

Proposal

This Canada-Saskatchewan Immigration Accord (hereinafter referred to as the “Agreement”)

BETWEEN

The Government of Canada, as represented by the Minister of Immigration, Refugees and Citizenship (hereinafter referred to as “Canada”)

AND

The Government of Saskatchewan, as represented by the Minister of Immigration and Career Training (hereinafter referred to as “Saskatchewan”).

TAKING into account section 95 of the *Constitution Act*, 1867 that recognizes the concurrent powers of legislation of the federal and provincial governments in immigration matters.

AND WHEREAS the Parliament of Canada has enacted the *Immigration and Refugee Protection Act*, S.C. 2001, c.27, (hereinafter referred to as the “IRPA”), and the *Immigration and Refugee Protection Regulations* (hereinafter referred to as the “IRPR”).

AND WHEREAS the Parliament of Canada has enacted the *Citizenship Act*, R.S. 1985, C- 29.

AND WHEREAS Canada and Saskatchewan attach importance to the reunification of families and shared commitment with respect to humanitarian considerations, particularly with respect to refugees and persons in similar situations.

AND WHEREAS the *Canadian Charter of Rights and Freedoms* guarantees certain mobility rights to every person who has the status of permanent resident of Canada and guarantees equal protection and equal benefit of the law to everyone, without discrimination; and

the equality of status of English and French as the official languages of Canada, and equal rights and privileges as to their use in all institutions of the Parliament and Government of Canada.

AND WHEREAS the Parliament of Canada has enacted the *Canadian Multiculturalism Act*, R.S.C., 1985, c.24 (4th Supp.).

AND WHEREAS subsection 8(1) of the IRPA and subsection 5(1) of the *Department of Citizenship and Immigration Act*, S.C. 1994, c.31, (hereinafter referred to as the “DCIA”), authorize the Minister of Citizenship and Immigration (hereinafter referred to as the Minister of Immigration, Refugees and Citizenship), with the approval of the Governor in Council, to enter into agreements with provinces for the purposes of the IRPA, and for the purposes of facilitating the formulation, coordination and implementation - including the collection, use and disclosure of information - of policies and programs for which the Minister is responsible.

AND WHEREAS *The Multiculturalism Act* of Saskatchewan recognizes that it is the policy of the Government of Saskatchewan to promote awareness and understanding of the social, cultural and economic benefits of continuing immigration to Saskatchewan and to facilitate the settlement of immigrants in Saskatchewan and their adaptation to and integration into Saskatchewan society.

AND WHEREAS *The Executive Government Administration Act* of Saskatchewan authorizes the Minister responsible for that Act, with the approval of the Lieutenant Governor in Council, to enter into an agreement with the Government of Canada relating to immigration matters.

AND WHEREAS Saskatchewan recognizes the objectives of the IRPA to, among other things:

- a. support the development of a strong and prosperous Canadian economy in which the benefits of immigration are shared across all regions of Canada;
- b. promote the successful integration of Permanent Residents into Canada, while recognizing that integration involves mutual obligations for new Immigrants and Canadian society;
- c. enrich and strengthen the cultural and social fabric of Canadian society, while respecting the federal, bilingual and multicultural character of Canada; and
- d. support and assist the development of Minority Official Languages Communities in Canada.

AND WHEREAS Canada recognizes the role of Saskatchewan in administering the Saskatchewan Immigrant Nominee Program in the province, including the obligation to carry out inspections and protect the integrity of the program.

AND WHEREAS Canada recognizes the goal of Saskatchewan to protect foreign nationals from exploitation during recruitment and immigration processes as reflected in *The Foreign Worker Recruitment and Immigration Services Act (FWRISA), 2013, c.F-18.1*.

AND WHEREAS Canada and Saskatchewan recognize that the Federal, Provincial and Territorial Strategic Plan for Immigration sets the strategic direction for what Federal, Provincial and Territorial governments seek to collectively achieve through immigration.

AND WHEREAS Canada and Saskatchewan welcome immigrants, recognize their contribution to the economic, social, cultural, and humanitarian objectives of the country and the province, and acknowledge the long-term benefits of immigration.

