**Response to OHCHR Questionnaire on Migration – Canada**

There are many good global examples of principles, practices and policies on safe, orderly, regular migration and, while Canada is pleased to learn from other countries and share its own approaches, we are concerned that this exercise duplicates the process to develop the Global Compact on Migration, particularly the intention of the thematic consultations. The information provided in this submission is drawn directly from the materials Canada has prepared to support our participation in these consultations.

Canada’s approach to the Global Compact on Migration and to other international migration discussions and initiatives is to propose concrete, practical and actionable ideas for addressing global and regional migration challenges. In particular, **Canada places great importance on developing comprehensive, planned national migration systems.** From our perspective, this type of system includes diversified and expanded regular migration opportunities (for work at all skills levels, study, and family unification, as well as regular humanitarian pathways), improved treatment of migrants in transit and upon arrival, better managed entry and stay, honouring of obligations to admit returning nationals, and improved integration mechanisms.

In Canada, this involves a planned, transparent, whole of government and whole of society approach involving extensive consultations:

* + **Planning**: Canada sets its immigration levels annually for admissions under work, study, family unification and humanitarian streams. These numbers are based on extensive consultations, and a transparent process that involves tabling an immigration report in Parliament each year.
  + **Evaluation and reporting:** Canada regularly evaluates its immigration programs and uses the findings to make improvements. These evaluations are published online.
  + **Whole of Government approach**: In Canada, the responsibility for all aspects of immigration is shared across the federal government, and interdepartmental working groups ensure the proper horizontal alignment of policies, plans, and programs.
* **Whole of Society approach and extensive consultations**: To ensure the successful settlement and integration of newcomers, the Government of Canada relies on broad consultation and engagement withsub-national governments, the private sector, civil society organizations, and citizens. Civil society is a critical stakeholder to immigration, and is bringing vital insights and contributions to Canada’s work on the Global Compacts.

Canada’s comprehensive, planned, national system of migration is supported by the principles, practices and policies that have been shared throughout the Global Compact on Migration process.

**Response to Thematic Areas**

**1. The promotion and protection of human rights of all migrants, regardless of status, as well as ensuring social inclusion and cohesion and addressing all forms of discrimination, including racism, xenophobia and intolerance**

This section provides information on Canada’s efforts in promoting and protecting the human rights of all migrants and ensuring social inclusion and cohesion.

**Human Rights**

* Canada has a strong legal and policy framework for the promotion and protection of human rights, overseen by an independent courts system. The human rights of all persons, including migrants, are protected under the *Canadian Charter of Rights and Freedoms* and recognized in international human rights instruments to which Canada is a signatory. Compliance is entrenched within Canada’s *Immigration and Refugee Protection Act*. These protections are part of a broader legislative and policy framework, including the *Employment Equity Act*, the *Citizenship Act*, and the *Multiculturalism Act*. Human rights commissions across Canada also engage in advocacy, education and community outreach on issues including systemic and institutional racism. The Government of Canada also engages regularly with civil society organizations to discuss Canada’s responses to global migration issues, including with respect to human rights.
* The Canadian Border Services Agency (CBSA) is required by law to consider all reasonable alternatives before detention. Detention is a measure of last resort.  In the majority of cases, individuals are detained for only a very short time. Every decision to detain an individual is subject to immediate and regular legal reviews by a duly appointed and properly trained member of the Immigration and Refugee Board (IRB). The IRB is an independent tribunal focused on immigration law. In reviewing detention cases, the IRB has the full authority to release the individual, identify future conditions for release, or maintain the detention.
* Canada condemns racially and religiously motivated crimes and acts of violence. Its criminal justice system protect citizens and migrants alike against all forms of discrimination and intolerance.
* Canada’s view is that comprehensive, planned national migration systems foster racial and cultural diversity, and resist xenophobia. Canada is also of the view that the use of pejorative terminology in national rhetoric undermines the dignity of migrants, polarizes international dialogue and perpetuates xenophobia.

