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'Flagpoling': How immigrants leave Canada to stay in Canada

Flagpoling occurs when temporary residents of Canada cross the border, then immediately turn around to receive immigration services at a port of entry

Bobby Hristova

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Flagpoling has gone on for decades. And as a growing number of immigrants bog down Immigration, Refugees and Citizenship Canada with requests, many have taken to flagpoling as the quicker, default option. PHOTO BY POSTMEDIA

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Farnoush Dehghnan immigrated from Iran to Canada, looking for the “freedom to be herself.”

She started as a 30-year-old international student in 2016, studying fashion and design at George Brown College. When it came time to apply for her first internship two years later, she needed a work permit.



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Dehghnan had 10 days to get the paperwork if she wanted to remain in the program. But a visit to the school's international student advisor revealed that if she applied in Canada, she might have to wait 90 days just to get a response.

That's when Dehghnan realized the only way she could stay in the country she loved so much was to leave it ... temporarily.

Four days later, in a race against time, after preparing all her documents, she and her husband woke up before sunrise at 5 a.m.

They drove, from Toronto to the Rainbow Bridge in Niagara Falls, Ont.

Her husband dropped her off near the border and spent the day in a parking lot, anxiously waiting in his car.

STORY CONTINUES BELOW

Alone, Dehghnan walked to America.



In Dec. 2018, Persian immigrant Farnoush Dehghnan walked from Canada to the U.S. so she could return to Canada and have her work permit approved. PHOTO BY GOOGLE MAPS

Her mind raced as she braced for the worst-case scenario.

“I arrived at the U.S. border, which was really, really stressful,” she said.

Dehghnan had no idea whether she would even make it out of the questioning room, let alone return to Canada.

“Because of my Persian background and conflict between the U.S. and Iran, the officers asked me lots of questions.... I had to go through an FBI check.... I was the only one who got stuck there,” she said.

Dehghnan was in the midst of “flagpoling.”

Flagpoling occurs when temporary residents in Canada cross the border for the sole purpose of turning around to receive immediate immigration services at a port of entry. It's a completely legal and much quicker way of getting their documents processed.

I'm a student, I can't come back another day, I can't drive.

Sergio Karas, a specialist in citizenship and immigration law certified by the Law Society of Ontario, said the term is a "folk name" used by lawyers and police for reaching the border without ever entering the United States.

Flagpoling also poses no additional security threats because the people who do it would have already gone through checks when they originally entered Canada.

"Applicants choose to flagpole for a variety of reasons," said Nancy Caron, a spokesperson for Immigration, Refugees and Citizenship Canada, in an emailed statement.

"They might live close to a point of entry (POE), they may not be authorized to apply from within Canada (such as a visitor who now wants to study or work), or they may be concerned about processing times. For others, it may simply be the result of advice and encouragement from consultants, student advisors and other applicants or acquaintances."

STORY CONTINUES BELOW

Dehghnan spent three hours at the U.S. border either in questioning or in reception, and calmed her nerves by talking to other flagpolers, who, she said, came and left for minutes at a time.

Eventually, U.S. border services released Dehghnan with a letter explaining she only visited the border

to turn around and have her work permit approved in Canada.



She had to flagpole to stay in Canada. Now, Farnoush Dehghnan, 32, helps other immigrants do the same.

But when she arrived back at the Canadian border, her luck ran out.

“They told me the border is full and they wouldn’t accept me that day,” she said. “I’m a student, I can’t come back another day, I can’t drive.

“They told me, ‘You can come back in the evening and try your chance.’ ”

Dehghnan used the spare time to explore Niagara Falls before heading back at sunset. And in a twist of fate, the border agents approved her work permit.

Al Parsai, CEO of Parsai Immigration Services and someone who specializes in flagpoling, said Farnoush’s experience is common.

Flagpoling has gone on for decades. And as a growing number of immigrants bog down Immigration, Refugees and Citizenship Canada with requests, many have taken to flagpoling as a quicker option.

The “exponential increase” in people getting applications processed at the border has caused backlogs for drivers and tourists, putting a strain on frontline workers for the Canada Border Service Agency.

“They are not hired for processing immigration applications. They are trained to do it, but that job is for the immigration office,” Parsai said in a telephone interview, a day before helping a flagpoler.

STORY CONTINUES BELOW

“When you go to a port of entry, you put that burden on CBSA officers ... they don't like to process it.”

