

**Good Enough to Work, Good Enough to Stay:
Addressing the impact of Canada's human capital
model on permanent residency pathways for
'low-skill' temporary foreign workers**

by
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Abstract

This paper reviews Canada's use of a skills-based determinant system for economic immigration, focusing on admission for the 'best and brightest' candidates. The human capital model has led to disproportionate access to permanent residency pathways for temporary foreign workers classified as low skill, who are often filling critical labour market gaps in essential and in demand sectors of Canada's economy. Through an evidence-based policy analysis, including a jurisdictional scan and expert interviews, three policy options were explored in challenging the human capital model and effectively providing permanent residency opportunities in Canada for temporary foreign workers in low wage positions. Recommendations include the implementation of sector-specific pathways for 'low-skill' temporary foreign workers in critical industries, greater support services and an overhaul of the points-based system to focus on competencies for labour-market driven immigrant selection, balancing abilities and labour market needs with equity and long term societal and economic goals.

Keywords: Canadian immigration; low-skill workers; temporary foreign workers; immigration pathways; permanent residence; two-step migration

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List of Acronyms

CIC	Citizenship and Immigration Canada
CRS	Comprehensive Ranking System
DAMA	Designated Area Migration Agreement
ECA	Education Credential Assessment
ESDC	Employment and Social Development Canada
FSWP	Federal Skilled Worker Program
HHC	High Human Capital
IMP	International Mobility Program
IRCC	Immigration, Refugees and Citizenship Canada
NOC	National Occupational Classification
PLS	Pacific Labour Scheme
PNP	Provincial Nominee Program
PR	Permanent Resident
SAWP	Seasonal Agriculture Work Program
SSW	Specified Skilled Worker
TR	Temporary Resident
TFW	Temporary Foreign Worker
TFWP	Temporary Foreign Worker Program
UNHCR	United Nations High Commission for Refugees

Glossary

Foreign-born worker	A worker participating in the labour force that was born in a different country and is not native to country they are working in
High skill	As defined by ESDC in the NOC, this refers to works designed with a 'A' and '0', and some 'B' job skill types, which includes an undergraduate degree or higher.
Immigrant	An individual who has immigrated from their country of origin or third state and now hold permanent status within a new nation state.
Low skill	As defined by ESDC in the NOC, this refers to workers designated in 'D' job types, which is often less than high school and on the job training.
Lower skill	As defined by ESDC in the NOC, this refers to workers designated in 'D' job types, which is often less than high school and on the job training, and 'C' job types, which is partial or completed high school, certificates
Migrant	Someone with temporary status who is temporary residing in a second country that is not their country of origin. This could be for the purposes for tourism, study, work, or other temporary commitments
Receiving Country	A nation state that predominantly facilitates inflow migration
Temporary Foreign Worker	A foreign national working in a different country on temporary status

Preface

For the purposes of this study, the term 'low skill' and 'lower skill' are used as defined by the human capital model and points-based system to contextualise the policy problem. However, this language is considered harmful to migrants and temporary foreign workers classified within these skill types, as it devalues and erases their contributions to the economy and society, and demerits their right to labour participation in a full and dignified way. This language perpetuates structurally enabled inequalities of classism between Canadians and immigrants in the workplace and within diaspora communities. Where possible, throughout this report terminology including 'low wage', 'essential' and 'in-demand' will be utilised. 'Low skill' will only be used when discussing the current outcomes of the human capital model within Canadian immigration.

"The labels of high skill and low skill are now neither accurate nor relevant because we know that we need skills at all levels to sustain ourselves. Therefore, we need new language for new times." - Senator Ratna Omidvar

Executive Summary

Canada is known for using a human capital model to drive economic immigration with the goal of creating a high-skill workforce made up of the world's most qualified workers. Despite their reputation as a destination for the 'best and brightest', there are shortcomings to utilizing a skills-based determinant system, specifically in disproportionately excluding workers classified as lower skill.

Immigrating to Canada has become predominantly accomplished through two-step migration, meaning that many permanent residents start their settlement journey as a temporary resident. Due to the human capital model, temporary foreign workers classified as lower skill experience unequal access to permanent residency pathways. This is maintained through high barrier eligibility requirements for current immigration programs and limited prospects for migrant workers to pursue career development opportunities and upskill to gain points towards their candidacy. This has created a situation where low-skill temporary foreign workers are restricted by temporary status regardless of how long they have contributed to the Canadian economy, including limited access to services and government supports, risk of exploitation and abuse, reunification with their families, and upward labour mobility. This is especially critical when we consider the essential and in-demand occupations many low-skill temporary foreign workers fill to support the economy.

Three policies were analysed using a multi-criteria approach to determine their effectiveness in providing equitable access to permanent residency pathways in Canada. The policy options identified include a TR to PR critical industries pathway, a career mobility pathways & skills development services, and a shift toward competency-based classification for eligibility. In addition to effectiveness, these policy solutions were also examined against several other considerations including equity, economic efficiency, stakeholder acceptance, and administrative ease. This study recommends a combination of labour market driven policies through sector specific pathway access with a call to reimagine a points-based system centred on competencies, industry needs, and permanency.

Chapter 1.

Introduction

Immigration is an integral piece of Canadian history, its identity, and its future. In recent years, labour migration has increasingly become a major player in Canada's economy and national workforce. Millions of foreign-born workers with a diversity of skills come to Canada and contribute in full and unique ways to the economy. This is managed through Canada's use of the human capital model, a selective migration policy, that is driven by skill and other key elements that incentivize and attract 'the best and brightest' to grow the labour force in Canada, picking the highest skilled candidates for PR admissions through the economic categories for immigration.

Many of the workers who come to Canada through the Temporary Foreign Worker Program (TFWP) into positions classified as low wage, synonymous with 'low-skill' classification, aspire to permanently immigrate and building a life here. From caring for our seniors and the sick, to working in agriculture and supporting Canada's integral food systems, low-skill temporary foreign workers (TFWs) specifically provide many important services to Canadians and play an essential role in the labour force. Yet, due to the human capital model used in Canada they experience unequal access to permanent residency (PR) pathways compared to their 'high skill' counterparts seeking to immigrate due to the current skill-centred point-based system that is used.

Canada's selective migration policies create a system with high barrier eligibility requirements and limited opportunities for TFWs to upskill and gain 'points' through career development, all of which restricts this class of workers to temporary status and the impacts that come with it. Lower-skill TFWs experience complex barriers, including limited access to services and government supports, challenges with family reunification and separation, and difficulty with achieving upward labour mobility. Canada's human capital model makes assumptions regarding a worker's skill and education-based credentials through a narrow scope set by government standards, overlooking economic contributions and critical labour force need in high opportunity and in-demand sectors. In a policy context, **Canada's skills- based determinant system perpetuates 'high**

skill' privilege, creating a ceiling for many TFWs classified as 'low skill' in accessing PR pathways in Canada.

This major research project is an evidence-based policy analysis with the goal of challenging Canada's current immigration strategies and providing credible solutions for addressing unequal access to PR pathways for low-skill TFWs in Canada classified by the system. This report is broken into 6 parts, which include: (1) an overview of Canada's selective migration policies and human capital approach, as well as Immigration, Refugees and Citizenship Canada's (IRCC) current economic category immigration streams and facilitative programs for TFWs and prospective immigrants of all skill levels; (2) a review of the consequential impacts and inequalities maintained through the use of a points-based system (PBS), as well as a discussion of the current socio-political climate that has led to a need for change in the current system; (3) a jurisdictional scan that explores the availability of pathways for lower-skill TFWs to permanently immigrate through several different approaches for economic immigration and alternative migration strategies found around the world; (4) themes and key findings from several interviews with experts in Canadian immigration and representatives from the community who work with newcomers and migrants to inform and expand on the discussion of unequal access, its impact, and what solutions might address current challenges; (5) an evidence-based, multi-criteria policy analysis of 3 credible policy options using a range of objectives and criteria to highlight the key strengths and trade-offs; (6) and lastly a recommendation on what government action best addresses the inequities perpetuated by Canada's human capital model and promotes access to permanent status in Canada for TFWs who are an integral part of the workforce, as well as concluding remarks regarding implementation and further areas of research.

Chapter 2.

Canada's Skills-based Determinant System

This chapter discusses the intent and outcomes of selective migration policies and provides an overview of Canada's skills-based determinant system including its use of a points-based system (PBS) and skills-centred classification system for categorizing foreign-born workers for immigration.

2.1. The Intent of Selective Migration Policies

Selective migration refers to the practice of immigrant-receiving countries exercising the right to prioritise specific foreign nationals based on different criteria and qualities from the pool of candidates with intent to enter Canada. In an economic context and what we see in Canada, is a system focused on the level of "human capital" that a prospective immigrant or TFW might bring to the labour market. Education and skill are a driver for determining admission requirements for many immigration programs focused on economic growth. Often skills-based determinant systems are based on 'quality', enforcing a measure based on ideals set by the immigrant-receiving country (Tannock, 2011). These policies aim to attract skilled and highly educated immigrants, which has become more competitive as high-skill labour migration policies become increasingly common globally (Lim, 2017; MacKay, 2016; Tannock, 2011). Unlike the traditional approach of 'first in line', skills-based selective policies focus on the 'best in line'. Using education and skill as a means to 'cherry pick' prospective candidates, states are able to grow their labour supply with intention (Lim, 2017; Tannock, 2011).

2.2. Overview of Canada's Human Capital Model

The use of the human capital model for facilitating immigration and managing migration has been a longstanding part of Canada's immigration system and is focused specifically on their PR channels and handling economic categories. This model selects prospective immigrants who have expressed interest in permanent residence based on the level of human capital they possess. Human capital is defined as the economic value of one's skills, quantifying a worker by their professional experience, abilities and what

they would contribute to the labour force. In an immigration context, human capital is considered advantageous for economic growth and the long-term economic landscape. Incoming high-skill immigrants bring with them the competitive skills and abilities required for a knowledge-based economy like Canada's, and contributes to the resilience of the labour supply in responding to structural shifts and economic changes (Picot et al., 2014). Canada's human capital characteristics focus on credentials in education, Canadian and foreign work experience, language proficiency, and age (Picot et al., 2014); all of which determine one's level of 'skill' and influences their access to different facilitative programs for PR.

2.2.1. The Points-Based System

A points-based system (PBS) is used to quantify human capital characteristics, assigning several points to a prospective candidate's application. In Canada this is referred to as the Comprehensive Ranking System (CRS). Applicants with a specific number of points, either through the use of a threshold or ranking system is used to determine the top tier of the applicant pool, selected based on predetermined caps or quotas, are admitted or invited to apply to their requested immigration stream (Migration Advisory Committee, 2020). The CRS is made up of four parts: core candidate factors, spouse/common law partner factors (if applicable), skill transferability, and additional points for unique qualities or factors. The number of points per category are assigned based on human capital indicators and scoring, as seen in Table A.1 of the Appendix (IRCC, 2021e). For example, education points are awarded based on higher levels of education attained by the candidate.

Canada's PBS was introduced in 1967 to influence decision-making and guide the selection process of immigrants for admission (Picot et al., 2014). Modifications to the system have been made since then, increasing the importance of different attributes. In the 1990s and 2002 the weight of educational credentials were routinely increased as well as language proficiency (Picot et al., 2014). Through history these changes to the point system reiterate IRCC's commitment to the human capital model and admission priorities on what it hopes to gain economically. This policy of using a PBS is predominantly reflected in the Express Entry programs, which are predominantly all aimed at attracting high-skilled TFWs and prospective immigrant workers.

2.2.2. The National Occupational Classification

The National Occupational Classification (NOC) is a reference system for occupations in Canada, categorizing occupational activity into a classification structure for informing a variety of labour market forecasting and planning (Employment and Social Development [ESDC], 2021). The NOC organizes job titles based on work performed and the skills and education credential, if any, required to do that position. The structure is broken into ten broad occupation categories (BOC), then further organized by five skill levels: 0, A, B, C, D (ESDC, 2021e). This system includes a total of 30,000 job titles gathered into 500-unit groups within this structure (ESDC, 2021d). The NOC is used across departments to inform several areas of policy development and service delivery, including IRCC’s economic programs, both permanent and temporary. In an immigration context, the NOC is used to inform the eligibility criteria and drive specific programs as well as offer a universal categorization to sync program delivery.

Table 2.1 National Occupational Classification, 2016 version

Broad Occupational Categories (BOC)	Skill Level
1 – Business, Finance, and Administration	0 – Management (Skill level A)
2 – Natural and Applied Sciences, and related	A – Occupations that require university-level education
3 – Health	
4 – Education, Law and Social, Community and Government Services	B – Occupations that require college-level education or specialized/apprentice training
5 – Art, Culture, Recreation and Sport	
6 – Sales and Service	C – Occupations that usually require secondary school education or occupational training
7 – Trades, Transport and Equipment Operators, and related	
8 – Natural Resources, Agriculture and Production related occupations	D – ‘On the job training’ provided
9 – Manufacturing and Utilities	

Source: (ESDC, 2021e).

While ESDC regularly reviews the NOC to accommodate and respond to changes in the labour market, there continue to be limitations to its use, contributing to class division and unequal access. In 2021 ESDC announced a new version of the NOC structure which provides a more detailed and inclusive skills category list, referred to at the TEER. These categories are numbered 0 to 5, widening the scope of categorization for different occupations and employment arrangements (ESDC, 2021e). The updated version will roll out at the end of 2022.

As a component of the NOC, the Educational Credential Assessment (ECA) is an integral part of verifying one's education in Canada for IRCC's economic streams (IRCC, 2013). Degrees, certificates, and diplomas obtained at foreign institutions often create barriers for foreign-born workers looking for employment in Canada. The ECA aims to support employers in hiring foreign nationals to fill job vacancies within their companies with assurance of one's credentials. However, the ECA has its limitations, which will be discussed in Section 4.3.1.

Chapter 3.

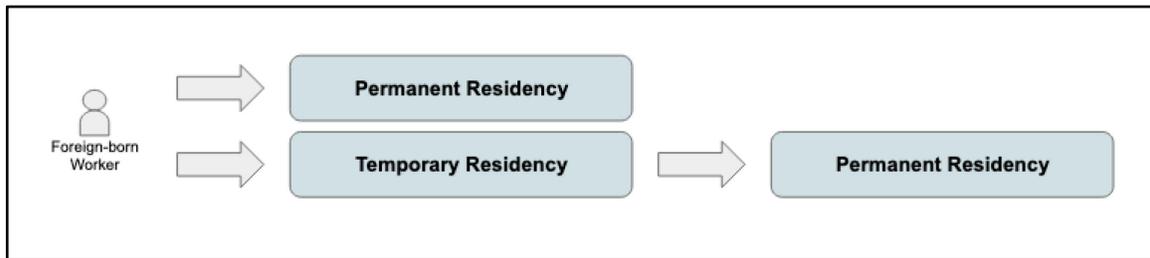
Economic Immigration in Canada

Canada has a robust immigration system that facilitates the arrival of foreign nationals to Canada under temporary and permanent status through a variety of important avenues (IRCC, 2017). In the last few decades, the system has become increasingly focused on economic pathways towards settlement using selective migration policies to dictate admission requirements. In 2020 the economic class made up 58%, the largest portion, of permanent residency admissions (IRCC, 2020a). Based on recent immigration targets, 273,000 permanent residency admissions are projected for 2024, speaking to the number of economic immigrants will obtain permanent status in the coming years (IRCC, 2021a). In relation to the human capital model, IRCC offers distinct economic streams with pathways to PR through the Express Entry categories which include the Federal Skilled Worker Program (FSWP), the Federal Skilled Trade Program (FSTP), the Canadian Experience Class (CEC), and the Provincial Nominee program (PNP). On the temporary side, IRCC facilitates the Temporary Foreign Worker Program, which contains high and low wage streams for TFWs, and the International Mobility Program (IMP).

