

Discretionary decision-making in constituency offices:  
A new (political) front-line of Canadian immigration processing

Sarah Marriott

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Faculty of Social Sciences  
Department of Political Studies  
University of Ottawa

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## **Abstract**

Despite Canada's reputation as a welcoming host-country, changes to immigration processing in the past twenty years have increasingly forced frustrated immigration applicants to seek assistance at their MP's constituency office (MacLeod 2005). Due to an indirect decentralization of some aspects of immigration processing towards these offices, this immigration casework now accounts for 60 to 80% of urban MPs' offices' work (Rana 2016b). Despite this volume, and the documented importance of studying the discretionary decision-making practices of other actors in the immigration processing system (Bouchard & Wake Carroll 2002; Satzewich 2015a), the literature has never before considered constituency offices' role in the Canadian immigration system. Thus, how do constituency assistants (CAs) exercise discretion in their immigration casework activities? And what variables influence this discretion? This dissertation draws on a qualitative analysis of semi-structured interviews with 15 current and former CAs in four provinces. We find that CAs' discretion is not bounded to the same degree by official procedures or standards as in the immigration bureaucracy. Rather, CAs discretion leads to significant variations in service provision from office to office and even within offices. Furthermore, these variations stem from the influence of variables that would be considered inappropriate in the bureaucracy: CAs' micro-level discretion rooted in their personal characteristics (Satzewich 2015a), and electoral considerations. CAs' 'flexibility' can be seen as a necessary response to an unresponsive bureaucracy, but also highlights the politicization of immigration applications going through these offices, and raises important equity issues around access to the immigration bureaucracy in Canada.

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*Finally, in the world of constituency offices:*

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And to the CAs that I interviewed – I hope you understand how much I value and respect your work, your commitment to your constituents and passion for public service. Any ‘criticisms’ in this research are of challenges in our immigration system, not of your own work. Constituency assistants are some of the hardest working folks in politics – providing exceptional assistance constituents in crisis with empathy, professionalism and often very few resources or recognition. Thank you for all you do.

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## Chapter 1 – Introduction

*“I certainly think it's absolutely bizarre that a Member of Parliament's office is the front-line immigration staff.”<sup>1</sup>*

– Charlie Angus, Member of Parliament for Timmins – James Bay

Despite Canada’s international reputation as a welcoming host-country, for many prospective immigrants to Canada, the application process is frustrating and dehumanizing. Hours are spent on hold, application drag on for years and decisions are seemingly inexplicable (Haince 2010). Confronted by this impenetrable and faceless bureaucracy (Satzewich 2015a: 241), many seek assistance at their local Member of Parliament’s (MP’s) constituency office (MacLeod 2005).

In this context, constituency offices advocate for their constituents and act as an intermediary between constituents and Immigration, Refugees and Citizenship Canada (IRCC) (Koop 2015) – their so-called “ombudsperson” role (Franks 2007). These are primarily immigration files related to “family reunification, refugees, spousal sponsorship, temporary foreign workers, visitor visas, and Canadian citizenship applications” (Rana 2016b). Most of these cases that wind up in constituency offices are tied to the exceptionally long processing times in these categories (Rana 2016b), but MPs’ constituency assistants (CAs) deal with everything from straight forward updates on files, to complex refusals and deportation orders. CAs act as a “bureaucratic backstop,” cleaning up after bureaucratic failures and offering a more personal, face-to-face service than government 1-800 numbers can provide (MacLeod 2005: 14). With

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<sup>1</sup> Angus (2016).

MPs away in Ottawa, the majority of this work is dealt with entirely independently by constituency assistants themselves (Docherty 1997: 174; Malloy 2003: 39). CAs receive constituents in person, provide information, produce support letters for constituent's cases, and write emails and make phone calls to the bureaucracy to follow up on a case's progress, and in some situations, advocate on behalf of the constituent (Kerrouche 2009; Zappala 1998). In this work – according to the international literature – CAs exercise a high degree of discretion (Gay 2005; Siefken 2014; Rawlings 1990; Zappala 1998).

This dissertation thus examines both *how* constituency assistants exercise discretion on immigration cases, as well as what *influences* their discretion. The following sections of this introductory chapter aim to demonstrate the pertinence of these questions in light of (1) the increasing volumes of immigration casework in constituency offices, (2) an indirect decentralization of immigration processing to these offices and (3) CAs' scope for discretionary decision-making. I aim to make the case that it is deeply important – both to the study of immigration processing and constituency offices, as well as to the practice of immigration processing in Canada – to understand CAs' discretionary decision-making in this area. This chapter concludes with a more detailed discussion of this dissertation's research questions, a summary of its findings and a chapter outline.

## **1. Why study immigration casework in constituency offices?**

Helping constituents has always been a part of MPs' jobs (House of Commons 1988: 1). However, this role has expanded significantly over time, particularly since the expansion of the welfare state in the 1970's (House of Commons 1988: 1; see also Norton & Wood 1993). As former Liberal MP Don Boudria put it, "MPs [and their constituency offices] have become an appellant court for the entire bureaucracy" (Loat & MacMillan

2014: 152). From their inauspicious beginnings in the late 1960's,<sup>2</sup> Canadian constituency offices have been a last resort for constituents frustrated by the federal bureaucracy. However, these offices have increasingly become a “first resort” for constituents (MacLeod 2004); and in multicultural urban ridings, immigration issues unquestionably dominate their casework (Docherty 1997; Sossin 2005: 441).

### **A. Casework volumes in Canadian constituency offices**

An average federal constituency office employs two to four staff and opens over a thousand new casework files each year (MacLeod 2006: 9). MPs in urban centres report that 60 to 80% of their total constituency work is now immigration-related (Rana 2016b); some even go as high as over 85% (MacLeod 2006: 11). Constituency offices in Canada's urban ridings “have [thus] acquired considerable expertise in navigating and interpreting the labyrinthine and lengthy immigration process.” (MacLeod 2005: 14).

Of course, these volumes represent a relatively small proportion of the total immigration cases processed in Canada every year.<sup>3</sup> However, “their number is not negligible” (Malloy 2003: 5-6). On average, IRCC deals with 15,200 cases from MPs and Senators offices per month, or 182,400 cases per year (Bureau 2016b). These cases reach IRCC either through the Call Centre for MPs and Senators in Montreal established in April 2016 (dealing with 14,000 cases per month),<sup>4</sup> or the Ministerial Enquiries Division

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<sup>2</sup> For offices that have become such fixtures in the lives of MP's and their local communities, constituency offices' origins were ad-hoc at best. In 1968, the NDP's Ed Broadbent opened Canada's first federal constituency office, funded in part by the Canadian Autoworkers Union (MacLeod 2005: 9). The Conservative Party's Flora Macdonald followed suit in 1973, staffed by a part-time university student (ibid.). In the meantime, Member's office budgets were increased in 1972 without debate in the House of Commons, allowing all MPs to open these local offices (MacLeod 2006: 9).

<sup>3</sup> For comparison, in 2016, IRCC took in 305,722 permanent residency applications and 2,675,940 temporary resident applications (IRCC 2016b).

<sup>4</sup> In April 2016, the government attempted to combine the Call Centre and MED into one “streamlined” line for MPs and Senators. This was eventually abandoned after MPs' vocal complaints of long delays to hear back from this new line and the Call Centre was re-instated (Nash 2017). Prior to April 2016, another Call

in Ottawa that has been around since the early 2000's that deal with more complex cases (1,200 cases per month) (Bureau 2016b). Though those figures also include Senators – who experience lower volumes of immigration casework – that would work out to 540 cases per year per federal constituency office, though immigration cases are unequally distributed between rural and urban offices (Docherty 1997; Franks 2007). Of course these case volumes do not include the numerous cases where CAs simply provide information to constituents without having to contact the immigration department.<sup>5</sup> IRCC employs 37 staff that deal exclusively with requests from MPs and Senators' offices and calls on other staff during high volume periods (Bureau 2016b).

## **B. An indirect decentralization of immigration processing**

This exceptional volume of immigration cases in constituency offices – especially compared to other departments (Malloy 2003) – is explained in part by changes in Canadian immigration processing. Cutbacks at IRCC have effectively resulted in an indirect decentralization of some aspects of immigration processing to constituency offices (MacLeod 2005: 14) - offices which, though non-partisan, are highly political. This decentralization is reflected in the very particular way we saw in the previous section that “the role of MPs has in some ways been institutionalized and integrated into the overall process of inquiries and case-tracking” in immigration (Malloy 2003: 5).

One of the major factors in this decentralization was the closure of IRCC's regional immigration offices and the elimination of front-counter service. Since these closures began in the mid-nineties, “the constituency and immigration systems have become

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Centre existed. In addition, up until December 2015, CAs could directly contact the Canadian embassies or consulates abroad where the visa was being processed, but that option no longer exists; CAs now must go through intermediaries at the Call Centre or MED (Rana 2016a).