AND WHEREAS Canada and Saskatchewan share a mutual interest in:

- a. minimizing costs, increasing program effectiveness and reducing unnecessary overlap and duplication;
- b. ensuring residents of Saskatchewan are aware of the benefits of immigration;
- c. the principle that federal funding for settlement and integration activities will be devolved to Saskatchewan based upon a financial model developed by both parties;
- d. working together to build a culturally diverse, respectful, inclusive, socially cohesive society and to ensure that smaller communities throughout the province of Saskatchewan can benefit from immigration;
- e. planning and coordinating their immigration activities, based on cooperation, consultation and information sharing;
- f. immigrants having the earliest opportunity to fully utilize their skills within the labour market;

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- g. attracting international students to Canada;
- h. aligning programs and policies whereby immigrants and temporary foreign workers contribute to the development of the provincial labour force, recognizing that Saskatchewan is best positioned to determine the economic and labour market needs of the province; and
- i. working with all partners, including the not-for-profit sector, to enable immigrants to settle and integrate in Saskatchewan.

THE PARTIES HERETO agree on the following matters in order to determine their respective areas of activity relative to immigrants and temporary residents in order to meet the needs and the particular situation of Saskatchewan.

1. This Agreement relates to the selection of persons who wish to reside permanently or temporarily in Saskatchewan, their admission into Canada, their integration into Saskatchewan society, and the determination of levels of immigration to Saskatchewan.
2. An objective of this Agreement, is among other things, the preservation of Saskatchewan's demographic importance within Canada and the integration of immigrants to that province in a manner that respects the regional realities and unique conditions in the province.
3. Canada shall determine national standards and objectives relating to immigration and shall be responsible for the admission of all immigrants and the admission and control of temporary residents. Canada shall discharge these responsibilities in particular by defining the general classes of immigrants and classes of persons who are inadmissible into Canada, by setting the levels of immigration and the conditions for the granting of citizenship, and by ensuring the fulfilment of Canada's international obligations.
4. Saskatchewan has the rights and responsibilities set out in this Agreement with respect to the number of immigrants destined to Saskatchewan, and the selection, reception and integration of those immigrants.

1.0 LEVELS OF IMMIGRATION

- 1.1 Canada shall establish annually the total number of immigrants for the country as a whole, taking into consideration Saskatchewan's advice on the number of immigrants that it wishes to receive through the Saskatchewan Immigrant Nominee Program.
- 1.2 Canada undertakes to pursue a policy with respect to immigration levels that will allow Saskatchewan to receive, out of the annual total established for the country as a whole, the percentage of immigrants referred to in section 1.3, with Saskatchewan having the right to exceed this figure by five per cent of the Canadian total for demographic reasons.
- 1.3 Saskatchewan undertakes to pursue an immigration policy that has as an objective the reception by Saskatchewan of a percentage of the total number of immigrants received in Canada equal to the percentage of Saskatchewan's population compared with the population of Canada.

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- 1.4 In order to assume its full responsibility for the reception of immigrants based on humanitarian considerations, Saskatchewan undertakes to receive, out of the total number of refugees and persons in similar situations received by Canada, a percentage at least equal to the percentage of immigrants that it undertakes to accept.
- 1.5 With respect to the refugees destined to Saskatchewan, Canada agrees to:
 - 1.5.1 take into account the potential financial and program impact on Saskatchewan, the proportion of Refugees resettled in Saskatchewan, the longer-term settlement needs of Persons in Urgent Need of Protection, and Vulnerable and Special Needs Persons to be settled in Saskatchewan.
 - 1.5.2 provide notice of arrival as early as possible, ensure arrivals are spread throughout the year where practical, and work with Saskatchewan to coordinate communications with the community and stakeholders.
- 1.6 Canada will consult Saskatchewan on the development and implementation of policies that encourage reunification of family from abroad. Saskatchewan will have the opportunity to participate in the development and implementation of those policies and programs that strengthen and enforce sponsorship provisions and obligations.
- 1.7 Canada will cooperate with Saskatchewan to provide opportunities to provincial staff for training, taking into account cost and resource constraints of either Party and, if required, negotiating cost-sharing approaches.

2.0 ADMINISTRATION AND SELECTION

General

- 2.1 Saskatchewan recognizes that, in accordance with the IRPA and the IRPR, Canada has responsibility for:
 - 2.2 determining federal objectives relating to immigration;
 - 2.3 establishing selection criteria and selecting foreign nationals for federal programs, taking into account the role of Saskatchewan in selecting foreign nationals for the Saskatchewan Immigrant Nominee Program;
 - 2.4 determining Refugee status;
 - 2.5 prescribing classes of Permanent Residents and Temporary Residents; and
 - 2.6 defining and determining which persons are inadmissible to Canada.
- 2.7 Canada and Saskatchewan acknowledge that applications for permanent residence shall ordinarily be submitted and considered, both from within and outside the country.