3.1. Avenues for Immigrating to Canada

Through the many immigration channels and facilitative programs, successful candidates for PR are admitted in several ways including from overseas and from within Canada. From outside of Canada, there are various economic immigration programs available for higher-skilled applicants, defined as TFWs with the skill types “O”, “A”, and “B”, to apply for PR and immigrate to Canada. There are little to no pathways for applicants classified as lower skill, which includes “C” and “D” skill types, to permanently immigrate and receive PR from overseas through economic channels.

Figure 2.1 The Stages of Two Step Migration



In terms of options from within Canada, two-step migration has become increasingly common. This refers to the process of initially entering Canada through one of the available temporary residency programs and obtaining permanent residency from within Canada in the period that follows. Whilst in Canada on temporary status, TFWs build elements of their PR candidacy, like Canadian work experience, education, and language fluency. In 2018 approximately 50% of economic immigrants were first temporary residents in Canada, including TFWs, students and visitors (Crossman et al., 2020). This has only increased, especially in light of the COVID-19 pandemic as IRCC worked to meet immigration targets in spite of border restrictions. For foreign nationals looking to immigrate, this is a promising economic avenue.

3.2. Canada’s PR Pathways for Workers

Canada facilitates various skilled worker immigration programs based on work experience, education credentials, and language ability, all of which fall under the Express Entry program.

3.2.1. Express Entry: Skilled Worker Pathways

Express Entry (EE) is a collection of targeted economic immigration programs for skilled workers with three streams: the Federal Skilled Worker Program (FSWP), the Federal Skilled Trade Program (FSTP), and the Canadian Experience Class (CEC). These programs facilitate permanent pathways for ‘skilled’ workers (general and trades), meaning a B or higher in terms of NOC, with the intention to immigrate to Canada.

The EE pathways use a two-part application system. Firstly, applicants populate a profile in the application system where points are assigned. Periodically IRCC facilitates a round of ‘invitations’ which opens the application system for qualified

candidates. For example, on November 24, 2021 a round of invitations were sent out for the FSWP, issuing 613 invitations to the top candidates (from a pool of approximately 190,102), where the lowest ranking applicant held 737 points (IRCC, 2021I). The wait time is approximately 6 months for normal applications which is relatively fast compared to other immigration streams. To note, while someone may be able to apply their application may not have nearly enough points cumulatively to be competitive within the pool and never reach high enough in the ranking to receive an invitation.

While the EE are centred around the human capital model selection criteria, the programs have some variability, further tailored to respond to different high skill needs in the labour market. Looking into the different of the programs, as seen in Table 3.1, the FSWP and the FSTP use the PBS full suite of factors to determine top candidates for invitation (IRCC, 2021b). However, the FSTP sets an overall lower NOC requirement for skilled workers, includes the addition of a job offer, and caters to unique sectors (IRCC, 2021c). Additionally, the CEC does not require education requirements and predominantly focuses on work experience gained in Canada at a specific level (IRCC, 2021d).

Table 3.1 Comparison of Express Entry Streams Eligibility and Requirements

Programs	Federal Skilled Worker Program	Federal Skilled Trade Program	Canadian Experience Class
Skilled Work Experience Types	<ul style="list-style-type: none"> - Managerial jobs - Professional jobs - Technical, skilled trades 	Several Major Groups that cover job types in industrial trades, equipment maintenance or operation; technical jobs in natural resources, agriculture and related production; processing, manufacturing; chefs, butchers and bakers	<ul style="list-style-type: none"> - Managerial jobs - Professional jobs - Technical, skilled trades
NOC skill types /Job Groups	0, A, B	B	0, A, B
Language Ability: minimum CLB score	7 in all abilities	5 for speaking and listening 4 for reading and writing	NOC 0, A: 7 in all abilities NOC B: 5 in all abilities
Education Credentials (minimum)	certificate, diploma or degree from a secondary Institution, post-secondary, or higher	certificate, diploma or degree from a secondary Institution, post-secondary, or higher	certificate, diploma or degree from a Secondary Institution, post-secondary, or higher
Job Offer / Employer Involvement	N/A	N/A	Required

Source: (IRCC, 2021b, 2021c, 2021d).

3.2.2. Provincial Nominee Program

The Provincial Nominee Program (PNP) is a complementary stream to the EE, providing the provinces and territories the opportunity to nominate candidates for invitation into one of the Express Entry programs as a way to fulfill labour market gaps within their own economies (IRCC, 2019). Across the provinces the PNP has been used to provide PR to some high- and semi-skilled TFWs dependent on industry, often in the job skill types, 'B' and above. There are limited opportunities for candidates with 'C' and especially 'D' skill types; these openings are usually sector-specific and short-term (Akbar, 2021). Additionally, language proficiency and education requirements remain the same or higher which disqualifies candidates who may fall into the lower NOC type and not meet the other eligibility. There are also cases where employer endorsement is required which is often hard to gain. Like the EE, their application may also not be competitive. While they can apply through meeting the minimum requirements, an applicant is not guaranteed nomination.

3.3. Canada's Programs for Temporary Workers

Canada's temporary programs for workers are predominantly captured within the Temporary Foreign Worker Program (TFWP) and International Mobility Program (IMP). Employers tend to utilise each of these programs for three main reasons: when there is a difficulty in attracting Canadian-born workers into the industry; when market conditions are constricted with issues of low unemployment coupled with high job vacancies; and in specific fast-moving and innovative sectors like information technology (IRCC, 2020b). TFWs hired through these programs reside in Canada with temporary status.

3.3.1. Temporary Foreign Worker Program

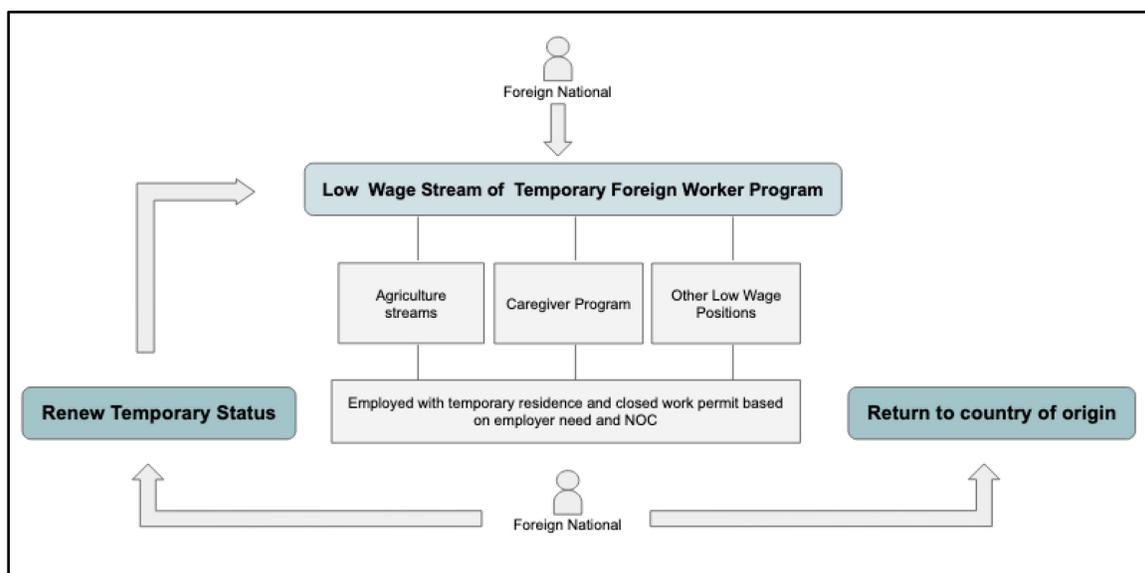
The TFWP facilitates most of Canada's temporary work arrangements. The objective of the TFWP is to function as Canada's 'last resort' option to fill gaps in the labour supply (IRCC, 2020b). It is defined by the short-term nature of employment opportunities and lacks labour mobility or prospects to stay in the host country long-term, while also facilitating the return of income to sending-countries which help communities and local economies through international labour relationships. Using closed, employer-specific work permits, the TFWP is used to fill any occupational needs in Canada, as

long as the employer can justify hiring an international candidate with a Labour Market Impact Assessment (LMIA) (IRCC, 2020b). The NOC system is also used to help identify the type of occupation being filled and how the candidate meets the basic qualifications of the position. TFWs are provided closed work permits which tie them to their employer and NOC skill type.

The TFWP is broken into 'high' and 'low' wage positions (ESDC, 2021a). Wage classification is determined by the median hourly wage of a province or territory. For example, in British Columbia the median wage is set at \$25 hourly (ESDC, 2021a). Applications offering a wage lower than the threshold are considered 'low wage', and above are categorised as 'high'. Historically, 'high' and 'low' skill categories were used to organize the TFWP, using universal language across economic immigration programs. However, a NOC is still used to determine the occupation of incoming TFWs on their application, regardless of the stream they end up assigned to (Akbar, 2021). Even with changed terminology, the inner workings of the program remain driven by skill type. This ultimately impacts their prospect for PR when exploring immigration pathways beyond the TFWP.

With respect to streams, the high wage category of the TFWP, previously known as the 'Global Talent Stream', provides employers an opportunity to hire TFWs with a high wage. The opportunity to apply for PR through EE after completing one year of Canadian work experience is easily available for many high-skill TFWs under this stream (Akbar, 2021). On the other hand, the lower wage categories make up the largest portion of the TFWP, which include a general and several specific streams for facilitating temporary work. This includes the various agriculture streams (which includes the seasonal agriculture worker program [SAWP]), the caregiver program, and a stream for other low-wage occupations. These positions are regularly short in length and often seasonal. They frequently include manual labour, higher risk job duties and are often perceivably undervalued occupations. Often the low wage stream aligns with 'C' and 'D' NOC codes. TFWs classified as lower skill struggle to make the transition to a PR pathway. Once a TFW comes to the end of their employment contract in Canada under the TFWP their options are to return home or renew their temporary status.

Figure 2.2 Overview of ‘Low Wage’ Temporary Foreign Worker Programs



TFWs in low wage position are predominantly racialized. In 2021 the top four countries sending TFWs to Canada Mexico (13,245), Guatemala (7,087), Jamaica (4,328), India (1,516), and Philippines (1,069) (ESDC, 2021f). Through the SAWP, Mexico and several Caribbean countries participate in the program, leading to TFWs from these regions being concentrated in the agricultural sector (Statistics Canada, 2021). Additionally, men are overrepresented in agriculture and crop production, and women in domestic, caregiving and home support positions.

3.3.2. International Mobility Program

The International Mobility Program (IMP) is a high wage stream available for employers to hire TFWs with an exemption from requiring an approved LMIA due to the specificity of the occupation (IRCC, 2021k). The IMP also has specialised streams, including international/national agreements, Canadian interests, and other IMP priorities (Akbar, 2021). These positions are often requiring a unique skill set and support broader policies goals for the Canadian labour market. IRCC outlines the requirement for using this program be that an applicant bring “significant economic, social or cultural advantages or reciprocal benefit to Canada” (IRCC, 2020b). The work permits are primarily open and intended for temporary, shorter-term contracts. Like the high-wage streams of the TFWP, the NOC codes of applicants using this program would make

them eligible for high-skilled immigration pathways in the EE, which highlights their ease in accessing PR if they were to choose to immigrate following their stay.

Chapter 4.

Skills-based Discrimination in Canadian Immigration

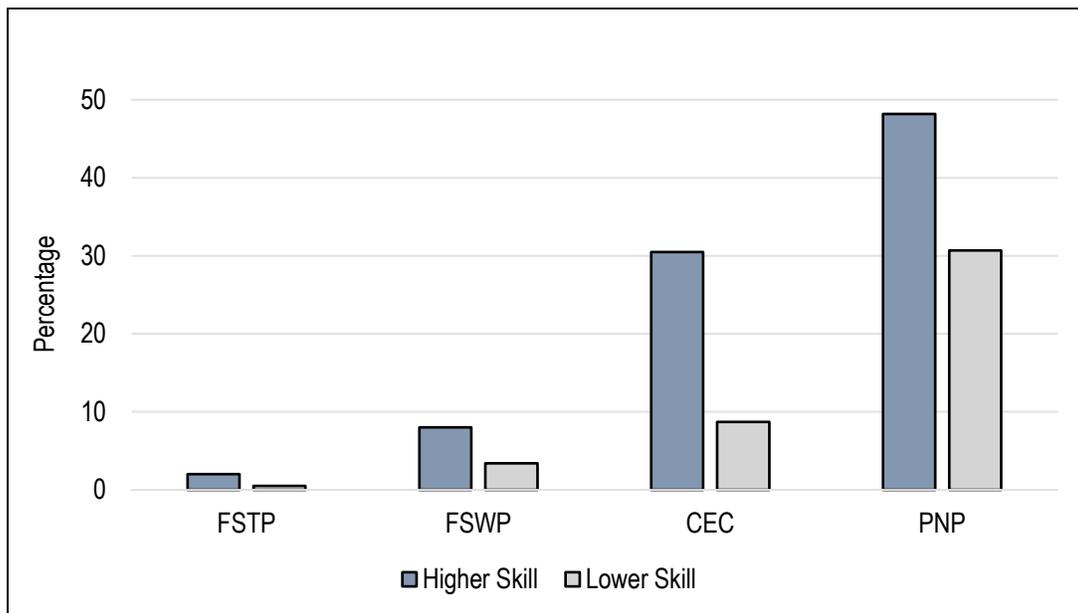
This chapter explores the policy problem which is the presence of skills-based discrimination in Canada's economic immigration and the unequal effects that persist due to the selective migration policies. This includes permanence with temporary status, limitations in upward labour mobility, the continued potential of experiencing labour exploitation and abuse as a TFW within the low-wage streams of the TFWP, negative impacts on family relationship due to separation, and the impact that terminology has on the value of work.

4.1. Presence of Skills-based Discrimination

Skills based immigration focuses on admitting the 'best and brightest' for PR, leaving behind many who do not reach the top of the applicant pool who hope to immigrate (Tannock, 2011). There are growing concerns, including a growing body of research to support, that the PBS and other selective migration policies create two tiers of TFWs based on skill, deciding what and who is considered low- and semi-skilled and excluding them from accessing permanent status. (Bonjour & Chauvin, 2018; Lim, 2017; Tannock, 2011). Ranking and prioritising higher-skilled candidates leaves behind those classified as lower skill, highlighting the discriminatory nature and impact of selective migration policies. One's skill determines which programs they can apply to and which pathways for PR or citizenship are available to them. Between TFWs classified as low skill and their high-skill counterparts an unequal system is created which maintains inequalities on who can access permanent residency and ultimately create a ceiling for temporary residents who want to immigrate and are unable to due to the classification of their assigned skill type. In addition to access to PR opportunities, the second component of discrimination is the ability of TFWs to work towards meeting eligibility. However, for low-wage TFWs often long hours, low wages and little time off leave minimal time and opportunity for TFWs to invest in their professional development and building their candidacy to meet eligibility requirements for applying to PR, while their higher-skill counterpart can do so. This is maintained through the structure of current work permits and the TFWP system.

A recent report from Statistics Canada that examined the relationships between TR to PR transition rates and skill classification among TFWs revealed that those in the 'D' skill type have the lowest transitions rates compared to other skill levels. Among TFWs who were admitted to Canada between 2010 and 2014, those with a "D" skill type made up only 4.8% of PR admissions in 2019 (Picot et al., 2022). Additionally, focusing on the EE programs and TFWs using two-step migration to achieve permanent status, Figure 3.1 shows that higher-skill TFWs made up a larger proportion of the economic PR admissions in 2019 of candidates who first entered on temporary status between 2010-2014 (Picot et al., 2022). The PNP and CEC program are notably high for both higher- and lower- skill workers compared to the other streams, reflecting the higher opportunity available through these streams. These percentages when broken down further, are largely made up of those with "B" and "C" levels (Picot et al., 2022). Based on the ranking of the PBS, 'O', 'A', 'B' are utilising the other streams, and are more likely to immigrate from overseas, which this data does not include. For those in Canada upskilling and working towards meeting eligibility to apply for current pathways, those in higher skill/higher wage employment are making the transition faster compared to TFWs with lower skill type classification.

