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## Canada must restore visa requirement for Mexicans | Sergio R. Karas

By **Sergio R. Karas**

Law360 Canada (February 6, 2024, 2:04 PM EST) -- Canada must restore the visa requirement for Mexico to address escalating problems. When lifting the visa requirement for Mexican travelers in 2016, the Liberal government claimed that it would strengthen economic ties and boost tourism. However, this decision has since led to an overwhelming surge in asylum claims and criminal organizations taking advantage of the exemption to bring Mexicans to Canada and then smuggle them into the United States.

A visa requirement was originally imposed by the previous Harper government in 2009 in response to a significant rise in asylum claims from Mexico between 2005 and 2008. History is repeating itself, with additional concerns arising over illegal crossings along the Canada-U.S. border. In April 2023, the U.S. Secretary of Homeland Security urged Canada to reconsider reimposing visa requirements for Mexican nationals. At the time, the Minister of Immigration, Sean Fraser, firmly stated that Canada had no plans for such measures. However, just eight months later, Public Safety Minister Dominic LeBlanc announced the government's intent to explore options to reintroduce visa requirements. The government seems to be frantically trying to solve the crisis it created without admitting its mistake of lifting the visa requirement which is contributing to the current refugee claims crisis.



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It is crucial to note that the issue does not stem from genuine asylum seekers, as Canada remains committed to providing refuge to those truly in need. However, recent government statistics reveal a significant shift, with over 144,000 migrants seeking asylum in Canada in 2023 — a stark contrast to the annual average of less than 25,000 a decade ago. According to the Macdonald-Laurier Institute, Mexico remains the primary source country for asylum claims in Canada. The *Globe and Mail* highlighted the sharp increase in Mexican claims from only 250 in 2016 to 7,483 by 2022, observing that despite the considerable volume of asylum claims from Mexico, the approval rate stands at only 42 per cent, the third lowest among 175 countries. The Macdonald-Laurier Institute report also noted that more than 22,000 Mexicans claimed asylum in Canada in the first 11 months of 2023, a sharp increase from 10,045 the previous year.



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An article from the CBC on Nov. 8, 2022, suggests that the lack of a visa requirement has led to a significant number of Mexicans taking advantage of the system. They file bogus asylum claims to secure benefits like work permits, free healthcare, and a prolonged stay in the country. This opportunistic conduct is frequently aided by unscrupulous and unlicensed consultants. The *Globe and Mail* echoes this narrative, recognizing that while some Mexican claimants are genuinely seeking refuge from violence caused by drug cartels, a considerable number are economic migrants in pursuit of job opportunities in Canada.

Despite nearly half of the applications failing to meet the refugee criteria, the backlog of claims from Mexican nationals has continued to skyrocket, posing significant challenges to processing times. It is becoming increasingly evident that more Mexicans are opting to travel to Canada to seek asylum, as they bank on long processing times, the unlikely possibility of deportation, and the availability of free services. The *Globe and Mail* reported that even without new refugee intake, it would take over three years to clear the backlog at the current processing rates. At the very least, reintroducing the visa requirement could serve as a deterrent to additional frivolous claims, enabling authorities to control travel flows, and prioritize legitimate cases more effectively.

In addition, many Mexicans exploit Canada's visa-free policy to enter as visitors and then cross illegally into the United States. This has contributed to a flourishing human smuggling market according to the Macdonald-Laurier Institute. The northern border between Canada and the United States has been increasingly targeted by human smugglers as an easy alternative route to enter the United States. The CBC highlights an alarming 550 per cent increase in intercepted smuggling attempts in 2023 compared to 2022, particularly across the Ontario-Quebec border with New York State and Vermont. This area, referred to by the U.S. Customs and Border Protection as the Swanton Sector, is where nearly half of all apprehensions have involved Mexican nationals. If nothing else, the presence of such a profitable cross-border human trafficking market should serve as a strong impetus for government intervention.

Another consideration lies in the dangers posed by unsafe border crossings, along with the exploitation and tragic loss of life experienced by vulnerable individuals on their journey. Press reports abound of numerous instances of individuals and families perishing while attempting to cross the border with the United States, owing to hazardous wooded areas, marshlands, treacherous ice, freezing temperatures, and numerous rivers, streams, and lakes. The reports highlight the lucrative financial rewards that organized criminals obtain by smuggling people across the Canada-U.S. border. According to a CBC article from Dec. 8, 2023, based on U.S. court records, a smuggling network originating from New Jersey levied fees ranging from US\$3,000 to US\$6,000 per person for ferrying groups of three to seven individuals across the Swanton Sector. These operations are well-organized, with brokers orchestrating departures, pickups, and transactions throughout their network. Mexican smuggling groups provide inclusive packages, incorporating airfare and passports, to ease entry into Canada to reach the United States.

Canada removed the visa for Mexicans claiming that it would bolster trade and tourism, but this pursuit has come at the unacceptable cost of jeopardizing the integrity of its immigration system and

prolonging the wait times for legitimate refugees. The deliberate manipulation of the asylum process by many individuals from Mexico, who are fully aware that they do not qualify for refugee status, represents a blatant exploitation of the system. This places an unfair burden on Canada's resources and public services. Transnational criminal organizations and drug cartels are making large profits from human smuggling, and the situation is causing concern for policymakers in Ottawa and Washington.

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