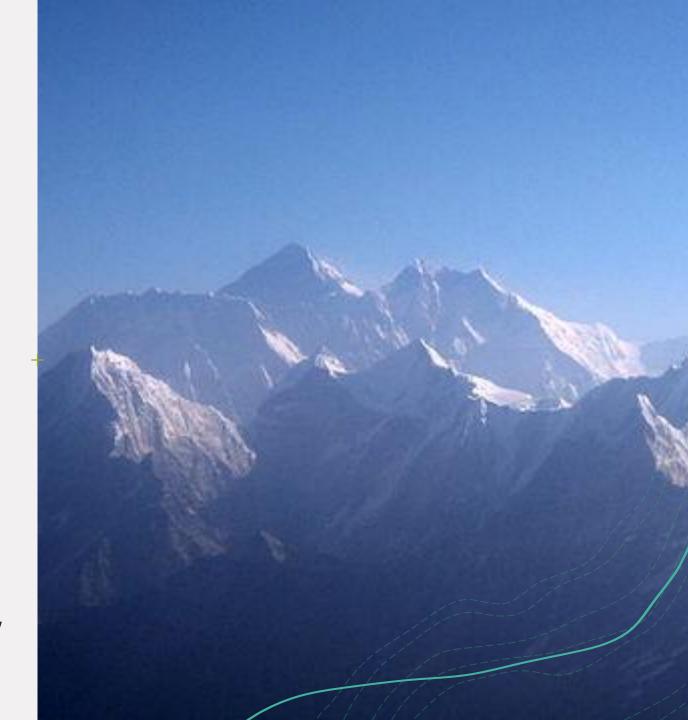
# Into Thin Air: A Critique of Two-Step Immigration and a Call for Oxygen

A Practitioner's Perspective

Will Tao, J.D.

Heron Law Offices/Allard School of Law



### Outline of Presentation

- 41) Starting Point: Thinking Beyond Two Steps
- + 2) Reframing the Two-Step Approach: Climbing Mount Everest
- + 3) Into Thin Air Bottlenecks and Storms
- +4) Conclusion: What is Our Oxygen?

### Approach Taken:

- # Critical/Counternarrative challenges a purely data-based approach;
- Accidental Ethnography (pending paper with Dr. Lisa Brunner);
- + Qualifications:
  - + I am but one practitioner and amateur researcher (case selection bias);
  - + I have more questions than answers for solutions to these big problems;
  - + Fifteen minutes is not a long-time for telling any story, let alone a story as complex as this;
  - + Happy to expand more on theory in Q&A;

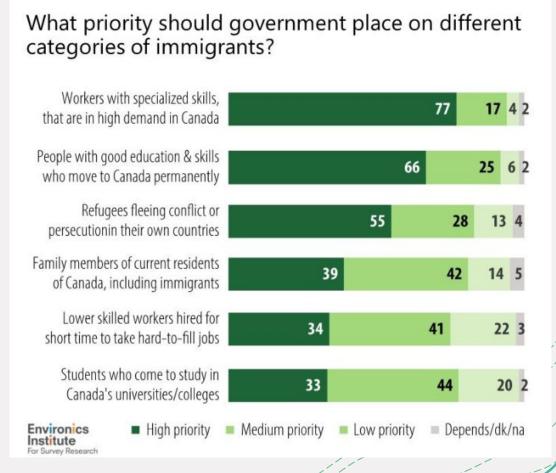
# 1) Starting Point: Thinking Beyond Two Steps;

- 4 What is the Two-Step Immigration Process? (*Crossman et al*)
  - + Temporary Resident to Permanent Resident
  - + Advantages: demand (employer) + points-base (human capital) with focus on immigrant outcomes in 'try out' process

- + Critiques of Two-Step Immigration Process (*Crossman et al*)
  - + Academic critiques cited in Crossman: vulnerable/underpaid workers, tensions with allocation, temporary resident program abuse, short term as opposed to long term focused

### Data as a Limited Lens:

- Data: NPRs, conversion
   numbers per year,
   triangle/funnel (low SP to PR #)
- + IRCC does not collect or disaggregate data in many areas (e.g. race, religion)
- + Often over-rely on public opinion data harmful uses



Andrew Parkin (November 9, 2023)

https://cdnsurveystuff.substack.com/p/do-you-know-what-canadians-thnk

### My Critique (from a practice perspective)

A Oversimplification (fails to view 'steps' including steps before, in-between, and after) and reduces the applicant experience

+ Data does not tell the whole story/issues with our collection of data + what we shine light on

+ Creates unhelpful metaphors like "Canada as Harvard", "try out", in ways that also over-idealize the Canadian experience