<sup>5</sup> Interview with constituency assistant (CA), November 22<sup>nd</sup> 2016 (A).

deeply intertwined” (MacLeod 2005: 14). This trend has only intensified. More recently, in June 2012, IRCC closed 19 offices across Canada<sup>6</sup> and announced that “front-counter” service had been eliminated at all remaining offices (CIC 2012). Previously at these offices, immigration applicants and refugee claimants had been able to access a walk-in reception desk that would answer questions, and help applicants and claimants navigate the system (Pez 2012). As a result, as of June 1<sup>st</sup> 2012, immigration applicants across Canada are no longer able to speak to an IRCC representative in person. The only person who at least tangentially works in government that they can speak to in person about their immigration application is their local constituency assistant.

The 2012 closures had a direct impact on the work of MPs’ constituency offices. Before the closures went into effect, Liberal MP Ted Hsu penned an open letter to Jason Kenney – at the time Minister for Citizenship and Immigration – asking him to reconsider his decision to close the Kingston office: “I fully anticipate that, with the closure of our CIC office, the volume of citizenship and immigration work [in my constituency office] will grow enormously.” (Hsu 2012). Within a month of the closures, Sudbury MP Glenn Thibeault was reporting that his constituency office had been swamped by applicants seeking the same kind of services they used to be able to access at the local IRCC office: “I would say it's increased tenfold in terms of the number of cases relating to immigration” (Sudbury Star 2012).<sup>7</sup> Settlement agencies reported a similar increase (Barron 2012).

IRCC’s transition away from front-line service provision is associated with increased reliance on its website and Call Centre (CIC 2012). However, this ‘modernized’ system appears to overestimate immigration applicants’ resources and

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<sup>6</sup> The closed offices were located in: Kelowna, Nanaimo, Prince George, Victoria, Lethbridge, Regina, Barrie, Kingston, Oshawa, Sault Ste-Marie, Sudbury, Thunder Bay, Gatineau, Québec, Sherbrooke, Trois-Rivières, Saint John, Moncton, and Charlottetown (CIC 2012).

<sup>7</sup> See also Radio-Canada (2016) for a similar increase in casework in Trois-Rivières after the office closed.

ability to navigate the system independently and suffer from a lack of quality information and service. For the many immigration applicants who don't know how the Canadian system works, don't have access to a computer or who have English as a second language, these options are simply not realistic (Hsu 2012; Nash 2016; Pez 2012). Applicants face long waits for a Call Centre agent, and don't always find the information "helpful, complete and accurate" (Hsu 2012). Furthermore, "The department's expectation that clients will know how to ask the right questions, understand the answers, and follow up is unrealistic" – especially for constituents with language barriers (Hsu 2012). News outlet, *The Tyee*, tried calling the 1-800 number themselves, recounting a frustrating, and darkly comic twenty minutes trying to figure out how to talk to a person (Pez 2012). By the time they figured it out, it was 4:20pm and the Call Centre was closed. Access to timely information and assistance regarding immigration can be a life and death issue; for refugee claimants, a delay of even a week in submitting one's claim can bring up serious credibility issues that can result in the refusal of one's application. (Jordan in Pez 2012). Zool Suleman, a Vancouver immigration lawyer, highlights the challenges with these 'modernization' initiatives:

"CIC's increasingly automated processing systems [mean that...] every month thousands of people trying to access the immigration system are shut out [...] the automated system can effectively deal with the files of 80 per cent of applicants, but that neglects the remaining 20 per cent, usually people who are facing more complicated situations. 'That's hundreds of thousands of inquiries that are not being met [...] And that's a perfect recipe for a crisis. A crisis in the system, and a crisis of confidence for people who want to use immigration services.'" (Marchitelli 2016).

These types of new technology initiatives are not unique amongst federal departments (Satzewich 2015a: 241), but IRCC has become notorious for being *particularly* closed

and difficult to access; immigration consultants jokingly refer to IRCC as “the fortress” (Mountz 2004: 329; see also Satzewich 2015a: 9). As Satzewich argues: IRCC “could have written the manual on how to design a truly nameless and faceless bureaucracy.” (2015a: 8-9).

IRCC’s inaccessibility, combined with the highly publicized lengthy processing times and backlogged applications (e.g. Rana 2016a; 2016b), has created a perfect storm for constituency offices.<sup>8</sup> As a result, these offices have become “the *de facto* front line for major ministries like Immigration and Citizenship [now IRCC]” (MacLeod 2005: 16). In effect, a significant downloading of expenses from Immigration, Refugees and Citizenship Canada to the parliamentary system is occurring as “frontline work typically performed by the public service is increasingly being taken up by constituency staff” (MacLeod 2004; see also MacLeod 2005: 14).

Applicants experiencing issues with IRCC are more apt to seek resolution through their local constituency offices because of IRCC’s inaccessibility, and there are *more* applicants seeking MPs’ assistance because of the lengthy processing times and backlog – and most concerningly, these are primarily “routine” applications rather than exceptional cases that might be expected to need extra assistance (Malloy 2003). NDP MP Charlie Angus argues:

“you have one quality of service for the general public, which often leads individuals astray into immigration problems, driving them to the MPs, the lawyers, and the consultants. On the other hand, you have the golden thread between the members of Parliament or the senators and IRCC in-house experts with direct file access.” (Angus 2016)

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<sup>8</sup> These issues were acknowledged by the March 2017 report of the House of Commons Standing Committee on Citizenship and Immigration, “Modernizing Client Service Delivery” (CIMM 2017).

In short, with CAs as applicants only in-person governmental contact on immigration cases, these political – though non-partisan – offices have effectively become both a House of Commons-funded new front-line of the Canadian immigration system, and a backdoor to reach the immigration bureaucracy.

### **C. The exercise of discretion in Canadian constituency offices**

However, this new front-line in Canadian immigration is also an environment where decision-making is profoundly discretionary. According to the first attempt to catalogue discretion in Canadian law, discretionary decisions refer to “any decision in which the result is not predetermined by statute. [...] In other words, discretionary powers are those which involve an element of judgment or choice by the person exercising them” (Anisman 1975: 2).<sup>9</sup> While to date the Canadian literature has not yet examined discretion in constituency offices, studies of these offices in other jurisdictions have demonstrated their high degree of discretion (Gay 2005; Siefken 2014; Rawlings 1990; Zappala 1998). In fact, in the UK, Rawlings found that “Discretion is exercised at all stages of handling an individual case” (1990: 23), concluding that “To portray Members only as postmen is false. The handling of grievance[s is...] a highly creative activity” (*ibid.*: 37). Here at home, studies of Canada’s immigration processing system have demonstrated the importance of understanding the discretionary decision-making of other actors in the system (Bouchard & Wake Carroll 2002; Satzewich 2015a),<sup>10</sup> but have not yet turned to constituency assistants. However, five of the six factors that Bouchard

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<sup>9</sup> “They therefore comprise decisions involving a choice whether to exercise a power, decisions concerning the manner in which a power is to be exercised and [...] any matter involving judgment, for example, a decision as to whether a particular set of circumstances exists or has existed.” (Anisman 1975: 2).

<sup>10</sup> This is particularly important as a variety of immigration policy issues have been associated with a “loss of control over the administrative process”, in part due to the exercise of discretion (Bouchard & Wake Carroll 2002: 240).

identifies as increasing discretion are all present in Canadian constituency offices: (1) vague policy instructions; (2) distance from supervisor; (3) cases with a “human dimension”; (4) resource limitations/high caseloads; and (5) a lack of training (Bouchard 2000: 211-15, 224 & 227).<sup>11</sup> The conditions thus appear to point to Canadian CAs exercising discretion just as their international counterparts.

Discretion is “part of the reality of policy implementation” (Bouchard & Wake Carroll 2002: 242; see also Baker Collins 2015), necessary to fit rigid eligibility rules to people’s much more fluid situations (Evans & Harris 2004: 878; Baker Collins 2015: 7; Lipsky 2010). Depending on the context, the exercise of discretion can either “humanize” the application of rules, or can be associated with “arbitrariness, tyranny, caprice, and discrimination” (Pratt & Sossin 2009: 307-8). Nonetheless, the impacts of discretion are entirely contextually dependent (Pratt & Sossin 2009: 302), and “should be evaluated on a situation-by situation basis.” (Evans & Harris 2004: 872). As such, this dissertation approaches CAs’ discretion from a relatively agnostic perspective; it is neither inherently good, nor bad – it is simply a reality of their work environment that this research seeks to better understand in response to Anisman’s call to discover *how* discretion is exercised by actors (1975: 24).<sup>12</sup> In light of the indirect decentralization that is occurring from IRCC to constituency offices, CAs’ exercise of discretion takes on a greater importance – particularly given their political nature and the concerns that have been expressed about the possibility for the differential treatment of cases in constituency offices both in Canada (Loat & MacMillan 2014) and the UK (Rawlings 1990).

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<sup>11</sup> Bouchard also finds that experienced actors exercise more discretion (2000: 226), however our constituency assistants’ all varied in their level of experience.

