

MirreM Data Collection – Country Context

CANADA

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Instructions:

Reflecting on your deskwork and fieldwork, please provide a brief snapshot (1 – 3 pages in total) of the overall picture of irregular migration data in your country. For each question, please address stocks, flows and indicators (or indicate N/A).

Questions:

1. What is your overall assessment of the quality of irregular migration data in your country?

From the outset, it must be noted that there is a divergence in the definitional and conceptual understanding of “irregular migration” data in the Canadian context—that diverges from European definitions. “Irregular” in legal terminology refers specifically to entry into Canada outside of legal means or pathways. However, “irregularities” in peoples’ immigration status to manifest in multiple ways that precariously situate them, toward falling or becoming out of status. In other words therefore, an “irregular migrant” in the Canadian context is limited to those who arrived into the country “irregularly”, usually through human smuggling activity or crossing at unofficial points on land border with the United States. Persons without status are called “non-status”.

Given these complicated meanings which some scholars have argued are a consequence of the highly regulated and complex immigration infrastructure, the types of datasets laid out in accessible ways are a challenge to procure. Further, the issue of irregularity and persons without status has only recently been a matter under consideration by the federal government, in such an encompassing way.

Migration (flows) and population (stocks) datasets, needed to estimate irregular migration, are limited to aggregated annual time series at national or provincial levels, with potential discrepancies in the timeliness and frequency of data collection. Estimates of irregular migration are not provided by official statistics and rarely approached by scholars.

As such, data is sparse, disparate, and in some instances inaccessible. The primary challenge is that of the availability of data.

2. How is irregular migration data generally used in policy making?

In Canada, the use of “irregular” migration data in policy making remains unclear. As noted above, figures specific to persons without status or migrants crossing borders

irregularly are a challenge to publicly access. Moreover, policies directed to persons without status, eg regularization initiatives have only recently been considered by the federal government, is only in its infancy stages. One would assume that the sporadic and targeted regularization programmes implemented by the federal government in the past would use data collected by institutions, such as IRCC CBSA and IRB (institutions explained at Q3) to assist in the delineation of parameters necessary to articulate “fit for purpose” policy. However, in interviews with former government officials, it was alluded that (and which seems counterintuitive) the regularization programmes can perhaps be articulated without necessarily an empirical basis. While there is no evidence that supports this claim, there is also no evidence to refute it. For example, the 2019 temporary public policy geared toward regularizing construction workers in the Greater Toronto Area, was initially geared to a specific target for a defined period. This programme was subsequently adjusted and extended into 2024, now with an overall target of 1000 persons. The modified target was in response to low uptake for the programme.

3. How did you go about the data collection process?
Firstly, I undertook a scan of academic and grey literature to sign-post any existing datasets to guide my subsequent search. I engaged the three main institutions’ websites which regulate immigration in Canada overall, that is Immigration, Refugees and Citizenship Canada (IRCC), the Canada Border Services Agency (CBSA) and the Immigration and Refugee Board of Canada (IRB). I then had conversations with stakeholders such as 2 former government/policy persons, in addition to representatives from the IRCC –the primary body that deals with Immigration issues in Canada.
4. Were there any specific difficulties you experienced during this process? How did you address them?

Yes, there are several challenges collecting data. While there were several challenges in making contact with stakeholders at all levels, policy stakeholders in state institutions were the most difficult cohort of persons to access. Not only is the topic of irregular migration quite politically fraught in Canada, but given the timing of the issue which is only recently being explored toward a “more encompassing” programme, policy persons were reluctant to speak to external parties, including research entities. We were however able to make contact with a former provincial deputy minister and academic who is still engaged with briefing ministers of government, and a former ambassador who has had a lengthy career in public service and who oversaw previous regularization programmes in Canada. We are still actively engaged in reaching out to stakeholders at the governmental level, including a recently concluded meeting with the IRCC

Another challenge which we experienced with regard to all stakeholders was that of the timing and scheduling of interviews. However, we observed that this was a particular problem for civil society organizations, NGO's and other interest groups. We have been proactive in agreeing to flexible interview times and privilege a virtual format to accommodate all stakeholders, however, sometimes it was quite challenging to pin down a time that was convenient to both parties. Like policy persons noted above, there also seemed to be a degree of prevarication from some activist and immigrant serving organizations on this issue. On the other hand, legal practitioners were quite willing to provide their insights.

