

February 3, 2017

Trump's Travel Ban: America's Loss, Canada's Enduring Opportunity

Prepared by Warren Creates, Immigration Lawyer and Adam Sadinsky, Articling Student

Canada and the United States are friends, partners and allies; in trade, in security, and in international affairs. What happens south of the border impacts Canada heavily, for better or for worse. It is no wonder, then, that when Canadians woke up Saturday morning to news of Trump's Executive Order restricting travel from seven Muslim-majority countries, they wondered "what does this mean for Canada?"

In the immediate term, our concerns as immigration lawyers were for our clients holding passports from these nations. Does the ban affect dual citizens? Green card holders? Should we advise recent arrivals to Canada not to travel to the United States? These questions continue to occupy many of us, especially as chaos still reigns in airports across the world, Canada included. As the news has begun to sink in, however, the questions have inevitably turned to what comes next: how will the U.S. administration's policies affect Canada in the long-term.

America's loss could be Canada's gain. Equally, those who initially intended to move to the U.S. may look forward to a bright future ahead of them in Canada.

The U.S. administration's travel ban affects over 130 million people from some of the world's most vulnerable countries. Until January 27, 2017, the United States was the next frontier for many doctors, scientists, tech workers, engineers, and entrepreneurs who saw their futures not in the failing states and war-torn countries affected by the ban, but rather in North America. Like many before them, they were inspired by the symbol of Lady Liberty in New York Harbor and the poem etched at her base: "I lift my lamp beside the golden door!" While America's lamp now burns dimmer, Canada's lamp still burns bright and, as the Canadian Prime Minister [tweeted](#) on Saturday, we are proud to declare that "Diversity is our Strength".

Diversity will be even more important to Canada in the future. Canada's [demographics](#), like those of most Western countries, are shifting. As Canadians get older, a heavier and heavier burden is being placed on a gradually shrinking population of working-aged people to fund the health care and other needs of our aging parents and grandparents. As the population pyramid swells at the top, Canada must supplement the younger segment of the population in order to prevent that pyramid, and by extension, our economy, from toppling over. A robust and positive immigration program is part of the solution.

While we must proceed carefully, Canada should take this restrictive U.S. Executive Order as the spark of an enduring opportunity to attract the best and brightest to our country, to help Canada build a dynamic and sustainable 21st century economy. Our local experience in Ottawa is that business leaders, large and small, identify finding



PERLEY-ROBERTSON,
HILL & MCDUGALL LLP/s.r.l.

talent to fill jobs as their [greatest challenge](#). There are many ways to bridge this talent gap but one of the best is to attract skilled workers from abroad. Canada's economy is driven by those from abroad who work tirelessly to power the engines that propel our country forward. Among these are immigrants and refugees from Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen. Individuals from these countries have contributed to every sector of our economy. Those who come to Canada seeking to build new lives devote themselves, in return, to making our country stronger.

The Canadian Prime Minister's tweet must be backed up by action aimed at making the most of our opportunity and living up to our obligations as a member of the international community. Immigration Minister Hussen's prompt [announcement](#) that Canada will grant Temporary Resident Permits to those stranded in Canada with U.S. visas who are currently barred from entering that country is a good start but more must be done. Canada should look favourably upon those currently in other countries who have already been vetted and approved by U.S. authorities and consider welcoming them as foreign workers and ultimately permanent residents. We support the [letter](#) signed by over 2,000 tech leaders calling for an "immediate and targeted visa" for those people from the seven countries affected by the ban, which could allow them to temporarily work in Canada. This chance to add to our human capital with skilled individuals seeking a new home should not be squandered.

Apart from the economic opportunity that a new wave of talented immigrants could mean for Canada, we cannot forget our obligation, grounded in international law, to accept refugees and provide safe haven for those fleeing war, terror and persecution. The [Canadian Bar Association](#), [Amnesty International](#), the [Canadian Association of Refugee Lawyers](#) and [law professors](#) from across the country, among others, have all called on the Government of Canada to reassess its *Safe Third Country Agreement* with the United States. As long as refugees are barred from the United States, Canada should consider whether we can do more to alleviate the suffering of refugees the world over. This should start with considering the claims of asylum-seekers who have already been approved to be re-settled in the United States but who are now barred from entry due to the Executive Order.

Canada has an opportunity to become the global leader in immigrant attraction and refugee resettlement. We can use this opportunity to attract the skills we need to power our economy and support our population into the future. Canada must show those potential immigrants and refugees that our best days, as well as theirs, are still ahead of us and that we can get there together.

Warren Creates is Head of Perley-Robertson, Hill & McDougall's Immigration Law Group. He is a [Certified Specialist](#) in the fields of Immigration Law, Citizenship Law, and Refugee Law. He can be reached at wcreates@perlaw.ca or 613.566.2839.

Adam Sadinsky is a Student-at-Law at Perley-Robertson, Hill & McDougall. He can be reached at asadinsky@perlaw.ca or 613.238.2022.