<sup>12</sup> Anisman states: “One word of caution might be advisable; the number of [discretionary] powers discovered should neither be a surprise, nor a ground of either praise or criticism. That fact is that they exist and that they will continue to do so. What is important is to discover how they are exercised; and for that empirical study is required.” (1975: 24).

## 2. Research questions and chapter outline

In the context of CAs' significant scope for discretionary decision-making, and the indirect decentralization of immigration processing toward constituency offices, this dissertation explores CAs' discretionary decision-making on immigration casework. How do constituency assistants exercise discretion in their immigration casework activities? And what variables influence this discretion? To respond to these questions, I draw on a qualitative analysis of semi-structured interviews with fifteen current and former constituency assistants in four Canadian provinces in order to: (1) develop a portrait of CAs' discretion in the context of immigration casework; and (2) inductively generate hypotheses to be tested in future research as to the variables that influence CAs' discretion. Both of these questions have important implications for the service constituents receive,<sup>13</sup> as well as the Canadian immigration system as a whole.

On one hand, CAs' 'flexibility' – or discretion – can be seen as a necessary response, working to “humanize” decisions from an unresponsive bureaucracy (Pratt & Sossin 2009: 308). However, we will see that CAs' discretion is not bounded to the same degree by official procedures or standards as in the immigration bureaucracy. As a result, this dissertation demonstrates that CAs' discretion leads to significant variations in service provision from office to office – and even within offices. The same service is simply not available across the country, and this by simple virtue of constituents' postal codes. Furthermore, I argue that this variation stems from the influence of variables that would be considered inappropriate in the bureaucracy: CAs' micro-level discretion rooted in their personal characteristics (Satzewich 2015a), and electoral considerations. As a

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<sup>13</sup> Eule (2014) found that immigrants' experiences with the administration and immigration bureaucracy have significant impacts on their subsequent integration.

result, I make the case that as a result of the indirect decentralization and lengthy processing times at IRCC, increasing volumes of immigration applications are being mediated through offices where CAs have a scope for micro-level discretion that would be considered inappropriate in the public service, and where their decisions are shaped by electoral considerations to a degree that – in the bureaucracy – would be at odds with the principle of political neutrality. I will argue that this political influence effectively results in a politicization of immigration applications mediated through constituency offices. Nonetheless, as I will discuss in the conclusion, this dissertation should not be understood as an inherent criticism of constituency office’s discretion, and certainly not as an argument for increased rules in constituency offices. If anything, it is an argument for increased resources for IRCC and for them to re-instate front-line service.

These questions are particularly pertinent since despite the trends outlined in this chapter, the constituency level is notably understudied in Canadian political science (Carty & Eagles 2006) and there exists no literature to date on Canadian constituency offices’ role in the immigration system. This dissertation thus makes an important exploratory contribution to the literature on immigration by illuminating the activities of an unstudied actor in immigration processing in Canada, and by further exploring how actors make discretionary decisions in this system. This research will also enrich the literature on Canadian constituency offices by developing an analysis of their discretion and their casework activities, underlining their role in the immigration system and emphasizing the work of constituency assistants themselves: contributing to bringing the constituency level back to the study of Canadian politics (Carty & Eagles 2006).

These discussions will be elaborated on at length in the chapters that follow. Next, chapter two offers a review of the literature on constituency office casework. It

demonstrates the significant gap in the literature around Canadian immigration casework. In chapter three we explore this dissertation's theoretical framework and methodology, rooted in the parallel that other authors have identified between the work of constituency assistants and Lipsky's (2010) street-level bureaucrats (Kerrouche 2009: 446; Le Lidec 2009: 127). Chapters four and five then turn to our analysis. Chapter four demonstrates the variations in service provision from office to office – and even between CAs – while chapter five examines the influences on CAs' discretionary decision-making. Finally, chapter six concludes this dissertation with a discussion of the implications of these findings, as well as possible lessons for the Canadian immigration system.

## Chapter 2 – Literature review

Generally speaking, “surprisingly little is known about the impact and relevance of [constituency offices,] what deservedly can be called ‘the root system of parliament’” (MacLeod 2006: 9), and Canada’s “most dramatic if accidental parliamentary reform” (MacLeod 2014: 37). This dissertation attempts to address a small portion of this gap in the literature, notably around constituency office’s work on immigration cases – never before studied in the Canadian case (Malloy 2003: 5). Consequently, this review of the literature proceeds in three parts: (1) a discussion of the literature on casework – demonstrating the significant gap in the literature; (2) an overview of the lessons we can learn from the international literature on casework – underlining casework’s electoral links, uncertain results, and heterogeneity between offices; and (3) a discussion of the literature on discretion in constituency offices, highlighting both the fundamentally discretionary nature of their work, as well as the possible equity issues posed by the exercise of discretion in constituency offices.

### 1. Constituency offices and casework

According to Docherty, “Of all the responsibilities of Members of Parliament, constituency service is the activity that is [...] least understood by students of Parliament” (1997: 171). In many ways, this situation is reflective of the general disregard for the constituency level in Canadian political science (Carty & Eagles 2006), which has resulted in an extremely limited Canadian literature on MPs’ activity in their constituencies compared to other jurisdictions (Eagles 1998).

The existing Canadian and international research on constituency offices is primarily quantitative and focuses overwhelmingly on the determinants of representatives' involvement in their constituency, including casework.<sup>14</sup> In other words, they emphasize explaining *why* elected representatives engage at the constituency level. They examine the impacts of: representatives' role orientations (e.g. Clarke 1978; Koop 2015; Montigny & Morency 2014; Norris 1997; Norton 1994; Searing 1985); the belief that constituency work leads to electoral advantages – the so-called 'personal vote' (e.g. Cain, Ferejohn & Fiorina 1983; Eagles 1998; Heitshushen, Young & Wood 2005; Serra & Pinney 2004); different electoral systems (e.g. Chiru & Blaga, 2014; Franks 2007; Heitshushen et al. 2005; Uslaner 1985); and multi-level federalism (e.g. André, Bradbury & Depauw 2014; 2015; Bradbury & Mitchell 2007; Patzelt 2007). Many of these studies are based on the concept of political representation, seeing constituency service as one of the ways MPs represent constituents (e.g. André et al. 2014; Eagles 1998). Other secondary themes include: the use of constituency casework as legislative oversight in the United States (e.g. Elling 1979; Johannes 1979), and constituency offices' use of information technology in casework (e.g. Adler, Gent & Overmeyer 1998; Jackson 2008; Mahler & Regan 2005; Malloy 2003). Of these studies, only a handful focus on the Canadian case.<sup>15</sup>

Furthermore, the literature on constituency offices also focuses almost exclusively on the activities and perspectives of elected representatives, with very few studies

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<sup>14</sup> Though we focus here on casework, MPs take part in a range of activities in their constituency: "(1) representing general constituency concerns and interests in Parliament and with government; (2) meetings with constituents and community; (3) service and help to individual constituents in their dealings with government [casework]." (Hoffman 1972: 146-162 in Franks 2007: 28).

<sup>15</sup> Notable exceptions to the absence of Canadian literature on Canadian constituency offices – though not necessarily casework – include: Clarke (1978), Clarke, Price and Krause (1975), Docherty (1997); Eagles (1998), Franks (2007), Halligan, Krause, Williams & Hawker (1988), Heitshushen et al. (2005), Koop (2015), MacLeod (2005; 2006; 2014), Malloy (2003) and Montigny & Morency (2014).

interviewing or surveying constituency assistants.<sup>16</sup> The literature’s emphasis on elected representatives stands in sharp contrast to the day-to-day reality in constituency offices. When the House of Commons is in session, many members – particularly those with additional ministerial or parliamentary responsibilities or geographically distant ridings – are unable to regularly make it back to their constituency offices on a business day.<sup>17</sup> Consequently, MPs delegate the majority of constituency work – including casework – to their CAs (Docherty 1997: 174) who handle casefiles independently (Malloy 2003: 39). Given their autonomy, CAs’ absence from the literature is particularly notable.

Indeed, despite a significant increase in the volume of casework across a variety of jurisdictions (Norris 1997; Ortiz, Wirz, Semion & Rodriguez 2004) – including Canada (Malloy 2003: 3) – and the high volume of casework in Canadian constituency offices (MacLeod 2006; Rana 2016a; 2016b), no Canadian literature and a relatively limited number of international studies focus on constituency casework itself.<sup>18</sup> In the Canadian literature, any limited discussions of casework are always secondary to other research objectives (e.g. Docherty 1997; Loat & MacMillan 2014; MacLeod 2005; 2006; 2014; Malloy 2003). Malloy points out that “despite its clear importance and increasing profile, MPs’ constituency service has never been investigated as an aspect of the overall delivery of public services to Canadians.” (2003: 5). Furthermore, with the exception of Gilboy (1992) in the US and Zappala (1998) in Australia, no studies specifically focus on

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<sup>16</sup> With the exception of MacLeod (2005; 2006; 2014) & Malloy (2003) in Canada, Johannes (1984) & Cain et. al (1987) in the US, Kerrouche (2009) & Le Lidec (2009) in France, & Rawlings (1990) in the UK.