Figure 3.1 Distribution of skilled TFWs admitted by program, 2019



Data adapted from Picot et al., 2022.

While economic migration opportunities for immigrant-receiving countries are offered to all skill-types of TFWs in some degree those with lower skills have less

opportunities to make Canada their permanent home. The use of selective immigration strategy does not explicitly discriminate; however, it does create inequalities between those applying based on their skills and often impacts candidates from structurally built lower socio-economic classes (Lim, 2017). This creates lines of 'impossibility' along educational attainment and language proficiency, which is not equitably accessible worldwide and between countries, contributing to greater limitations in upward mobility. The role of class inequality and social division has long been discussed in the context of immigration policies, but concerns are often disregarded by policymakers as the selective strategies are often considered a legitimate tool for the sake of national and economic interests (Bonjour & Chauvin, 2018). The rationale is rooted in a cost-benefit analysis of an individual's value to the receiving countries. The strategies quantify and measure whether an applicant's contributions outweigh their expenditure on the system (Bonjour & Chauvin, 2018). Regardless, impossibilities to certain groups of foreign-born workers and potential immigrants continue to exist.

4.2. The Impacts of Selective Migration Policies in Canada

The human capital model maintains and creates several inequalities directed towards and experienced by TFWs classified as low skill. These inequalities are manifested in issues with long-term temporary status in Canada, limitation on labour mobility, higher risks of exploitation and abuse through the TFWP, continued negative impacts on family dynamics of low wage TFWs, and the value of work done by TFWs in low wage/low skill positions in society. These challenges are without appropriate, human rights-based solutions within the current human capital framework used by Canada.

4.2.1. The Permanence of 'Temporary' Employment

TFWs in low wage/low skill positions living in Canada can experience variability in their employment due to the temporary nature of their status; thus, the transition to PR guarantees a level of stability for those who intend to make Canada their home. As mentioned, two-step migration is a common occurrence in Canada, whereby foreign nationals come to Canada initially with temporary status, and with gained work experience, education, and skill they are able apply for PR (Crossman et al., 2020). However, this is not as easily accessible within a human capital driven immigration

framework. Lower-skill TFWs with lesser access to permanent residency through economic channels struggle in making that move from temporary to permanent and are more likely to be ‘temporary’ for many years, if not permanently. As mentioned, often there is little opportunity for TFWs to invest in their professional development and build their candidacy to meet eligibility requirements for applying to PR. Current eligibility requirements for economic migration maintain a ceiling over lower-skill TFWs in furthering themselves in Canada, leaving many bound by temporary status. This is referred to as the ‘migration shuffle’, coined by Dr. Jenna Hennebry, where temporary residents constantly move from different programs and permits, all of which are temporary, to legally stay in Canada as they attempt to meet permanent residency eligibility (BMRC - IRMU, 2021). Two-step migration is also built on the premise that as a TFWs you are building your profile to meet and qualify as a candidate for permanent residency through one of the various channels (Crossman et al., 2020). For low-skill TFWs this is often not an option, especially within Canada’s TFWP.

4.2.2. Limitations in Upward Labour Mobility

Unlike high skill/high wage TFWs, low wage TFWs are excluded from career promotions and upward trajectory in their profession. The low wage steam of the TFW enforces a closed, employer-specific worker, meaning that the work is unable to change employers for any reason, including attractive employment opportunities or prospect. The application also requires the designation of a specific NOC. Taking new opportunities would require a new work permit, duplicating the initial application process which is a lengthy process with no incentive for employers, and may put their status at risk.

Additionally, this ceiling also impacts the incentive for employers to train and invest in the professional development of their workers. Due to the limits and timeframe on work permits and the high costs of extending them, there is high turnover among their workers, creating seasons of labour shortages and cyclical ‘on the job’ training of new employees (Migration Advisory Committee, 2020). A 2020 report by the Canadian Federation for Independent Business found that business owners were more likely to focus on retaining existing staff or attracting workers from in Canada, as opposed finding new employees overseas especially in the context of foreign workers; hiring internationally is in most cases an extremely expensive and complex process (Hayes,

2020). From an economic perspective employee retention is a huge part of growth and sustainability in business. There is a lot of opportunity, based on the current inflow of the TFWP and IMP, to retain TFWs entering Canada by providing permanent pathways to those who may choose to permanently immigrate, ultimately assisting employers in attracting new workers then retaining them in much-needed positions, while providing stable work for foreign-born workers.

4.2.3. Labour Exploitation and Abuse in the TFWP

There is longstanding evidence of abuse and labour exploitation in the TFWP, including substandard working conditions and accommodations provided to TFWs in low wage positions and issues with employment security through maintained closed, employer-specific work permits (O'Donnell & Skuterud, 2021). This has been a consequential impact of the TFWP which has historically created unfair dynamics in the employee-employer relationship (IRCC, 2021k). Skill discrimination creates barriers in keeping TFWs in the low wage streams with temporary status and under their employer's supervision and care. Unfortunately, these issues of exploitation also contribute to low wage/low skill TFWs in accessing PR by creating a feedback loop. Examples include coercion from employers if their employee apply for PR, false promises of PR through gained work experience, and often minimal time off and income provides little to no opportunity upskill and meet eligibility requirements for applying to (Akbar, 2021; Alboim et al., 2021; BMRC - IRMU, 2021). Additionally, due to work permit conditions, often TFWs are limited in the amount of time they are allowed to study while in Canada, meaning educational attainment is out of reach (Akbar, 2021; Lu & Hu, 2019). Efforts have been made by IRCC and ESDC to reform the TFWP and address the internal issues within the program and ensure the protection of TFWs within 'low wage' streams of program, but problems persist (IRCC, 2021h). Providing greater opportunity out of the TFWP moves TFWs in low wage positions into safer employment relationships and great access to rights as a worker.

4.2.4. Negative Impacts on Family Relationships

Receiving countries that use the human capital model often prioritizes high-skill TFWs in facilitating options for family accompaniment (Nakache, 2018). On the other hand, low-wage TFWs are unable to have their families join them in Canada during their

time of employment. (Nakache, 2018). This means that families are often separated with one parent working in Canada and their family left residing in their home country. The impact that the TFWP has on family dynamics and relationships is quite negative. Through the TFWP, workers come to Canada for a long period of time, often several months, with little to no opportunity to visit home because of lower wages, work schedules, and risk of losing status while on maintained status, which refers to the in-between stage when a TFW's work permit has expired and the new permit is still process (ESDC, 2021a; IRCC, 2022). There are many cases where TFWs in low-wage occupations continue to return to Canada for work for numerous years in a row. These long periods of time apart and momentary reunification often cause disruption in the family and household dynamics. Permanent residency provides the opportunity for those previously in the TFWP to bring family to Canada and reunite the household unit together, which is an integral part of wellbeing and quality of life. To note, currently the IMP and EE pathways have the option available to them through spousal permits.

4.2.5. The Impact of Terminology on the Value of Workers

To promote that the system is looking for the 'best and brightest' implies that those not eligible or not invited are 'less than', tying one's performance in the system to their value. This focus of the human capital model on skill-centred characteristics speaks to and enforces the notion of the 'ideal' immigrant. This rhetoric is relevant to the issues of unequal access to PR for high- and low-skill TFWs as prospective economic immigrants to Canada. With the NOC structure in mind, TFWs who end up classified as lower skill are then excluded from reaching permanent status, held down by language and metrics that function within the binary of 'high' and 'low'.

The human capital model has contributed to maintaining the rhetoric around 'deservedness' in immigration, fueling anti- and restrictive immigration policies in many countries around the world. Generally, in developed countries residents favour tighter immigration policies and support further limitations on migration and settlement of individuals that are ethnically different (Javdani, 2020). This is commonly done with selective migration policies. The term 'model minority' was coined in the 1960s to describe a preference for immigrants who are economically prosperous and independent (Yukich, 2013). This term highlights the stereotypical views and wrongful understandings of minorities about who society believes is 'deserving' or 'undeserving' in accessing PR.

These harmful attitudes towards immigrants are measured by self-reliance and economic success (Yukich, 2013).

This terminology causes further harm to minorities through misconstruing their value and contribution in society by judging them only for their credentials and economic participation, erasing other pieces that they offer and bring to a receiving country. Selective migration policies like the human capital model give power to these socially constructed views through the commodification of migrants and what is gained by the beneficiary, which is mainly native-born citizens and government. In Canada's current economic climate many low-skill occupations in 'essential' and 'in-demand' industries. Updating the language beyond the current binary used is an opportunity to focus on the empowerment of TFWs in 'low skill' occupations and the role they play in the economy, uses language that is relevant that better depicts the type of occupation and work performed, and influences public attitude and discourse in the realm of economic immigration, as well as how we interpret and understand policy related to workers within an demand-driven structure as opposed to the current skill-driven configuration.

4.3. Challenging the Human Capital Model

The human capital model, while used by many countries around the world, is not necessarily a gold standard for immigration from an internationalist or equity perspective. Taking into consideration the potential benefits of TFWs in low-skill job types and by challenging the notions and assumptions of the human capital model in prioritizing high-skill admissions for PR, this chapter explores the issue of defining skill, the economic contributions of lower-skill TFWs and the fiscal benefits gained through their work, both of which are not prioritized in the human capital model and challenge its strategy.

4.3.1. The Problem of Defining 'Skill'

Skill can be defined more broadly as the ability to complete or accomplish a task or responsibility through learned knowledge or practice (Marriam-Webster, 2022). Within the determinant system TFWs are often sorted into two categories: high and low skill. These categories are predominantly based on education credentials. The definition of 'skill' is inherently ambiguous. Research has confirmed there is no consensus on the meaning of 'skill' in the realm of immigration (Oishi, 2021). By focusing on attained

education for how a worker is categorized based on the NOC, the ECA, and other skill classification systems, their whole performance as a working age individual is stripped down. TFWs continue to develop skills in the workplace, gaining professional experience and progressive 'on the job' knowledge; however, these skills are not measured by the current immigration policy. In addition to the erasure of unrecognized degrees and education, skills harnessed and gained through their work experience of TFWs is undermeasured and in some cases invisible (Iskander & Lowe, 2012). This narrow scope limits the utilization of available skills and capabilities in the labour market and what workers are possible of accomplishing and ultimately leaving untapped a large well of human capital from a competency perspective.

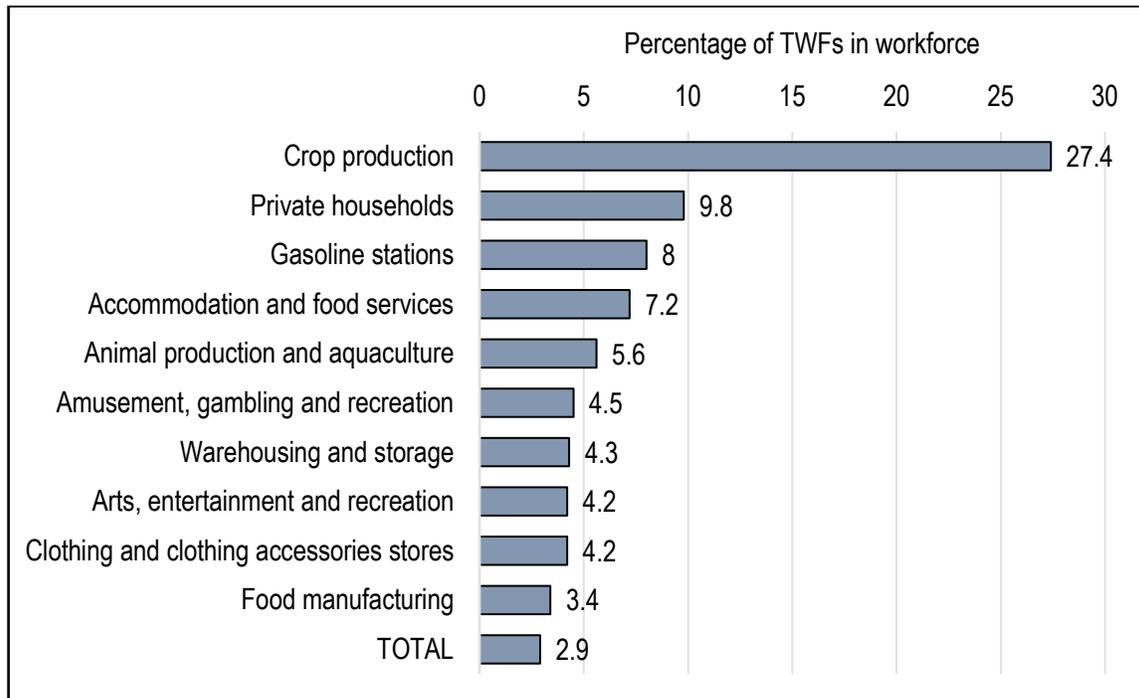
Additionally, some skills-driven migration policies and strategies also take into consideration 'cultural fit' and 'soft' skills. However, the ambiguity of what that means can quickly lead to maintaining stereotypes and supporting racist beliefs. Skill as a determining factor is not neutral, often influenced by a receiving countries historical and ongoing structures of inequality and oppression, specifically around gender, race, and public opinion of immigrants (Oishi, 2021). Skill as a determinant for immigration is narrow in its judgement, specifically towards low-skill TFWs, and only considers employers and the government's economic gains as the beneficiaries.

4.3.2. Employed for 'In-Demand' Occupations

Despite the value, or lack thereof, that is attributed to TFWs in low wage positions many of the economic contributions they make are in fact 'essential' and in high opportunity, in-demand sectors. The TFWP as a 'last resort' facilitative program, which means that many of the positions filled are to meet dire shortages in the labour force (IRCC, 2020b). As a result, through the TFWP Canada has built a reliance on TFWs to fill gaps in the labour supply in critical industries. The top industries that hire TFWs working in Canada via the TFWP include: crop production; private households; gasoline stations; accommodations and food services; animal production and food services; amusement; gambling and recreation; warehousing and storage; arts, entertainment and recreation; clothing and clothing accessories stores; and food manufacturing (Lu, 2020). Many of these industries rely heavily on the TFWP to supply labourers and meet critical shortages. In crop production, for example, in 2017 approximately 95% of TFWs in the industry were employed through the TFWP (Dinc,

2021). In the context of immigration and access to PR, these critical positions are often held by lower-skill TFWs due to the level of education required for them to fill the role as classified by the NOC.

Figure 3.2 Proportion of TFWs in top sub-sectors and industries, 2017



Adapted from Lu, 2020.

This type of work is often undervalued, difficult and offers little ability to grow professionally within the sector (Dinc, 2021). Consequentially, these positions are filled through external avenues in an attempt to respond to labour market needs in the short term. However, Canada’s economic immigration focuses on high-skill candidates meaning that while immigrants are being given admissions into the Canadian workforce, gaps in the labour market persist in critical industries where education is less of a requirement. This outcome points to the need for better targeting in immigration pathways and attraction of workers with the aligned skills and experience to fill the critical vacancies in the economy with the future in mind.

Additionally, with the continued growth of Canada’s economy comes jobs creation and a need for people to fill these positions. Through a combination of job creation and retirement vacancies, ESDC predicts that there will be 656,020 jobs openings annually, 211,020 of which fall with NOC C and D, some of which will need to

be filled through international hiring (Banerjee & Hiebert, 2021). Additionally, by 2028 employment growth in lower wage occupations will increase 36%, meaning that the increased need for low wage TFWs will only continue to grow (Banerjee & Hiebert, 2021). These industries will require intentional commitments and investments by governments to ensure labour needs are met and maintained as sector and economic-wide demands change, and the role immigration will play within the solution.