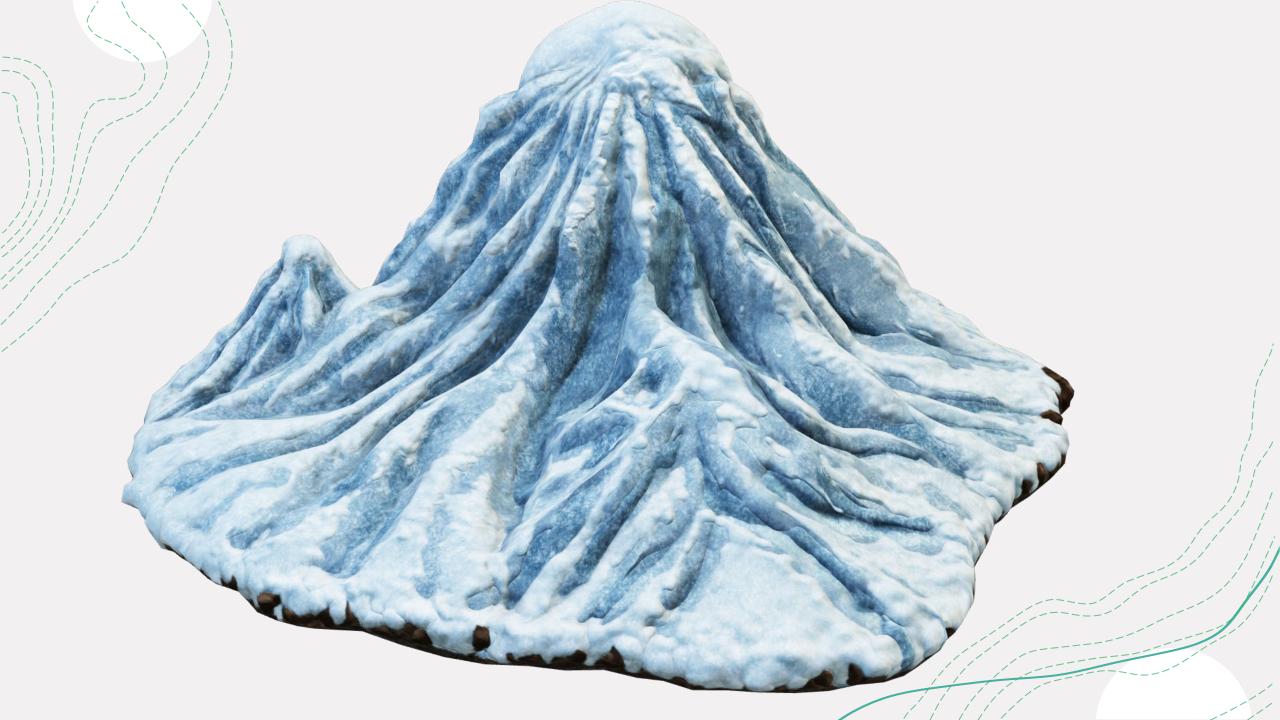
# 2) Reframing the Two-Step Approach: Climbing Mount Everest;

Obtaining a
Permit:
Getting into
Canada

Attempting to Summit

Summitting

Getting
Down Safely



### Base Camps

Camp 1:

- Canadian Experience
- Canadian Education

Camp 2:

- Navigating the Law
- Navigating the "Market"

Camp 3

- Meeting Minimum Requirements
- Obtaining Support + Necessary Endorsements

Camp 4:

- Selection for PR
- Application and Delays

### 3) Into Thin Air – Bottlenecks and Storms

- 1997 book by Jon Krakauer (adapted into a film) about a May 1996 Everest Expedition;
- + TL/DR: too many climbers on mountain, many without experiences, different companies in competition, choice of using oxygen;
- + Ultimately a major storm hit, folks stranded on way to summit/coming down third-deadliest season in Everest;

# Some Experiences of Those Caught on Our Everest Ascent (Through My Clients)

- \* <u>Camp 1</u>: Applying for a job after studies or working on employer-bonded permits (Ontario's recent steps)
- + <u>Camp 2</u>: Extension applications, loss of jobs, unemployment/underemployment as contractors, family issues
- + <u>Camp 3</u>: Not having enough points, cost of legal services, needing employer to support PNPs/write reference for CEC/FSW
- + Camp 4: Sector-only draws, high standards, processing delays;
- + This does not start to address issue of coming down (<u>Growing number of immigrants are deciding to leave Canada. Why? YouTube</u>)

### Our Current Assistance Regime

- + Preferred "Groups" Get Escorted to Top (insufficient justification for what makes them preferred)
- + Endless Pilot Programs seeking to innovate, but at what cost to existing structures and processes (and certainty/clarity)
- + Settlement focus more on 'Getting Down the Mountain' (consider where applicants are arriving just as Permanent Residents versus needing to start as Temporary Residents)
- + Underleverages the concept of 'migrants helping migrants' and often directly puts folks into (perceived) competition;
- + Resourcing issues (dependent on Government grants)

### Bottleneck to the Top

- # How many permits are issues to climb Mt. Everest?
- + Role of political influences to create "bottleneck"
- + Failing to plan for a pending storm;
- + Role of Settlement as Sherpas (is this metaphor event appropriate?)
- + Role of other third parties looking to profit (companies): recruiters, education consultants, immigration consultants, lawyers, employers, Governments

### The Storm (some features)

- Shifting public opinion about Canadian immigration amidst housing crisis and economic and political changes
- + Folks unable to enter Canada (often family members) number of temporary residents compared to permanent resident spots
- + Increasing use of technology automate the discretion out of immigration and create delays for some, expedited processes for others
- + Lack of Remedies: Courts are overloaded with immigration cases (immigration = 212% growth in intake; 281% non-refugee)

## 4) Conclusion: What is our Oxygen?

#### <u> ★ Oxygen:</u>

- /+ Needed along the journey (and dependent on applicant) regardless of 'skill'
- + Very few can climb Everest without oxygen

### + <u>De-Oxygenating</u>:

- + Harmful politics, based on incomplete or merely public opinion data
- + Ostracization of immigrants (international students/foodbanks; refugees/housing)

### + Re-Oxygenating:

- + Innovative solutions that are sensitive to human-centered design
- + Taking a principled approach to immigration through consensus-building and a mix of data and narratives

#### + Difficult Questions:

- + Some will run out of oxygen and the safest way is to abandon the Everest dream. How do we send this message?
- + How do we continue to convince Canadians of efficacy of immigration amidst rise in racism and populism that likely will ostracize immigrants?

