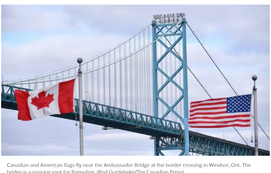
Hamilton

'Flagpoling': How crossing the border and turning back around can get you faster immigration services

One woman said she felt she had to 'flagpole' due to Immigration, Refugees and Citizenship Canada's backlog

Bobby Hristova · CBC News · Posted: Apr 27, 2023 12:53 PM EDT | Last Updated: April 27



Canadian and American flags fly near the Ambassador Bridge at the border crossing in Windsor, Ont. The bridge is a popular spot for flagpoling. (Rod Gurdebeke/The Canadian Press)

As Ruby Nicolas was crossing the Rainbow Bridge in Niagara Falls, Ont., on March 15, she felt increasingly stressed.

"It was nerve-wracking," she told CBC Hamilton.

The 45-year-old mother of two moved from the Philippines to Mississauga, Ont., in 2021.

She graduated from a post-secondary program in December, 2022 but needed a post-graduate work permit if she wanted to stay in Canada and get a job.

Ruby Nicolas flagpoled in the Niagara region with her family in March 2023. (Submitted by Ruby Nicolas)

Nicolas soon realized she wasn't going to get her application approved quickly, being one of the over 1.1 million applications in Immigration, Refugees and Citizenship Canada's (IRCC) processing queue for permanent residents, study permits, work permits and permit extensions.

Nicolas said she had no other choice than "to do flagpoling," she said.

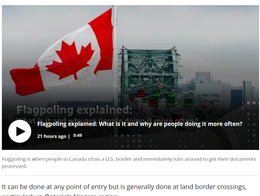
She drove through the Canadian border and left the country — then turned right back around.

What is flagpoling?

Flagpoling is the nickname for when foreign nationals with a temporary status leave Canada and immediately re-enter to get same-day immigration services.

It's completely legal and a practice familiar to immigration lawyers and consultants.

WATCH | Flagpoling explained: What is it and why are people doing it more often?



Flagpoling is when people in Canada cross a U.S. border and immediately turn around to get their documents processed.

It can be done at any point of entry but is generally done at land border crossings, particularly in Ontario's Niagara region.

"In many cases, there is a way to turn around and typically that's indicated by flagpoles, and that's why it's called flagpoling," said Sergio Karas, the principal of Toronto-based Karas Immigration Law.

Flagpoling has gone on for years and is becoming more common as IRCC's backlog persists.

It can take between four to seven months to have an application processed according to Karas and Jade Calver, chief executive officer of Calver Immigration Consulting Inc. in Ontario.

Number of flagpoling cases from 2020 to 2022

Year	Number of flagpole cases
2020	12,006
2021	4,514
2022	21,453

Source: Canada Border Services Agency (Bobby Hristova/CBC)

IRCC data shows as of April 11, there were 1,150,197 applications in the processing queue for permanent residents, study permits, work permits and permit extensions.

About half of those are for permanent resident applications, but Karas said fewer people flagpole for those applications because they can apply online.

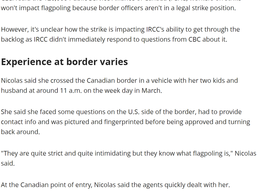
Canada Border Services Agency (CBSA) data shows 21,452 people flagpoled in 2022. Numbers were down in 2021 and 2020 due to the pandemic. CBSA wasn't able to share data from prior years.

"CBSA tolerates that practice but they're not crazy about it because it increases their workload. Unfortunately, many individuals do not have another way," Karas said.

It has become common enough that CBSA has set up certain dates and times at some border crossings to accommodate flagpolers. Karas recommends going early in the day to improve your chances of getting applications processed.

Study permit, work permit and permanent resident application waitlist

A breakdown of the 1,150,197 study permit, work permit and permanent resident applications in the waitlist as of as of April 11, 2023.



** The data is operational and subject to change, according to Immigration, Refugees and Citizenship Canada*

Source: Immigration, Refugees and Citizenship Canada (Bobby Hristova/CBC)

CBSA also encourages people to apply online to have applications processed online through IRCC's website to avoid flagpoling.

CBSA said the 120,000 Public Service Alliance of Canada (PSAC) workers on strike won't impact flagpoling because border officers aren't in a legal strike position.

However, it's unclear how the strike is impacting IRCC's ability to get through the backlog as IRCC didn't immediately respond to questions from CBC about it.

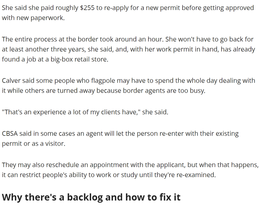
Experience at border varies

Nicolas said she crossed the Canadian border in a vehicle with her two kids and husband at around 11 a.m. on the week day in March.

She said she faced some questions on the U.S. side of the border, had to provide contact info and was pictured and fingerprinted before being approved and turning back around.

"They are quite strict and quite intimidating but they know what flagpoling is," Nicolas said.

At the Canadian point of entry, Nicolas said the agents quickly dealt with her.