5. What were the main gaps in the evidence base (i.e., unmet user needs) that emerged during your data collection process?

In the data that we identified as not being publicly available. We have noted that the data is not disaggregated or presented in a form that directly speaks to persons 'out of status'.

6. Were there any meetings with producers or users of irregular migration estimates and indicators that you were unable to secure, but sense that endeavouring to do so in future may be worthwhile? If so, please provide contact information for this person/entity and explain why you think such detail would be helpful.

No. However, CERC Migration is currently preparing to submit a new project for funding, of which MIRREM's PI is a collaborator to determine the statistical range of the out of status population in Canada.

7. Please point to an example of good practice estimating irregular migration and/or making use of estimates of irregular migration in policy-making that you came across. Why did you select this example?

Given the forgoing, I don't think this is relevant at this stage.

ADDITIONAL INFORMATION

The table below notes official statistics, collected and disseminated by institutions (IRCC, CBSA, IRB) which may consist of population censuses, surveys, and administrative data, which can be used to calculate, or model a statistical range of the out of status population in Canada. While some of these data are publicly available on government websites, the main challenge is that they are not disaggregated.

Data provider	Type of data	Definition	Type of status
Immigration and Refugee Board of Canada	Flows	Authorizations and visas issued per permanent residence	Permanent residence

Immigration and Refugee Board of Canada	Flows	Authorizations and visas received per permanent residence	Permanent residence
Immigration and Refugee Board of Canada	Flows	Applications processed for New Study Permit Applications	Temporary residence
Immigration and Refugee Board of Canada	Flows	New Applications received for temporary residents	Temporary residence
Immigration and Refugee Board of Canada	Flows	Extensions received for temporary residents	Temporary residence
Immigration and Refugee Board of Canada	Flows	New Applications finalized for temporary residents	Temporary residence
Immigration and Refugee Board of Canada	Flows	Extensions finalized for temporary residents	Temporary residence
Immigration and Refugee Board of Canada	Flows	Visitor visas	Visa
Canada Border Services Agency / Immigration and Refugee Board of Canada	Flows	Irregular crossing borders	
Canada Border Services Agency / Immigration and Refugee Board of Canada	Flows	Refugee claims by irregular crossing borders	Asylum application
Canada Border Services Agency / Immigration and Refugee Board of Canada	Flows	Refugee claim decisions by irregular crossing	Asylum decision: Accepted

Canada Border Services Agency / Immigration and Refugee Board of Canada	Flows	Refugee claim decisions by irregular crossing	Asylum decision: Rejected
Canada Border Services Agency / Immigration and Refugee Board of Canada	Flows	Refugee claim decisions by irregular crossing	Asylum decision: Abandoned
Canada Border Services Agency / Immigration and Refugee Board of Canada	Flows	Refugee claim decisions by irregular crossing	Asylum decision: Withdrawn
Canada Border Services Agency / Immigration and Refugee Board of Canada	Stocks	Refugee claim decisions by irregular crossing	Asylum decision: Pending
Canada Border Services Agency / Immigration and Refugee Board of Canada	Flows	Refugee appeals by irregular crossing borders	Appeal: Application
Canada Border Services Agency / Immigration and Refugee Board of Canada	Flows	Refugee appeals by irregular crossing borders	Appeal decision: non-merit
Canada Border Services Agency / Immigration and Refugee Board of Canada	Flows	Refugee appeals by irregular crossing borders	Appeal decision: dismissed, lack of jurisdiction, dismissed appeal not perfected

