

# THE GLOBE AND MAIL

## English profs not amused by immigration pop quiz

New rules require a \$280 language test, even if you hold a PhD in literature

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Sara Landreth can only marvel at the absurdity of her situation.

She has a PhD in English literature. She has been hired to teach English literature to Canada's budding scholars. Yet her application for immigration will not be processed unless she submits to a \$280 English language test, thanks to a ministerial instruction signed by Citizenship and Immigration Minister Jason Kenney last month.

"It certainly strikes me as ridiculous and a bit ludicrous," Dr. Landreth said. "The irony of someone who's immigrating to Canada to teach English being asked to take an English test is probably not lost on most people."

It might seem no more than a bureaucratic hassle, but critics say the decision runs roughshod over immigration law, which states that applicants don't have to write the test if they can provide other evidence, in writing, of their proficiency in an official language. In response, the Department of Citizenship and Immigration said that in the past, written submissions had to be evaluated by immigration officers; an independently administered test will help prevent fraud and ensure a fair and transparent method of evaluation, a spokeswoman said.

Dr. Landreth, 30, has a tenure-track position at the University of Ottawa, where she has worked for the last year on a temporary permit. She is American by birth and moved to Canada after finishing her PhD at New York University. Her husband, James Brooke-Smith, a British citizen who also holds a PhD in English literature, has been working as a lecturer in Ottawa and will also have to take the test.

"What struck me was the complete inflexibility, that there's just no way I can waive this," she said. "That there was no clause for professional capabilities or mother tongue seemed very strange. The reality is it just creates unnecessary red tape."

David Matas, an immigration lawyer in Winnipeg, said what disturbs him about the change is the way it was enacted. Section 79 of the regulations of the Immigration and Refugee Protection Act states that skilled worker applicants may choose to submit to a language test or provide written evidence of their proficiency. Last month, Mr. Kenney issued a ministerial instruction, effective immediately, that said only applicants who write a test will be considered.

"What he's doing is taking a power over processing and using it, in effect, to amend the law," Mr. Matas said. "Frankly [it] gives me a good deal of concern and isn't just about language testing or immigration. It's the sort of power that, if accepted, would wreak havoc with all our laws."

He went so far as to call it an abuse of the system. “If it goes without comment, I think we’re just going to see more and more of it, not just in this field but in others,” Mr. Matas added.

Toronto lawyer Cathryn Sawicki has launched a legal challenge to the new rules in Federal Court.

Mr. Kenney referred questions on Wednesday to Kelli Fraser, a departmental spokeswoman, who said the change was made through ministerial instruction to speed processing before a formal regulation change is enacted.

Ms. Fraser said that, in making the decision, the government referred to research that found official language literacy had a significant impact on immigrant earnings, and that where literacy matched that of Canadian-born citizens, there was almost no gap in earnings for immigrants. Since non-native English or French speakers often used the documentation option, visa officers found it difficult to assess their abilities, Ms. Fraser said.

“We felt that going to a language test option was the most fair, transparent, objective, consistent and accurate way to evaluate different applicants’ language skills,” she said.