<sup>17</sup> This should in no way be interpreted as a criticism of Members of Parliament, but rather as a symptom of the challenges MPs face balancing the demands of their numerous roles and unavoidable travel time. These challenges and their very human cost are compellingly documented by Loat & MacMillan (2014) in *Tragedy in the Commons: Former Members of Parliament Speak Out About Canada's Failing Democracy*.

<sup>18</sup> International exceptions include: Gilboy (1992), Johannes (1984) and Ortiz et al. (2004) in the US, Zappala (1998) in Australia, Rawlings (1990) in the UK, Siefken (2014) in Germany, and Kerrouche (2009) in France.

constituency offices' role in the immigration system.<sup>19</sup> There is thus a notable dearth of scholarship – particularly in Canada – on constituency casework generally, and immigration casework specifically.

## **2. Casework – lessons from the international literature**

Despite this limited literature, some themes can be identified in the international literature that illuminate CAs' casework activities: (1) the influence of electoral politics on casework; (2) uncertainty about what it accomplishes for representatives and constituents; and (3) the heterogeneity of casework between offices.

### **A. The electoral particularity of constituency office casework**

Canadian federal constituency assistants are non-partisan employees of the House of Commons. As parliamentary staff, there is thus an expectation that CAs will serve all constituents equally, regardless of political affiliation, and will not engage in partisan activity on the job. MacLeod describes Canadian CAs as “almost wholly apolitical. Their job, as they saw it, was simply to help other people.” (2014: 38). Nonetheless, both Franks and MacLeod allude to the existence of a grey area in Canadian constituency offices between the “political and public interest” (MacLeod 2005: 11) and their “partisan and non-partisan functions” (Franks 2007: 11). There at least appears to be a public perception that constituency offices are partisan spaces, as Canadian constituents will often share their political affiliation with CAs as if they believe it will get them better service (MacLeod 2005: 11). Nonetheless, in interviews with public servants, Wake Carroll and Siegel found “virtually no reports of [MPs applying] inappropriate pressure”

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<sup>19</sup> Malloy (2003) does refer specifically to immigration cases, however his focus is the use of information technology by Canadian MPs and their staff.

on bureaucrats regarding casework (1999: 64). However, though Franks concludes that casework is a particularly non-partisan activity, even he admits that we know nothing about MPs use of parliamentary resources for partisan purposes: “Transparency ends at the members’ office doors.” (2007: 33).

The international literature nuances these Canadian assertions that CAs are purely non-partisan; it clearly demonstrates that electoral considerations significantly structure CAs’ casework activities. Constituency offices have a unique relationship with their ‘clients’ as compared to bureaucratic institutions (Kerrouche 2009: 446), offering a more personal, face-to-face service (MacLeod 2005: 14):

“The way the office works, the quality of the welcome, the way it is set up, the way people interact, and the possibility of having access to the MP all differ radically from other bureaucratic institutions, and give back to constituents the impression that they are important, or at least, that they have the possibility of being better listened to.” (Kerrouche 2009: 446, our translation)

This particularity of constituency office’s service is attributed in the international literature to constituents’ status as “potential voters” (Kerrouche 2009: 447, our translation). Because every constituent they interact with is potentially a voter, CAs have a number of unique obligations. They must always show “courtesy, kindness and compassion” – unlike notoriously unresponsive bureaucracies (Le Lidec 2009: 127; see also Cain et al. 1987: 67), and manage constituents’ expectations so that they are not dissatisfied, especially when it is clear to the CA that a ‘positive’ outcome is unlikely (Cain et al. 1987: 69; Johannes 1984: 97; Kerrouche 2009: 447; Le Lidec 2009: 128; Ortiz et al. 2004: 58; Zappala 1998: 696). Le Lidec explicitly links this delicate balancing act of not ‘over promising’ – while at the same time underlining the MP’s deep interest in the case – to the imperatives of CA’s “political work” (2009: 128). Constituency offices

must also always be *seen to be* acting, by “[s]taging the team’s solicitude for the claimant,” for example by making telephone calls in front of constituents or by copying them on correspondence (Le Lidec 2009: 129). CAs must act even when they know their efforts will be futile to both prove the MP’s goodwill (Cain, Ferejohn & Fiorina: 1987: 67; Kerrouche 2009: 447; Le Lidec 2009: 127; Zappala 1998: 696), and allow them to take credit for any positive results, regardless of whether they had anything to do with it (Le Lidec 2009: 129). Even if the constituency office expects a negative response or has doubts about the case, they will send a particularly perfunctory pro forma ‘support’ letter; this aims to satisfy the constituent, while at the same time signaling to the bureaucracy that the MP doesn’t *actually* support the request (Rawlings 1990: 36; Zappala 1998: 696).<sup>20</sup> In short, regardless of the circumstances, CAs are “particularly concerned with projecting an image of going ‘all out’” (Johannes 1984: 97) for their “potential voters” (Kerrouche 2009: 447, our translation).

Beyond constituents’ potential as voters, constituency offices’ case work is also influenced in other ways by electoral politics. First, though opinion amongst Canadian MPs is split (Malloy 2003: 31), there is some evidence that being in government increases the effectiveness of one’s interventions on behalf of constituents (Zappala 1998: 698). Second, European politicians compete over casework: representatives are much less likely to forward misdirected constituent inquiries to a member of a different party at another level of government (André, Bradbury & Depauw: 2015: 683). Third, high electoral competitiveness in a riding may also increase casework activity (Cain et al.: 1987; Rawlings 1990: 23).<sup>21</sup> The Australian MP studied by Zappala reportedly felt free to

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<sup>20</sup> These messages are received and understood by the Australian immigration bureaucracy (Zappala 1998: 697). US Congressmen often also have a similar “informal signaling system” (Cain et al. 1987: 67).

<sup>21</sup> Though some argue the evidence for this is mixed (Eagles 1998) or weak (Siefken 2014).

decline to support cases that he felt were not genuine “because he was in a safe seat” (1998: 695), and in the UK and in France casework activity increases in the run-up to elections (Kerrouche 2009: 451; Rawlings 1990: 23).

In short, while Canadian constituency offices are officially non-partisan (Franks 2007; MacLeod 2005), the international literature points to a shadow of electoral politics looming large over CAs’ work and structuring their casework activities. Even in Canada, MPs overwhelmingly believe that constituency service contributes to their electoral success and frame their constituency offices’ work accordingly (Eagles 1998).

### **B. Does casework work?**

Nonetheless, it is unclear what casework actually accomplishes. For MPs, the stated benefits appear to be primarily electoral<sup>22</sup> – although this appears far from certain. In the UK, “Staff were aware that the electoral gain was uncertain but the tactic [casework] was one of the few means of self-help available” (Rawlings 1990: 27). Similarly in France, Kerrouche concludes:

“the *député* and their staff try to do what they think is useful in order to keep the riding, but without any certainty on the real effects of this activity. The study of constituency offices thus reveals parliamentarians to be actors with incomplete information in search of a hypothetical personal vote.” (2009: 452, our translation)

Even though the Canadian literature has been unable to establish the existence of a personal vote – “a vote [for a MP] independent of party and leader” – in the Canadian case (Docherty 1997: 17), MPs strongly believe that constituency service holds electoral benefits (Eagles 1998). In an era of strong central control, MPs’ casework is thus a source

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<sup>22</sup> However, some MPs report that constituency casework also plays an educational role for them as they become ‘experts’ on a given issue (Loat & MacMillan 2014: 105), and allows them to “take the pulse” of their constituents (*ibid.*: 111).

of enjoyment for MPs and one of their only ways of controlling their electoral success – or at least having the *impression* of control (Docherty 1997; Loat & MacMillan 2014: 111). In fact, Canadian MPs report that their work in the constituency is their favourite part of their job (Docherty 2003: 76; Loat & MacMillan 2014: 92-3).

Even for constituents, the effectiveness of casework is unclear. Constituency offices' services are "uniquely comprehensive, locally accessible and free at the point of delivery" (Rawlings 1990: 60). But while there is some research on representative's 'success rates,' limitations in the literature make it impossible to know what would have happened to a case without a representative's intervention (Cain et al. 1987: 68; Kerrouche 2009: 449; Rawlings 1990: 37-40; Zappala 1998: 694), particularly as the effectiveness of any intervention often varies from case to case (Zappala 1998: 694). Nonetheless, MPs' have a "significant" capacity "to have a case reviewed at a higher level," and can sometimes even get a rule bent for a constituent (Rawlings 1990: 41). In the US, cases brought forward by Congressmen get looked at more carefully and promptly, and dealt with at a higher level (Johannes 1983: 132). Even in the very limited Canadian literature, Bourgault states that MPs' requests are dealt with in a less "administrative" fashion than an applicant's would be (2009: 436, our translation); Sossin also finds that "Because H&C [Humanitarian & Compassionate] decisions turn so often on credibility, expressions of support from an MP can be an important factor" (2005: 441). In a limited number of cases, some Canadian casework interventions can also result in legislative or regulatory change (Loat & MacMillan 2014: 105-6). Indeed a number of authors argue that casework is beneficial for the constituents *regardless* of the outcome of their case (Norton & Wood 1993: 50-51; Ortiz et al. 2004: 53; Zappala 1998: 696). Even if constituents receive a 'negative' reply, they can still walk away satisfied if it is "an

authoritative explanation of why some action has or has not been taken or an assurance that their case is under review” (Norton & Wood 1993: 50). As a result, casework isn’t just about the outcome; it “helps people feel less ‘alienated’ from government, reduces frustration, [...] allows people to ‘blow off steam’” (Hamilton 1992 in Ortiz et al. 2004: 53), and may also alleviate some of the cynicism around politicians (Johannes 1984: 226). In fact, a majority of Canadian constituents who seek help from their MP are “very satisfied” with the service they received (Docherty 2002: 182).<sup>23</sup> As Zappala concludes: “a more honest but less than satisfactory answer is that MPs’ interventions were sometimes effective and at other times were not” (1998: 694).