Immigrants

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- 2.8 Saskatchewan has sole responsibility for the selection of immigrants destined to that province, under the Saskatchewan Immigrant Nominee Program and Canada has sole responsibility for the admission of immigrants to that province.
- 2.9 Canada shall admit any immigrant destined to Saskatchewan who meets Saskatchewan's selection criteria, if the immigrant is not in an inadmissible class under the law of Canada.
- 2.10 Canada shall not admit any immigrant into Saskatchewan who does not meet Saskatchewan's selection criteria.

Family reunification

- 2.11 Saskatchewan has sole responsibility for the selection of immigrants destined to that province in the family class and Canada has sole responsibility for the admission of immigrants to that province.
- 2.12 Canada shall admit any immigrant destined to Saskatchewan who meets Saskatchewan's selection criteria, if the immigrant is not in an inadmissible class under the law of Canada.
- 2.13 Canada shall not admit any immigrant into Saskatchewan who does not meet Saskatchewan's selection criteria.

Refugees

- 2.14 In accordance with its international obligations, Canada shall determine who is a refugee within the meaning of the *United Nations Convention Relating to the Status of Refugees*, and who are persons in similar circumstances in need of Canada's protection.
- 2.15 Subject to section 2.17, refugees and persons in similar circumstances identified by Canada who are destined to Saskatchewan and who meet Saskatchewan's selection criteria shall be admitted by Canada if they are not members of an inadmissible class under the law of Canada.
- 2.16 Subject to section 2.17, Canada shall not admit a refugee or person in similar circumstances identified by Canada who is destined to Saskatchewan and who does not meet Saskatchewan's selection criteria.
- 2.17 Where permanent resident status is granted to a person already in Saskatchewan who is recognized as a refugee, Saskatchewan's consent shall not be required.

Undertakings

- 2.18 Where a law of Canada:
- 2.18.1 requires that a family member submit an undertaking to the Government of Saskatchewan with respect to an immigrant that the family member wishes to sponsor or assist, or

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- 2.18.2 requires that the family member meet financial criteria, Saskatchewan alone shall be responsible for the administration of such undertakings and the determination and application of such financial criteria, where the family member is a resident of Saskatchewan.

Visitors

- 2.19 Saskatchewan has sole responsibility for the development of selection criteria in order for Canada to admit into the province:
 - 2.19.1 any foreign student, except a student chosen under a Canadian government assistance program for developing countries;
 - 2.19.2 any temporary foreign worker whose admission is subject to Canada's requirements relating to the availability of Canadian workers;
 - 2.19.3 and any foreign visitor entering Saskatchewan to receive medical treatment.

Other parts of Canada

- 2.20 For greater certainty, this Agreement does not affect the ability of Canada to admit an immigrant, refugee or temporary resident destined to a part of Canada other than Saskatchewan.

3.0 RECEPTION AND INTEGRATION

- 3.1 Canada undertakes to withdraw from the services to be provided by Saskatchewan for the reception and the linguistic and cultural integration of permanent residents in Saskatchewan.
- 3.2 Canada undertakes to withdraw from specialized economic integration services to be provided by Saskatchewan to permanent residents in Saskatchewan.
- 3.3 Canada and Saskatchewan will come to an agreement on administrative and financial provisions which will permit Saskatchewan to offer reception and cultural integration services to permanent residents and temporary residents of Saskatchewan. This amount shall be proportionately equal to the amount that Quebec receives for settlement and integration services under the Canada-Quebec Accord, which would equal approximately \$96 million for 2021-22, and shall increase annually based on the same level of increase of the Canada-Quebec Accord Grant and the increase in immigration to Saskatchewan.
- 3.4 Canada and Saskatchewan will agree to the federal services subject to withdrawal with compensation pursuant to the Agreement, which will be listed in an Annex that forms part of this Agreement.
- 3.5 Canada shall provide reasonable compensation for the services referred to in sections 3.1 and 3.2 provided by Saskatchewan, if:

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- 3.5.1 those services, when considered in their entirety, correspond to the services offered by Canada in the rest of the country;
 - 3.5.2 the services provided by Saskatchewan are offered without discrimination to any permanent resident of Saskatchewan, whether or not that permanent resident has been selected by Saskatchewan.
- 3.6 The obligation to withdraw with compensation as contemplated does not apply to economic integration services provided by Canada on an equal basis to all residents of the country.
- 3.7 Canada alone shall have responsibility for services relating to citizenship.
- 3.8 Nothing in this Agreement shall be construed as restricting the right of Canada to provide services to Canadian citizens relating to multiculturalism or to promote the maintenance and enhancement of the multicultural heritage of Canadians.

