	23-30	10 pts	33	7 pts
			36	4 pts
			39	1 pt
		31	9 pts	
		34	6 pts	
		37	3 pts	
		40	0 pt	
		32	8 pts	
		35	5 pts	
		38	5 pts	
<b>5. Language</b>	<b>Max 23</b>			
	French	0-15 pts	Post secondary studies in French	2 pts
	English	0- 6 pts		

<b>6. Adaptability</b>	<b>Max 31</b>	
	Personal qualities	0-15 pts
	Motivation	0-5 pts
	Knowledge of Quebec	0-5 pts
	Or other visits	2 pts
	Family in Quebec	2 pts
	Or friend in Quebec	2 pts
	Work visit or Study visit	5 pts
<b>7. Spouse</b>	<b>Max 5</b>	
	Formation	
	Secondary	2 pts
	Post Secondary	+1 pt
	University 3 years	+1 pt
	Second specialty or Privileged formation	+ 1 pt
	<b>Max 2</b>	
	Professional Experience	
	Six months to one Year	1 pt
	More than one year	2 pts
<b>Max 2</b>		
Age		
30 years and less	2 pts	
31 to 39	1 pt	
<b>Max 8</b>		
Knowledge of French		
Comprehension Of French	0-3 pts	
Writing of French	0-2 pts	
Speaking French	0-3 pts	
<b>8. Children</b>	<b>Max 8</b>	
	Twelve or less	2 pts
	Thirteen to Seventeen	1 pt
<b>9. Financial capacity</b>	<b>Max 1</b>	
	Financial autonomy for establishment	1 pt
<b>Passing points, if with a spouse, 70 pts and without spouse, 65 pts</b>		

## APPENDIX 9

### EMPLOYABILITY AND PROFESSIONAL MOBILITY

<b>1. Formation</b>	<b>Education– Last Obtained Diploma</b>		<b>Max 11</b>
	Secondary	3 points	
	Post Secondary	5 points	
	University-first year	6 points	
	University-second year	7 points	
	University-Masters	10 points	
	University-Doctorate	11 points	
	Second Speciality with a diploma		<b>Max 2</b>
	First year formation	1 point	
	Second year formation	2 points	
	Privileged formation		<b>Max 4</b>
<b>2. Professional Experience</b>	<b>One point for each six months of professional experience</b>		<b>Max 5</b>
			<b>Max 10</b>
<b>3. Age</b>	22-30	10 points	
	31	9 points	
	32	8 points	
	33	7 points	
	34	6 points	
	35	5 points	
	Others	0 point	

<b>4. Language</b>	<b>Max 11</b>	
	<b>French</b>	<b>(Fluent: 6 pts. Well: 4 pts. Weak: 2 pts)</b>
	<b>English</b>	<b>(Fluent: 3 pts. Well: 2 pts. Weak: 1 pt.)</b>
	<b>None: 0 points</b>	
	<b>Post-secondary studies in French: 2 points</b>	
<b>Max</b>		
<b>5. Visit to Quebec</b>	<b>Visit to work or study</b>	<b>5 points</b>
	<b>Other visit</b>	<b>2 points</b>
	<b>Max</b>	
<b>6. Family or friend in Quebec</b>	<b>Family in Quebec</b>	<b>4 points</b>
	<b>Friend in Quebec</b>	<b>2 points</b>
	<b>Passing Mark 30/52 points</b>	

**APPENDIX 10****LIST OF INADMISSIBLE PROFESSIONS FOR QUEBEC**

PROFESSION	NOC
Architect	2151
Surveyor/Geologist	2154
Other health professionals in diagnostic and treatment paediatrics	3123
Lawyers and Notaries	4112
Chiropractors	3122
Dentists	3133
Denturologists	3221
Nurse	3152
Civil engineer	2131
Petroleum engineer	2145
Geologist engineer	2144
Mining engineer	2143
Kindergarten & primary teachers	4142
Specialist doctors	3111
General practitioners & family doctors	3112
Optometrist	3121
Pharmacist	3131
High school professors	4141
Soft medicine practitioners (Mid-wives/acupunctors)	3232
Bay-lifts	6461
Radiology technologists	3215
Auditor and accountants	1111
Veterinarian	3114

**APPENDIX 11****GENERAL OCCUPATIONS LIST FOR QUEBEC**

Profession	NOC
Systems Analyst	2162
Audiologist and Speech Therapist	3141
Editor with knowledge of French/English	5121
Industrial Designer	2252
Diet Technician and Nutritionist	3132
Physiotherapist	3143
Industrial Engineer (specialist in re-engineering/methods)	2141
Electrical Engineering specialist in telecommunications	2133
Aerospace Engineer (specialized in flight)	2146
Computer Engineer	2147
Machinist: Adjuster, Numeric Machinist	7231
Machinist Adjuster	7232
Specialist in analysis of methods and procedures	1122
Computer Programmer (Specific/Application programming)	2163
Technical Sales, Wholesale	6221
Technician in applied chemistry, specialist in food industry	2211
Industrial and fabrication technician, specialist in automation (programming numeric machines)	2233
Technician in mechanical engineering (mechanical/electro-mechanical)	2232
Industrial Instrument Technician and Mechanics	2243
Translators and Interpreters (French & English), Interpreters of conference (French & English)	5125







Sam M. Bayat, B.Sc., L.L.B., is a Quebec licensed attorney with background in international law and is specialized in immigration law of Canada. He has an experience in immigration consultancy for over ten years. He is a registered lawyer with both the Quebec Bar and the Canadian Bar Association (Quebec and British Columbia Immigration sections) and was the former president and vice-president of the Canadian Bar, International Section in Quebec. He had lectured in International law at the Concordia University in Montreal. He is the senior resident lawyer of the law firm, Canadian Legal Services (CLS) in Dubai.

Sam Bayat's involvement with immigration started many years ago as a consultant, even before he started his legal studies, helping the immigrant community in Quebec. He himself is an immigrant, who migrated to Canada in August 1974 from Iran with his parents. His father was a retired pharmacist who had planned to settle his family in the bi-lingual province of Quebec. Sam Bayat's family established themselves first in Montreal and then quickly moved to the rural areas of Quebec. His mother, one of the early translators and immigration consultants, paved the way for her son's involvement in the immigration field.

As the pace of immigration to Canada out of the Middle East stepped up, Sam Bayat set up Canadian Legal Services in Dubai. CLS is a division of Bayat & Associates, an international law firm, working with a worldwide network of law firms, legal professionals and trade consultants, around the world. 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.