### C. “Casework is not casework”:<sup>24</sup> priority and style

The limited Canadian literature has established that casework is not performed in the same way from one riding to another. Canadian MPs have varying levels of commitment to work in their constituency as a whole (Heitshushen et al. 2005; Eagles 1998) and casework in particular (Clarke 1978; Franks 2007; Montigny & Morency 2014). In Canada, Heitshushen et al. (2005) find that constituency work is primarily characterized by its heterogeneity. Rawlings’ portraits of seven British MPs’ casework activities clearly underscore how these types of differences resulted in striking variations from office to office in terms of: staffing arrangements, surgery locations, how involved MPs get on cases, and what kinds of services they offer. In short, “casework is not casework” (Siefken 2014: 18).

Siefken (2014) develops a particularly detailed typology of the variation in German representatives’ five casework ‘styles’: from the navigator who simply makes referrals,

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<sup>23</sup> French constituents feel overwhelmingly that their députés’ intervention was important on their case, even though in many cases it may have had no effect (Kerrouche 2009: 439).

<sup>24</sup> Siefken (2014:18).

up to the troubleshooter who gets fully involved (making home visits etc.) (17). Other typologies distinguish between the social work roles adopted when working with constituents on a case (Ortiz et. al 2004: 59-60), or between passive, intermediate or active interventions on different cases (Kerrouche 2009: 449). However, with the very limited exception of Ortiz et al. (2004), none of these typologies address *how* the decision is made about whether to intervene or how to intervene on a case, and certainly not through the lens of discretion – a significant characteristic of these offices. In addition, Siefken’s more detailed typology is designed for a context where the MP personally conducts most of the constituency casework (2014: 15), unlike in Canada where it is primarily delegated to staff (Malloy 2003).

### **3. Discretion in constituency offices**

These variations in service provision between constituency offices are rooted in a fourth theme stemming from the literature on casework – the discretionary nature of these offices’ work. While Canadian MPs are extremely constrained by party discipline in Ottawa, their constituency work is primarily characterized the substantial freedom that MPs have over their activities (Eagles 1998). However, despite the importance of discretion to CAs’ work, constituency office casework has never before been studied through this lens.

The international literature clearly underlines the significant exercise of discretion in constituency offices. One of constituency offices’ distinguishing features is the “strong personalization of the institution”: “*All aspects* of the constituency office are intimately linked to the elected representative themselves and stem above all from their political practice and strategy” (Kerrouche 2009: 451, our translation, emphasis added). How a

MP approaches casework and the extent to which they get involved thus depends primarily on the MP's own choices and preferences (Fenno 1978: 48; Kerrouche 2009; Rawlings 1990: 23; Siefken 2014: 18). As a result, decisions about how to help constituents on individual cases have been demonstrated to be highly discretionary (Gay 2005; Siefken 2014; Rawlings 1990; Zappala 1998). In fact, Rawlings argues that “[d]iscretion is exercised at all stages of handling an individual case” (1990: 23), and that MPs are free to express their “individual style and creativity, or lack of it” in how their offices handle individual cases (23). While constituency offices are likely not immune to “the larger social forces and pressures from their work environment” that socially constitute discretion (Satzewich 2015a: 54),<sup>25</sup> even after an extensive study of the determinants of casework, Johannes concluded that “much – perhaps most – of casework activity seems to be idiosyncratic” (1983: 545).

However, the impacts of constituency offices' discretion remain unclear – though authors have expressed concern about it. In Canada, Loat & MacMillan argue that individual Canadian MPs use their discretion to give better treatment to and obtain better bureaucratic service for some constituents than others based on constituents' partisan affiliation or the MP's interest in their case (2014: 109; for similar concerns see also Johannes (1984: 123-7) in the US; Zappala (1998: 697) in Australia). “Canadians, and would-be Canadians, are receiving unequal and inconsistent treatment. If you know an

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<sup>25</sup> There is agreement across the board that “the social and economic mix of a constituency is a profound influence” on the type of casework in an office (Rawlings 1990: 30-1; see also Kerrouche 2009: 451; Ortiz et al. 2004: 51). Additionally, ridings with lower socio-economic status, lower education levels (Siefken 2014: 8) or for example with a high proportion of immigrants or seniors (Ortiz et al. 2004: 51) tend to have higher volumes of casework. Members' ideological leanings (Siefken 2014: 8), experience with casework (Rawlings 1990: 40; Zappala 1998: 695), time in office (Anagnoson 1983: 157; Johannes 1983: 530-547; Kerrouche 2009: 443-4; Siefken 2014: 8), role orientation (Searing 1985), ridings' electoral margins (Johannes 1983: 539-544; Kerrouche 2009: 451; Siefken 2014: 8), the electoral system (Heitshushen et al. 2005) and multi-level federalism (e.g. André et al. 2014; 2015) have also been associated with variations in the types of casework service offered by members and the levels of priority they give to it.

MP, or if an MP takes an interest in your case, then it seems likely that you'll get better service [from the bureaucracy]." (Loat & MacMillan 2014: 109). Johannes claims that in the US this is less often because of partisan or personal connections, but more often because of the interest – or lack thereof (1984: 144) – the office takes in the case: "Tearjerkers go to the top" (*ibid.*: 127). In the UK, some MPs were able to get favourable treatment more often for some constituents than others (Rawlings 1990: 41). Rawlings himself acknowledges this possibility of differential treatment: "some citizens [are] more likely to complain that others and representatives may treat cases variably (both as between themselves and individually)." (1990: 41). This possibility for differential treatment between ridings and between constituents is particularly concerning given that the influences on CAs' discretion are unclear, and unlike Canadian public servants' discretionary decisions, there are no formal appeal mechanisms for decisions made in constituency offices (Rawlings 1990: 35).<sup>26</sup> Though Johannes concludes in the US that the casework process is basically fair albeit with a "very small amount of substantive favouritism; and a noticeable dash of procedural favouritism" (1984: 146), the lack of in-depth research on this topic in Canada means that the implications of constituency offices' discretion around casework remain unclear.<sup>27</sup>

The debates in the literature on discretion itself also highlight the importance of clarifying the impacts of discretion in these offices' casework. On one hand, it is possible

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<sup>26</sup> In other contexts, a lack of threat of administrative appeals has been found to result in increased discretion in how staff interpret and apply the law (Alpes & Spire 2014: 262; see also Satzewich 2015a).

<sup>27</sup> Discretionary environments also have the potential to disadvantage populations – such as immigrants – who may not have the capacity to engage in the "dialogue" or 'negotiation' required in order to obtain a discretionary decision (Handler 1983: 1272-3; Pratt & Sossin 2009). Constituency offices both help and hinder in this area. On one hand, this same type of negotiation is required to get a discretionary intervention from a CA, but once this step is overcome, CAs use their expertise and greater capacity to assist constituents to get a discretionary decision from the bureaucracy. The threshold to get a discretionary intervention from a CA is likely lower than from an immigration bureaucrat, as the final decision rests with the visa officer.

to imagine constituency office's discretion in a positive light, working to "humanize" (Pratt & Sossin 2009: 308) or "individualize" (Hawkins 1992: 15) decisions from an unresponsive bureaucracy. Johannes in particular highlights the importance of constituency office's "personal touch," as a much-needed recourse against "bureaucratic errors, rigidities, and – occasionally – arrogance" (1984: 226 & 227; see also MacLeod 2005:14; Kerrouche 2009: 446). However, despite MPs' best intentions and their genuine non-electoral commitment to helping their constituents (Johannes 1984: 227; Loat & MacMillan 2014), this discretionary environment also has the potential to raise important equity issues. One of the two main public policy concerns around the use of discretion is its' "impact on citizens' access to public services [in terms of...] arbitrary and differential application of regulations" (Baker Collins 2015: 1; see also Hawkins 1992: 15-16).<sup>28</sup> In Canada, levels of commitment and intensity of casework vary significantly from MP to MP, as does each MP's approach to their constituency work (Clarke 1978; Montigny & Morency 2014; Eagles 1998: 74; Franks 2007: 42). At least in theory, this situation has the strong potential to result in "differential use of discretion and [...] unequal citizen access to benefits" (Baker Collins 2015: 10) from riding to riding as some MPs could offer more generous service, or simply a different service. In public service contexts, these types of variations in service raise "important equity issues" (Fletcher 2011: 450; see also Riccucci 2002; Wake Carroll & Siegel 1999: 201-2).