4.0 IMPLEMENTATION

4.1 Agreement Management Committee (AMC):

- 4.1.1 The Agreement Management Committee (AMC) will oversee the implementation of this Agreement, including discussion and exchange of information, Dispute management and resolution, managing collaborative programs, and making decisions or recommendations, as appropriate, on matters pertaining to this Agreement. The AMC will be the forum for raising new immigration issues not addressed in this Agreement.
- 4.1.2 The AMC, with two Co-Chairs, the Assistant Deputy Minister, Saskatchewan Ministry of Immigration and Career Training, and the Assistant Deputy Minister, Department of Immigration, Refugees and Citizenship Canada, or their designates where mutually agreed upon, will be established to oversee implementation of this Agreement. Other members of the AMC shall include Regional and National Headquarters Department of Citizenship and Immigration officials; and, as appropriate, representatives of other federal departments and provincial ministries.
- 4.1.3 The AMC will meet face-to-face or by teleconference or videoconference once annually. The purpose of these meetings will be to engage in broad discussions relating to the overall management of this Agreement and innovative approaches to addressing immigration matters.
- 4.1.4 The AMC may establish bilateral ad hoc groups or sub-committees, with third party participation if appropriate, for the purpose of implementing this Agreement.

5.0 MULTILATERAL FORUMS

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- 5.1 Nothing in this Agreement is intended to preclude the Parties from fully participating in multilateral forums. Decisions made in the multilateral forums will not supersede the terms agreed upon in this Agreement.

6.0 DISPUTE MANAGEMENT AND RESOLUTION PROCESS

- 6.1 The Parties are committed to working together to implement this Agreement. Both Parties are committed to respect and support the objectives and principles of the IRPA and share the following objectives:
- 6.1.1 to prevent Disputes;
 - 6.1.2 to work together to minimize Disputes;
 - 6.1.3 to identify Disputes quickly and to resolve them expeditiously, at the director level, where possible, before involving more senior officials;
 - 6.1.4 to resolve Disputes in a fair, open and transparent manner; and
 - 6.1.5 to resolve Disputes in a non-adversarial, collaborative and informal manner whenever possible.
- 6.2 In the case of a Dispute or disagreement under this Agreement, the Designated Representatives will attempt to resolve the matter through information sharing, communications and informal discussions. In the event that the Designated Representatives are unable to resolve the Dispute expeditiously, it will be referred to the AMC Co-Chairs, accompanied by relevant facts and steps taken to reach resolution. Such procedures will provide equal opportunities for representation by each Party, establish clear time limits, and ensure clarity for the implementation of final decisions. Further, in the event resolution is not reached within thirty (30) days of being raised with the AMC Co-Chairs, the Parties will jointly determine next steps.
- 6.3 Either Party may refer the matter to the Deputy Ministers by providing him/her with a written notice.
- 6.4 Both Parties will exchange relevant information regarding the Dispute and engage in bilateral discussions in an attempt to clarify and resolve the Dispute. Deputy Ministers will:
- 6.4.1 provide equal opportunities for representation by each Party;
 - 6.4.2 attempt to resolve Disputes within thirty (30) days; and
 - 6.4.3 ensure clarity for the implementation of final decisions.
- 6.5 Should the Dispute be resolved, Deputy Ministers will oversee drafting of a short report identifying the issues that have been resolved, specific actions and timelines required to implement the resolution.
- 6.6 If Deputy Ministers are unable to resolve the Dispute within thirty (30) days from the date of its referral to them, they will determine the appropriate course of action for its resolution, including elevating the Dispute to Ministers.

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- 6.7 Ministers will provide advice and direction to their officials on an appropriate course of action to resolve the Dispute.
- 6.8 This Dispute management process shall not in any way limit the final authority of the Minister of Citizenship and Immigration respecting decisions to interpret and administer the IRPA or the IRPR.

