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Immigration Law and International Recruitment

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Most recent Article Published

Our most recent article on intercompany transfer policy was published in Canada's Immigration Law magazine, IMMQUEST. The article can be viewed here:

<http://www.matrixvisa.com/pages/article.htm>

Refugee Status to White South African in Canada

It was reported in the media that a South African claim refugee status and was awarded this status by the Canadian Immigration and Refugee Board (IRB). I believed that this case will be appealed in Federal Court by the Federal government. Let's see how this develops over the coming months.

South African Doctors in Canada

In January 2009 it was reported that South Africa's high commissioner to Canada has issued an unprecedented formal appeal to Canada's health ministers to stop recruiting doctors and other health professionals from South Africa. It was also reported in the media that Canada now has over 1500 South African doctors at present.

17% of physicians in the province of Saskatchewan took their first medical degree there. There are 277 South African family physicians, as well as 96 medical specialists, practicing in Saskatchewan, according to the latest figures from the province

South Africa's High Commissioner to Canada, Dr. Abraham Sokhaya Nkomo, said that Canada Saskatchewan's aggressive recruitment of South African doctors is causing "grave health outcomes" for South Africa. The previous South African High Commissioner in Canada, Andre Jacquet also made a similar request in 2001. I doubt if the request had any effect.

Maybe the doctors will not be motivated to leave for Canada, Australia New Zealand and the United Kingdom if they consider South Africa to be safe place to live with family. If the dam wall broke, do not call back the water, just fix the dam wall and it will fill up again.

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The irony is that South African medical authorities are recruiting doctors from Cuba and places in the Middle East!

In a recent interview with journalist from the Calgary Times I said that to the journalist that in a 30 minute interview that doctors cannot be restricted from moving to Canada as it will have serious implications for human rights in South Africa and Canada.

Agricultural News

A recent Statistics Canada report confirms what many had been suggesting, that Canada's hog and cattle herds have been declining. As of July 1, Canadian hog (pigs) producers had an estimated 12.1 million hogs on their farms, down 6.7 per cent from July 1, 2008.

According to Statistics Canada, the 2009 winter wheat acreage in Western Canada was 930,000 -- 30 per cent lower than the 2008 acreage of 1.37 million.

For those that are interested in agricultural news could navigate to this link: http://www.fcc-fac.ca/en/Agnews/agnews_e.asp or navigate to <http://www.fcc-fac.ca> and click on the AG News link at the top.

Recession is Officially Over.

During last month the Bank of Canada has announced that the recession is officially over. Canada produced 200 000 to 300 000 jobs per annum for a few years. During this recession the country lost 369 000 jobs and CAD40 billion in wealth. The Central Bank indicated we only had a three-quarter recession. In comparison, the recession of the early 1980s lasted six quarters, while the 1990-1992 down-turn lasted eight quarters. It is possible that the stimulus package and the coordinated effort of different governments contributed to a shorter recession. Unemployment rate increased from 5.8 % in Feb 08 to 8.6 % in August 2009. The prediction is that the unemployment will decrease as the economy improves.

The following is reported from Bloomberg.com: "Canada's economy will shrink less than previously predicted in 2009 and grow more in 2010, helped by commodity prices that have rebounded ahead of a global recovery according to the International Monetary Fund in its World Economic Outlook report. Canada is the world's eighth-largest economy will contract 2.3 percent in 2009 and grow 1.6 percent in 2010, the IMF said today. The IMF had predicted in April the Canadian economy would shrink 2.5 percent this year before rebounding to 1.2 percent in 2010." Therefore the latest prediction is more positive than previously predicted.

Real Estate Market Recovering

Canadian Real Estate Association which shows a mix of house prices rises and overall prices falls. Existing home sales in Canada were up 8.6 % from last month which was the first month-

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on-month rise since September 08. The surprising figures come from the statistics of 28,669 homes which were sold in February. When compared over the year this dramatic rise is put into perspective where the average home price fell 9.2 percent to C\$281,972 (\$222,025) from C\$310,379 a year earlier. Sales picked up in the western provinces with British Columbia reporting a 14.4 percent increase, while Alberta posted an 11.9 percent rise. Sales in Ontario and Quebec were in line with the national average. On the East Coast, Nova Scotia had a 12.7 percent monthly increase. National home sales activity is forecast to be down 14.7 per cent to 370,500 units in 2009. National MLS® home sales activity is forecast to rebound by 7.2 per cent to 397,000 units in 2010

For those interested in more real estate news, it is suggested that the following websites are visited:

<https://www.cmhc-schl.gc.ca/en/index.cfm>

<http://www.crea.ca/> Click on Media Centre.

Immigration Policy

A new international initiative puts Canada at the forefront of worldwide efforts to identify and combat immigration fraud, Citizenship, Immigration and Multiculturalism Minister Jason Kenney and Public Safety Minister Peter Van Loan announced on 21 August 09. Under this initiative, Canada, the United Kingdom (U.K.) and Australia will be able to share the fingerprint information of asylum seekers and foreign nationals facing deportation, including dangerous criminals. This will improve our ability to identify foreign nationals who are seeking to enter Canada and who are trying to hide their past from authorities. Under the partnership, Canada will be able to securely and confidentially check fingerprints with those stored in Australian and U.K. databases.