This gap in the literature around the exercise of discretion in constituency office casework is particularly notable in the area of immigration casework. As seen previously, MPs' immigration casework is central both to the work of constituency offices and the immigration system as a whole (Malloy 2003: 5). As we have seen, studying the exercise

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<sup>28</sup> The other is "the impact of street level decision making on public policy (altering, extending or subverting policy intents)" (Baker Collins 2015: 1).

of discretion in the context of immigration applications in constituency offices would be consistent with the discretionary nature both of these offices (e.g. Gay 2005; Fenno 1978; Rawlings 1990), as well as of the Canadian immigration system as a whole (e.g. Bouchard & Wake Carroll 2002; Satzewich 2015a). Discretion is built directly into the legislative framework governing Canadian immigration (Liew & Galloway 2015). As a result, Canadian “immigration policy making [...is] largely a matter of discretion, rather than something guided by law.” (*ibid.*: 45). The Canadian literature clearly demonstrates the high level of discretion enjoyed by actors across the Canadian immigration system: from visa officers (Bouchard 2000; Bouchard & Wake Carroll; Haince 2010; Satzewich 2015a) and immigration officials making detention decisions (e.g. Pratt 1999); to border guards (Côté-Boucher 2016; Pratt 2010; Pratt & Thompson 2008; Salter 2008) and Immigration and Refugee Board (IRB) Members (Colaiacovo 2013; Rousseau, Crépeau, Foxen & Houle 2002). Haince even goes so far as to assert that “discretion is the form of immigration management that has *the most* influence on the immigrant selection process” (2010: 257, our translation, emphasis added).<sup>29</sup> However, despite the recognized importance of discretion in constituency offices and in the Canadian immigration system, – not to mention the volume of immigration cases going through offices – the literature has never studied constituency offices’ immigration casework through the lens of discretion, or even their role in the immigration system more broadly.

#### **4. Conclusion**

In short, despite the volume of immigration applications mediated through Canadian constituency offices (MacLeod 2005; Rana 2016a; 2016b), and the concerns

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<sup>29</sup> See also Bouchard & Wake Carroll (2002: 239).

authors have raised about this situation (e.g. Loat & MacMillan 2014; Zappala 1998), Canadian constituency office’s casework activities remain firmly at the margins of the literature. In fact, no Canadian study has looked at *how* these offices carry out casework on the ground, making these concerns raised largely speculative. Over a decade later, Malloy’s argument that Canadian constituency casework has never been studied “as an aspect of the overall delivery of public services” remains just as true today (2003: 5). In fact, with the exception of Johannes’s 1984 book *To Serve the People* on US Congressional casework (and to a lesser extent Ortiz et al. (2004) and Zappala (1998)), the literature has not looked at *how* casework is done on the ground: how people are helped and how decisions are made in the process.

This review of the literature has attempted to reinforce the importance of filling this gap, as considering casework through the lens of discretion highlights both potential equity issues in terms of access to immigration status, as well as casework’s potential to “humanize” (Pratt & Sossin 2009: 308) or “individualize” (Hawkins 1992: 15) treatment from an unresponsive bureaucracy. However, the fact that analyses of discretion are dependent on context specific variables (Pratt & Sossin 2009: 302) has underscored the limitations of lessons drawn from the international literature on constituency offices. This research thus responds to Evans and Harris’ call to “evaluate [discretion] on a situation-by situation basis” (2004: 872), as analyses of discretion are not necessarily portable from one context to another. The analysis of constituency assistants’ discretion in the following chapters thus aims to fill this important gap in the literature by laying the groundwork for an understanding of how discretion operates in the context of immigration applications in Canadian constituency offices.

## Chapter 3 – Theoretical framework and methodology

As mentioned previously, there has been a distinct lack of theorization around constituency office’s casework activities. As a result of this notable lack of literature – especially in Canada – this dissertation proceeds inductively. In other words, this is not a hypothesis testing study, but rather a hypothesis *generating* study. Nonetheless, adopting an inductive approach “does not mean that everything is, or should be, analytic fair game” (Wong 2001: 22). Consequently, this chapter responds to the imperative – even or especially in inductive studies – to explicitly “outline the key elements that will guide [...its] inductive causal reasoning” (Turgeon 2010: 11). These elements, adapted to constituency assistants’ context, are drawn from the literatures on constituency offices, and on the use of discretion in the bureaucracy, particularly the literature on street-level bureaucracy and the literature on discretion in the immigration system.

From the outset, it is important to be clear about a dissertation’s “theoretical ambitions” – what it does and does not attempt to accomplish (Wong 2001: 21). This dissertation does *not* seek to *explain* why CAs intervene the way they do on immigration files, nor does it seek to definitively determine the factors shaping CAs’ discretion, as that would require a larger sample size. Rather, this dissertation seeks to: (1) develop a preliminary portrait of how discretion – the dependent variable – is exercised in constituency offices and (2) inductively identify independent variables that shape CAs’ discretion – which can fuel hypotheses to be tested in future research. To that end, this chapter first outlines the theoretical framework guiding this analysis, focusing on operationalizing the dependent variable – CAs’ discretion and analysing the independent variables influencing their discretion, before turning to this study’s methodology.

## 1. Theoretical framework

### A. Operationalizing CAs' discretion: the dependent variable

The international literature on constituency office casework is clear that the defining characteristic of CAs' interventions is their discretion – this study's dependent variable. According to Rawlings, “Discretion is exercised at all stages of handling an individual case” (1990: 23; see also Gay 2005; Siefken 2014; Zappala 1998). Or as Fenno puts it, the services offered by a constituency office are up to the “individual choice” – or discretion – of the elected representative (1978: 48; see also Kerrouche 2009; Rawlings 1990: 23; Siefken 2014: 18). In the US, this discretionary environment results in an “idiosyncratic” approach to casework (Johannes 1983: 545), and in the UK, has led to variation in casework services between offices (Rawlings 1990).

Given the lack of Canadian literature on constituency office casework, our first question – How do CAs exercise discretion? – is primarily descriptive. More precisely, it responds to Simeon's call to clearly identify how our case varies on the dependent variable (1976: 580; see also Turgeon 2010: 23) – establishing *how* CAs exercise discretion in the first place. Thus, we begin by establishing a framework for analysing how our case varies on the dependent variable – discretion – to be applied in Chapter 4.

The literatures on discretion and on constituency office casework concur that an individual case or a decision is composed of a series of steps, or decisions. According to Hawkins, “discretionary decision[s] quite often involves a rather more complex *series* of decisions” (1992: 27, emphasis added). Constituency office casework is no different. Rawlings refers to “stages” in an individual case (1990: 23; see also Ortiz et al. 2004: 55, 57-66) and Patzelt (2007) highlights German MPs “multi-step approach” to casework (in

Siefken 2014: 7). Thus, an individual case in a constituency office is composed, not of a single discretionary outcome, but rather a *series* of discretionary decisions. Therefore – based on the international literature – to operationalize ‘discretion’ I consider that an immigration case in a constituency office is primarily composed of three steps, or decisions, that CAs make: (1) whether or not to intervene, (2) how they will intervene and who they will contact, and (3) the level of intended effectiveness of the intervention. As decisions on constituency office casework are fundamentally discretionary, I hypothesize that CAs use their discretion at all three of these steps, and that this use of discretion will be reflected in variations in service provision in these areas. In other words, these are the areas where I anticipate the dependent variable, discretion, varies (as per Simeon 1976).

***i. Whether or not to intervene***

When a constituent contacts an MP’s office with an issue, the constituency assistant must decide first whether or not to intervene. In this area, CAs have total discretion to raise or refuse cases (Rawlings 1990: 35). When a German MP is approached, they work through a series of checks to determine whether they should accept, reject or refer the case (Patzelt 2007: 65). Just as in Canada, elected representatives abroad are only supposed to intervene on files related to constituents in their *own* riding and are supposed to turn down requests from outside the riding (Le Lidec 2009: 123; Rawlings 1990: 35). Nonetheless, CAs can also make discretionary decisions to stretch this rule and accept constituents from outside the riding (Le Lidec 2009: 124; Rawlings 1990: 35). Given that Rawlings has demonstrated that some offices are more apt to refuse cases (1990: 35),<sup>30</sup> it seems likely that CAs’ willingness to stretch this rule varies. Other potential reasons to

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<sup>30</sup> This is especially delicate as demonstrating flexibility in this area runs the risk of opening the floodgates as people hear that an office is particularly generous (Le Lidec 2009: 124).

refuse a case include: if the case is before the courts (IRCC 2016a; Le Lidec 2009: 124; Ortiz et al. 2004: 57); due to timing (Rawlings 1990: 34) – for example if the average processing period for a visa has not yet elapsed (IRCC 2016a); if the case is politically risky and might come back to embarrass the MP (Le Lidec 2009: 124); or if the request is better directed elsewhere (Rawlings 1990: 32). Finally, very rarely, MPs may refuse to pursue a case because they are not satisfied as to the facts of the case (Rawlings 1990: 34). Given that all decisions in constituency offices are fundamentally discretionary, I expect to find that CAs' use their discretion to decide to intervene or not, and that this use of discretion is reflected in variations in service provision in this area.

