

obtain their employment or student authorizations and visas from a Canadian Government office abroad before they will be admitted.

"At the moment," said Mr. Cullen, "would-be temporary workers or students from most countries can come to Canada without examination at our offices abroad, obtain entry as tourists, and then apply to change their status once employment or a course of studies has been arranged."

Arising from this, said Mr. Cullen, many visitors in Canada were seeking work at a time when jobs were scarce. "Requiring that authorizations and visas be issued abroad will result in better functioning of the labour market," he said.

The provisions governing students reflect the desire of the provinces to have foreign students meet all the requirements for acceptance at an institution of learning before coming to Canada. Under new provisions in the regulations, foreign students will not be permitted to change either their course of study or the institution they attend without government authorization.

Following established policy of making jobs available to Canadians and permanent residents first, the regulations require that employers register their needs at a Canada Manpower Centre before being allowed to recruit foreign workers.

Usually, student or employment authorizations will not be transferable to other jobs or institutions. Visitors already in Canada will not be allowed to change their status from student to worker or *vice versa*. Further, tourists will not usually be allowed to take work or enrol in educational institutions, and visitors wishing to immigrate to Canada will still be required to apply for permanent-resident status from outside the country.

There will be exemptions to these regulations to allow dependants of persons legally in Canada for purposes other than tourism — such as military personnel, business people, and diplomats — to apply for student or employment authorizations without having to leave Canada. Foreign students will also be able to apply in Canada for part-time employment, but the decision on whether this will be authorized will continue to depend on the availability of Canadian citizens and permanent residents for the jobs in question.

### Refugees

The new regulations expand on the refugee provisions in the act by establishing a

refugee-sponsorship program whereby Canadian groups and organizations can assist the admission and resettlement of refugees and other persecuted and displaced people.

One of the major factors in determining whether or not a refugee will be admitted to Canada is the prospects for successful settlement of the individual. Under this new program, sponsoring groups will be able to facilitate the entry and adaptation of such persons by providing immediate material assistance such as food, clothing and accommodation, as well as longer-term moral support in the form of counselling and orientation to Canadian life, and individual care and attention that cannot be given through government services.

### Who can immigrate to Canada

Sections 3, 5, and 6 of the new act state that the principles concerning admission of immigrants to Canada are to be applied without discrimination on grounds of race, national or ethnic origin, colour, religion or sex. However, applicants must apply abroad and will continue to be selected according to universal standards designed to assess their ability to adapt to Canadian life and settle successfully.

Because hundreds of thousands of applications are received from prospective immigrants each year, a broad processing priority system has been established. Under this system, and in keeping with the principles of family reunion and compassion for refugees, immediate family members and refugees receive the highest priority.

Section 6 of the act sets forth three basic classes of admissible immigrants — the family class, Convention refugees, and independent and other immigrants who apply on their own initiative.

(1) *Family class* — the family class is roughly the same as the sponsored class in the previous law. The major difference is that Canadian citizens may now sponsor parents of any age or circumstance, not just those who are over 60, widowed or unable to work.

Anyone who is at least 18 and is a Canadian citizen or permanent resident may sponsor certain close relatives under the family class. Relatives eligible to apply under this class include the sponsor's: spouse and spouse's accompanying unmarried children under 21; parents or grandparents 60 or over, plus any accompanying dependants (Canadian citizens over 18 may

sponsor parents of any age); parents of grandparents under 60 who are widowed or incapable of working, plus any accompanying dependants; unmarried orphaned brothers, sisters, nephews, nieces, or grandchildren under 18; and fiancé(e) and accompanying unmarried children under 21.

Others may also be eligible.

Family-class applicants are not assessed under the point system, but they must meet the basic standards of good health and character.

(2) *Convention refugees* — the newly-created refugee class is based on the following definition from the United Nations Convention and Protocol Relating to the Status of Refugees:

"A Convention refugee is any person who by reason of a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion, (a) is outside the country of his nationality and is unable or, by reason of such fear, is unwilling to avail himself of the protection of that country, or (b) not having a country of nationality, is outside the country of his former habitual residence and is unable or, by reason of such fear, is unwilling to return to that country."

In addition to establishing a refugee class, the act confirms in domestic law Canada's international obligations to protect refugees under the UN Convention.

Convention refugees seeking resettlement in Canada are assessed according to the same factors used to select independent applicants, but they do not receive a point rating. Instead, the assessment is used to evaluate their general ability to adapt successfully to Canadian life.

Recognizing that there are many persecuted and displaced people around the world who do not technically qualify as refugees under the UN definition, Section 6 of the act reflects Canada's humanitarian tradition by authorizing their admission under relaxed selection criteria in times of crisis. This enshrines in law the policy which has permitted the admission of groups such as the Ugandan Asians, Lebanese, and people affected by the war in Cyprus.

(3) *Independent and other immigrants* — the third class of admissible immigrants corresponds to the nominated and independent classes of the previous act and includes assisted relatives, retirees, entrepreneurs, the self-employed, and other independent immigrants applying on their

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