Provincial Immigration News: New Brunswick

The New Brunswick government is investing \$75,000 to create a mentorship program for immigrant entrepreneurs in Fredericton. Business New Brunswick Minister Victor Boudreau announced the pilot project on Thursday, a project that is designed to have the Fredericton Chamber of Commerce help immigrant entrepreneurs learn about doing business in province. The chamber of commerce already has 20 mentors from the Fredericton community ready to start. Source: www.cbc.ca

Provincial Immigration News: Alberta

Many temporary foreign workers came to Alberta from China, India and the Philippines in the recent years. Many work in low skilled positions in hotels, retail facilities and gas stations. According to Citizenship and Immigration Canada, there were 57,843 temporary foreign workers

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in Alberta by the end of 2008, a 55 per cent jump from 2007 and more than four times the number residing here five years ago.

Alberta is not the only province to receive foreign workers. Ontario has the highest number at 91,733. British Columbia has about the same number as Alberta. Quebec has fewer at only 26,085. But relative to the population, Alberta has more foreign workers than any other province. When the program was focused on high-skilled occupations, the bulk of workers came from the U.S., Japan, Britain and Australia. It is believed that the influx will slow down until the Alberta economy has started to grow again.

At present it has become increasingly difficult to obtain Labour Market Opinions or “LMO’s” that is needed to appoint a foreign worker. What is a LMO? Immigration and Refugee Protection Regulation 203 indicate the following:

An opinion provided by the Department of Human Resources Development shall be based on the following factors:

- (a) whether the employment of the foreign national is likely to result in direct job creation or job retention for Canadian citizens or permanent residents;
- (b) whether the employment of the foreign national is likely to result in the creation or transfer of skills and knowledge for the benefit of Canadian citizens or permanent residents;
- (c) whether the employment of the foreign national is likely to fill a labour shortage;
- (d) whether the wages offered to the foreign national are consistent with the prevailing wage rate for the occupation and whether the working conditions meet generally accepted Canadian standards;
- (e) whether the employer has made, or has agreed to make, reasonable efforts to hire or train Canadian citizens or permanent residents; and
- (f) whether the employment of the foreign national is likely to adversely affect the settlement of any labour dispute in progress or the employment of any person involved in the dispute.

Although the officers must consider all 6 factors, the focus is on “*can you find a Canadian?*” Therefore permanent residents and Citizens must be given the opportunity to work before a foreigner. Therefore it is vital to apply for permanent residence as soon as possible. We have many foreigners searching for work in Canada, but they do not understand that the lack of permanent residence is a major contributing factor why they cannot find employment.

Provincial News: Ontario

Prior to April 1, 2009, Ontario’s Ministry of Health and Long-Term Care provided health coverage under the Ontario Health Insurance Plan (OHIP) only to those holding a work permit that specified an employer and occupation. In Quebec, post graduate workers were also required to present a work permit with the name of a specific employer and location of work; otherwise, they were not eligible for provincial medical coverage. As of April 1, 2009, Ontario open work permit holders and their spouse/dependants will be eligible for Ontario health insurance coverage, provided the foreign worker:

- will be employed full-time for an employer in Ontario for a minimum of six months;

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- has a valid work permit during this time; and
- meets the residency and physical presence requirements to be eligible for OHIP.

Note that all applicants are subject to a *three-month waiting period*, from the time of eligibility

See these links

http://www.health.gov.on.ca/english/public/pub/ohip/temp_foreign_workers.html

If not covered by another province/territory during the three-month waiting period for OHIP, temporary foreign workers (TFWs) may wish to buy private health insurance until Ontario health insurance coverage becomes effective. For private health insurance, TFWs should contact a private insurance company directly or call the Canadian Life and Health Insurance Association Inc. at 1-800-268-8099

International News

The Canada-Peru Free Trade Agreement (FTA), Labour Cooperation Agreement (LCA) and Agreement on the Environment (EA) entered into force on August 1, 2009.

On March 26, 2009, the Government of Canada introduced legislation to implement the Canada-Peru Free Trade, Labour Cooperation and Environment Agreements in the House of Commons. Once this legislation is passed and it receives Royal Assent from the Queen's representative, the Governor General, the Government of Canada will be in a position to implement these Agreements at an agreed upon date with the Government of Peru. Peru is a dynamic emerging market with 28 million people and an economy with high growth potential. In 2008, two-way merchandise trade between Canada and Peru totaled more than \$2.8 billion, with hundreds of Canadian companies doing business with Peru. Peru is also a strategic destination for Canadian direct investment (mining and financial services).

Canada has signed an agreement with the Dutch Antilles to exchange information to prevent tax evasion. Similar deals are expected with Bahamas, Cayman Islands and other Caribbean destinations.

Best wishes.

Cobus (Jacobus) Kriek, on behalf of Matrixvisa Inc



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Pour le Quebec, Avec jurisdiction dans tout le Canada et tous les pays

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