***ii. How CAs will intervene and who they will contact***

Once the decision is made to intervene, CAs must then decide *how* they will intervene and who they will contact – another place I anticipate variations in service provision. Canadian CAs have multiple options in this area: simply providing advice, reviewing an application, writing a support letter, or sending emails or making telephone calls (IRCC 2016a). The emails or telephone calls might be enquiries on an on-going case, or a request to have a decision reviewed (IRCC 2016a). CAs must also decide *who* to contact. Currently, they have three official options: the IRCC dedicated Call Centre for MPs and Senators, IRCC's Ministerial Enquiries Division (MED) or the Minister's Office. They can also go to the media about a case (though that option is typically only exercised in exceptional circumstances). Who is contacted is usually determined by the type of complaint and the department's internal structure, but there is some room for discretion based on personal and political connections (Rawlings 1990: 35-6).

### *iii. How effective the intervention is intended to be*

Finally, CAs must decide how effective the intervention is intended to be. The literature clearly demonstrates that constituency offices use their discretion to intentionally vary the strength of their interventions (Le Lidec 2009; Rawlings 1990; Zappala 1998). For example, they may write a vaguer or more formulaic support letter to indicate that the office doesn't fully endorse the constituent's request; in this way, the office "has an option to play the role of gatekeeper in disguise: to use the confidentiality of dealings with authority to suppress a complaint while appearing to the constituent to press it" (Rawlings 1990: 37). In addition, offices vary in how involved they generally get on cases. Siefken proposes a typology of casework involvement: from the 'consoler' who "just listen[s] an[d] empathize[s]" all the way up to the 'troubleshooter' who "get[s] fully involved" by making house calls and accompanying constituents to meetings (2014: 16). Whether because of their feelings about a case or as a general rule in an office, it is clear that not all cases are "pressed with equal vigour" (Rawlings 1990: 35).

**Table 1: Sites of discretion**

<b>Decision</b>	<b>Options</b>
Whether or not to intervene	<i>yes / no</i>
How to intervene and who to contact	<i>proof reading application or providing advice / support letter / phone or email enquiries</i>
	<i>IRCC / minister's office / the media / other</i>
The intended effectiveness of the intervention	<i>pro forma / standard / high</i>

In short, as the literature has established that all of constituency offices' decisions on a case are fundamentally discretionary (Rawlings 1990: 23), these three steps can be considered 'sites' of discretion, or places in an individual case where discretion is exercised. These decisions that CAs make thus represent the locations of my analysis of discretion that will be used as a framework to identify how my dependent variable –

discretion – varies across cases (as per Simeon 1976). I anticipate that in these three steps, the dependent variable – ‘discretion’ – will vary in the Canadian case, just as it does internationally, resulting in variations in service provision from office to office.

### **B. What influences CAs’ discretion?: The independent variables**

The literature on street-level bureaucrats finds that “discretionary decisions are rarely as unconstrained as they might appear” (Hawkins 1992: 38). Rather, “economic, political, personal, or organizational realities all serve to constrain discretion, as well as legal rules” (Hawkins 1992: 44, emphasis added). The second part of this analysis turns to these independent variables in constituency offices – the influences on CAs’ discretion.

The study of discretion is closely linked to Lipsky’s (2010) concept of street-level bureaucrats. As House of Commons entities distinct from the bureaucracy, constituency offices – though similar (Kerrouche 2009: 446; Le Lidec 2009: 127) – are not street-level bureaucracies in the strict sense. However, like CAs, street-level bureaucrats are the front-line of government service delivery – the “human faces of government” (MacLeod 2005: 12). Street-level bureaucrats also have substantial discretion in the way they deliver government benefits (Lipsky 2010: 3), but must “cope with their client’s personal reactions to those decisions” (Jordan, Strath & Triandafyllidou 2003: 213). In other words, street-level bureaucrats – and constituency assistants – are where rigid policy and eligibility rules confront the more fluid realities of people’s day-to-day lives (Baker Collins 2015: 7). Street-level bureaucrats’ – and CAs’ – exercise of discretion is thus used to “make work easier” (Fletcher 2011: 447) as they attempt to interpret and apply standards, and conciliate vague and conflicting goals (Lipsky 2010). Ultimately though, this discretion becomes more than simply an issue of bureaucrats’ working habits, as it

comes to “determine the nature, amount and quality of benefits and sanctions provided by their agencies.” (Bouchard & Wake Carroll 2002: 242; see also Brodtkin 2011: 199).

However, despite the similarities in their working style and conditions, CAs are not a part of the bureaucracy. Unlike street-level bureaucracies who offer concrete “benefits and sanctions” (Lipsky 2010: xi), constituency offices offer only “intangible benefits”, such as support letters and phone calls (Kerrouche 2009: 447, our translation). The intervention *is* the benefit in the constituency office. These offices are also intensely political in nature – a grey area between “political and public interest” (MacLeod 2005: 11) and “partisan and non-partisan functions” (Franks 2007: 11). This unique nature of constituency offices’ benefits, coupled with their non-partisan, but intensely political position, marks the specificity of constituency offices vis-à-vis other institutions. As a result, studying CAs’ discretion requires a theoretical framework that accounts for both their street-level bureaucrat-style discretionary work, and their intensely political environment. To this end, in this section I draw on the international literature on constituency office casework, discretion and street-level bureaucrats to develop an analytical framework for studying the influences on CAs’ discretion in their immigration casework activities – to my knowledge, the first of its kind.

Visa officer discretion in Canada – to date the closest analogue to CAs’ discretion in the literature – is often associated with micro-level accusations of ‘capriciousness,’ personal bias or racism (Satzewich 2014b: 1450). However, in *Points of entry: How Canada’s visa officers decide who gets in*, Vic Satzewich proposes a multi-level framework for the study of discretionary decision-making in the Canadian immigration system (2015a; see also 2014a; 2014b; 2015b). This framework categorizes the independent variables that influence visa officer discretion into micro- (individual),

meso- (organizational) and macro-levels. Satzewich finds “little evidence” for visa officers making racism-based decisions, or decisions based on micro-level, individual-based factors (2015a: 16)<sup>31</sup> – what Bouchard & Wake Carroll call “personal discretion,” used to impose the decision-makers’ personal values (2002: 243). Instead, Satzewich concludes that meso-level organizational variables and macro-level variables tied to visa officers’ understandings of immigration flows and “how the world works” are “far more significant” influences on visa officer discretion and *prevent* the exercise of micro-level capriciousness and racism-based decision-making (e.g. through processing targets and appeals mechanisms) (2015a: 16). In short, Satzewich’s framework shows that visa officers’ “discretion is more than an individual attribute” (2015b: 1035), and is “socially constituted” (2014b: 1451) primarily by variables at the meso- and macro- levels.

**Table 2: Satzewich’s influences on visa officer discretion (2015a)**

Level of analysis	Independent variable
<i>Micro-level</i>	Role orientation
	Racism and stereotypes about applicants
<i>Meso-level</i>	High caseloads and limited resources
	Processing targets and client service expectations
	Appeals mechanisms
<i>Macro-level</i>	Understandings of broader migration context
	Activities of other stakeholders (lawyers, consultants, MPs etc.)

However, constituency assistants are not visa officers, and the exercise of discretion is reliant on context specific variables (May & Winter 2009: 454-5; Pratt & Sossin 2009: 302). Consequently, in order to be “context sensitive” (Wong 2001: 112), I draw on the international literature on constituency offices to adapt Satzewich’s (2015a) framework

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<sup>31</sup> However, while Satzewich found little evidence for racism-based decision-making, he does acknowledge that “the socially constituted exercise of discretion has more negative consequences for applicants from some countries and regions than others. The discrimination that exists in the visa issuance process is actualised via a technical and administrative logic that disadvantages applicants from some countries or regions and not others.” (2014b: 1451-2).

for discretionary decision-making to the constituency office context. In doing so, I both respond to the call to study discretion on a “situation-by-situation basis” (Evans & Harris 2004: 872), and account for constituency offices’ street-level bureaucrat-style work and their unique position at the intersection of politics and the bureaucracy. Most notably, this adapted framework highlights two important specificities of constituency offices vis-à-vis visa officers: their potential for the increased exercise of micro-level discretion based on individual variables, as well as the potential influence of their political context.