**Social Inclusion and Cohesion**

* A key aspect of Canada’s migration policy is the expectation that newcomers will form an attachment to Canada and become naturalized. Integration is a reciprocal responsibility and requires the adaptation of both newcomers and Canadian society. For Canada, immigration is a path to nation-building, and requires appropriate support for newcomers and for receiving communities.
* Canada’s Settlement Program provides pre- and post-arrival support to refugees and other migrants to help them participate in economic, social, civic and cultural life. The Settlement Program has a budget of over $600M (outside of Quebec) and is delivered through partnerships with more than 500 third-party service provider organizations across Canada. This wide dispersal of services ensures a national approach that also responds to local conditions and demographics. Settlement services include **information and orientation** to help newcomers make informed decisions and better understand Canada’s laws and institutions; needs assessment and referral services to settlement and other community-based services; **language training** to help individuals manage their lives and find work; **employment services** such as job search orientation, employer connections, and referral services; **community connections** to foster interaction between newcomers and Canadians and create welcoming institutions and communities; and **support services** such as child care, crisis counselling, and transportation for persons with disabilities to facilitate access to settlement programs.
* Canada’s Settlement Program also includes enhanced services for the most vulnerable, including refugees, women and girls, seniors, LGBTQ individuals, and youth. These groups are more likely to face barriers related to low income, social isolation, poor health and access to housing. Certain ethnic minorities are much more likely to report being victims of discrimination. Settlement services are provided both pre- and post-arrival, through online resources, publications, in-person services, and through referrals to community supports. Services are not mandatory and are also available to permanent residents and protected persons.
* Integration is not viewed solely as the responsibility of the federal government: Canada takes a whole-of-society approach with a number of stakeholders playing a role in promoting a welcoming society. It is critical to engage national and sub-national governments, municipalities, educational and other public institutions, the private sector, community organizations, and individuals. All of these players are needed to build community connections, mutual trust, social cohesion, attachment, and a sense of belonging.
* Some of the best examples of inclusion and integration come from community-based partnerships, school-based outreach programs, and employment. These foster inclusive communities and improve settlement and integration outcomes. Living, working, studying and socializing with newcomers, particularly from a young age, builds trust, understanding, and rapport.
* Two examples are:
  1. The Local Immigration Partnerships (LIPs), which are community-based partnerships that enhance collaboration, coordination and strategic planning at the community level in order to foster more welcoming and inclusive communities and improve settlement and integration outcomes.
  2. The Settlement Workers in Schools (SWIS), which is a school-based outreach program involving school boards, police services, the federal immigration department and other stakeholders and is designed to help newcomer students and their families settle in their school and community.
* Several OECD reports on education and diversity further illustrate the success of school-based integration approaches: <https://www.oecd.org/pisa/pisaproducts/46580959.pdf>, <http://learningisopen.org/oecd/canada.html>
* A whole of society approach also helps combat xenophobia, as it brings together newcomers and established Canadians and promotes a healthy respect for diversity. Inclusive laws and policies, as well as enabling programs are in place to support this approach. These include, inter alia, the Canadian Charter of Rights and Freedoms, human rights legislation, the Citizenship Act, the Multiculturalism Act, the Immigration and Refugee Protection Act and the federal Employment Equity Act.
* Immigrants to Canada have high levels of citizenship acquisition, civic participation and a sense of belonging. As well, the economic and educational outcomes of the children of immigrants are at par or exceed those of their Canadian-born counterparts. Immigrants continue to face challenges with foreign credential recognition, particularly those in licensed professions. This is due to the different jurisdictions and regulatory bodies involved in licensure. The federal government works with partners at several levels, as well as with regulators, to improve the participation of newcomers in the Canadian labour market, so that internationally-trained individuals can put their education and experience to use in jobs commensurate with their qualifications. Overall, the civic participation of immigrants is at par with the Canadian-born population, with a comparable voting rate, and 90% of recent immigrants, including refugees, report sense of belonging to Canada. Other levels of government provide complementary integration programs in the areas of education, health, and labour market access.

**2. Addressing drivers of migration, including the adverse effects of climate change, natural disasters and human-made crises, through protection and assistance, poverty eradication, conflict prevention and resolution**

