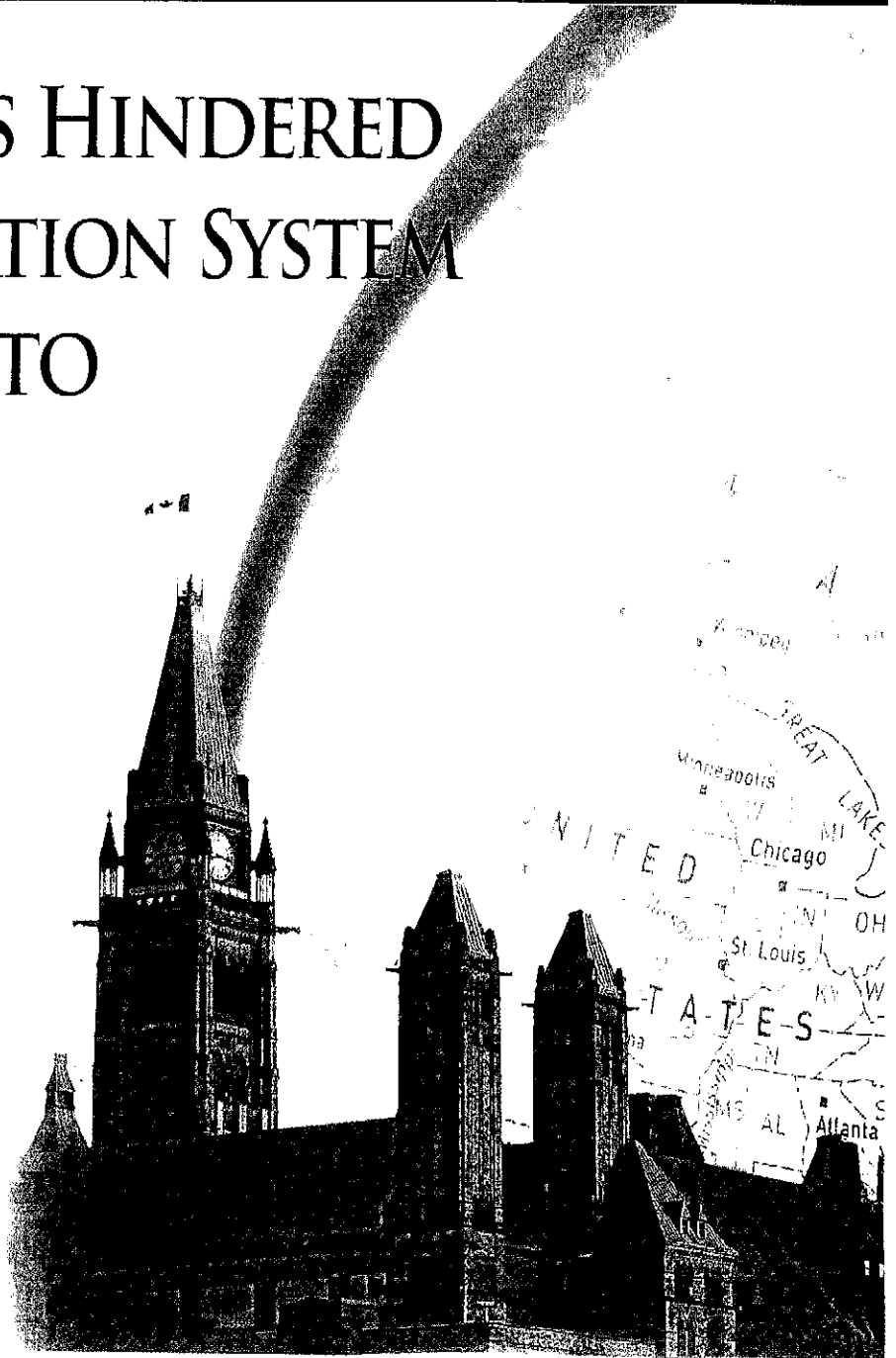




PRACTITIONERS HINDERED BY AN IMMIGRATION SYSTEM UNRESPONSIVE TO CANADIAN INDUSTRY

We live in the second-largest country in the world, a country sparsely populated with a birth rate far too low to ensure continuity of labour supply to keep the Canadian economy operating effectively. Employers in all industries are facing, or will soon face, difficulties in finding skilled workers and, for the most part, those employers are suggesting that much needs to be done to existing government policy if they are to combat this imminent shortage.

For a fresh perspective on the dichotomy between government policy and industry needs, and what needs to be done to bridge the gap caused by it, it is important to talk to some of the "middlemen";



the lawyers and immigration officials who work with employers and immigrants to wade through the government red tape.

"The most noticeable deficiency in the current immigration process is the lack of recognition of the needs of the employers," says Howard Greenberg, specialist in Immigration Law and Partner at Greenberg Turner, adding, "it should be made clear that employer preferences are a paramount consideration."