4.3.3. The Fiscal Effect of ‘Lower Skill’ Workers

The human capital model balances the net fiscal benefits that a candidate contributes to Canada’s economy offset by the burden they may have on society, specifically the nation’s generous social service system. There is a longstanding misconception, specifically with respect to immigration, that low-skill and TFWs place a heavy weight on the system, costing society more than the amount they contribute, labelling this group of working-age immigrants as a ‘fiscal burden’ (Colas & Sachs, 2020). However, the fiscal effect of immigration is highly disputed.

On one hand, a recent study quantified the indirect benefits of TFWs in low wage positions, revealing that they contribute between \$770 - \$2100 annually per capita to government and public funds through taxes and programs (Colas & Sachs, 2020). With government situated as the beneficiary, there are indirect net fiscal contributions as well. The same study found that increasing the size of the low-skill labour force brings down the wage, consequentially also increasing the wages of high-skill occupation (Colas & Sachs, 2020). With a larger overall labour force, the proportion of the labour force that is high skilled decreases relative to the overall workforce, increasing the demand in high skilled workers. The study determined that this phenomenon doesn’t change the overall national income; but rather, impacts the distribution of income, shifting wages to favour higher-skilled workers (Colas & Sachs, 2020). With this in mind, the more an individual earns, the larger tax rate they are required to pay within a progressive tax system; this means that more earnings are collected by the government for public spending (Colas & Sachs, 2020; Javdani, 2020). Additionally, another study found that TFWs classified as low skill and who hold low wage positions are diversifying the ‘unskilled’ labour force. In the long term, continued growth of the labour force through immigration changes the make-up and distribution of skills and experience within the labour supply (Devadas, 2017). These changes encourage competition and promote labour mobility. The

inclusion of TFWs in the labour force increases efficiency, complementing occupation reallocation and opportunity for specialisation in the workplace (Devadas, 2017). With the opportunity to transition from TR to PR, these changes are solidified.

However, while compelling, based on available evidence, it is immensely difficult to make an assured conclusion on the fiscal effects of immigrants due to the complexity in defining the scope of impact, including the parameters of present and future value, as well as direct and indirect contributions (Javdani, 2020). This speaks to the issue and questions as to whether governments and policymakers should even measure an immigrant or TFWs by their economic contribution, and the shortfalls in this framing as a decision-making piece in immigration policy. This is especially true when using the stance that immigrants are a fiscal burden to fuel anti-immigrant sentiment and policies, exploiting the data for one's gain and side of the debate (Javdani, 2020). This speaks to the issue of connecting economic outcome to immigration as an argument for decision-making in the policy sphere. Additionally, public perspectives of immigrants influence the way immigration policy and the contribution of immigration is perceived, creating a feedback loop (Dustmann & Preston, 2007). Research on the net fiscal effect of immigrants requires careful interpretation and handling, sensitive to the measures and indicators included and how the information will be used in the long run by governments and the politics of the day.

4.4. Current and Emerging Considerations for Change

There are several, emerging incidences that require that the current immigration strategy be addressed to allow all TFWs regardless of prescribed skill level access to PR pathways with attention given to promoting avenues that fill growing, long-term needs within Canada's economy that are known to be essential regardless of skill required. These windows include the growing age of Canada's population, the window of opportunity provided by the COVID-19 pandemic, and the current outcomes and disjoint in utilising high human capital indicators in a changing economy.

4.4.1. An Aging Population

In 2020 the average age in Canada was 41.4 years old, increasing 4.1 years in the last decade (Statistics Canada, 2018). With an aging population comes several

considerations related to the labour market, including a growing demand in relevant industries to support seniors and the necessity of a comparable workforce to cover public social costs for exponential, increasing demand. Anticipated labour supply gaps are also an important consideration in how Canada structures its economic immigration strategies moving forward; shifts in the demand for specific industries are a good indicator of where TFWs and workers hired internationally will be required. A growing example of this in Canada is the needs of its aging population, specifically in healthcare. The strain that demands for long-term care and other health related services on the healthcare sector has been long predicted. In 2021 it was predicted that in the next decade provincial health expenditures are expected to rise at minimum \$35 billion annually (Agopsowicz, 2021).

Additionally, Immigration plays a role in boosting the overall population of Canada regardless of skill, both in terms of replenishing growing numbers and contributing to public funds. As Canada's population ages, immigration will play a role in supporting population growth, particularly working-age individuals. In 2020 the percentage of working age individuals among immigrants and temporary resident was higher than the overall population in Canada (Statistics Canada, 2018). Immigrants and temporary residents on average made up 83.9 percent of working-age individuals, compared to 66.1% of Canada's population (Statistics Canada, 2018). Among temporary residents this number is even higher. Immigration is responsible for 71% of Canada's overall population growth, and approximately 90% of its labour force (World Education Services, 2019). TFWs residing Canada can play a major role in supporting Canada's labour market and the changes it is undergoing due to an increasingly retiring workforce.

4.4.2. 'Essential' Contributions through the COVID-19 Pandemic

Through the COVID-19 pandemic, Public Safety Canada defines essential work as services and functions that directly contribute to "preserving life, health and basic societal functioning" in Canadian society (Public Safety Canada, 2020). Ten sectors of the economy were classified as critical, including notable industries like health care, food, manufacturing, and transportation (Public Safety Canada, 2020). The COVID-19 pandemic brought to light the importance of lower-skill TFWs in Canada and their integral contributions to the economy. It became evident through the beginning weeks and months of the pandemic that several occupations in society became increasingly

essential, including grocery store clerks, servers, agriculture, and specific needs in healthcare. Regardless of border restrictions, TFWs specifically those hired into seasonal agriculture positions were exempted and allowed to enter Canada based on its essential piece in the economy (Helps et al., 2021). In May 2021 then-Minister of IRCC stated that,

“a glaring truth that’s hit home I think for many Canadians is that the jobs that we have perhaps traditionally called low-skilled are actually essential. From caring for our seniors to putting food on our tables, people have awoken to the reality that these supposedly low-skill jobs are actually anything but...these roles are vital and in the time of the pandemic, they are often lifesaving” (IRCC, 2021j).

The discussion of essential work and the TFWs who fill these positions has been made more important by the impacts of COVID-19, and is considered an issue that will outlive the pandemic and only grow more apparent (Global Skills Partnership, 2022). In 2020 Senator Ratna Omidvar and Senator Rob Black commissioned Nanos research to explore Canadian public opinion related to PR access for TFWs employed in the agriculture sector and crop production. The Nanos study found that 8 in 10 Canadians to support and somewhat support pathways to PR for TFWs to stay in Canada, 71% fully agreed that TFWs working in agriculture play an essential role in the sector, and 51% supported the statement that TFWs in crop production were entitled to the same worker rights and protections of other workers in Canada (Nanos Research, 2020). There is a current ‘policy window’ open for discourse on PR access for TFWs employed in low wage positions in important economic sectors.

4.4.3. The Growing Disconnect and a Changing Economy

Canada’s economy is changing rapidly and how the federal government responds to new needs through immigration is vital to its success in the coming years. Despite the number of highly skilled TFWs that are welcomed into Canada annually, skills gaps persist. In 2018, 39% of small and medium-sized businesses reported chronic workforce shortages (World Education Services, 2019). As mentioned previously, Canada’s human capital model focusing on inviting the top of the candidate pool, as opposed to where the current and anticipatory needs are in terms of capabilities. Despite this, the system continues to invite the ‘best and brightest’, even when those admitted

might not have the skills required to fill current, real gaps in the labour supply, as well as no shortage of TFWs in the same low wage positions wanting PR. A recent study found that among high- and semi-skill TFWs 52.8% reported that they were not working in employment that leverages their skills and experience gained pre-migration and 31.8% reported overqualification in their current position (World Education Services, 2019). This is also the case among TFWs in low wage positions whose skills are underrecognized or unrelated to their work where they hold skills in other sectors and occupations and are not able to use them. The economy is at a crucial point, requiring a new way of selecting economic immigrants that expands beyond Canada's current narrow measurements of 'skill', and moves towards a more inclusive approach focused on competencies and skills-matching that thoughtfully fills gaps in the workforce which capable candidates regardless of their education or background can perform.

Chapter 5.

Methodology

The objective of this research is to assess Canada's economic immigration categories and determine areas of concern or components that perpetuate a lack of opportunities for lower skill TFWs, as well as identify policies that may support admission and access to immigration pathways for TFWs possessing all level of skills with the intent to move to or stay in Canada permanently. This report is an evidence-based policy analysis using information and secondary data from a variety of sources, including expert interviews and a jurisdictional scan. A multi-criteria evaluation is used to analyze the policy options with relevant criteria and measures.

5.1. Jurisdictional Scan

Through a jurisdictional scan the use of existing legislation around the world provided an understanding of how different policies and strategies are used in various jurisdictions related to low- and semi-skilled immigration programs, and ultimately informed the potential policy options and analysis criteria for implementation across Canada. The jurisdictional scan is categorizing into two sections. First, is a summary of Canada's effort to date in providing low barrier PR pathways to TFWs, followed by an overview of programs in other major immigrant-receiving countries with similar settlement and integration policies, as well as other global examples that do not utilise the human capital model as an approach to regulate and facilitate immigration with alternative methods.

5.2. Expert Interviews

Expert interviews with academics, government officials and advocates who work in the field of economic immigration and with migrant workers contributed to the list of policy options, criteria and methods, and analysis. Stakeholders include governments, employers and representatives, settlement services workers, migrant rights advocates, and immigration lawyers/consultants. These interviews aimed to further understand the key objectives of Canada's current economic immigration categories, programs, and

pathways; what their impacts are on equity among TFWs in Canada; what are the potential outcomes and trade-offs in offering PR pathways to lower-skill TFWs; and what solutions might achieve these outcomes in minimizing inequity Canada.

5.3. Limitations

The limitations of this analysis include the following. This report speaks to and aims to make better the lives of TFWs identified as low-skilled by Canada's human capital model structure. TFWs in low wage positions, or deemed low skill, were not directly consulted on this study on account of their vulnerability and the risk posed in including their personal experiences with Canada's immigration system. To mitigate this, efforts were made to consult and speak with professionals and representative who work directly with TFWs, speaking on their behalf.

Chapter 6.

Jurisdictional Scan

This section explores several immigration strategies utilised to provide access to PR for ‘lower skill’ TFWs. Broken into three central themes, this scan looks at the current and historical pathways and programs within Canada, current low-skill programs and policies within other countries that use selective migration policies, and states that use alternative legal, economic-based migration pathways. This chapter provides a well-rounded scope of what options and best practices are replicable in Canada to address inequalities between high- and low-skill- TFWs in accessing PR pathways. That said, there is severe lack in terms of what is available to address unequal access to PR and pathways with low-skill categories; nonetheless, there is insight for developing solutions on this important issue.

Table 6.1 Overview of Jurisdictions and related Policies

Jurisdiction	Country	Low Barrier Policies
Domestic	Canada	Regional and community focused PR pathway
		Occupation-specific PR Pathways
		Low barrier, TR – PR stream
International: Human Capital Model	Australia	Regionally focused labour needs migration pathways to PR with mobility conditions
	Japan	Occupation-based, lower-skill visa with options to apply for PR
International: Alternative Migration Model	United States	Quota for low-skill candidates through economic based PR stream

6.1. Efforts to Date: Canada’s lower-skill/ low-barrier immigration pathways

Over the years IRCC has provided PR pathway opportunities for lower-skill candidates through several immigration pilots under unique conditions and limitations, including the Agri-food pilot, regional economic pilots, home childcare provider and home support worker pilot, and the recent Temporary Resident to Permanent Resident (TR to PR) pathway. These pilots set a precedence for alternative methods for immigration related to the economy and open discussions about addressing skill discrimination in immigrant selection and unequal access.

6.1.1. Agri-Food Pilot

The Agri-Food Pilot is aimed at non-seasonal TFWs in Canada's agriculture and food-related industries. This program aims to address labour needs in the sector, offering PR to those with sectoral experience (IRCC, 2020d). This program which opened in May 2020 will run for three years, expected to close in Spring 2023 (IRCC, 2020d). Eligibility requires 'relevant' Canadian work experience, a secured employment offer in an eligibility industry, necessary settlement funds, minimum language skills (level 4) and a Canadian high school diploma or higher (IRCC, 2020d).

6.1.2. Regional Economic Pilot

Canada experiences uneven economic growth across the provinces and territories, with unique and higher labour shortages in rural and northern communities. In response, IRCC launched the Rural and Northern Immigration Pilot and the Atlantic Immigration Pilot (IRCC, 2020c, 2021f). Each immigration pilot aims to fill labour supply needs for long-term prosperity and growth, supporting employers to facilitate immigration to the region while closing gaps in the local economy. Eligibility for these pilots is targeted and diverse. Depending on stream, candidates are not required to live in Canada and can be overseas when applying; however, it required that they previously lived in the regions or obtained their education credentials in the region (IRCC, 2018a). Level of skill is also lower, as it is based off the needs of employers and matching vacancies to candidates within three streams, which includes opportunities for candidates with 'C' job skill types (Immigration Refugees and Citizenship Canada [IRCC], 2018). The North and Rural pilot also highlights the importance of 'the intention to stay' as a requirement for candidates (IRCC, 2020c).

IRCC recently announced the commitment to transition the Atlantic Immigration pilot to a permanent program, representing a "flagship regional economic immigration program" for responding to specific regional economic needs within the provinces and territories (IRCC, 2021f). These pilots have the potential for expansion, but currently only address gaps in specific regions, communities, and occupations. This highlights issues of spatial equity and limited, specific occupation opportunities.

6.1.3. Home Child Care Provider & Home Support Worker Pilot

In 2019, IRCC introduced two recent, ongoing pilots specific to occupations related to in-home caregivers. These programs are occupation-specific pathways for NOC 4411 (Home childcare providers) and NOC 4412 (Home support workers, housekeepers, and related occupations), each of which are classified as a skill level C job type (ESDC, 2021c, 2021b). The Live-In Caregiver program has a long history in Canada with changes made through the times to accommodate an evolution in program design, labour rights, and identified needs. These two pilots offer low-barrier economic PR pathways within a specific and critical field of work, alongside the Live-In Caregiver program to provide PR options.

6.1.4. Temporary Resident to Permanent Resident Pathway

In May 2021 the TR to PR pathway was announced, which was a limited-time immigration program for specific TRs in Canada, including those working in essential occupations and health fields, as well as the recently graduated (IRCC, 2021g). Candidates applied from a whole range of skill levels and circumstances at the opportunity for PR. Eligibility requirements were lessened; however, language proficiency continued to be a barrier for TFWs in low-wage positions. This program closed in November 2021.

6.2. Lessons from Abroad: Existing Strategies

There are several policies and programs in place to facilitate immigration through economic pathways for those classified as lower skilled found globally. This section explores immigration strategies utilised in other parts of the world where the human capital model is used, as well as countries with alternative migration strategies. This includes Australia, Japan, and the United States. These countries were chosen for their similar nature to Canada and offer unique policies that contribute to the discussion of promoting pathways for lower-skill TFWs.

6.2.1. Australia

Australia is a seasoned, receiving country with a similar human capital approach to Canada with similar economic conditions and an aging population. In 2018 their immigrants made up 28% of their overall population (OECD, 2018). Migration, like in Canada, plays an important role for economic contributions in valuable sectors and labour market needs. Australia uses a PBS to accept skilled candidates and creates competitive programs for high-skilled immigration. However, they acknowledge that their current immigration system does not meet all their needs and have introduced several complimentary programs that respond to changes, specifically through regionally targeted and occupation-specific programs.

