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The Use of a Point System in Selecting Immigrants: Lessons from the Canadian Model

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The Use of a Point System in Selecting Immigrants: The Canadian Model

Madame Chairwoman and Distinguished members of the Committee.

My name is Howard Greenberg. I am a partner in the law firm of Greenberg Turner in Toronto Canada and have been practising immigration law for more than 22 years. I have held the position of Chair of the Citizenship and Immigration Section of the Canadian Bar Association, the Chair of the Citizenship and Immigration Section of the Ontario Bar Association and immediate past Co-Chair of the Immigration and Nationality Committee of the International Bar Association. In addition, I have had the opportunity to work closely with prior Ministers of Citizenship and Immigration and their staff with respect to the development of immigration laws and policy.

It is indeed a privilege, as a Canadian, to address the Committee today on the Canadian experience with selecting immigrants using a point system. At the outset, it is to important consider a brief outline of the Canadian immigration system and the role which the point system plays in effectively selecting appropriate immigrants.

I. The Organization of the Canadian Immigration Process – An Annual Plan

Each year, the Minister of Citizenship and Immigration tables an Annual Report to Parliament setting out the immigration targets for the following calendar year. The 2007 Plan prescribes a target of between 240,000 to 265,000 admissions.

The composition of this immigration movement consists of the following groupings:

Economic Immigrants: 141,000 – 158,000

Family Class: 67,000 – 69,000

Refugees: 25,900 – 30,800

Others: 6,100 – 7,200

Economic immigrants primarily consist of the following subgroups or categories:

• Skilled Workers   **Using a point system**

• Quebec Skilled Workers   **Using a point system**

• Provincial Nominees   **Selected by Provinces based on Provincial criteria**

At the outset, it is important to recognize that Canada processes immigrants using 2 different methods:

a. *Selection Process (Economic)* – individuals are evaluated based on their qualifications – if they have the appropriate mix of attributes, success can be achieved. i.e. the Skilled Worker Category utilizes a point assessment system to select immigrants.

b. *Admission Process (Family Class)* – Applicants are primarily granted entry as immigrants based on relationships to Canadian citizens or permanent residents of Canada; their personal attributes are not assessed against objective criteria.

Under Canada's selection process, a points system accounts for approximately one half of the annual immigration flow.

II. The Structure of the Point System

The point system's application is based on 2 basic premises. First, a minimum point total must be achieved, subject to a limited opportunity to overcome an inadequate point assessment in individual cases. Second, criteria may be used as an additional or secondary threshold for qualification – i.e. the lack of one year of the prescribed work experience would constitute a bar to success, notwithstanding the attainment of the requisite points.

The point system is designed to evaluate factors which are viewed as being central to an immigrant's ability to become economically established in Canada. (See Schedule I). The factors of assessment include Age, Education, Work Experience, and Language Capability in Canada's official languages, Arranged Employment and Adaptability. The threshold for success or pass rate is fixed at 67 points.

The criteria were designed to be capable of being applied objectively by a decision maker. – There was a recognized need to remove any aspect of subjectivity from the assessment process to promote fairness and equality of treatment.

III. The Perceived Benefits of Utilizing a Point System

The point system is, in reality, simply one of many tools which are available to immigration policy makers to assist in distinguishing appropriate applicants within an international labour pool. Its attractiveness lies in the following perceived benefits:

a. Applicants can self select by simply applying the criteria to their individual situations – if the applicant achieves the pass mark, he or she can apply with some degree of certainty.

b. The cost of administering a point system is relatively small as the criteria are limited to objective criteria which permits, in most cases, adequate paper screening. The need for interviews is therefore limited to investigating fraudulent representations or obvious inconsistencies in the information provided.

c. The adjustment of the pass mark from time to time can be used as tool for controlling the flow of successful applicants which can succeed.

d. Selection criteria can be modified from time to time, as required, to adjust the characteristics of the applicants selected – the qualifying pool can be adjusted in much the same manner as selection criteria is adjusted from year to year to address admission requirements at universities.

e. The use of a point system can reward applicants who have job offers from Canadian employers by allocating points which effectively enhance the prospect of selection considerably. Essentially, there is a capability to micromanage the applicants by their individual characteristics to create selection systems within the point system itself by assigning priorities.

IV. The Canadian Experience In Using a Point System

One would think that the benefits outlined above would make a most compelling argument for implementation of a point system, as a cornerstone of a national immigration policy. The Canadian system, in its present form, does not support this premise. It is important to evaluate the effectiveness of selecting a high proportion of a targeted number of immigrants by this process.

a. *Opening the Immigration Door Too Wide – Forfeiting Selectivity*

In the Canadian scenario, the threshold mechanism for controlling applicants is the demonstration of one year of work experience and the achievement of the required 67 points. As noted in Schedule I, the attainment of 67 points is not difficult – the reality is that an extremely large number of educated population of mobile workers qualify.

