individuals whose status was uncertain due to previous altera-
tions to citizenship legislation over many years. However, in most
respects, the new rules tightened requirements and broadened
the grounds for revoking citizenship. Some of those changes were
eased in subsequent years while others remain in place and con-
tinue to be controversial.

Higher fees and more rigorous language and knowledge
requirements are among the changes. Permanent residents wish-
ing to become a Canadian citizen must provide proof of language
proficiency in English and French and pass a citizenship exam,
which has become more difficult and one in which most Cana-
dians recently polled would fail. Taken together, changes in fees,
language, and knowledge requirements for citizenship have con-
tributed to declining naturalization rates especially among immi-
grants with low income and education levels.

While studies in other countries have shown a link between citi-
zenship and successful immigrant integration, this issue remains
largely unexplored in Canada.

Policy Process

In this book, our aim has been to illuminate ways in which Cana-
dian immigration policy formulation and implementation can be
enhanced. Each of the preceding chapters presents comprehen-
sive recommendations concerning policies that govern the selec-
tion of immigrants, those designed to foster enduring connections
between immigrants and their new society, and policies that man-
date the removal of immigrants who breach their terms of stay.

In addition to those recommendations, we provide the following
general proposals of relevance to all aspects of Canadian immigra-
tion policy and programs.

Public Accountability

The greater reliance on ministerial authority to determine the size,
composition, and criteria for the two largest immigration streams

permits flexibility and responsiveness to emerging issues. However, it forecloses serious public debate over crucial features of our current and future immigration policies. This reduces transparency and accountability and inhibits the formation of a robust public consensus on future levels of immigration to Canada.

Throughout the contemporary period and until very recently, public opinion polls showed that a substantial majority of Canadians were supportive of existing levels and patterns of immigration. The government has used this as public endorsement for the path it set even though the polling did not reflect any serious engagement with crucial aspects of current policies and the potential for errors of judgment in their formulation and administration.

Public polls also did not reflect the often-negative experience of many Canadians, permanent residents, and aspiring immigrants directly engaged with the system. Processing backlogs have been a perennial problem, as has been the difficulty in knowing why many immigration applications are rejected.

The complex and constantly evolving policies within the immigration system create challenges for individuals trying to navigate it and for public accountability for these changes.[3] Additionally, heightened eligibility requirements for aspiring immigrants, barriers confronting refugees seeking asylum, and limited rights to appeal adverse immigration decisions for certain groups have considerably diminished the due process protections that Canada previously prided itself on within its immigration system. In a liberal democracy, foreclosing serious public debate about a constellation of policies that will profoundly shape the character and future of the country is difficult if not impossible to defend.

We propose that setting projected immigration targets and the policies designed to achieve these targets should, at a minimum, adhere to a consistent "notice and comment principle." This would involve a widely accessible public website where

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3 Triadafilopoulos and Taylor, "The Domestic Politics of Selective Permeability: Disaggregating the Canadian Migration State."

government proposals and solicited responses to them are available. This approach aligns with best practices observed in various other aspects of Canadian public policy-making, economic regulations, and social governance in Canada and around the world.[4]

In addition, we consider that there is a strong case for the appointment of a small advisory council to the Minister of Immigration, Refugees and Citizenship Canada. It could consist of some ten to twelve persons representative of a broadly cast range of constituencies, including, for example, both business and labour, as well as housing and health care sectors, law and integration services – constituencies that are most impacted by significant increases in immigration admission policies. The council's scope would recognize that all Canadians are in some ways stakeholders in the immigration system.

The responsibility of the advisory council could include responding to proposed policy changes and overseeing a systematic rolling cycle of policy evaluations conducted by qualified third parties. All such evaluations should be placed in the public domain, and along with the council's responses to proposed policy changes, be subject to a public notice and comment regime. Setting up a committee of experts, as we have suggested, regarding Canada's contributions to global migration policy could also be part of the advisory council's responsibilities.

However, we doubt that these proposals in themselves go far enough. In his *2023 Annual Report to Parliament on Immigration*, the minister mentioned that the government launched a Strategic Immigration Review in 2002, which elicited more than 17,000 responses.[5] However, most Canadians are probably unaware that such a review was undertaken or of its consequences.

Also in 2023, Immigration, Refugees, and Citizenship Canada published a report titled "An Immigration System for Canada's

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4 Steven Croley, *Regulation and Public Interests: The Possibility of Good Regulatory Government* (Princeton, NJ: Princeton University Press, 2008); Jeremy D. Fraiberg and Michael J. Trebilcock, "Risk Regulation: Technocratic and Democratic Tools for Regulatory Reform," *McGill Law Journal* 43, no. 4 (1998): 835–87.

