

Spot French tests legally dubious, groups argue

Unfairly targets foreign students who were promised citizenship

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With a college certificate in hotel management, Cathy should be hitting Montreal's job market. Instead, she might have to move back home to her native China, bringing an abrupt end to her Canadian dream.



Cathy, who spoke on condition her real name not be used for fear of retribution by immigration officials, is one of thousands of international students who enrolled in a Quebec program that fast tracked her to become a Canadian citizen. Last month, she was told by immigration officials that even though she completed a government-recognized course, her French wasn't up to snuff, and her application for permanent residency was rejected.

"I was hoping to get a job in Montreal, but now I don't even think I can live in Montreal," Cathy told the Montreal Gazette on Tuesday.

Cathy, 22, has been in Canada for six years. She graduated from high school, got a certificate from a vocational college in Ontario and then passed the Quebec experience program (QEP) at a certified school. The program, set up by the Jean Charest government in 2009, allows international students who graduate from qualified programs to become permanent residents, even without Canadian work experience. They also must pass intermediate-level spoken French.

In the past, the government relied on French-test results provided by the schools when evaluating permanent residency. In recent months, however, hundreds of students like Cathy

were called into the offices of immigration officials and given surprise tests by French teachers. If they failed the tests, their application for permanent residency was rejected.

Cathy found out last month that because of what officials judged to be her low proficiency level in French, her application was rejected and she is barred from reapplying for at least five years.

“It’s not fair,” she said. “I did everything I was supposed to do; I’m supposed to get citizenship.”

On Tuesday, several groups representing international students held a conference to denounce the actions of the immigration ministry. They called the practice of surprise tests on their French proficiency legally dubious, and potentially unconstitutional.

“This is a very serious problem,” said Fo Niemi, the director of the Centre for Research-Action on Race Relations.

He said the practice is discriminatory because it profiles immigrants, and it accuses them of a crime without the presumption of innocence.

CRARR wrote a letter to the province’s ombudsperson demanding an investigation into the practice.

If an investigation shows discrimination, the organization will file a complaint with Quebec’s Human Rights Commission, Niemi said.

Gabrielle Tellier, a spokesperson for Immigration Minister Kathleen Weil, said on Tuesday the minister could not make any comments about the situation, because the program is being investigated by Quebec’s permanent anti-corruption squad, UPAQ.

Already 16 international students have filed a request for their rejections to be overturned by Quebec’s Superior Court.

“We’re asking for the decisions to be quashed,” said Audrey Boctor, one of the lawyers representing the students. “In our view, the minister is imposing a requirement on the students that doesn’t exist in this act.”

The Association québécoise des avocats et avocates en droit de l’immigration said as of last month, 585 applicants were reviewed by the immigration ministry. Of those, 321 have had their applications either refused or rejected. Many were told they can’t reapply for permanent residency for five years, which is longer than most short-term visas permit, so it forces them to return to their home countries, said David Chalk, the association’s president. He added the practice appears to violate the government’s own laws.

“They are accusing people of committing fraud, when they meet the requirements of the program and have done absolutely nothing dishonest,” Chalk said. “There is no end-run (the ministry) can do to re-evaluate French on its own during an interview. That is absolutely out-

side of what the law permits.”

Chalk said it appears the government has been doing spot tests of the French level of applicants since last summer, first as a way to evaluate the instruction at the institutions.

The government has expressed concern recently about the quality of the education being given by the school boards that benefit from the lucrative \$24,000 per student fee. Last fall, the Education Department revealed it ordered an audit and called in UPAQ to investigate allegations of irregularities at the English Montreal and Lester B. Pearson school boards.

In a statement, the English Montreal School Board said it was surprised to hear about the pop tests, and pointed out the school board program evaluates not just oral, but spoken and written French as well. The government has not advised the board there is a problem with its evaluation process, board chairperson Angela Mancini said.

Yannick Yang, a Chinese national who obtained permanent residency through the program, hosts a website, quebecpeq.com, where he said hundreds of students from China have expressed their concern to him about the surprise tests.

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“They are all very worried,” Yang said. “They spent a lot of money because they wanted to stay here through legal means. They will have to go back to China and tell their family, ‘I’m a loser; I got nothing from Canada.’ ”

International students who feel their application for permanent residency has been unfairly rejected can contact their student associations or CRARR at 514939-3342.