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Artificial intelligence in Canada's governance of temporary migrants

Lisa Ruth Brunner, PhD Candidate, University of British Columbia and Regulated Canadian Immigration Consultant; Wei William Tao, Co-founder Canadian Immigration and Refugee law, Heron Law Offices

Abstract

With its $125-million-CAD Pan-Canadian Artificial Intelligence (AI) Strategy, launched in 2017, Canada became the first country to implement an official national AI strategy (CIFAR, n.d.), with many countries since following suit (Dutton, 2018). Globally, AI is predicted to significantly impact migration, from individual rights to long-term international patterns (Beduschi, 2021; Bircan & Korkmaz, 2021; McAuliffe et al., 2021; McCarroll, 2020). While AI can hypothetically mitigate both implicit and explicit bias by reducing the reliance on human decision marking, it also brings the potential for new, or more deeply entrenched, forms of systemic racism and discrimination (Nalbandian, 2020). Given the documented "racial biases in the application of [Immigration, Refugees and Citizenship Canada's] programs, policies and client service" and "administrative practices that introduce biases or the potential for bias" (IRCC, 2021, p. 7), research is needed in the Canadian context to better understand the social justice implications of current and future AI usage.

As is the case in many countries, limited information is known publicly regarding Canada's use of such technologies (Molnar & Gill, 2018). However, through analyses of sources such as Access to Information and Privacy requests, data requests submitted directly to the government (via Order), and Immigration, Refugees and Citizenship Canada (IRCC) parliamentary reports, immigration practitioners are drawing attention to issues related to digital decision-making tools, particularly in temporary resident refusals (Tao, 2022; Ziaie, 2021). One key issue concerns the negative impacts of automated decision-making processes, which appear to be borne by racialized applicants from high-volume, Global South visa offices. This has the potential to rapidly exacerbate the inequities of what has become a two-tier system. Another key issue is the codification of historical data as the starting point for application assessments, reinforcing bias which is then potentially hidden behind black-box algorithms and rules.

Building upon previous work linking Canada's international student compliance regime with surveillance studies and border imperialism (Brunner, 2022a), this presentation examines trends in how AI is newly impacting Canada's governance of temporary residents. It focuses on tensions between efficiency, security and privacy verses procedural fairness and migrant

justice. To illustrate this tension, our paper highlights the governance of international students, a temporary residence category highly significant to Canada for both its direct economic contributions and its formation of a 'pool' of potential future immigrants (Brunner, 2022b). It focuses on the digitalization of immigration applications through online portal submission environments, the use of tiering systems and application sorting through IRCC's use of advanced analytics, and the implementation of Chinook within IRCC's larger application management environment.

Biographies

Lisa Ruth Brunner is a PhD candidate in Educational Studies at the University of British Columbia (UBC). She is also a Regulated Canadian Immigration Consultant with a decade of practitioner experience as an International Student Advisor. Her dissertation focuses on the role of higher education systems and institutions as non-state immigration actors. Previously, Lisa participated in multiple research projects on the settlement experiences of government-assisted refugees in Metro Vancouver (with Immigrant Services Society of BC) and in the USA (with the Center for Applied Linguistics). She serves on Canada's national Pathways to Prosperity Standing Committee of Students and Junior Scholar Engagement as well as UBC's Centre for Migration Studies Executive Committee. She holds a Certificate in Immigration (UBC), an MA in Geography (Simon Fraser University), and a BA (honors) in English Literature and Political Science (University of Pittsburgh).

Will Tao is a Canadian Immigration and Refugee Lawyer and founder of Heron Law Offices. Previously, he worked at Edelmann & Co. and Larlee Rosenberg law firms. Will focuses on international students, families and temporary foreign workers, regularly appealing before the Immigration and Refugee Board and the Federal Court of Canada. He also has experience as an instructor in UBC's Certificate in Immigration program. Will received the Canadian Bar Association's 2020 Founder's Award for accomplishments in his first five years of practice and has won three Clawbies Awards, including the Best Immigration Law Blog in 2019. He is a member of the Canadian Bar Association's national Immigration Law Section Anti-Racism Committee. Will holds a JD (University of Ottawa) and a BA in International Relations and History (UBC).