* Canada is a member of the Steering Committee for the Platform on Disaster Displacement, which was launched on 23 May 2016. The PDD through enhanced cooperation, coordination and action aims to improve the protection of disaster displaced persons while promoting concerted efforts at the national, regional and international levels and among stakeholders. It aims to deal with a broad range of policy and action areas including humanitarian assistance and protection, human rights, migration management, refugee protection, disaster risk reduction, climate change mitigation and adaptation, and development.
* Canada endorsed the *New Deal*[[1]](#footnote-1)and currently sits in the Steering Group of the IDPS as one of the donor representatives (along with Australia, EU, Finland, Germany, Sweden, Switzerland, UN, US, and WB). Canada also supports UN peacekeeping and peacebuilding efforts as well as the Women, Peace and Security Agenda.
* Canada’s national action plan on women, peace and security (2017-2022) takes a whole-of-government approach to ensure that women are fully included in the development of sustainable interventions in fragile and conflict-affected states. It includes targets and activities for development assistance, humanitarian action, and peace and security initiatives. Annual public reports and close collaboration with civil society organizations will help to report on Canada’s progress.
* A key Canadian conflict prevention tool is the Peace and Stabilization Operations Program (PSOPs) launched in August 2016. The program brings together policy, projects and operational deployments to address the full spectrum of conflict. It also coordinates whole-of-government responses to conflicts and crises around the world. Canada has also refocused its international assistance towards helping the poorest and most vulnerable, and supporting fragile states.

##### Canada’s international humanitarian assistance programming aims to save lives, alleviate suffering, and maintain the dignity of those affected by conflicts, acute food insecurity, and natural disasters by providing principled, timely, and needs-based responses for food, water, shelter, protection and other humanitarian assistance.  Within this humanitarian assistance programming, Canada supports partners to build the resilience of those affected by conflict, acute food insecurity, and natural disasters, helping to reduce vulnerability and exposures to risks.  Global Affairs Canada also provides long-term institutional support to key humanitarian assistance partners to support their ability to fulfill their mandates.

* Canada is exploring options to expand multi-year planning and funding to other protracted crises to better link humanitarian and development action in a growing number of contexts.
* Canada played an active and positive role in the negotiations to draft the September 2016 New York Declaration for Refugees and Migrants, which included a broad range of commitments towards supporting durable solutions and providing sustainable support to migrants and other vulnerable people on the move. Further, Canada committed CAD$37.8M in unearmarked funding over three years to UNHCR, to better enable the agency to move ahead with its refugee assistance, protection and solutions mandate.
* On 26 November 2015, Canada announced a contribution of $100 million to UNHCR to support the Syria response. This included $2 million to support UNHCR’s activities in European countries hosting Syrian asylum-seekers and which are eligible for Official Development Assistance (ODA).
* In 2016, Canada provided $1 million towards UNHCR’s North Africa Regional operations, which included UNHCR’s Special Mediterranean Initiative to better understand the reasons behind irregular migration movements across the Mediterranean.  In addition, that same year, Canada provided $2.4 million in humanitarian assistance funding to address the needs of conflict-affected people in Libya, including migrants.

**3. International cooperation and governance of migration at borders, in transit, at entry, and in relation to return, readmission, integration and reintegration**

* Canada is supportive of international cooperation to address migration issues and is keen to work with the international community on migration governance. In this vein, Canada is an active participant in regional and multilateral meetings and forums on international migration, for example: at regional consultative processes (RCPs) such as the Regional Conference on Migration (RCM) and the Intergovernmental Consultation on Migration Asylum and Refugees (IGC); international meetings such as the UN General Assembly, the UN Summit on Refugees and Migrants, the process to develop the New York Declaration, the processes to develop the two Global Compacts, work towards Agenda 2030, and key UN meetings such as those convened by the IOM, ILO, UNODC, and OHRCHR/HRC; and at international forums such as the Global Forum on Migration and Development, where we have co-hosted roundtables with other states.
* Canada shares lessons learned, good practices and builds capacity with other states through these mechanisms, including on effective border management, returns, readmission and reintegration. For example:
* Multilateral partnerships around implementation of the Convention against Transnational Organized Crime and its Protocols on Trafficking in Persons and Smuggling of Migrants and other migration-related protocols;
* Capacity-building in other countries to strengthen institutional capacity to prevent trafficking and smuggling, strengthening travel document security to facilitate cross-border movement and combat people smuggling;
* Agreements and MoUs with international partners, including the United States, on information sharing for immigration and border management purposes; and
* Trade-related mobility agreements such as CETA; NAFTA; and various bilateral Free Trade Agreements.
* Canada’s approach to border management is based on the following principles:
* Transparent and non-discriminatory conditions for entry and stay;
* Access to a non-discriminatory refugee assessment determination process for asylum seekers;
* Well-defined grounds for refusal of entry;
* Mandatory return policies that are transparent and fair;
* An appeals process for denial of immigration claims; and
* Alternatives to detention, such as housing with family or in community organizations. Detention is considered as a last resort, especially for vulnerable groups such as children, pregnant women, elderly persons, persons who are ill or disabled, or persons with behavioural or mental health issues. Detention can impact families and needs to be appropriate to family needs. Parents, notably mothers, always accompany their children. Immigration holding centres have separate living areas for families and, if they are held more than seven days, children have access to educational services.