As a result, it is clear that current point selection system directly and indirectly raises fundamental issues as to whether this is an appropriate tool for selection in its current form. Consider the following:

- The door is open to applicants who <u>do not have valid job offers</u> from Canadian employers. Schedule I illustrates how a candidate can succeed under the Canadian point system without a job offer from a Canadian employer. A considerable number of applicants, in fact, achieve permanent resident status with first obtaining a job; they cannot enter Canada and "hit the ground running". The period of time for integration can be considerable.

- The consequences of the failure to secure a job prior to immigration can have long term implications in terms of prospects for successful establishment or settlement in the following respects:

    i. Failure to undertake their chosen professions due to licensing or accreditation issues;

    ii. Failure to obtain substantially similar employment to that enjoyed prior to immigration – with decreasing prospects as the period of post immigration unemployment continues.

- We are continually confronted with stories of professionals such as doctors who perform low skill occupations in Canada such as driving taxis. The presumption that the immigrant will attain equal employment prospects based on a simply point assessment is clearly false and tends to create inappropriate expectations from both the immigrants perspective and the perceptions of Canadians.

Professor Jeffrey Reitz, a noted Canadian authority on immigrant settlement raises critical issues in his article, *Tapping Immigrants' Skills: New Directions for Canadian Based Economy Immigration Policy in the Knowledge*, Economy Choices Vol. 11, no. 1, February 2005 ISSN 0711-0677 www.irpp.org:

Because of changes in recruitment and hiring practices, qualified immigrants appear to be having increasing difficulty gaining access to work in knowledge occupations (Reitz 2003b). As a result, they end up working in less-skilled occupations than do comparably qualified native-born Canadians. In 1996, 59 percent of native-born men with bachelors' degrees were working in knowledge occupations, compared with only 35 percent of recent immigrants (arriving in the previous five years) with bachelors' degrees. The corresponding figures for women were 57 and 28 percent. Of men with postgraduate degrees, 79 percent of those who were born in Canada were working in knowledge occupations, compared with only 59 percent of recent immigrants. The corresponding figures for women were 78 and 49 percent. Between 1981 and 1996, as the importance of knowledge occupations has increased, the differences between the income levels

and representation in knowledge occupations of native-born Canadians and immigrants have grown as well. Despite the increases in the skill levels of new immigrants, their representation in knowledge occupations was lower in 1996 than it was in 1981 (Reitz 2003b, 485, 495).

This is not to say that the use of a point system is solely responsible for disparity in income between immigrants and native born Canadians, but its application may certainly contribute if the criteria for selection are not or cannot be sensitive to the labour market.

- The receipt of more applications than can be processed in any fiscal year is a recipe for disaster. Consider a simple illustration. A bathtub is constantly being filled with water – there is no tap and therefore no restrictions on the volume of water entering the tub. However, the drain is of a fixed size – the volume of water which can be discharged is less that volume entering the tub.

- In the Canadian scenario, the 67 point pass rate attracts an unlimited number of applicants, which simply means the tap constantly runs. The drain, being the annual immigration targets, limits the amount of water that can escape. It is not surprising that Canada's bathtub is overflowing. Canada now has an inventory of over 800,000 immigrant applicants, which is far in excess of the number which can be processed in a reasonable period of time. These applicants will, in many situations, have to remain in queue for years before they will become eligible to receive their permanent resident visas. This problem is well recognized by Canadian immigration officials – a Simplified Application Process has been implemented which simply requires an applicant to file a one page application to reserve a place in line. The full application package will be requested at a future date, when there is sufficient capacity in the system.

- The upward adjustment of the 67 point threshold is fraught with issues. First, it is difficult to assess what the impact will be on the immigration flow. In other words, what is the appropriate point threshold. Second, by selecting a particularly high point threshold, the number of candidates who may succeed drops considerably; effectively the immigration system is perceived to be closed. If this occurs, it may take a considerable time to again attract a high number of qualified applicants – the closing of a selection system creates a perception that immigrants are unwanted. This was Canada's experience when it closed the skilled worker category in 1981.

V.   What Can Be Learned About Successes of the US and Canadian Immigration Systems

Despite harsh criticisms of US immigration laws and policies, there is considerable merit in the overall approach taken to economic immigration. The use an employer driven model offers clear benefits.

- By and large, US non immigrant visa holders tend to "hit the ground running." They arrive in the US with professional job occupations and commence working in their areas of study from the time of entry. The prevailing wage requirement discourages the underutilization of a worker's education and experience. The transition of temporary workers to permanent status in these circumstances avoids issues which arise in the Canadian scenario - the Canadian assessment criteria uses a "blunt instrument" of selection without predictability.