Ruby Nicolas took this picture on the Rainbow Bridge in the midst of flagpoling. (Submitted by Ruby Nicolas)

She said she paid roughly $255 to re-apply for a new permit before getting approved with new paperwork.

The entire process at the border took around an hour. She won't have to go back for at least another three years, she said, and, with her work permit in hand, has already found a job at a big-box retail store.

Calver said some people who flagpole may have to spend the whole day dealing with it while others are turned away because border agents are too busy.

"That's an experience a lot of my clients have," she said.

CBSA said in some cases an agent will let the person re-enter with their existing permit or as a visitor.

They may also reschedule an appointment with the applicant, but when that happens, it can restrict people's ability to work or study until they're re-examined.

Why there's a backlog and how to fix it

Calver said IRCC needs more staff to help process the applications and deal with requests for reconsideration.

"It's not fair to CBSA officers to be taking on the burden of immigration applications when that's not their primary mandate," she said.

Karas said there's "no political appetite" to fix the backlog.

He points to how the federal government recently extended its program that temporarily helps Ukrainians fleeing the war with Russia settle in Canada.

Karas said one solution is to prioritize permit extensions over new applications.

Permanent resident applications in waitlist

A searchable, categorized list of the number of permanent resident applications in the waitlist as of April 11, 2023, sorted from the longest wait to the shortest.

Search in table

Page 1 of 4

Immigration Category	Applications in waitlist

Privately Sponsored Refugees	75,895
Spouses & Partners	61,198
Provincial/Territorial Nominees (No EE)	58,975
Parents and Grandparents	55,648
Protected Persons Landed In Canada	42,320
Caring For Children Program	32,250
Dependants Abroad of Protected Persons	31,883
Federal Government-assisted Refugees	29,448
TR to PR	24,179
Canadian Experience Class (EE)	17,648

** The data is operational and subject to change, according to Immigration, Refugees and Citizenship Canada.*

Source: Immigration, Refugees and Citizenship Canada (Bobby Hristova/CBC)

IRCC said it is trying to shrink the backlog by "digitizing applications, hiring and training new staff, and harnessing automation technologies."

IRCC also said it is making progress toward its goal of reducing overall backlogs and processing 80 per cent of new applications within the timeframes set out in its service standards.

- **Welland non-profit employment service relocates to help Niagara Falls asylum seekers**
- **After lengthy delays, Peruvian man gets his work permit by taking a risk**

Its website states 54 per cent of applications in its inventories are within service standards as of February 28, 2023, up from 50 per cent in January.

IRCC also said it made over 5.2 million decisions for permanent residents, temporary residents,and citizenship last year, up from 2.7 million the year prior.

"We know there is more work to do, and we will continue to do what it takes to get there," IRCC said.

ABOUT THE AUTHOR

Bobby Hristova

Reporter

Bobby Hristova is a journalist with CBC Hamilton. He reports on all issues, but has a knack for stories that hold people accountable, stories that focus on social issues and investigative journalism. He previously worked for the National Post and CityNews in Toronto. You can contact him at bobby.hristova@cbc.ca.

- **Follow @bobbyhristova on Twitter**

CBC's Journalistic Standards and Practices | *About CBC News*

Corrections and clarifications | *Submit a news tip* | *Report error*

RELATED STORIES

- **After lengthy delays, Peruvian man gets his work permit by taking a risk**

Popular Now in News

1 **Why striking PSAC members want remote work enshrined in their contract**
586 reading now

2 **Controversial bill to regulate online streaming becomes law**
288 reading now

3 ANALYSIS
If Trudeau is still interested in 'real change,' Liberal supporters have some ideas
243 reading now

4 FIRST PERSON
Nicknamed Mr. Safety, my dad was my hero. Tragically, he was killed in a workplace accident
212 reading now

5 **Brampton pizza scam victim who lost more than $4K speaks out**
204 reading now

RECOMMENDED FOR YOU

Jets coach Bowness 'disgusted' after ugly season-ending loss to Golden Knights in Game 5
Gregory Strong
Sports - Hockey - NHL

Why striking PSAC members want remote work enshrined in their contract
Jackie Ruryk
News - Canada - Ottawa

Nicknamed Mr. Safety, my dad was my hero. Tragically, he was killed in a workplace accident
Alison Karlene Hodgins
News - Canada - Edmonton

DISCOVER MORE FROM CBC

LISTEN
Chief Nursing Officer Leigh Chapman on how to solve Canada's nursing shortage
Radio - The Sunday Magazine

Myles Sanderson was violent on James Smith Cree Nation days before stabbing massacre began: RCMP
Kendall Latimer
News - Canada - Saskatchewan

Why The Flash might be this summer's biggest blockbuster
Radio

Controversial bill to regulate online streaming becomes law
Richard Raycraft
News - Politics

TOR LEADS 3-2
Lightning hold off Maple Leafs in Game 5 to avoid elimination
Joshua Clipperton
Sports - Hockey - NHL

VIDEO
Eating well is easier than you think, says dietician
The Nature Of Things

©2023 CBC/Radio-Canada. All rights reserved.