**4. Sustainable development and migration, including harnessing the contributions of all migrants and ensuring portability of earned benefits**

* Volunteers for International Cooperation and Empowerment (VOICE), run by the non-governmental organization CUSO International, is an example of programming funded by Global Affairs Canada to better engage skilled volunteers, including diaspora individuals.
* On the trade side, some international business development tools designed for small and medium enterprises are well suited for diaspora businesses. This includes CANEXPORT, a program that provides matching contributions from $10,000 to $100,000 toward export development costs (e.g. travel to target markets, participation at trade fairs and on trade missions, adaptation of marketing tools for a new market, etc.). Canada’s Trade Commissioner Service provides export market advice and guidance, and identifies business opportunities for Canadian firms.

**5. Identification, protection and assistance in the context of smuggling of migrants, trafficking in persons and contemporary forms of slavery**

* Diversifying and expanding regular migration opportunities (for work, study or family unification – as well as regular humanitarian pathways), improving the treatment of migrants in transit and upon arrival, and better managing entry and stay while improving return and reintegration mechanisms in more countries around the world can help in the management of large movements and crisis responses. It can also help migrants who are desperate to improve their livelihood avoid resorting to clandestine movement.
* It is difficult to estimate the full extent of human trafficking within Canada due to the clandestine nature of the crime and the reluctance of victims to come forward to law enforcement, particularly those fearing deportation. Canada’s response to trafficking and smuggling has followed a multi-disciplinary and collaborative approach that has included collaboration with provinces and territories, Indigenous communities, law enforcement, civil society organizations, as well as international partners.
* Foreign nationals who may be victims of human trafficking can be issued a Temporary Resident Permit (TRP) that authorizes them to remain in Canada for a period of reflection time. TRP holders are eligible to apply for a fee-exempt work permit and have access to Canada’s Interim Federal Health Program. Following the money trail to detect and investigate human trafficking is proving to be an effective strategy to identify potential victims. Launched in early 2016, Project PROTECT, a public-private sector initiative has gathered the major Canadian banks, the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) and law enforcement to support the identification and reporting of financial transactions suspected of being related to human trafficking.
* The CBSA has developed a human trafficking online course targeted to staff involved in the prevention or interception of potential human trafficking cases. With respect to temporary foreign workers, Canada liaises with source countries of potentially vulnerable foreign workers employed as caregivers and seasonal agricultural workers to increase awareness of available resources within Canada and enhance protections.
* Canada has programs that equip potential migrants with accurate information about the dangers of being smuggled and the risk of being trafficked, the reality of employment in destination countries, and the regular migration pathways available. Research shows that conditions in the destination country (work, legal status) are a strong influence on whether to leave or return to one’s country of origin.
* Canada funds capacity-building projects to help prevent the smuggling of migrants. These are implemented by experienced multilateral and international partners such as the United Nations Office on Drugs and Crime, the IOM, and Interpol. Canadian government agencies such as the Royal Canadian Mounted Police and the Canada Border Services Agency also provide a substantive role in delivering this programming.
* Anti-smuggling projects that have achieved tangible results, includes supporting the IOM to train more than 7,000 Southeast Asian immigration, border management and law enforcement officers, in areas such as document examination training to better intercept imposters and detect fraudulent travel documents that facilitate migrant smuggling. Part of this work includes the proactive sharing of information that can be used to intercept organized human smuggling and trafficking groups.
* Over the past several years Canada’s Labour Program has partnered with the Royal Canadian Mounted Police to raise awareness on human trafficking for forced labour among our provincial labour inspectors and other labour officials, including providing information about possible signs and indicators of human trafficking and possible areas of cooperation between federal, provincial, territorial labour officials, law enforcement and other implicated parties. The sessions include information such as basic awareness, intelligence, and key indicators of human trafficking for forced labour, industries and workers at risk, as well as various case studies. Since migrant or foreign workers are potentially at risk, raising awareness among front line labour inspectors may help mitigate the risk and identify potential victims. Awareness sessions have taken place in five provinces since 2010. Approximately 1,000 labour officials have benefited from the sessions so far.