5 Miller, *2023 Annual Report to Parliament on Immigration*, 8–9.

Future."[6] The document presents numerous valuable suggestions, most of which we support. Specifically, we endorse the initiative to digitalize departmental processes, aiming to enhance user-friendliness and accessibility of information. However, the plan does not address many substantive, procedural, and evaluative concerns highlighted in this book and reflected in scholarly and expert discourse in the field.

The report also notes that the *Immigration and Refugee Protection Act 2001* came into force over twenty-years ago and that it will be examined to assess the need for legislative amendments or reform. The aim is to "ensure the legislation continues to reflect the goals of our immigration system, and that it provides a sufficiently flexible framework to meet them while keeping Canadians safe."[7]

In the omnibus budget bill presented to Parliament in April 2024, significant changes to existing policies were proposed, including reducing temporary worker admissions, implementing new regulations to cap international student numbers, and simplifying and streamlining asylum and deportation processes. However, these changes do not foresee the broad-ranging and inclusive public consultation process that we argue is necessary to strengthen public commitments to prevailing policies.

As Nobel Laureate Amartya Sen has famously argued, engaging a broad range of citizens as active agents – not passive patients – in the policy-making process is essential, particularly on issues that will shape the future character of their country.[8] In our view, nothing short of a full-blown, high-profile public review is called for at this time. This must draw on the knowledge and experience of all relevant stakeholders engaging broad segments of society.

In this respect, past experience is informative. Prior to the enactment of the *Immigration Act, 1976* and the *Immigration and Refugee*

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6 Immigration, Refugees and Citizenship Canada, "An Immigration System for Canada's Future: Strengthening Our Communities," last modified 15 November 2023, https://www.canada.ca/en/immigration-refugees-citizenship/campaigns/canada-future-immigration-system/plan.html.

7 Immigration, Refugees and Citizenship Canada, "An Immigration System," 43.

8 Amartya Sen, *Development as Freedom* (New York: Alfred Knopf, 1999); and Amartya Sen, *The Idea of Justice* (Boston, MA: Harvard University Press, 2009).

Protection Act 2001, the government commissioned detailed thematic studies reviewed in public hearings. In that spirit, we propose that Immigration, Refugees, and Citizenship Canada prepare a discussion paper identifying major substantive, procedural, and evaluation issues and invite written responses and public discussion. Written submissions should be on a public website, along with reactions from the advisory council we have proposed.

Moreover, we propose that the House of Commons Standing Committee on Citizenship and Immigration hold public hearings on issues raised in the discussion paper across Canada. Its findings and recommendations would also be made available on the same public website. The government would then issue its policy responses to issues raised in its discussion paper and the public reactions that it has elicited.[9]

Enhanced Data, Evidence, and Analysis

Empirical evidence of how well or poorly a policy or program is meeting its ostensible objectives is often unclear or non-existent. Government-commissioned evaluations of immigration programs and processes are not systematic. Those that are undertaken frequently focus on whether the program was implemented as planned and not on whether it has had the desired impact. The lack of publicly accessible data inhibits the ability of academics, researchers, and policy analysts from being able to conduct independent informed analysis of government programs.

As noted earlier, we propose that periodic impact evaluations be systematically required of all major immigration programs and be placed in the public domain pursuant to a notice and comment process, and that the detailed longitudinal data required be made more accessible. Following are some of the issues that need further study.

Overall economic success of immigrants: Studies are needed to better track the economic success of immigrants over time, by

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9 Michael Trebilcock, *Public Inquiries: A Scholar's Engagements with the Policy-Making Process* (Toronto: University of Toronto Press, 2022), Part C.

category. For example, currently there is no evidence to shed light on whether the shift in selection priorities in the economic stream have resulted in better economic outcomes for economic immigrants. Similarly, we do not know what effect the narrowing of family class sponsorships has had on family incomes. And we have very little evidence of how immigrants admitted in the contemporary period are faring relative to the Canadian population.

Optimal immigration levels for the immediate and longer term: The levels the government sets are announced but not subject to informed public discussion. We recommend that proposed targets be accompanied by detailed evidence in support of them which should be subject to the review and comment mechanisms and public review suggested above.

Integration: Successful immigrant integration is an objective of immigration policy. However, there is no definition or agreed indicia of successful integration. This requires clarification, and audits undertaken of the different federal, provincial, and municipal programs dedicated towards facilitating integration. Public funding for programs should be tied to the completion of systematic impact evaluations over time.