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The IRCC confirmed that:

- as of Nov. 19, a total of 87,148 people are waiting for work permits and 32,542 people are waiting study permits
- and, as of Sept. 30, another 9,580 people are waiting for permanent residency.

That's a total of 129,270 people.

As of July 1, Statistics Canada shows 313,580 immigrants have entered the country between 2018 and 2019 one of the highest levels in Canadian history

To combat the rising number of flagpolers, the border agency quietly clamped down on the practice in May 2018, restricting the days and times flagpolers could visit ports of entry. Parsai and others claim the agents also created arbitrary limits for the number of flagpolers they would accept each day.

Critics called the move unlawful and Guidy Mamann, a partner and immigration lawyer at Mamann, Sandaluk and Kingwell LLP, said it all boils down to weak policy.

“They could change the legalization and permit a change of status within Canada, but the government wants to hang on to archaic concepts,” he said in a telephone interview.

STORY CONTINUES BELOW

“It’s the silliest thing.... It makes it hard for law firms. We have to send people to the bridge only to find out they won’t flagpole.... If you call around, you’ll see how many major law firms were caught with their pants down.”

The government wants to hang on to archaic concepts

For now, the border agency could not confirm what it might do to help relieve the toll flagpoling takes on its agents, but said it is discussing solutions.

The IRCC said it has hired more employees at case processing centres and the 2019 budget had more money allocated to temporary resident visa programs, which includes creating an electronic application system.

In addition to encouraging applicants to use in-Canada processes and updating information online to promote proposals through the web, the IRCC said it has contacted international student advisors, such <https://nationalpost.com/news/canada/flagpoling-how-immigrants-leave-canada-to-stay-in-canada#:~:text=Flagpoling occurs when temporary residen...> 8/13

as the ones who directed Dehghan, to stop encouraging flagpoling.

“This message to ISAs (international student advisors) pointed out that graduates applying for a PGWP (post-graduation work permit), in the vast majority of cases, benefit from being able to work full-time while waiting for their PGWP application to be processed.”

It also notes those who apply for work or study permits before their current permit expires get “implied status,” which means they can still work or study as the decision is made, even if the original permit ends.



The Canada Border Services Agency started limiting when people could flagpole to relive agents and backlogs at the border.
PHOTO BY JONATHAN HAYWARD /The Canadian Press

Dehghan said her second time flagpoling this May was much smoother and only took two hours.

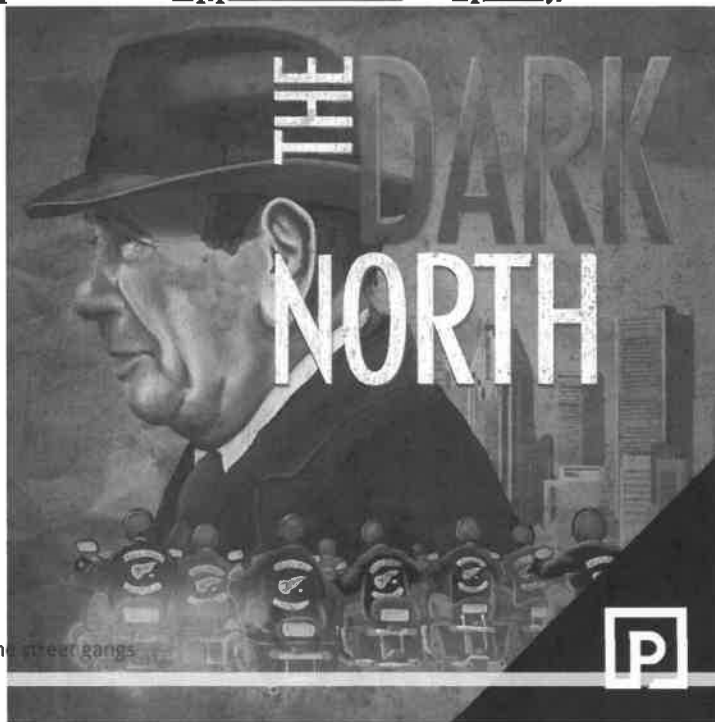
Her husband applied online for a work permit this year and she said the process has taken nearly half a year.

She wants to apply for permanent residency, but is scared to go back to Iran to file the application.

Dengman, who came with a law degree, now works with Patsai as a forms management officer. She still keeps in touch with the people she met the first time walking to the U.S. border — and now, she's helping others flagpole.

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