

Immigration Law Section Report 2010-2011

Manitoba Branch Overview:

- Paul Hesse, stepped down as Acting Chair of the Manitoba Immigration Section in February 2011, as he is running for Provincial Election this October 2011
- Michael Bodner, remains as Executive Secretary and as such the Vice-Chair position remains vacant at present pending the outcome of the October elections
- Section Meeting participation remains consistent with previous years (approximately 12 to 20 members in attendance at each meeting)

Continuing Professional Development (since November 2010):

October 5, 2010 - Meeting with members regarding recent changes in immigration law and *Worker Recruitment and Protection Act* related issues.

December 13, 2010 - Meeting with the Canada Border Services Agency to discuss trends at Emerson & Winnipeg Airport Port of Entries (Directors, Chiefs & Superintendents also in attendance).

February 23, 2011 - Meeting with the Manitoba Provincial Nominee Program to discuss trends in processing for permanent residence applications at the program. (Program Director and Officer also in attendance).

May 24, 2011 - Meeting scheduled with the United States Customs and Border Protection Service to discuss Port of Entry trends, criminal inadmissibility, work permit categories, filing process and advance parole process, etc. (USCBP Port Director & Supervisors also in attendance).

End of June 2011 - Planning a meeting with Service Canada to address April 1, 2011 regulatory changes to *Immigration and Refugee Protection Regulations* (and amendments) and Foreign Worker Program interpretation, etc.

Legal Developments:

- Provincial Nominee cap set again to 5,000 for 2011 (same as 2010) to balance influx of economic immigrants with other streams (refugee, family class, etc.);
- In 2009, over 75% of immigrants to Manitoba, landed via the Manitoba Provincial Nominee Program (MPNP);
- 2009 processing times of the MPNP continue to decrease (less than 6 months maintained since April 2010, compared to 18 to 24 months for family / general streams, for example, in 2008);
- Employers with Labour Market Exempt employees applying through employer direct stream of MPNP, now “expected” to register with Manitoba Employment Standards Branch as part of

application processing (previously not expected);

- MPNP will call employers in all employer director stream processing cases to confirm job offers;
- Due to growth of PNPs, stronger focus by federal government on sufficiency of settlement funds;
- Labour Market Opinion process regulatory changes to the *Immigration and Refugee Protection Act and Regulations* took effect on April 1, 2011 (substantially similar test and other tests now applied).

CBA National Immigration Conference

- Held this year in Gatineau, Quebec (May 13 and 14, 2011).
- Manitoba lawyers were invited to speak on a few different panels.

CBA Immigration Section Meeting

- Executive Meetings with CBA held on May 12, 2011 (Section Activity and Recent Development in Law in Manitoba Report Provided to CBA at this time).

Respectfully Submitted,
Sofia Mirza, Acting Chair