Two recent examples of where Australia has focused on lower-skilled TFWs is through their Designated Area Migration Agreements (DAMA), specifically with the 'Northern Territory' (NT) and the 'Great South Coast' (GSC). DAMA are formal immigration agreements made between the Government of Australia and specific state authorities (Department of Home Affairs, 2020). These agreements provide flexibility in eligibility to meet localised labour market needs with incentives like PR to attract candidates. The NT DAMA and the SC DAMA offer a PR pathway for lower-skill TFWs who choose to enter the labour force through these agreements. This is facilitated through an employee-led nomination process with specific eligibility conditions (Northern Territory Government, 2020). This included a minimum of three years of approved work experience gained in the region through a DAMA labour agreement. (Northern Territory Government, 2020). This may also be limited to specific occupations. Employers are also required to offer a minimum of two years of employment to the nominees. After this, the worker can work anywhere in Australia, now a permanent resident. The GSC DAMA has similar functions.

To note, the cost of this process is quite expensive, highlighting continued barriers and burdens on employees that ultimately negatively affect TFWs who express interest in making Australia their permanent home when employers lack the incentive to use the facilitative agreement (Department of Home Affairs, 2021). Additionally, the difference between the DAMA and Canada's current regional economic pilots is that once the two years of employment are complete, they can work anywhere in the country. Canada's pilots do not have mobility restriction but include community ties and

commitment to the region as a central component to the program as a means to encourage retention. Canada also includes education with regional ties as a component of eligibility.

6.2.2. Japan

Japan is a major OECD country with the largest share of people over the age of 65, totalling almost one third of their population (28%) (Desiderio, 2021). The implications of this and the continued growth of the aging population reflect parallels to Canada's current situation. Historically Japan has been known as restrictive in terms of their approach to immigration, but their strategies have started to shift. In 2018 the proportion of the population held by immigrant reached a record high of 2.7 million, making up 2% of the country (Oishi, 2021). This share may seem low but based on Japan's previous approach to immigration this is unprecedented.

In 2018 Japan introduced the 'Specified Skilled Workers No.1 Visa' (SSW) which was available to unskilled and semi-skilled workers in 14 unique sectors of the economy (Oishi, 2021). This visa includes a pathway to residency option. Foreign nationals residing in Japan who wish to immigrate have the option, after several years of in-country work experience is completed, to pursue permanent status. Additional requirements include meeting Japanese language skills and the conclusion of an employment contract with an eligible organization (Ministry of Foreign Affairs of Japan, 2021). This approach reflects an occupation-driven and skill-redefining approach to meet labour market needs with the option of residency as a long-term component of the scheme.

6.2.3. United States of America

The US is a major immigrant-receiving country. In 2019, just over a million foreign nationals gain PR status in the US, approximately 110,000 of which utilised economic-based avenues to gain permanent status (Office of Immigration Statistics, 2020). Unlike Canada, the US uses a principle driven immigration system which has developed a unique structure and approach for programs, including the US employment-based green card. Sponsored by a US employer, TRs have several preferential categories to apply through to accommodate their different skills and occupations (U.S.

Citizenship and Immigration Services, 2021). Lower-skill TFWs are able to apply through the EB-3, third preference route (U.S. Citizenship and Immigration Services, 2021).

These preferential categories provide an option to TFWs of all levels to have access to an option, and with their employer's support can pursue PR in the US. With that in mind, the US caps the number of low- and unskilled workers to 5000 annually (American Immigration Council, 2021) This admissions quota is quite minimal and likely leads to little success and limited impact for lower-skill candidates in accessing a PR pathway. However, the importance is that the option is available, and a number of PR cards are awarded to lower-skill applicants every year in the US based on their employment.

6.3. Summary of Findings & Insights Gained

These migration policies target lower-skill TFWs and provide important insight into providing equitable access for all TFWs intending to make Canada more than just their workplace, but also their permanent home. Additionally, there were also several countries reviewed who had no policies or programs that offer low-skilled labour migration pathways, as well as numerous that recently removed the policies due to the COVID-19 pandemic, all of which reduced the number of overall programs available worldwide.

6.3.1. Labour Market Driven Solutions

The jurisdictional scan found several PR and migration pathways available to lower-skill TFWs in Canada and around the world using labour market needs to drive the priorities and objectives of the programs. Focusing in on international examples of low-barrier pathways, Australia provided targeted programs with regionally focused opportunities for low-skill TFWs driven by occupational need within the geographical area, and Japan provides a PR pathway option as an extension of their TFW program that adjusts to sector need. Comparable in some ways to Canada's regional economic pilots and PNP, these programs are intentional and include anticipated sector-need and current labour market shortages on a large scale. In Canada, there have also been numerous pilots unique to sectors, like the Agri-Food and Home Care Provider pilots that facilitate a pathway for candidates with a specific NOC and position. While there is only

preliminary data at this time of the success of these programs, they provide a window into what is possible in driving immigration with sector specific needs. Expansion of these programs and widening the inclusion and flexibility of industry is a promising practice for low-barrier PR pathways. Japan is a key example in taking the sector specific channel to a larger scale with their pathway option available to candidates in 14 unique sectors.

6.3.2. Systemic Change over Symptom Management

Based on the programs available, many of the options function responsively or manage symptoms of inequality that are created due to the human capital model. By responding to the issues created by the system, the problem of inequality continues to persist and goes undealt with. Policy solutions necessitate finding an option that mitigates the inequality and substantially addresses the core issue of the policy problem. Increasing access for TFWs classified as low skill with one-time programs and pilots is not enough. Larger, permanent programs are vital to address these gaps. This is also seen with countries driven by alternative models. The United States stood out as having a non-human capital model approach with a small, allotted target for low-skill candidates under their general economic application. While offering a specific target is a start in reducing unequal access, the different sizes in pools is enormous. Equitable access is linked to equal opportunity across job skill types. If the likelihood of obtaining a spot is much lower based on the number of spots, it be in a small target pool for admissions or a regional pilot, inequity persists. Largescale response is required.

Chapter 7.

Interviews Analysis

Ten semi-structured interviews were conducted with key stakeholders in Canadian immigration, selected for their expertise and experience working with and representing the affected group of TFWs. Participants included 1 academic, 2 government officials, 2 legal representatives, 1 employer representative and 4 migrant advocates. To note, all personal information has been removed for confidentiality purposes. This section provides an overview of overarching themes captured in the analysis of the interviews, providing further insight into understanding the barriers faced by lack of access to PR pathways and the priorities in addressing this gap.

7.1. Current Barriers related to Accessing PR Pathways

During the interviews, participants discussed the key challenges that the lack of access to PR has on TFWs classified as low skill. These barriers inform the policy options and subsequent analysis by bringing to light the main problems that require addressing and encourage effectiveness in providing solutions.

7.1.1. Services and supports for TFWs

Interviewees were asked on the current delivery of services and supports and the role they play in TR to PR transitions and access to PR pathways. Barriers highlighted by respondent included a lack of support focused for TR to PR transitions, a lack of funding for TR services and a lack of access due to the current structure of the TFWP.

Lack of Services available to support Two-Step Migration

Many of the interviewees, across all stakeholder groups, highlighted that there is a lack of services to support the transition from TR to PR, reflecting a gap in immigration-related services offered and supported by IRCC and ESDC.

“With this trend of two step immigration...people need these services earlier on in their settlement journey. And if they are on that track to becoming permanent residents, why not provide them with more settlement services earlier in their

journey...we're not always providing the services people need at the time they need them.” – Government Official

These missing linkages between TR and PR highlight the barriers to accessing PR for a significant portion of the workforce in Canada and requires solutions. More than half of respondents highlighted that the TFWs who would use the services would be those that fall into low-wage positions, due to the need for additional support for filling applications, navigating the immigration system, employment support and attending language classes.

Lack of Funding for TR Services

Funding available for NGOs and migrant agencies does not focus on working with TFWs in low wage positions/classified as low skill to the same extent as PRs, meaning that programs are smaller and underfunded. One migrant support worker clarified that often funding for TRs is program-based and requires renewal or extension, while PR and settlement services receive more consistent funding. Additionally, services and support do not match the demand as the TFWP increases its capacity, many TFWs are left underserved and unsupported. Of the interviewees that work in service delivery, they shared that the volume of support being asked for did not match what they could offer and acknowledged the limitations of what they can provide, concentrating on delivering the most essential services. Additionally migrant advocates highlighted that this often means prioritising migrant-related issues that are imminent and urgent as opposed to forward-looking. This includes issues of exploitation and abuse or loss of temporary status, not eligibility for PR. Without available support, barriers to PR become greater as the opportunity to upskill become harder to access.

Lack of Access due to TFWP structure

Migrant advocates stressed that the current structure of the TFWP and the control of employers does not support or facilitate opportunities for low-wage TFWs to work towards meeting eligibility requirements for PR, especially with respect to language and credentials. Three participants, particularly those who work in service delivery, highlighted that negative employer-employee dynamics can contribute to this. Some TFW employers are known to withhold breaks, impose long hours, and change their schedule without notice, ultimately taking away from the time available to TFWs to

attend language and conversation classes, other training they may register for, or important appointments with legal counsel, support workers or government officials. Improving the relationship of employers to their employees is a key piece in facilitating a higher transition opportunity for TFWs in low wage occupations. One of the government officials stated that changing the trajectory of the TFWP and the conditions of works is part of that.

“...so many of these problems are chronic and start way upstream. And they start with how we run the temporary resident programs, and what the criteria are and what work permit parameters are.” – Government Official

Providing a PR option in some fashion changes the context of their work and their contributions in the program; it's no longer cyclical and moves workers along a continuum towards PR. That shift impacts employers and the relationship of the TFWP within the bundle of immigration-based strategies that support the economy.

7.1.2. Disconnect between TR and PR programs

The different drivers behind the TR and PR programs were also exemplified as an underlying barrier that prevents the transition of low-wage TFWs from temporary to permanent status. Many participants outlined the disjointed relationship between temporary programs and permanent economic immigration pathways that IRCC offers.

Different Program Objectives

The EE and TFWP have different objectives which influence the eligibility for candidates, one being of 'last resort' and the other 'the best and brightest'. The TFWP helps to fill necessary gaps required for economic stability and progress, yet the same workers are seemingly not a good candidate to stay in Canada. Participants emphasized this divide.

“The eligibility focus [of the TFWP is] entirely about the job, it's not about the person. And then on the permanent residence side, it's pretty much all about the person, not the job. So aside from skill level, that creates barriers, if we want to make sure that people who are coming in temporarily, will eventually have an opportunity to apply for permanent residence...we need policy alignment

between permanent streams to be at the temporary residence stage, not just reactive at the permanent residence stage.”– Government Official

Respondents that worked in direct program delivery were asked how many of the TFWs in low wage positions held aspiration to immigrate. Three interviewees shared that approximately 99% of their clients have hopes to gain permanent status; however, PR pathways for low-skill candidates are limited and do not provide enough spots to meet the demand and expectations of so many TFWs in low-wage positions.

A Lack of Low-Barrier PR Options

TFWs fill positions driven by labour market needs and similar programs have been implemented to provide PR pathways to semi- and low-skill TFWs. Participants were asked their thoughts on the PNP, the recent TR to PR pathway, and the regional economic and sector-specific pilots. While the programs were providing some access, barrier persist due to requirements beyond skill.

“Canada accepts workers into the country to fill labor market shortages. And we rely on these workers to fill essential jobs. So why if we consider these individuals good enough to come to Canada and work and support our economy, do we not create [PR] pathways that reflect those workers” – Employers Representative

Many respondents cited that minimum language requirements keep eligibility high, never fully offering a true low-barrier option for candidates classified as low skill.

“[With respect to the TR to PR pathway, IRCC says]... you've supported us, we want you to stay, but then put in an arbitrary language requirement that the government knows full well, that the vast majority of farmworkers can't meet because the vast majority of farmworkers are not english speaking... make sure your programs are reflective of the populations that they're designed or said that they're designed to serve” – Legal Representative

Participants emphasized the need for flexibility in the entry requirements, which some pilots based on sectors and occupations experiencing labours shortages have done. This provides an adaptive tool to respond to labour market needs and concede on requirements to fill shortages.

7.1.3. Discrimination through Skill Selective Policies

The unequal access to PR for low-wage TFWs was reiterated in the interviews, pointing to components of the human capital model used for economic immigration selection as the culprit, including the limitation of selecting candidates based on skill and the falling outcomes of the current PBS system.

Unused ‘Capital’ and the limitations of ‘skill’

It was stressed that the use of ‘skill’ in the PBS is for decision-making on admissions is becoming increasingly obsolete, calling for alternatives for measuring one’s ability to fill a position and the value of a worker’s contributions. One participant proposed thinking wider than just skill and education, highlighting the use of assessments based on competencies as a more inclusive approach for inviting TFWs to apply for PR. This is a common practice in hiring and has potential for informing immigrant selection processes in the future.

An Outdated PBS

A final barrier that emerged within the interviews is the outcomes produced by the human capital model approach for immigration, and that it is no longer serving Canada’s economy in the way it was intended has in the past or intends to.

“The point system needs to adapt to respond to the needs of industry and the needs of our labour market, if we are sticking to the economic stream and the concept of the economic stream being immigration for the purposes of labor market integration and supporting the Canadian economy, then it needs to reflect the needs of the Canadian economy.” – Employers Representative

Two respondents with government and employer perspectives shared that changes in Canada’s labour market needs, as well as weaknesses in the labour market integration process that have led to skill mismatch leaving severe shortages in critical sectors, are highlighting the limitation of the PBS and the need for complementary programs that close gaps currently filled by TFWs.

Chapter 8.

Policy Options

This section provides an overview of policy options identified that promote immigration pathways for lower-skill TFWs and address issues of unequal access to PR. Informed by the research, jurisdictional scan, and interview findings, it is apparent that the human capital approach leads to persistent challenges for TFWs classified as ‘low skill’ by the system.

8.1. Policy Option 1: TR to PR Critical Industries Program

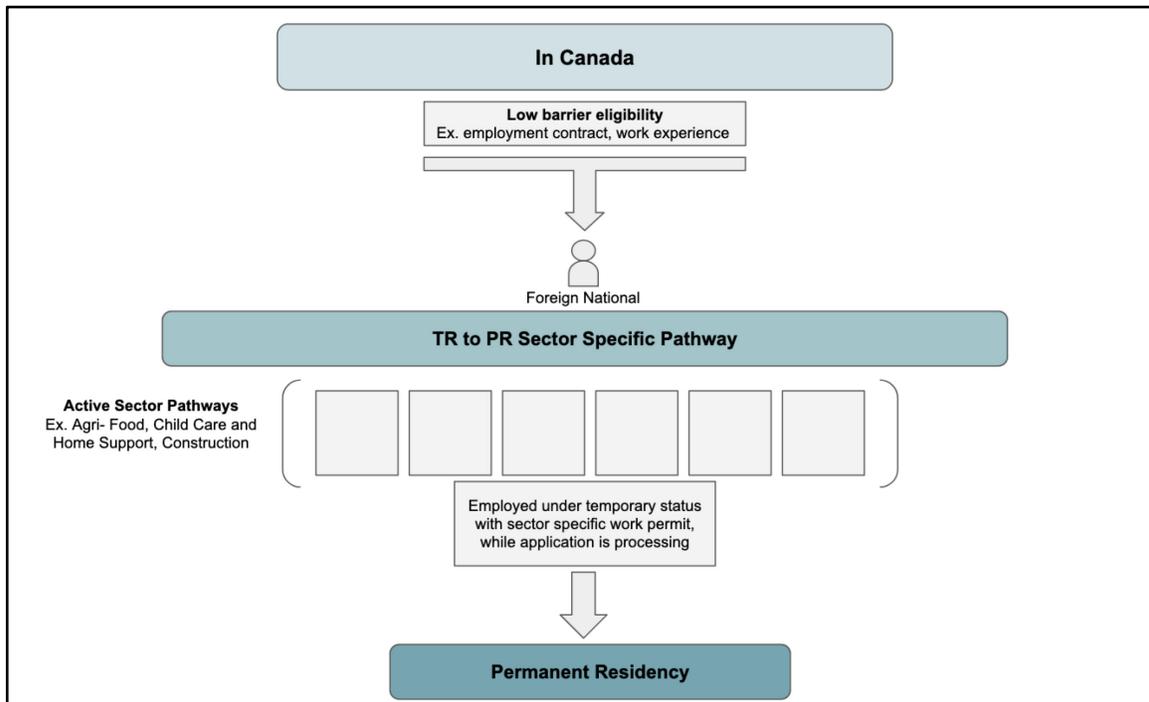
As labour shortages in Canada’s economy persist, there are opportunities to find a balance in responding to labour market needs while offering PR pathways to TFWs in ‘in-demand’ industry positions that fall into the “D” job skill type. One policy option to effectively increase access to PR is providing a centralized economic pathway option for ‘low skill’ TFWs as a two-step migration avenue. Eligibility to access the PR pathway stream can be based mainly on work experience and directed at TFWs classified under NOC ‘D’ in critical sectors. Other low-barrier requirements could also be added, including essential competencies defined by the specific industry, active employment contracts, or relevant Canadian work experience; however, it’s important that the intent of the program stay true to offering an accessible avenue. This provides a wide pathway for TFWs who previously faced barriers in accessing a program due to their recognised skill profile, language training or gaining education, while balancing economic objectives and needs through immigration admissions.