- Within the Canadian system, there are 2 opportunities to select immigrants based on employer preferences. In both of these situations, there has been considerable success in immigration selection based on the employer selection or employer driven model:

  - First, within the selection criteria, immigrants with job offers achieve additional points. There is a connection between an employer and the applicant, which permits the applicant to hit the ground running. Accordingly, there is an attempt by immigration officials to process applicants with job offers quickly. In many cases, the applicants are already in Canada on work permits.

  - Second, applicants may be selected by Provinces under new powers provided to Provinces under Provincial Nominee Agreements entered into with the federal government. Simply described, Provinces authorized under such Agreements can approve requests from employers for key foreign workers. Visa offices expedite processing of their Permanent Resident applications; in many cases the processing times are officials by more than 50 percent.

VI. Conclusion

It is respectfully submitted that an immigration policy which is premised on a point system will face considerable challenges, particularly if this tool designed to select a high number of applicants. In addition to the logistics of getting the correct mix of selection criteria, it is likely that considerable resources will be required to undertake evaluation of individual applications. Open ended selection criteria should not take the place of the fundamental criterion for success: a bone fide job offer in an occupation consistent with the applicant's education, training and experience.

A concluding comment relates to the need to implement an appropriate inventory control system. The model may not be dissimilar to the strategy undertaken by major retailers such as Wal-Mart. A "just in time" system would receive applications from candidates in a process which the completion time and process are well established. In other words, the volume of applications is determined and controlled by the number of applications and prescribed number of visas which may be issued during the relevant period. A system which meets immigrant expectations and enjoys the confidence of the public is one which provides predictability and is well managed.

The obvious goal is to avoid trading one backlog for another – any selection system must be streamlined to permit processing in a timely fashion.

Schedule I

Six Selection Factors and Pass Mark – Pass rate 67

Sample Evaluation: Software Worker, 35 years old, Degree, 4 years working experience, Fluent in English, No Job offer or relatives in Canada

Factor One: Education	Maximum 25	Sample Evaluation
You have a Master's Degree or Ph.D. and at least 17 years of full-time or full-time equivalent study.	25	
You have two or more university degrees at the bachelor's level and at least 15 years of full-time or full-time equivalent study.	22	
You have a three-year diploma, trade certificate or apprenticeship and at least 15 years of full-time or full-time equivalent study.	22	
You have a university degree of two years or more at the bachelor's level and at least 14 years of full-time or full-time equivalent study.	20	20
You have a two-year diploma, trade certificate or apprenticeship and at least 14 years of full-time or full-time equivalent study.	20	
You have a one-year university degree at the bachelor's level and at least 13 years of full-time or full-time equivalent study.	15	
You have a one-year diploma, trade certificate or apprenticeship and at least 13 years of full-time or full-time equivalent study.	15	
You have a one-year diploma, trade certificate or apprenticeship and at least 12 years of full-time or full-time equivalent study.	12	
You completed high school.	5	

Factor Two: Official Languages	Maximum 24	
1st Official Language		16
High proficiency (per ability)	4	
Moderate proficiency (per ability)	2	
Basic proficiency (per ability)	1 to maximum of 2	
No proficiency	0	
Possible maximum (all 4 abilities)	16	
2nd Official Language		
High proficiency (per ability)	2	
Moderate proficiency (per ability)	2	
Basic proficiency (per ability)	1 to maximum of 2	
No proficiency	0	
Possible maximum (all 4 abilities)	8	
Factor Three: Experience	Maximum 21	
1 year	15	
2 years	17	
3 years	19	
4 years	21	21
Factor Four: Age	Maximum 10	
21 to 49 years at time of application	10	10
Less 2 points for each year over 49 or under 21		
View the full age chart to determine your points.		

Factor Five: Arranged Employment In Canada	Maximum 10	0
You have a permanent job offer that has received a positive labour market opinion from Human Resources and Social Development Canada (HRSDC).	10	
You are applying from within Canada and have a temporary work permit that was:		
issued after receipt of a positive labour market opinion of your job offer from HRSDC; or	10	
you have a temporary work permit that was exempted from the requirement of obtaining a labour market opinion from HRSDC on the basis of an international agreement (e.g., NAFTA), a significant benefit to Canada (e.g., intra-company transfer) or public policy on Canada's academic or economic competitiveness (e.g., post-graduate work).	10	
Factor Six: Adaptability	**Maximum 10**	**0**
Spouse's or common-law partner's education	3 - 5	
Minimum one year full-time authorized work in Canada	5	
Minimum two years full-time authorized post-secondary study in Canada	5	
Have received points under the Arranged Employment in Canada factor	5	
Family relationship in Canada	5	
Total	**Maximum 100**	
Pass Mark	**67**	**67**

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http://www.cic.gc.ca/english/skilled/qual-5.html