**6. Irregular migration and regular pathways, including decent work, labour mobility, recognition of skills and qualifications and other relevant measures. *Please note: Canada has provided information under this section based on the full thematic title, rather than the title included in the request.***

* Canada has in place a comprehensive, planned national migration system that includes diversified pathways to migration for work at all skills levels, for study and family unification, and for humanitarian purposes. Canada’s system also considers the special needs of migrants in transit and upon arrival, well-managed entry and stay, honouring of obligations to admit returning nationals, and reintegration mechanisms. Canada’s comprehensive system benefits from whole-of-society engagement as well as a long-term vision for migration.

This type of comprehensive system helps to:

* reduce the vulnerability of those on the move and provide them with alternatives to dangerous, irregular movement;
* reduce pressures on asylum and refugee systems;
* improve state and international capacity to respond to large movements and crises;
* improve the developmental potential of migrants;
* assist in the effective integration of newcomers;
* harness the human potential currently being untapped or even lost by many countries; and
* protect the safety and security of citizens and residents.
* Legal channels to study, work, and live in Canada include:
* Permanent residents – these are foreign nationals who commit to settle in Canada and may be eligible for citizenship. Immigrants are selected under three broad categories: economic, family and humanitarian. An Immigration Levels Plan, which sets an annual target range for how many immigrants per category will be admitted, is approved by Cabinet and tabled in Parliament annually.
* Temporary residents – these are foreign nationals who visit, study or work in Canada for a limited time.  Canada has no planned limits for the entry of temporary residents.  Eligibility requirements for admission under each category are clearly defined in the Immigration and Refugee Protection Act and its Regulations.
* Pathways to citizenship are offered to Permanent Residents through the Citizenship Act.
* The Canadian system is based on an annual immigration levels plan that sets out the number of permanent residents to be admitted each year in the economic, family reunification and humanitarian categories. It is consulted widely with provinces, territories and key stakeholders and considers labour market needs, and the capacity of settlement and integration service providers. In this way, Canada calibrates the pace and mix of new immigrants to achieve positive outcomes.
* Canada’s comprehensive, planned national migration system includes asylum seekers, whose eligibility for refugee status or other forms of protection are determined under the Convention Against Torture. Asylum claimants can seek recourse if their claim is unsuccessful.
* In terms of international engagement, in 2016 Canada announced that it will contribute a total of $5.5 million over five years to support regional efforts aimed at strengthening policies and protection for migrant workers, particularly women. In partnership with the International Labour Organization (ILO), this Canada-Association of Southeast Asian Nations (ASEAN) project promotes regional policy dialogue and evidence-based policymaking among ASEAN member states in collaboration with employers’ and workers organizations on issues such as social protection, remittance costs, and mobility opportunities.

**Foreign Credential Recognition**

* Canada places a great deal of importance on the attraction, selection and integration of skilled individuals, recognizing that this is one of the country’s greatest competitive advantages internationally.  Canada is committed to working with partners and stakeholders to break down barriers to integration, which includes the recognition of foreign credentials.
* Recognition of credentials for regulated occupations, such as lawyers and physicians, is mainly a sub-national responsibility that is mostly delegated, in legislation, to professional regulatory bodies that have the primary responsibility for establishing occupational standards.  The federal government plays a facilitative role to foster the development of consistent, national approaches to the integration of internationally-trained workers into Canadian society and the labour market.
* To this end, the Forum of Labour Market Ministers has developed the Pan-Canadian Framework for the Assessment and Recognition of Foreign Qualifications. This Framework articulates a joint vision for federal, provincial and territorial governments to take concerted action to improve the integration of internationally trained persons into the Canadian labour market.
* The Framework applies to all regulated occupations, and federal, provincial and territorial governments have targeted 24 occupations (19 professions and five trades) as the focal point for government action. A regulated occupation is one where a regulatory authority sets requirements for a certificate or other form of recognition that allows for either practice or use of a title, such as in the case of doctors, lawyers, nurses or welders. Since the launch of the Framework in 2009, government representatives of labour, immigration, and health departments have worked collaboratively towards the enhancement of foreign-qualification recognition processes across Canada so that internationally trained individuals can integrate more quickly.

1. The New Deal is an agreement between fragile and conflict-affected states, development partners, and civil society to improve the current development policy and practice in fragile and conflict-affected states. It was developed through the forum of the International Dialogue and signed by more than 40 countries and organizations at the 4th High Level Forum on Aid Effectiveness on November 30th 2011 at Busan, Korea. [↑](#footnote-ref-1)