Sector streams can be amendable, providing flexibility to respond to the Canadian economy as new trends in labour shortages and growing sector needs arise. Work permits for the pathway option would necessitate a shift to sector-based work permits which allow workers more control of their mobility between employers and different workplaces. Wage premiums can also be offered to incentivize postings in rural and northern communities.

Canada’s immigration system already has small-scale policies that are based on labour market need and lower requirements. Current PNP programs or regional pilots,

also accommodate different labour market needs in different communities and sectors. The proposed sector-specific pathway is an opportunity to create an ‘umbrella’ structure that houses and expands the current programs and add additional industry streams, while also removing some of the eligibility requirements to provide a true, low barrier option that benefit TFWs in low wage positions and meets economic objectives.

Figure 7.1 Overview of TR to PR Critical Industries Program



8.2. Policy Option 2: Career Mobility Pathways & Skills Development Services

A main barrier to accessing PR is having the ability to pursue and gain ‘skills’ to meet eligibility and apply for the current economic pathways. This is especially true for the language proficiency and Canadian education credentials. Often ‘low skill’ TFWs are unable to apply for available PR pathways because they simply don’t meet the eligibility, since the threshold is consistently so high, even in circumstances relating to low-barrier pilots and the PNP. Career mobility pathways and skills development services begin addressing unequal opportunity to access PR pathways in focusing on professional development and receiving support related to eligibility to bridge the gap and reduce barriers. This includes apprenticeships, or other labour mobility pipelines that provide an upward trajectory for workers. This can be strategically encouraged in industries with

critical labour shortages and other sectors where employers are interested in sponsoring and working with IRCC to fill immediate shortages with the addition of 'on the job' occupational training and the goal of moving them up into permanent positions with permanent status. This does not impact the use of Express Entry but provides greater opportunity and support for candidates categorized as 'lower skill' in accumulating points and meeting current thresholds set for human capital centred programs. It also provides employers permanent employees

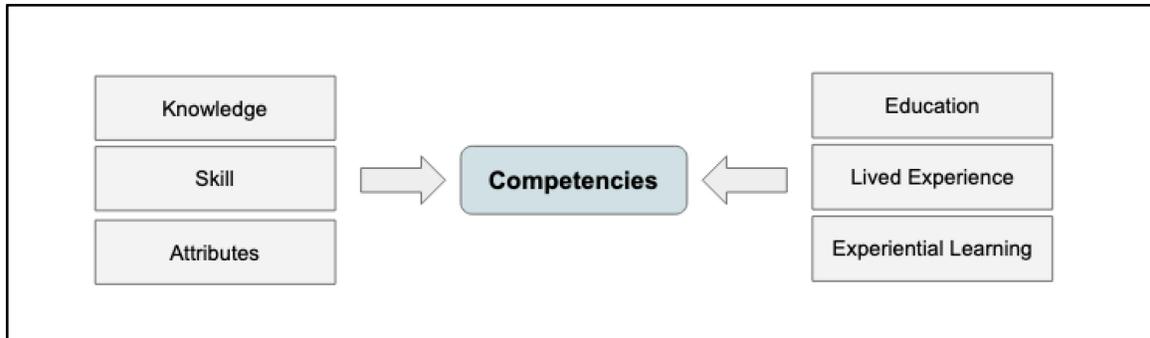
Led by IRCC and in partnership with ESDC and Innovation, Science and Economic Development (ISED)'s Regional Development Agencies (RDA), employer and entrepreneur grants can be available, exemptions from LMIAs, as well as federally funded services and programs for TFWs to attend through a variety of formats (online or in-person). Access to these services can be made a requirement for employers, and audits can be done among participating employers to ensure quality. Equity Benefiting agreements can also be added into the policy framework to encourage employers working with 'low skill' TFWs to hire and sponsor their employees for permanent status.

8.3. Policy Option 3: Competency-Based Eligibility

Using 'skill' as a measurement, predominantly based on education, has led to unequal access in applying for PR. Often skill determination is based on formal and traditional credentials, leaving a large proportion of the workforce unrecognized for their gained work experience and education if they have any. Competency based classification and eligibility can begin rebalanced the scale of access to PR pathways through modifying the skill-based component of the CRS and the NOC to include a more inclusive competency informed system, or through providing a complimentary assessment tool alongside the PBS to allow some flexibility with employers within the current framework. In removing points based on basic skill factors like education, this option expands the candidacy profile to examine competencies. Competency informed selection takes an inclusive and well-rounded approach to assess one's knowledge, skills (cognitive, social, and interpersonal), and judgement as it pertains to a unique occupation or specific sector (World Education Services, 2019). Utilizing competencies in lieu of Canada current definition for skill moves away from formal education and traditional ways of determining a candidate's performance. This also allows for informal and 'invisible' training, either knowledge-based or learned capabilities, to be accounted

for. It also opens equal opportunity in demonstrating one's qualifications regardless of where and how their skills and knowledge were obtained.

Figure 7.2 An Inclusive Competencies Approach for Candidate Selection



Adapted from World Education Services, 2019.

This approach is increasingly discussed and used among employer groups and industry as a means of hiring to accomplish skills-matching between vacancies and candidates (World Education Services, 2019). It was also highlighted in the interviews conducted as a potential, transferable mechanism for immigrant categorization and selection. Several emerging examples of how competency informed practice by employers integrated within immigration is being used, including the Immigrant Employer Council of BC (IEC-BC)'s FAST program. This pilot functions as a pre-arrival tool for prospective immigrants and TFWs to understand their candidacy profile beyond what the PBS recognized, as well as a job bank that connects them with employers looking for talent and opportunities to access PR (IEC-BC, 2019). There is an opportunity IRCC can take a role in reacting to and adjusting to a new way of understanding 'skill' with labour market driven strategies.

Competency standards for classifying an occupation can be based on industry standards and updated periodically to reflect the most current and progressive input from stakeholders and industry partners. These competency requirements may also shift and update in response to labour market changes and provide evidence about competency transferability to encourage mobility into critical sectors, if necessary. Additionally, this provides candidates greater insight into what areas they require training and where their strengths are. This also informs employers with greater understanding on what type of career development, if any, they might be able to offer to bridge that gap. Additional points could be provided for different NOC codes where industry has successful

demonstrated a need for workers which would bolster the applications of candidates with less points to raise up TFWs with experience and competencies in so called low wage positions. Competency tests can be administered and mandated by IRCC as a part of the applicant process, like the required citizenship test for the Canadian citizenship application. Once someone qualifies in a pool, employers and IRCC can work together to ensure workers are connected into the right positions.

Chapter 9.

Evaluation Criteria and Relevant Measures

The potential policies introduced in chapter 8 are analysed through a multi-criteria assessment matrix to evaluate which options provide the best course of action in addressing the policy problem outlined within this major research report. This section outlines the relevant criteria used in the analysis method, which correspond with key objectives of mitigating the problem. The evaluation matrix also includes the consequential impacts and considerations for policy implementation. This includes equity, economic efficiency, stakeholder acceptance, and administrative ease. These criteria and methods are informed through the findings from the literature analysis and interviews.

Table 9.1 Criteria and Measures for Policy Analysis

Objective & Considerations	Criteria	Measure	Measurement
Effectiveness /6	Enhanced access to economic PR pathways for TFWs	Increased opportunities to apply for economic-based PR pathways	1. Low/No Opportunities 2. Mid Opportunities 3. High Opportunities
	Ease of achieving eligibility requirements	Enhanced ability for TFWs to meet eligibility requirements for PR pathway	1. Low/No Likelihood 2. Mid Likelihood 3. High Likelihood
Equity /3	Reduced inequalities or discrimination	Improvement of recognition of TFW's competencies and economic/non-economic contributions	1. Low/No Improvement 2. Mid Improvement 3. High Improvement
Economic Efficiency /3	Continued economic growth and labour market input	Sustained supply of labour force to address labour shortages in certain sectors	1. Low/No Impact 2. Mid Impact 3. High Impact
Stakeholder Acceptance /3	Support from Pro-Migrant Groups	Measure of support from pro-migrant groups	1. Low Support 2. Mid Support 3. High Support
	Support from Employers	Measure of support from employers	1. Low Support 2. Mid Support 3. High Support
Administrative Ease /3	Complexity of policy implementation within the federal government	Level of policy change and additions required by fed government and the number of actors involved	1. Low Ease 2. Mid Ease 3. High Ease
Total Score			/18

9.1. Effectiveness

Effectiveness as a criterion is intended to evaluate the success of the policy options in meeting the key objective of providing pathways to permanent residency for TFWs classified as low skill in Canada. Informed by the literature and barriers highlighted in the interviews, there are two main factors that inform and contribute to what it would look like to effectively improved access to PR pathways and implementing measures to support the two-step transition. This includes enhanced access to economic PR pathways for TFWs and reduced barriers to achieving eligibility requirements needed to access PR through a facilitative program or a regulatory change to current programs. This will be measure through level of increased opportunities to apply for economic-based PR pathways and ability to meet eligibility requirements for PR pathway. These will function as measurements in the analysis. Effectiveness will be weighted twice heavier than other criteria to highlight its importance as the central objective.

9.2. Equity

Equity is a central consideration in gauging how a policy option addresses the inequalities experienced by TFWs assigned to low skill categories because of skills discrimination in the immigrant selection process. A major challenge and barrier have been the lack of recognition of skills and worker contributions, both economic and societally. The current scope of skill for the EE programs has led to erasure of 'on the job' and unrecognized skills and competencies from supporting and representing a candidate's full capabilities and performance. This was identified in the literature and through the interviews. For the purposes of this analysis equity is measured by the level of recognition of TFW's competencies and contributions, economic and non-economic, beyond what is already included.

9.3. Economic Efficiency

Changes to economic immigration pathways necessitates the consideration of the impact any modifications might have on economic efficiency in Canada. The economic contributions of the low-skill TFWs and the human capital model in driving the admission of high-skilled TFWs, plays a major role in Canada's current and projected

economic growth, drives the makeup of the labour supply, and minimise gaps within it. The measurement for this criterion is the continued economic growth and labour market support, measured by sustained supply of labour force to address labour shortages in certain sectors. This option ensures that the policies are balanced by the economic objectives of the immigration system as outline in IRPA.

9.4. Stakeholder Acceptance

There are several external, non-governmental actors in the arena of immigration that take a vested interest in the policy of government programs and contribute to the success of delivery as a main player. The two major stakeholder groups are pro-migrant groups and employers. Pro-migrant advocacy groups represent and advocate for the primary affected group of TFW, emphasizing rights, services, and wellbeing of the workers. These priorities were highlighted in interviews with service provides and migrant advocates. Their support is vital in the success of the program in connecting workers to the pathways. The other major stakeholder is employers specifically those who hire TFWs with 'low skill' classification or low-wage positions. Their interest related to their businesses and labour market. Minimizing irritants and having their partnership in supporting the changes that impact the TFWP influence the success of any policy or program. In this analysis support from both stakeholder groups will measured by their perceived support of the proposed policy.

9.5. Administrative Ease

Administrative ease refers to the complexity of implementation and maintenance of new policies and programs by the federal government. Immigration, especially some of the economic-based programs, are facilitated in partnership with the provinces and territories. It was stressed in the interviews that inter-governmental cooperation is at the centre of economic immigration within Canada. There is also the involvement within and between departments. Literature revealed the responsibilities of IRCC (temporary residency and citizenship divisions) and ESDC regarding TFWs and the TFWP. For this analysis, administrative complexity is measured by the level of change required and the number of government actors involved to bring a policy to fruition.

Chapter 10.

Policy Analysis

This section provides a detailed analysis of the viable policy options outlined in Chapter 8. This analysis utilised a multi-criteria approach to determine the performance, outcomes, and anticipated risks relating to the three policy options based on the important objectives and considerations. The analysis is substantiated through interviews, the jurisdictional scan, and relevant literature.

10.1. Analysis 1: TR to PR Critical Industries Program

Based on the multi-criteria analysis, policy option 1 performed moderately well, scoring 15 out of 18, as seen in Table B.1 of the appendix. Key highlights within the analysis include strengths in economic efficiency and stakeholder acceptance, as well as notable good outcomes for effectiveness. There are no poor results, highlighting a well-rounded performance across objectives and considerations.

10.1.1. Effectiveness

In terms of effectiveness, this option received a total score of 5 out of 6, ranking high with increased opportunity and moderately with achievability. First, this option provides increased opportunity and access to a PR pathway by providing new PR industry pathway targeted at low-wage occupations for TFWs with a unique pathway for candidates with lower NOC skill types where there previous where minimal opportunities (Akbar, 2021). Additionally, this type of PR pathway is more easily accessible and achievable to TFW deemed low wage and those with competencies in specific and critical sectors. An example of this is the current Agri-Food Pilot which tailors to D skill type TFWs in agriculture, filling the candidate pool with the population the pathways hope to reach. This option actualises this on a large scale, pulling from Japan's SSW program outlined in the jurisdictional scan. Regarding ease of achieving eligibility, by lowering eligibility requirements this option supports the ability for TFWs classified as low skill in working towards meeting eligibility for an economic PR pathway. While systemic issue of having time and support to work towards applying for PR is unchanged, there

are less requirements compared to current economic categories for candidates to complete (IRCC, 2021b, 2021c, 2021d).

10.1.2. Equity

This option received a cumulative score of 2 out of 3, ranking moderately. From an equity perspective, there is no improvement in formal recognition of gained work experience and education; however, by having a pathway to PR and a trajectory towards permanent status in certain sectors, economic contribution within these occupations is acknowledged. During the COVID-19, the Government of Quebec open a 'Guardian Angel' pathway which provides a PR pathways in response to the contributions of asylum claimants working in the healthcare sector (IRCC, 2021i). Their candidacy did not change; however, an option was made available to them as a 'thank you' to the immense contribution made through the pandemic. There is precedence for this type of reciprocal program for application in an economic context.

10.1.3. Economic Efficiency

With respect to economic efficiency, this policy option scored 3 out of 3, ranking high. The TR to PR Critical Industries program addresses important labour market needs and responds to projected shortages and concerns related to the Canadian economy. The sector-based stream facilitates a steady stream of permanent workers to support the labour supply for industries experiencing a labour crisis. In reviewing the impact of labour market driven immigration strategies like the PNP which prioritizes critical regions, the evidence shows that intentional geographic immigration increased attraction and retention of immigrants and immigrant talent in these key regions (Pandey & Townsend, 2011). This provides some precedence on how speciality streams can be used to support economic goals. Additionally, this program does not impact the EE programs in fulfilling its own objectives of high human capital outcomes and the TFWP for meeting immediate, short-term needs across the economy and several industries. This option provides a 'middle of the road' program between current TR and PR options.