Retention: Recent reports suggest that the number of immigrants who do not remain in Canada has risen steadily since the 1980s. On average, 5 per cent of immigrants who received permanent residence between 1982 and 2017 left after five years. This rate increases to over 17 per cent after twenty years. "The annual probability of emigrating peaks three to seven years after admission."[10] According to the Conference Board of Canada, the emigration rate has surged in recent years with the rate of immigrants leaving Canada being the highest in two decades.[11]

Greater effort is needed to address the reasons for outward migration. We also endorse the Conference Board's recommendation that retention rates should be a key performance indicator for Canadian immigration strategy.

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10 Bérard-Chagnon et al., *Emigration of Immigrants*.
11 Dennler, *The Leaky Bucket*; Lone, "Canada's Surging Cost of Living Fuels Reverse Immigration."

Overstaying: Also not well known is the extent to which temporary residents leave Canada at the expiry of their visas. The government has admitted to publishing incorrect data on the number of temporary workers for some time. In rectifying the problem, it should also better track and publish how many temporary workers overstay their visas.

Federal Provincial Coordination

We acknowledge the important role provincial involvement plays in helping provinces secure the immigrants they need. Provincial Nominee Programs have grown rapidly in recent years and now account for 27 per cent of total economic admissions compared to just 10 per cent in 2006. Provincial admission criteria differ from the criteria used in federal and other provincial selection policies. This creates several challenges.

First, prospective immigrants are confronted with a complex and confusing labyrinth of policies. Second, provincial nominees are free to move to other provinces after they arrive in Canada, which creates a risk of undermining the objective of the policy that governed their admission. Third, the absence of a more coordinated system renders more challenging the task of evaluating the impact of Canadian immigration policies.

Significant integration and settlement programs, although frequently funded by the federal government, are usually decentralized and managed by the provinces and, more commonly, by a diverse array of community organizations. The latter organizations possess the advantage of being closely connected to their constituents and their specific needs. However, these programs encounter challenges due to short-term and unpredictable funding, which hinders ongoing evaluation of their effectiveness. Addressing these coordination issues requires more systematic attention.

Role of Artificial Intelligence in Program Administration

Serious and open consideration is required into the role of artificial intelligence (AI) in making immigration decisions. The rapidly expanding capacity of AI has the potential to facilitate and

expedite much decision-making in the immigration domain. However, there are legitimate due process, human rights, and humanitarian concerns that demand case-specific judgments that cannot be readily reduced to algorithms, regardless of their sophistication.

The future role of AI-assisted decision-making requires a delicate and ongoing balancing of competing considerations.[12] Again, this is an area where an advisory council could offer valuable advice.

The Case for Incrementalism

A major strength of Canadian immigration policy has been its high level of support by the general population. In contrast to individuals in many other nations, Canadians exhibit a notably pro-immigration stance. On a per capita basis, Canada admits more immigrants than any other country and yet majorities support immigration. Our commitment to immigration has been maintained even as more are questioning the number of immigrants Canada should annually admit.

The facts of recent expansion bear repeating. Between 1991 and 2015 Canada admitted around 235,000 immigrants annually on a permanent basis. This figure then began to climb. By 2023, Canada was admitting close to twice that number with 471,000 permanent residents arriving and 485,000 anticipated for 2024.[13] The

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12 For discussions of the potential application of AI to immigration decisions, see Abdi Aidid and Benjamin Alarie, *Legal Singularity: How Artificial Intelligence Can Make Law Radically Better* (Toronto: University of Toronto Press, 2023), 173–5; Mario Bellissimo, "Application Backlogs and Processing Times: Brief submitted to the House of Commons Standing Committee on Citizenship and Immigration," 30 May 2022, https://www.ourcommons.ca/Content/Committee/441/CIMM/Brief /BR11845890/br-external/BellissimoLawGroupProfessionalCorporation-e.pdf; Petra Molnar and Lex Gill, *BOTS AT THE GATE: A Human Rights Analysis of Automated Decision-Making in Canada's Immigration and Refugee System* (Toronto: University of Toronto International Human Rights Program, 2018), https://citizenlab.ca/wp-content/uploads/2018/09/IHRP-Automated-Systems-Report-Web-V2.pdf.

13 See figure 3; see also Immigration, Refugees and Citizenship, *Annual Report to Parliament on Immigration* (Ottawa: 2023), https://publications.gc.ca/collections /collection_2023/ircc/Ci1-2023-eng.pdf.