Canada Border Services Agency / Immigration and Refugee Board of Canada	Flows	Refugee appeals by irregular crossing borders	Appeal decision: dismissed withdrawn and abandoned
Canada Border Services Agency / Immigration and Refugee Board of Canada	Flows	Refugee appeals by irregular crossing borders	Appeal decision: merit
Canada Border Services Agency / Immigration and Refugee Board of Canada	Flows	Refugee appeals by irregular crossing borders	Appeal decision: allowed, allowed and substituted
Canada Border Services Agency / Immigration and Refugee Board of Canada	Stocks	Refugee appeals by irregular crossing borders	Appeal decision: pending
Canada Border Services Agency / Immigration and Refugee Board of Canada	Flows / Stocks	Detention reviews for irregular border crossers	Detention
Canada Border Services Agency / Immigration and Refugee Board of Canada	Flows	Admissibility hearing requests for irregular border crossers	Admissibility hearing requests
Canada Border Services Agency / Immigration and Refugee Board of Canada	Flows	Admissibility hearing decisions for irregular border crossers	Admissibility hearing decisions Exclusion order

Canada Border Services Agency / Immigration and Refugee Board of Canada	Flows	Admissibility hearing decisions for irregular border crossers	Admissibility hearing decisions: favorable
Canada Border Services Agency / Immigration and Refugee Board of Canada	Flows	Admissibility hearing decisions for irregular border crossers	Admissibility hearing decisions: failed to appear, withdrawn
Canada Border Services Agency / Immigration and Refugee Board of Canada	Stocks	Admissibility hearing decisions for irregular border crossers	Admissibility hearing decisions: pending
Immigration and Refugee Board of Canada / Canada Border Services Agency	Flows	Asylum applications	
Immigration and Refugee Board of Canada / IRB	Flows	Refugee claim decisions	Asylum decision: Received
Immigration and Refugee Board of Canada / IRB	Flows	Refugee claim decisions	Asylum decision: Accepted
Immigration and Refugee Board of Canada / IRB	Flows	Refugee claim decisions	Asylum decision: Rejected

Immigration and Refugee Board of Canada / IRB	Flows	Refugee claim decisions	Asylum decision: Abandoned / Withdrawn
Immigration and Refugee Board of Canada / IRB	Stocks	Refugee claim decisions	Asylum decision: Pending
Immigration and Refugee Board of Canada / IRB	Flows	Refugee appeals	Appeal: Application
Immigration and Refugee Board of Canada / IRB	Flows	Refugee appeals	Appeal decision: non- merit
Immigration and Refugee Board of Canada / IRB	Flows	Refugee appeals	Appeal decision: dismissed, lack of jurisdiction, dismissed appeal not perfected
Immigration and Refugee Board of Canada / IRB	Flows	Refugee appeals	Appeal decision: dismissed withdrawn and abandoned
Immigration and Refugee Board of Canada / IRB	Flows	Refugee appeals	Appeal decision: merit
Immigration and Refugee Board of Canada / IRB	Flows	Refugee appeals	Appeal decision: allowed, allowed and substituted

Immigration and Refugee Board of Canada / IRB	Stocks	Refugee appeals	Appeal: Pending Application
STATCAN Statistics Canada	Stocks	Census of population estimates living in private households in Canada	Permanent/ Non-permanent (type)
STATCAN Statistics Canada	Flows	Estimated flows: inter-provincial mobility	Permanent/ Non-permanent (type)
STATCAN Statistics Canada	Flows	Estimated flows: international migration	Permanent/ Non-permanent (type)
STATCAN Statistics Canada	Flows	Estimated demographic components of population changes: deaths	Permanent/ Non-permanent (type)
STATCAN Statistics Canada	Flows	Estimated demographic components of population changes: births	Permanent/ Non-permanent (type)
STATCAN Statistics Canada	Stocks	Population estimates / demographic projections	Permanent/ Non-permanent (type)
STATCAN Statistics Canada	Stocks	Population estimates / demographic components (migration and mobility flows, deaths, births)	Permanent/ Non-permanent (type)
STATCAN Statistics Canada	Survey	Longitudinal Immigration Database (IMDB), combined with tax data files	Category of the residence permit status

Canadian Bureau of International Education	Survey	International Student Survey	Category of the residence permit status
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