10.1.4. Stakeholder Acceptance

Stakeholder acceptance with respect to this option scores high with 3 out of 3. From the perspective of stakeholders, the TR to PR Critical Industry pathway option will gain moderate support. It is expected, based on insight from interviews, that there would be marginally high support from pro-migrant groups for pathway options and a shift away from closed work permits. Advocacy groups were divided in terms of support the degree of increased accessibility, from advocating for 'PR for all and upon arrival' to acknowledging a balanced approach using 'focused, speciality' programs. However, interview respondents agreed that increased access was necessary. While some pro-migrant advocacy groups would likely voice concerns or offer feedback regarding the implementation of measured approach using sector streams, there would be unanimous support that the access to PR pathways is moving in the right direction by beginning to close the gap.

In terms of employers, there would also be support. This pathway option affects employers differently dependent on their industry. The employer representative in the interviews highlighted that many employers in critical industries want reliable, long-term workers to stabilize the industry due to the volatility with cyclical workers, especially in cases where there is critical need. Currently, employers face a lot of barriers in being able to hire TFWS and immigrant workers (Hayes, 2020). Increasing access to workers begins to address some of these challenges. With respect to employers in sector that do not benefit from any of the streams, there is little impact due to the indicators that would merit the use of critical sector stream. Additionally, employers still have access to utilising the TFWP for short-term, immediate needs, keeping available all avenues for hiring.

10.1.5. Administrative Ease

In terms of administrative ease, this option scores 2 out of 3 performing moderately in terms of complexity in implementation. Creating a new pathway requires collaboration between temporary residency and citizenship divisions of IRCC, as well as working with ESDC and industry. There is complexity in managing these different actors; however, these different actors have a longstanding and ongoing shared responsibility with respect to TFWs and the TFWP. There is also precedence set in the creation and

implementation of regional pilots in recent years that provide a formula for doing so in executing a sector-based pathway option on a federal scale.(IRCC, 2020c, 2020d, 2021f).

10.2. Analysis 2: Career Mobility Pathways & Skills Development Services

Based on the analysis, the second policy option, the career mobility pathways and skills development services, performed poorly compared to other options, scoring 13 out of 18, as seen in Table B.2 of the appendix. Key highlights within the analysis include its effectiveness in producing support for TFWs in re-skilling, and administrative ease. Areas of concern include the effectiveness of creating access to new PR pathways.

10.2.1. Effectiveness

In terms of effectiveness, this option scored 4 out of 6, with strengths specifically towards providing ease of achievability. Providing a career mobility pathway and other professional development services intentionally improve the opportunity for TFWs to meet the eligibility of current PR programs and pilots by providing a bridge of support. It was emphasized in the interviews by all respondents that services are an important part of migrants/immigrants' stay in Canada regardless of their status and where they might be in their migration journey. The career mobility pipeline and services, however, do not create new immigration pathways quantitatively; but rather increase access by giving low-skill TFWs the tools and opportunities to achieve PR eligibility criteria and boost their competitiveness in current streams. During the interviews, migrant advocates shared that many of the TFWs they work with that have ample access to services, like language training, often are able to accomplish meeting the requirements to apply for one of the lower-barrier PR pathways when they open up. Those without access to sufficient support face greater barriers in meeting eligibility for any opportunities, especially as spots fill up quickly and do not merit enough time to apply.

10.2.2. Equity

With respect to equity, performance scored 2 out of 3, ranking moderately for recognition of skills. Access to career support services promotes the accumulation of acknowledged skills supported by the government. Some interviewees stressed the importance of services to create a safety net and staircase for workers to move upwards, while also acknowledging this does not necessarily lead to the recognition of previous skills and credentials gained elsewhere. This also places the burden of work on TFWs and does not increase the quotas and targets for economic immigration. Migrant advocates highlighted that any changes must reduce harm against TFWs with low skill type positions, not place the burden of change on the most vulnerable.

10.2.3. Economic Efficiency

From an economic efficiency standpoint, this policy option scored 2 out of 3. This option promotes Canada's long-term economic objective. The federal government asserts that immigration contributes to economic growth in Canada, stating that 6 in 10 immigrants make a positive impact on the economy (IRCC, 2018b). This was also confirmed by government officials during the interviews that increasing the likelihood of low-skill TFWs receiving PR status they become a permanent contributor to the labour force within their respective industries. However, without additional and intentional programs, the transition rate may not be high enough to provide the sustained labour supply to anticipated gaps in in-demand sectors (World Education Services, 2019). Additionally, the TFWP is unchanged, as services would run adjacent to the work program like the current status quo for meeting labour market needs.

10.2.4. Stakeholder Acceptance

In terms of stakeholder acceptance, this option rates 2 out of 3 cumulatively, ranking moderately across both major stakeholder groups. With respect to pro-migrant groups, there would be mixed reviews. During the interviews respondents involved in service delivery highlighted the importance of services and stability in delivering support. Expanding existing supports open opportunities for pro-migrant groups to provide services in the way they envision; however, when prompted on solutions respondents stressed that services alone make it a 'piece meal' response and not enough of a

solution to the issue of high skill privilege maintained by the human capital model. With respect to employers, it was mentioned by interviewees that employers are hesitant with upskilling and training employees with no guaranteed returns. They go on to say that upward mobility creates vacancies in once filled entry level positions that employers would be required to fill once again. However, funding and support available from government to support TFWs in accessing services is an incentive for employers to encourage their gain from the added skill to their workforce.

10.2.5. Administrative Ease

Administrative ease is high with respect to career mobile supports, scoring 3 out of 3. Similar programs and services are currently offered to permanent residents and newcomers in Canada offered by the federal government and within the provinces, as well as some limited supports already available for TRs (Welcome BC, 2022; Whalen, 2019). The infrastructure and program systems are easily replicable within the current system and legislation with funding and grants to facilitate funds to service providers and supports.

10.3. Analysis 3: Competency-Based Eligibility

Based on the analysis, competency-based eligibility performed moderately well, scoring 13.5 out of 18, as seen in Table B.3 of the appendix. Strengths includes recognition of skills, economic efficiency, and acceptance from stakeholders. Concerns with this option are specifically in terms of administrative ease and the complexity of implementation and maintenance.

10.3.1. Effectiveness

With respect with effectiveness, this policy option scored 4 out of 6, ranking moderate in both measurements. Competency assessments encourage improved access to PR pathways through modifying the 'skill' factor through greater inclusion of a candidate's qualifications within the selection framework. It provides increased opportunity for TFWs classified as low skill to pursue one of the existing PR pathways by accounting for wider recognition of their current skills and abilities. During the interviews, employer groups stressed that competency-inform selection in hiring provides greater

opportunities for prospective employees without formal education to apply. This option does not create new support or services for TFWs classified as low skill under the current NOC and CRS; however, it improves the flexibility of what eligibility includes and is more sensitive to the recognition of informal skills. This expands on the perspective of skill beyond formal, recognized education (World Education Services, 2019). The current perpetuates 'high skill' privilege through the PBS ranking system in the candidate pools (Lim, 2017; Tannock, 2011). The lack of a targeted method for lower NOCs may lead to continued issues of competitive advantage with high skill candidates continue to come out on top.

10.3.2. Equity

From an equity perspective, competency assessments score 3 out of 3 with high improvements to the recognition of skills. This option provides improved identification of skills, abilities, and contributions, playing to the strengths of all TFWs equally. This was also brought forward during the interviews, that opportunities for TFWs in low wage positions to have their unacknowledged skills recognised would open new doors for them. Additionally, TFWs have greater opportunity to work in positions that suit their competencies profile. One interviewee spoke about this in the context of live-in care givers and how many TFWs have education and training in nursing and healthcare that go unrecognized and are thus hired into and kept in positions well below their potential.

10.3.3. Economic Efficiency

Scoring 3 out of 3, this competency-based eligibility broadly responds to labour market needs, focusing on connecting workers into industries for full maximization of the abilities available within the labour supply in permanent and temporary employment pools through the TFWP and Express Entry programs. An updated CRS and a competency-informed NOC system provides employers with well-equipped employees, in the same way that competency-inform hiring connects employers to well suited workers (World Education Services, 2019) . This can also be receptive to industry change and evolve with sector changes and innovation.

10.3.4. Stakeholder Acceptance

Stakeholder acceptance with respect to competency informed eligibility changes scores 2.5 out of 3 with full support from employers. Moving away from the human capital model was a common recommendation from advocates during the interviews. This policy option doesn't necessarily move away from selective skill strategies but provides greater access and lessening the inequality created by the current definition of skill. Migrant advocates in the interviews stressed the importance of supporting the most vulnerable. There would still be questions regarding TFWs with smaller competency profiles who would end up excluded as a result of maintaining the same structure of the current skills-determinant system. With respect to employers, there would be support for two main reasons. Competency-informed selection has been proven to find qualified candidates (World Education Services, 2019). For those looking to fill critical vacancies, this system provides easier access to qualified candidates and offers confidence in providing a pool of workers on a trajectory to PR. Additionally, the TFWP also benefits from the changes, due to its use of the NOC in determining occupation classifications (IRCC, 2014).

10.3.5. Administrative Ease

With respect to administrative ease, this option performs poorly, scoring 1 out of 3. Changing the CRS or NOC would be a highly complex process. Canada's human capital model and its components are an established part of the nation's immigration policy. In 2014, the federal government overhauled the TFWP which was an extensive procedure (ESDC, 2014). While the changes have been made in the past, revisions are a tedious process due to foundational role of the CRS and NOC in much of IRCC's economic immigration programs. This is especially true in creating an evolving competency informed classification that would require rebuilding the eligibility framework on a regular basis. Implementation and maintenance would also require the involvement of many actors within IRCC and ESDC, and as well as external partners specifically industry consistently.

10.4. Summary of Analysis

Analysing the three main policy options using a multi-criteria approach, it was determined that each of the options has their own strengths and weaknesses in effectively addressing the policy problem and affecting relevant considerations. As reflected in Table 10.1, based on the analysis, the TR to PR Critical Industries Program ranks the highest with a score of 15, followed by the Competency-Based Classification for eligibility with 13.5 points, and lastly the Career and Mobility Pathways & Skills Development Services with a close 13 points.

Table 10.1 Summary of Analysis Policy Option Matrix

Objectives & Considerations	TR to PR Critical Industries Program	Career Mobility Pathways & Skills Development Services	Competency-Based Eligibility
Effectiveness - Increased opportunities to apply for economic-based PR pathways - Ease of achieving eligibility requirements	3/3	1/3	2/3
	2/3	3/3	2/3
Equity - Improvement in recognition of TFW's competencies and economic/non-economic contributions	2/3	2/3	3/3
Economic Efficiency - Sustained supply of labour force to address labour shortages in certain sectors	3/3	2/3	3/3
Stakeholder Acceptance - Support from Pro-Migrant Groups - Support from Employers	1.5/1.5	1/1.5	1/1.5
	1.5/1.5	1/1.5	1.5/1.5
Administrative Ease - Complexity of policy implementation with the federal government	2/3	3/3	1/3
Totals	15/18	13/18	13.5/18

Chapter 11.

Recommendation

Based on the analysis outlined above, the recommended approach is the implementation of the TR to PR Critical Industries Program, a permanent and widescale sector-specific pathway option as a TR to PR pathway for TFWs working in low wage occupations experiencing critical labour shortages. This is a dedicated Canadian work experience and low-barrier pathway for low-skill TFWs in Canada. This program provides targeted access to workers intending to immigrate to Canada under an economic stream and can be implemented using the blueprint of previous pathways and expanding out the program, providing an accessible choice to TFWs in essential and high opportunity occupations. This concentrates on skills utilization, driven by labour market need, and help builds two-step migration pathways connected to in-demand and essential positions.

That said, there is merit in considering the complimentary role that career mobility services and competency-based classification for eligibility, particularly the latter, can play in further mitigating the inequality of access to PR pathways due to 'skill'. In implementing changes to the CRS that prioritizes competencies as the starting point for understanding one's candidacy and performance, Canada's immigration system begins to move away from a skill-based determination system with 'high skill' preference towards a more inclusive selection structure that accounts for currently unacknowledged skills and attributes. Similar can be said of the career development services in supporting TFWs in gaining from upward mobility and achieving their goals, including permanent status.

The creation and implementation a sector-specific pathway option for critical industries can be actioned immediately, beginning with stakeholder consultation to determine critical streams. Near term commitments can be set for rolling out the program with long-term targets to reevaluate the streams and create monitoring framework to determine eligibility and what necessary its inclusion in the program.

Chapter 12.

Conclusion

Economic immigration is an integral part of Canada's workforce, filling gaps in the labour supply and contributing to the nation's economy through a variety of means and opportunities. That said, Canada's use of the human capital model does not provide equal opportunity in accessing PR pathways. The points-based system used by IRCC is skills-based focusing on 'the best and brightest', which consequentially means that the scheme prefers high-skill candidates, leaving behind and excluding TFWs classified as low skill from obtaining permanent status. For many low-skill TFWs this type of approach to immigration perpetuates issues associated with temporary status, including limitation to upward labour mobility, precarious working conditions and risk of labour exploitation, negative impact due to family separation, lack of access to healthcare and government services, among several other limitations and long-term impacts on migrants. In exploring potential options to increase access to PR pathways for TFWs in low wage positions, the two main issues that arose that need addressing is the availability programs and the opportunity to work towards meeting eligibility for PR. There are also several important considerations regarding equity, economic efficiency, stakeholder acceptance, and administrative ease.

Addressing inequality maintained by the human capital, however, does go far beyond just access and opportunity. Canada is known for its humanitarian record; it is time to see that reflected within its own economic immigration program. Other key policy areas include addressing issues of exploitation and abuse within the TFWP and providing better conditions for TFWs that empower and support workers firsts and minimise abuse in the system on their journey towards PR. With economic immigration IRCC has the opportunity to lean into providing a bridge between their TR and PR programs, built on a diversity of skills and competencies of all kinds which the nation's economy and that communities desperately need, hand in hand with a worker's first approach to support TFWs starting from the very beginning of their stay in Canada and offering in return a permanent place in society with equal standing.

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Appendix A:

Detailed Overview of Canada's PBS

Table A.1 Canada's Comprehensive Ranking System

Factors	Indicators	Points Per Factor		Points breakdown
		Individual	With Spouse	
A. Core Candidate Factors	Age	110	100	Points awarded based on preference for working-age candidates. Maximum points given to 20-29 age bracket.
	Level of Education	150	140	Points awarded by highest level of attained education. Maximum points given for PHD.
	Language Proficiency	160	150	Points awarded based on level of ability score through Canadian Language Benchmark (CLB). Maximum points given to CLB 10 or more.
	CDN Work Experience	80	70	Points awarded by years worked in Canada. Maximum points given for 5 years or more.
	Indicators	Points Per Factor		Points breakdown
B. Spouse/Common Law Partner Factors	Level of Education	10		Points awarded based on highest level of attained education. Maximum points given for PHD.
	Language Proficiency	20		Points awarded based on level of ability score through Canadian Language Benchmark (CLB). Maximum points given to CLB 9 or more.
	CDN Work Experience	10		Points awarded by years worked in Canada. Maximum points given for 5 years or more.

