

**Immigration**

# AI and the significant impact it will have on immigration | Sergio R. Karas

By **Sergio R. Karas**

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(February 9, 2022, 8:48 AM EST) -- The COVID-19 pandemic has accelerated the use of artificial intelligence (AI) in immigration processing. Immigration, Refugees and Citizenship Canada (IRCC) has begun to use AI as a tool to decide straightforward applications for visitor, study and work permits.

IRCC claims that the use of AI tools will increase productivity and shorten processing times. IRCC also claims that final decisions on applications will be made by humans.

However, the collection and storage of copious amounts of personal data raise significant privacy concerns. The potential for misuse, security breaches and data sharing with other government agencies remains high. It is unknown whether the Office of the Privacy Commissioner has been consulted or has vetted the use of these AI tools. The lack of transparency surrounding their deployment is worrisome.

The pandemic has made technology platforms such as Zoom and Teams ubiquitous and have replaced the need for personal interaction in many areas. The advancement of technology allows individuals to attend classes, work and even meet people remotely. The potential impact of the Metaverse may quicken the pace of transformation for many activities that were done in person and can now be done virtually. Corporations have managed to save billions of dollars in business travel by holding online meetings, and foreign students have been able to continue their coursework during lockdowns, sometimes from their homes overseas. This raises fundamental questions for the future of many immigration categories that previously required physical presence in Canada. There will be winners and losers in immigration because of technological changes.

Before the pandemic, Canada admitted over 600,000 foreign students annually. But now, merely two years later, the trend towards hybrid learning by using technology prompts us to question whether this number should be decreased, and consequently have fewer foreign students arrive in Canada and eventually qualify for permanent residence. The new trend may cause IRCC to prioritize only foreign students who are pursuing hands-on studies in STEM (science, technology, engineering and mathematics) disciplines, research, or apprenticeships in trades, to the detriment of those who study liberal arts, social sciences or college diploma courses that have poor employment prospects and do not require attendance to in-person classes.

A similar policy divergence may take place regarding foreign workers. The labour market is clamouring for skilled trades in manufacturing, construction, engineering and computer programming. Lesser skilled workers in the agriculture industry are in short supply. On the other hand, there is an abundance of workers in administrative, and entry-level positions, who do not have experience or technical skills and can eventually be replaced by automation.

The influx of large numbers of immigrants and refugees who are not admitted to Canada in economic categories may aggravate the disconnect between the requirements of the labour market and the availability of workers. Any employer who has advertised for skilled workers recently can attest to the difficulty in hiring talent, while at the same time receiving dozens of unqualified resumés for any position. This may force the authorities to make a choice: increasing the number of foreign workers

in skilled trades and positions that require personal interactions with good employment prospects such as health care, specialized technicians, construction and manufacturing, while decreasing the number of foreign workers who can perform their duties remotely or whose skills are not in high demand.

Economic needs are leading to the proliferation of immigration programs designed to attract workers in highly skilled occupations. Provinces in Canada are launching pilot programs in an attempt to accelerate immigration processing for in-demand occupations. These immigration programs allow some foreign workers to have their applications fast-tracked to tackle the labour shortages. However, these programs are not efficient, they are time-intensive and lack national co-ordination. Also, mobility rights prevent the provinces from requiring residency beyond the point where applicants obtain residency, creating retention problems.

Immigrant entrepreneurs may also be affected by technological change. Their ability to do business online may lead to increased scrutiny as to which types of business activities may merit permanent residence.

IRCC may wish to promote permanent residence for entrepreneurs who will establish manufacturing businesses in Canada and employ and train Canadians, while de-emphasizing those whose business models that do not require many local workers or are highly mobile across international boundaries and choose Canada only as a matter of convenience to "park" their families and enjoy free education and health care while remaining non-residents for tax purposes. This has significant implications for all levels of government, as manufacturing plants are often larger contributors to the municipal tax base and businesses with a physical presence benefit the community.

The impact of AI tools may negatively affect representation by immigration counsel. IRCC has created a false sense of security in many applicants, leading them to believe that the application process is "easy" and stress-free, and that they can do it without the assistance of qualified immigration counsel. IRCC has created a myriad of "portals" accessible only by applicants, where counsel cannot control the process. Individuals filing applications by themselves, without the guidance and experience of authorized representatives, are often shocked by bad outcomes.

It is important that the authorities be mindful that the use of AI must not interfere with lawyers' ability to represent clients and to be kept abreast of all developments in the application process.

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