Greenberg's view of the government's involvement in immigration is one shared by most in similar positions who find their work constantly hindered by an immigration system that they believe is unresponsive to the realities of Canadian Industry. Sergio Karas, Immigration Specialist at Karas and Associates, has spent a great deal of energy lobbying on behalf of the Canadian Employee Relocation Council (CERC) for better worker mobility. He is pushing for government to step back from their roles as "gatekeepers" and become more proactive in responding to Canadian manpower needs. Claims Karas, "We need to do a much better job of including the needs of industry in our immigration considerations for temporary entry to Canada. We need to get workers in quickly and into sectors where they are obviously needed."

But while it is widely agreed that businesses must have more influence in immigration matters, it is also critical that the process not

become slower as a result. Nan Berezowski, business immigration lawyer at Re kai and Frankel, has worked for a number of years in her role as middleman between Government and employers towards the more efficient and more strategic movement of workers to and from Canada. In her role, and also through her involvement as chair of CERC's Advocacy and Governmental Relations Committee, Berezowski has often seen qualified skilled workers fail to reach their destinations due to lengthy permit negotiations and immigration decisions. "Timeliness is a huge factor," says Berezowski. "It's one of the biggest stresses in the process." While the Government can play a key role in expediting the work permit process, so too can employers do their share by ensuring that they are keeping up with the process. This, and ensuring that all relative paperwork is handled correctly, says Berezowski, will help considerably towards making the process easier and more efficient.

One of the more popular ideas for expediting worker movement between Canada and other countries, however, is to streamline the immigration process itself by developing unified system of identifying needs and transferring workers. "Human Resources Skills and Development Canada (HRSDC) and Citizenship and Immigration Canada (CIC) must publish clear and concise priorities and processing instructions for their officials to follow," says Howard Greenberg.

"This would serve to make the process more transparent and standardize processing across Canada." As well as standardizing policy and procedures in this fashion, Greenberg also calls for more flexible CIC policies for shorter-term entry. One aspect of such a policy, he explains, is encouraging the CIC to authorize two-year work permits that would allow workers to train in Canada and obtain licensing. This, he says, would help workers enter their occupation immediately upon entering Canada as an immigrant.

Another means to work towards more fluid border entry, says Karas, is to re-evaluate the restrictions set out by the existing North American Free Trade Agreement (NAFTA). "NAFTA was last updated in 1993," notes Karas. "It needs to be updated again to reflect the realities of the workforce today." Many believe that NAFTA is long overdue for change. According to Karas, Canada would benefit greatly from expanding the definition of professionals in the current policy and redefining basic requirements such as educational standards. As it stands now, NAFTA limits the free movement of workers through antiquated definitions, which are working to turn back skilled workers who would otherwise be an asset to the Canadian labour force. "NAFTA allows for some wonderful advantages," admits Berezowski, adding, "But it's getting a little long in the tooth. The Government is behind the times. They need to keep up." As an example, Berezowski points to the current preference in NAFTA for "computer systems analysts" – a profession all but extinct or replaced by others in today's market. By revisiting NAFTA, and retro-fitting it to address the needs of today's economy, Berezowski and others are confident that the Canadian employers will have better access to the specific professionals they are looking for.

Further to this, Karas believes that the federal government could also be doing more to coordinate with other countries for the purpose of drawing from their supply of

eager and highly skilled labour force. Specifically speaking about our neighbours to the south, Karas insists: "We need Canadians to have better access to the U.S. market and vice-versa." As it stands, Karas believes that there are far too many areas of disconnect between Canadian and American policy that cause undue stress, both financially and logistically, for skilled workers attempting to cross borders. "The taxation system is a disincentive to the retention of very bright international talent," says Karas, pointing out one such area. "We are too heavily taxed on the individual level and corporate level." Similarly, Canada's insurance rates and educational standards are two other systems that, if adapted to match up closer to other countries, would do a lot to attract talent to our side and keep our businesses competitive in a global economy.

On a similar topic, Karas suggests, "Canada needs to sign more bi-lateral agreements with select nations such as the U.K. which come with a ready supply of highly skilled professionals and trades-people." But aside from drawing resources from these other countries, Karas also recommends that Canada learn from the European Union's model of free mobility between its countries. While not perfect, it is a model that he believes can serve as a blueprint for our own with positive results.

While there is little question that something must be done to encourage and facilitate better international workforce mobility, there is concern as to how this imperative will play out in relation to other governmental concern about security at the border. In the post 9-11 environment, easing border restrictions and working towards smoother movement between countries do not necessarily coincide with the need for stronger security. As a facilitator between government and industry, Nan Berezowski has seen her job become more and more complicated as a result of this dominant concern for border protection. "Companies are caught in the middle of security concern with the government," says Berezowski. "Our biggest challenge coming up is to find ways to address these very legitimate security concerns while also being mindful of their impact on industry and economy."

Clearly, all agree that there exists a gap between the needs of both government and industry. It is a gap, which causes considerable delay at Canada's border and hinders the flow of skilled labour to and from Canada. In speaking to those who work to facilitate this divide, it is evident that current systems and policies must be rebuilt to attend to the realities of the day. As Karas urges: "Immigration should be a constantly evolving legislation. We cannot afford to have immigration law that does not address the constantly changing labour force." ❀