

Immigration Law Section Report 2021-2022

Annual Continuing Professional Development September 2021 to May 2022

- 7 CPD's planned since September 2021
- 4 CPD's executed, 1 scheduled & 2 more in planning stage

October 21, 2021	Manitoba Provincial Nominee Program Update	1.5	Guest Speaker from Program
November 18, 2021	Roundtable for Young Immigration Lawyers (to assist with answering questions for them on strategy etc for files they are working on)	1.0	Senior Members of the MBA immigration bar
December 13, 2021	Meeting with Canada Border Services Agency Emerson land border crossing to address issues at this POE	1.5	Guest speakers included Chief, Superintendent and a BSO
February 9, 2022	Manitoba Provincial Nominee Program Business Stream Update	1.5	Guest Government Speaker from MPNP Business Program
May 17, 2022	Update from CBSA Inland Enforcement	1.25	Guest Government Speaker from CBSA Inland Enforcement
	Working on sessions with Service Canada and CBSA Winnipeg Airport	N/A	

Submission to Minister re: serious issue of Access to Justice still ongoing as summarized below:

As an elected member of the CBA National Immigration Section Executive, we are still dealing with IRCC's online application process issues for certain programs, whereby our role as legal representatives has been excluded.

For example, for online citizenship applications, the individual can only do this if they are

self-represented, and otherwise, a paper application can be filed by counsel, but paper applications take much longer to process. Further, last year 90 000 applications for a new permanent residency pathway was implemented online, again denying counsel the right to create the profile and submit the application on behalf of the individual and restricting the individual to provide access to their profile to their legal representative.

We were left to provide summary advice under very tight timelines because these applications have a cap, and the caps are reached very quickly. Self rep individuals had to do this on their own and we expect there will be mistakes and issues with these applications, they will be sent back, and worse that based on the information provided in some cases IRCC may even allege they are inadmissible to Canada, which has serious consequences including removal from the country.

Our CBSA National Immigration Law Section Subcommittee, drafted a submission to the Minister. In the meantime, we believe that IRCC's designing of these new programs has set a very troubling precedent, whether it's labelled modernization or otherwise. We believe the implementation of the programs in this way violates Law Society rules, compromising our ability to effectively represent our clients, deny them access to justice and fragmenting their right to representation.

The process is also unlawful and procedurally unfair. We are considering bringing an injunction to the Courts and brought this to the Law Society's attention, both to exert pressure on IRCC but also because it is ultimately their mandate to protect the public. I will continue to update the section as Chair and the Vice Chair will endeavour to do so, after my term is complete.

Submitted by,
Sofia Mirza, Chair, MBA Immigration Law Section