Factors	Indicators	Points Per Factor	Points breakdown
		Individual	With Spouse
C. Skill Transferability	Education with Good Language Proficiency	50	Points awarded by highest level of attained education. Maximum points given for some post-secondary or higher
	CDN Work Experience with post-secondary education or higher	50	
	Foreign Work Experience with Good Language Proficiency	50	Points awarded by years of foreign worker experience. Maximum points given for 3 years or more.
	Combination of Foreign and CDN Work Experience	50	
	Certificate of Qualifications with Good Language Proficiency	50	Points awarded for proof of qualifications
	Indicators	Points Per Factor	Points breakdown
D. Additional Points	Family Ties	15	Additional points are awarded based on meeting factors and indicators measured here.
	French Language Skills	50	
	CDN Post-Secondary Education	30	
	Arranged employment	200	
	Provincial Nominee Appointment	600	
			Grand Total / 1200points (Max)

Date adapted from (IRCC, 2021e).

Appendix B:

Policy Analysis Summaries

Table B.1 Policy Option 1 Analysis Matrix

Objective & Considerations	Analysis	Score
Effectiveness <ul style="list-style-type: none"> - Increased opportunities to apply for economic-based PR pathways - Ease of achieving eligibility requirements 	<ul style="list-style-type: none"> • Increased access/opportunity to PR pathway by for some 'low skill TFWs. Industry specific streams increases opportunity based on sector 	3/3
	<ul style="list-style-type: none"> • Eligibility requirements are lower making it easier to reach • Does not address systemic issue of having time and support to work towards applying for PR access 	2/3
Equity <ul style="list-style-type: none"> - Improvement in recognition of TFW's competencies and contributions 	<ul style="list-style-type: none"> • Sector specific pathways do not formally lead to improved recognition of competencies • Sector specific pathways increase recognition of contributions 	2/3
Economic Efficiency <ul style="list-style-type: none"> - Sustained supply of labour force to address labour shortages in certain sectors 	<ul style="list-style-type: none"> • Addresses labour market needs and responds to projected gaps in critical industries • Provide a steady stream of supply to support the labour force • TFWP is still meeting immediate, short-term needs 	3/3
Stakeholder Acceptance <ul style="list-style-type: none"> - Support from Pro-Migrant Groups - Support from Employers 	<ul style="list-style-type: none"> • Support from pro-migrant groups due to the pathway options and shift away from closed work permits 	1.5/1.5
	<ul style="list-style-type: none"> • Support from employer interested in long-term employees • Reduced barriers in accessing supply of labour for critical industries • This pathway option affects employers differently, sector dependent 	1.5/1.5
Administrative Ease <ul style="list-style-type: none"> - Complexity of policy implementation with the federal government 	<ul style="list-style-type: none"> • Requires working with ESDC and industry • A new pathway option requires interdepartmental collaboration between temporary residency and citizenship divisions. • There is precedence based on existing programs and immigration structure 	2/3
	Total Score	15/18

Table B.2 Policy Option 2 Analysis Matrix

Objective & Considerations	Analysis	Score
Effectiveness - Increased opportunities to apply for economic-based PR pathways - Ease of achieving eligibility requirements	<ul style="list-style-type: none"> This option does not provide increased access to PR pathways, and no new pathway option available. 	1/3
	<ul style="list-style-type: none"> Career development services and support improve the opportunity for TFWs to meet eligibility of current lower barrier PR programs and pilots. 	3/3
Equity - Improvement in recognition of TFW's competencies and economic/non-economic contributions	<ul style="list-style-type: none"> Having access to career support services through the promotes the accumulation of recognized skills and credentials Places the burden on TFWs 	2/3
Economic Efficiency - Sustained supply of labour force to address labour shortages in certain sectors	<ul style="list-style-type: none"> TFWP program is unchanged in how it facilitates a supply of labour, addressing labour market shortages Increasing the likelihood of 'low skill TFWs in receiving PR status, they become a permanent contributor to the labour force, thus meeting temporary and permanent labour market need. This however is not guaranteed. Status quo persists. 	2/3
Stakeholder Acceptance - Support from Pro-Migrant Groups - Support from Employers	<ul style="list-style-type: none"> Concerns with respect to services not being enough to response to unequal access Support for expansion of services and support for TFWs 	1/1.5
	<ul style="list-style-type: none"> Funding and incentives available from government to support TFWs in accessing services Concerns with upskilling and training employees with no guaranteed returns 	1/1.5
Administrative Ease - Complexity of policy implementation with the federal government	<ul style="list-style-type: none"> Ease in outsourcing to current providers Ease of replication existing PR and expanding TR services 	3/3
	Total Score	13/18

Table B.3 Policy Option 3 Analysis Matrix

Objective & Considerations	Analysis	Score
<p>Effectiveness</p> <ul style="list-style-type: none"> - Increased opportunities to apply for economic-based PR pathways - Ease of achieving eligibility requirements 	<ul style="list-style-type: none"> • Modifying 'skill' factor to assess 'competency' increases opportunity for PR pathways • Competency-based assessments provides equal opportunity to TFWs on where they are applying. This may not guarantee increased success due to the ranking in the pools. 	2/3
	<ul style="list-style-type: none"> • The NOC and PBS system determines eligibility, in changing to a more inclusive model, 'low skill' TFWs will have great ease in achieving current candidacy requirements. • Eligibility is not lessened, but a wider range of one's profile is accounted for, increasing their likelihood of achievement 	2/3
<p>Equity</p> <ul style="list-style-type: none"> - Improvement in recognition of TFW's competencies and economic/non-economic contributions 	<ul style="list-style-type: none"> • Changing the PBS plays to the strengths of all TFWs through the recognition of their skills, abilities, and contributions 	3/3
<p>Economic Efficiency</p> <ul style="list-style-type: none"> - Sustained supply of labour force to address labour shortages in certain sectors 	<ul style="list-style-type: none"> • Broadly responds to and sustains labour supply through the existing TFWP and EE programs • Minimizes skills mismatch and underutilization of candidate's competencies, maximizing labour market saturation 	3/3
<p>Stakeholder Acceptance</p> <ul style="list-style-type: none"> - Support from Pro-Migrant Groups - Support from Employers 	<ul style="list-style-type: none"> • Pro-migrant groups support the new competency-based assessments in recognizing previously unacknowledged skills • Lack of targeted programming for current 'low skill', leaving uncertainty in terms of success 	1/1.5
	<ul style="list-style-type: none"> • Supports employer goals in filling critical vacancies and to ease of reaching qualified candidates • TFW program is not affected 	1.5/1.5
<p>Administrative Ease</p> <ul style="list-style-type: none"> - Complexity of policy implementation with the federal government 	<ul style="list-style-type: none"> • The PBS and NOC is a longstanding Canadian policy, modifying the 'skill' component would be a very complex process • Implementation and maintenance would require the involvement of many actors, specifically industry 	1/3
Total Score		13.5/18

Appendix C:

Interview Material

Interview Guide

Interview #:

Date:

1. Introduction (3 minutes)

[start audio recording]

- Thank you so much for taking the time to meet with me today.
- Briefly, I am a graduate student in the Master of Public Policy program at Simon Fraser University.
- I am conducting an evidence-based policy analysis of Canada's immigration system and potential economic pathways for lower skill workers.
- I am interviewing you today given your experience/understanding of Canada's immigration system. I expect the interview should last between 30 to 40 minutes.
- **Guidelines**
 - There are no right or wrong answers to the questions I am asking you
 - I am seeking your perspective on these issues and really want to capture your views – my opinions do not matter
 - You can refuse to answer any questions you do not feel comfortable answering and can end the interview at any point.
- Do you have any questions for me before we begin? Feel free to interrupt me at any point during the interview to ask questions as well.

Preamble:

My research is looking to evaluate Canada's immigration system and the economic streams for workers of all skill levels, specifically those classified as lower skill. My analysis will evaluate several different approaches and immigration pathways against a range of objectives and criteria to highlight the key strengths, concerns, and trade-offs in promoting programs for lower skill workers. Part of this includes an analysis of Canada's more recent immigration pilots and provincial nominee programs.

My hope it to get your thoughts and input on:

- The key objectives of Canada's current economic immigration categories, programs, and pathways
- The impacts on temporary workers in Canada through the current immigration pathways
- The potential outcomes and trade-offs in offering more immigration pathways to lower skill workers

2. Canada's current immigration system & models (5 minutes)

I want to start by exploring your thoughts on Canada's current immigration system and its economic streams.

- From your understanding, what are the key economic objectives of Canada's current immigration system
 - *Anticipated answers:* Fill current and future gaps on the labour supply, economic growth
 - *Probe:* Are there any other objectives that you can think of or would like to mention?
- Generally speaking, what would you say are the key strengths of Canada's current immigration system, in terms of it meeting its objectives?"
- in meetings its objectives?
 - *Anticipated answers:* unbiased, competitive, fills gaps in the labour supply
 - *Probe:* What makes that a strength?
 - *Anticipated answers:* dependent on previous answers
 - *Probe:* What would you say are its key weaknesses as far as it meeting its objective?
- What are your thoughts and feelings on Canada's use of the human capital model for economic immigration?
 - *Anticipated answers:* Its effective, it has its limitations, its discriminatory, its unrelated to the issue of access for lower skill workers.
 - *Probe:* What do you mean when you say that? Can you explain that a bit?

3. Equity and Accessibility (5-7 minutes)

Next, we will be discussing the topic of equity and access within the current immigration system, specifically to pathways to permanent residency and citizenship by foreign nationals.

- To the best of your knowledge, do you think that the current economic approach and policies facilitated by IRCC discriminate or disproportionately affect prospective immigrants?
 - *Anticipated Answers:* Yes, it is equitable; no, it is not equitable.
 - *Probe:* Why is that, can you please elaborate? In what ways?
- From your understanding, would you say that workers from all skill levels have the same or a different degree of access to opportunities that facilitate immigration to Canada?
 - *Anticipated Answers:* Yes, no, partially.
 - *Probe:* In what ways do they have a different/same degree of access? Why do you think that is? Can you elaborate on that?
- There is a body of research that argues that Canada's immigration system is tiered, disproportionately leaving out lower skill workers from accessing permanent residency opportunities. What are your thoughts on this? Do you think that this level of inequality exists and is justified or unjustified? Do you think does not exist?
 - *Anticipated Answers:* Yes, no.
 - *Probe:* Why or Why not?

4. COVID-19 and the 'Policy Window' (3-5 minutes)

Over the last few years and through the pandemic there has been a lot of discussion around the value of low skill workers fulfilling 'essential' jobs in the labour market.

- In your view has there been a change in the value of low skill workers and "essential" jobs within the time since the beginning of the COVID-19 pandemic?
 - *Anticipated Answers:* Yes, no, partially.
 - *Prompt:* In what ways did it play a role in the changing perceptions?
- Do you think these changes are temporary or permanent going forward?

- *Anticipated answer:* Yes, no.
- *Prompt:* What is your rationale for saying that?

5. Policy Options: New Pathways and Alternative Methods (5-7 minutes)

My research intends to review economic-based pathways that invite lower skill workers to immigrate to Canada.

- In offering economic immigration pathways to lower skill workers, what would you say are the most important factors to take into consideration for this approach to result in positive results in addressing inequalities in the system?
 - *Anticipated Answers:* Choice, accessibility, freedom of movement, economic opportunity.
 - *Probes:* Are there any other objectives you would like to include or that you think might be missing?
- If new economic pathways were not an option, what other ways do you think the Government of Canada could adopt to respond to inequalities experienced by temporary residents/foreign nationals with lower skills who intend to immigrate to Canada?
 - *Anticipated Answers:* humanitarian channels, greater access to open work permits, occupational work permits
 - *Probe:* How does this address the problem of limitations and/or respond to the issue of inequality?
- Are you aware of any ongoing immigration pilots or programs in Canada or in other jurisdictions that are directed at lower skill workers or include all skill levels in the program's eligibility?
 - *Anticipated Answers:* Canada's immigration pilots, immigration pathways in other countries
 - *Probes:*
 - *Outside of Canada:* Do you think the program you mentioned could be successfully replicated in Canada, why or why not?
 - *Inside of Canada:* Do you think that [program mentioned] has been successful? Why or why not?
- Canada currently has several ongoing pilots like the Atlantic and the Rural and Northern immigration pilots as well as several provincial nominee streams. In

your view, how successful have these programs been and how they might they be improved if expanded into a permanent program?

- *Anticipated Answer:* not widescale enough, limited eligibility, regional limitations, spatial equity. Don't know enough about them.
- *Probe:* Can you please elaborate?

6. Criteria and Measures (5 minutes)

- If a federal immigration program like we discussed was in place, what key objectives would you include for assessing the program and how would you measure its success? What criteria would you use?
 - *Anticipated Answers:* equity/fairness, administrative complexity, security, cost, bilateral/inter-provincial relations, economic considerations.
 - *Probe:* Why did you choose to include [objective]?
- Based on the criteria and measurements you shared, which is most important, which would you prioritize, and would you weigh any of them greater than others?
 - *Anticipated answers:* answers dependent on previous question.
 - *Probes:* What is your rationale?
- Do you see there being variation between potential programs offered/considered or would the criteria be relatively consistent?
 - *Anticipated Answers:* Yes, no, depends on the options.
 - *Probe:* What is your rationale?

7. Strengths & Weaknesses (5-7 minutes)

I want to briefly review the key strengths and weaknesses of promoting new programs for lower skill workers.

- How do you think promoting opportunity for lower skill workers would benefit Canada's economy and the lives of newcomers?
 - *Anticipated Answers:* Economic growth, closing gaps in the labour market,
 - *Probe:* What is your rationale?

- *Probe if they only respond to one:* What about economic benefits OR lives of newcomers
- Are there any concerns you might have in Canada providing new immigration pathways to lower skill workers?
 - *Anticipated Answers:* Security, exploitation, skill under-utilization, inequality, cost.
 - *Probes:* What is your rationale?
- What strategies can we use to mitigate these risks?
 - *Anticipated Answers:* Checks and balances, communication strategy, settlement, and employment services
 - *Probes:* What is your rationale?
- Does a lower skill pathway fulfill economic objectives of immigration or is there a humanitarian component to a program like this?
 - *Anticipated Answers:* *Yes, there is a combination of economic and humanitarian objectives. No, only economic objectives.*
 - *Probes:*
 - *If yes:* does this point to a need for change in how Canada approaches immigration with two separate streams?
 - *If no:* Why is your rationale for this?

8. Closing (1-2 minutes)

This officially concludes our interview.

Is there anything that we didn't discuss today that you would like to talk about it? I want to give you space to share any additional thoughts or opinions you have on this subject. Thank you again for speaking with me today and sharing your views.

[End of interview]

Recruitment Email

SUBJECT: Interview request for SFU Public Policy research project: Economic immigration pathways for lower skill workers

Hello (*name of participant*),

I am a student researcher in the Master of Public Policy program at Simon Fraser University. I am currently conducting an evidence-based policy analysis for my thesis on immigration pathways for lower skill temporary workers in Canada.

I am emailing you to ask if you would be interested in participating in an interview given your experience and expertise.

This research project aims to review Canada's current immigration system and the availability of pathways for lower skill temporary workers to permanently immigrate to Canada. It will provide knowledge about current immigration approaches and assess immigration pathways focused on economic immigration for all skill levels, building towards a review of policy options that promote permanent pathways for lower skill workers.

The interview will be approximately 30-40 minutes. Your responses to the interview questions will be strictly confidential. Names and personal information will not be disclosed in the final report. Please see attached a copy of the Consent Form for your review.

If you choose to participate, please let me know and we can schedule a mutually convenient time for the interview. I am also happy to answer any questions you might have about my current research, as well as provide additional information.

Thank you for your time and consideration. I look forward to hearing from you.

Warm Regards,

Thank you Email

SUBJECT: Thank you for your participation in SFU Public Policy research project, RE: economic immigration pathways for lower skill workers

Hello (*name of participant*),

Thank you for contributing to my current research with the SFU School of Public Policy on economic immigration pathways in Canada.

Upon completion of the research project, a summary of the results will be available for you, as well as the final copy of the report. Please let me know if you would like to receive one of these two documents when they become available.

Thank you again for your participation.

Warm Regards,