7.0 INFORMATION SHARING

- 7.1 The Parties share a mutual interest in:
 - 7.1.1 sharing information in order to meet the needs of Immigrants, including prospective Immigrants, Refugees and Temporary Residents;
 - 7.1.2 ensuring policies and programs are informed by research, and statistical reports; and
 - 7.1.3 supporting policies, strategies and programs through information sharing.
- 7.2 Information sharing under this Agreement is governed by the separate *Memorandum of Understanding Concerning Information Sharing Between Canada and Saskatchewan*, signed in 2017.
- 7.3 Nothing in this Agreement is intended to restrict the ability of the Parties to enter into other agreements or arrangements related to the sharing of information that does not take place pursuant to this Agreement.
- 7.4 The Parties agree to inform each other in a timely manner of any immigration related information sharing and research agreements, formal arrangements or formal negotiations they enter into with government departments or ministries, municipalities and other parties concerned under Saskatchewan's jurisdiction where such immigration related information sharing, agreements, arrangements or negotiations may impact the implementation of this Agreement
- 7.5 The Parties agree to promote immigration research, to consult annually on research priorities and planned research activities, and to co-operate on common research initiatives as appropriate.
- 7.6 All agreements between the parties will provide for the exchange or sharing of information in accordance with:
 - 7.6.1 the *Privacy Act* and supporting guidelines on Privacy and Data Protection and the Government of Canada Security Policy and supporting operating directives and guidelines covering the administrative, technical and physical safeguarding of any Personal Information (the said supporting guidelines, policies and directives hereinafter referred to as the "Supporting Guidelines"); provided that Saskatchewan is provided with prior written notice of the Supporting Guidelines and of any changes made from time to time to those Supporting Guidelines; or
 - 7.6.2 *The Freedom of Information and Protection of Privacy Act* of the Province of Saskatchewan and related Regulations, directives and guidelines governing the administrative, technical and physical safeguarding of the Personal Information; whichever shall apply.

8.0 PROGRAM INTEGRITY

8.1 The Parties will ensure the integrity of their respective programs, including but not limited to activities such as:

8.1.1 sharing information and intelligence related to program developments overseas and within Canada, including immigration trends and analysis;

8.1.2 conducting and disseminating research, and identifying knowledge gaps related to immigration priorities;

8.1.3 establishing mutual reporting arrangements;

8.1.4 working collaboratively with other agencies, as required, to address issues relating to inadmissibility, including anti-fraud activities;

8.1.5 investigating potential program abuse to ensure ongoing rigour and confidence in the immigration program; and

8.1.6 conducting program evaluations.

8.2 The Parties recognize the importance of evaluating the programs, policies and initiatives that are implemented under this Agreement in order to design, or improve the design, of policies, programs and initiatives, and to assess policy or program relevance and effectiveness, impacts both intended and unintended, and alternative ways of achieving expected results.

8.3 The evaluation and audit requirements specific to the program discussed in this Agreement and the corresponding accountabilities of the Parties will be established in an Annex that will form part of this Agreement.

9.0 GENERAL

9.1 Canada and Saskatchewan shall take any measures which are necessary to implement this Agreement.

9.2 Canada and Saskatchewan agree to consult each other before making any amendments to their statutes and regulations affecting the operation of this Agreement.

9.3 In keeping with the purpose and objectives of this Agreement, Canada will be open and transparent concerning agreements reached with other provinces and territories respecting immigration. Upon request by Saskatchewan, Canada will negotiate amendments to this Agreement in order to afford similar treatment to Saskatchewan, taking into consideration the different needs and circumstances of Saskatchewan.

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- 9.4 Subject to approval, Annexes may be added to the Agreement as approved by both federal and provincial Assistant Deputy Ministers, which shall be complementary to the Agreement and its provisions, and in no way restrict the meaning or scope of the Agreement.
- 9.5 The commitments pursuant to this Agreement will not be interpreted by either Party to impose legal, financial or other obligations beyond whatever specific arrangements and conditions are already in operation or are mutually agreed upon.
- 9.6 The French and English language versions of this Agreement are equally authoritative.
- 9.7 This Agreement may be re-opened at the request of either party with prior notice of six months. Failing agreement on amendment, the Accord continues in force.
- 9.8 This Agreement may be amended by the mutual written consent of the parties subject to any required approval or authorization, including the approval of the Governor in Council for Canada or Lieutenant Governor in Council for Saskatchewan. Failing agreement on amendment, the Agreement continues to be in effect.
- 9.9 This Agreement supersedes the prior Agreement dated May 07, 2005.
- 9.10 This Agreement will come into force upon signature of both parties.

IN ORDER TO BE BOUND by its terms, the parties have executed this Agreement.

SIGNED, SEALED
AND DELIVERED
in the presence of:

The Honourable Sean Fraser
Minister of Immigration, Refugees and Citizenship
Government of Canada

The Honourable Jeremy Harrison
Minister of Immigration and Career Training
Government of Saskatchewan