**Table 3: A framework for influences on CAs’ discretion**

Level of analysis	Independent variable
<i>Micro-level</i>	CAs’ role orientation and experience
	CAs’ stereotypes and racism about constituents
	CAs’ personal and professional relationships
<i>Meso-level</i>	High caseloads and limited resources
	The MP’s commitment to casework
	Level of oversight from the MP
	House of Commons and IRCC rules
<i>Macro-level</i>	CAs’ understandings of relationship between casework & electoral politics
	Parties’ ideological positions on immigration
	CAs’ understandings of how IRCC views broader migration context <sup>32</sup>

### *i. Micro-level variables*

While Satzewich finds limited evidence for the influence of micro-level variables on visa officer decision-making (2015a: 16), our framework remains more open to the possible influence of variables at this level. While this thesis is largely inductive, I hypothesize that micro-level variables are more likely to play a role in shaping CAs’ discretion, as the variables that Satzewich found prevent the exercise of micro-level discretion – namely processing targets and appeal mechanisms for refused applications (2015a) – do not exist in constituency offices. Indeed, in the French visa issuance system,

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<sup>32</sup> As seen in Satzewich (2015a).

the lack of threat of administrative appeals has been found to result in increased discretion in how staff interpret and apply the law (Alpes & Spire 2014: 262). With MPs often absent from their ridings (Docherty 1997: 174; Malloy 2003: 39), and less stringent legislative or regulatory controls on their work, CAs may well also have more autonomy to exercise micro-level discretion. The potential micro-level variables include: constituency assistants' role orientation; racism and stereotypes about constituents; and personal and professional relationships.

First, *constituency assistants' role orientation* may influence their exercise of discretion on immigration casefiles. Even Satzewich, who downplays the importance of micro-level variables in the bureaucratic environment of IRCC, acknowledges that visa officers are situated at different points on the “enforcement-facilitation” continuum, with some seeing their role to facilitate immigration, and others taking a more enforcement approach (2015a: 246). This is perhaps the “product of social circumstances” such as age, education, training, previous experience (*ibid.*). Similarly, Canadian research on constituency offices has demonstrated that MPs' role orientation influences their commitment to casework (e.g. Clarke 1978; Koop 2015; Montigny & Morency 2014), just as in the literature on street-level bureaucrats (Keiser 2003; Wilson 1989 quoted in Gofen 2013). For example, Canadian MLAs who see their role as a “delegate-servant” or as a constituency representative – as opposed to say, a provincial representative – spend more time on casework (Clarke 1978: 605). In light of elected representatives' clear ability to express a conception of a role in the constituency, and constituency assistants' autonomy vis-à-vis their MP (Docherty 1997: 174; Malloy 2003: 39), it seems possible that CAs' own role orientations will also influence their discretionary decision-making.

Second, *racism and stereotypes about constituents* also have the potential to shape constituency assistants' discretionary decision-making. As Lipsky points out, street-level bureaucrats' mass-processing can either be fair and appropriate, or rooted in stereotyping:

“At best, street-level bureaucrats invent benign modes of mass processing that more or less permit them to deal with the public fairly, appropriately and successfully. At worst, they give in to favoritism, stereotyping, and routinizing—all of which serve private or agency purposes.” (2010: xiv)

With high caseloads forcing street-level bureaucrats to make decisions quickly on files, without the time to view each file as a blank slate, the line between their “typifications” of a normal case (Satzewich 2015a: 141) and stereotypes or even racism can be fine one. Furthermore, a number of critical scholars assert that the exercise of discretion in the Canadian immigration system allows for racism-based decision-making. As Aiken puts it: “the continued role of discretion in overseas immigration decision-making permits individual, biased immigration officers to make discretionary decisions, and it allows the law, more broadly, to act as a tool for perpetuating racism” (2007: 68-69; see also Abu-Laban & Gabriel 2002; Henry & Tator 2010; Kallen 2003). However, in his study of Canadian visa officers', Satzewich finds that officers systematically refusing applications based on racist criteria would not survive long because the organisational processing targets create a strong incentive to accept and *not* reject applications (2015a: 16). There may be individual officers with racist views, but meso-level variables – “structurally imposed check and balances” – constrain their ability to act on them (*ibid.*: 246). Therefore, there appears to be a relative consensus in the literature that there is at least the *potential* for individual-based, racism-motivated decision-making in the Canadian immigration system, but that if anything prevents its expression, it is these organizational variables at the meso-level (Satzewich 2015a). However, no equivalent meso-level

variables exist in constituency offices. As a result, constituency assistants potentially have more scope to express their individual biases through prejudice-based or stereotype-based discretionary decision-making, similar to what Aiken (2007) describes.

Third, constituency assistants' *personal and professional relationships* with stakeholders may shape CAs' exercise of discretion on casework files. Ortiz et al. highlight the importance of caseworkers' relationships with people in the bureaucracy: "Often these relationships can result in maximizing the efficacy of a referral, by cutting through the layers of bureaucratic red tape and moving toward a solution quicker." (2004: 59). Other authors have also found that these relationships and networks that constituency assistants have with public service, non-governmental organizations and other stakeholders are key in obtaining a 'positive' result for constituents (Kerrouche 2009: 449; Le Lidec 2009: 126; Ortiz et al. 2004: 53). Governmental structures usually dictate where a request is sent, but these relationships also have a limited influence who CAs will contact to try and solve an issue (Rawlings 1990: 35-6). The discretionary use of these types of contacts may lead to variations in service provision as some CAs may have more access to these types of contacts, be more apt to use them or use them differently.

## ***ii. Meso-level variables***

Nevertheless, the potential for the increased influence of micro-level variables is not to discount the influence of 'classic' organizational variables tied to discretion. The meso-level refers to the influence of the organizational context and work environment, such as caseloads and available resources – a classic element of the street-level bureaucrat literature (see Lipsky 2010). However, as mentioned, the meso-level variables that Satzewich found structure visa officers' work – processing targets and appeal mechanisms – do not exist in constituency offices. In their place, I hypothesize that the

MPs' commitment to casework, high caseloads and limited resources, the level of oversight from the MP, and House of Commons and IRCC rules will shape CAs' discretion at the meso-level, but do not *prevent* the exercise of discretion shaped by micro-level variables as the meso-level does in the immigration bureaucracy.

First, one of the primary characteristics of constituency offices are their *high caseloads and limited resources* – just as in street-level bureaucracies (Lipsky 2010). According to McLeod, an average Canadian federal constituency office employs two to four staff and opens over a thousand new casework files each year (2006: 9), particularly in urban ridings which generally receive more traffic and casework (Docherty 1997; Franks 2007). Resources in constituency offices are often insufficient to meet the demand (Le Lidec 2009: 127), and showing generosity can lead to an influx of other cases through word of mouth (*ibid.*: 124). As Lipsky argues, the “fundamental service dilemma of street level bureaucracies is how to provide individual responses or treatment on a mass basis” (2010: 44). High caseloads make supervision of staff more difficult, increasing their autonomy and ability to exercise discretion on the ground, while at the same time limiting the time they have to make a decision (Brintnall 1981). Furthermore, “Large caseloads demand efficiency and the ability to process cases quickly [...] forcing front-line bureaucrats to ration the amount of time they spend on each case and limit interaction with clients” (Satzewich 2014a: 9). In this context, street-level bureaucrats use shortcuts, routinizations and simplifications in order to manage their workload (Lipsky 2010). For example, Bouchard finds that to save time Canadian visa officers use their discretion to waive interviews for some applicants; instead, they would approve applications just based on their documentation (2000: 225); using “shortcuts to assess [applicants'] credibility and risk” based on their macro-level understandings of how the

world works (Satzewich 2015a: 245). In other words, workers employ their discretion to adjust their work practices to manage high caseloads and to allow them to make quick decisions. These discretionary decisions driven by high caseloads could potentially lead to variations in service provision between offices.

Second, I anticipate that the *MPs' commitment to casework* influences CAs' discretion. According to Kerrouche, “all aspects of the constituency office are intimately linked to the elected representative and their political practice and strategy” (2009: 451, our translation). MPs' view of their role impacts the volume of casework (Le Lidec 2009: 121), the approach taken to it and the level of priority it has in their office (Ortiz et al. 2004: 51). Thus, either through explicit or implicit instructions to staff, an MP who is highly committed to casework could result in CAs who are more apt to accept cases that others wouldn't or who might be more likely to push cases harder. It is also conceivable that an MP's commitment to or enthusiasm for casework could effectively function as an informal processing target in their constituency office.<sup>33</sup>

In the same vein, the *level of oversight or control from the MP* over constituency assistant's work is also a potential influence on their discretion. In the street-level bureaucrat literature, the effects of managerial supervision on discretion are highly contested. One strand of the literature goes so far as to argue that close managerial control of front-line workers has effectively resulted in the death of discretion (e.g. Howe 1991). However, this perspective has been roundly criticized and has resulted in a more nuanced perspective that sees supervision's effects as significant, but contextually dependent (e.g. Evans & Harris 2004). For example, Baker Collins (2015) finds that in

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<sup>33</sup> However, Lipsky cautions us that while “managers” priorities – in this case, MPs' priorities – shape discretion, they often do not align with front-line worker performance, as street-level bureaucrats often have different priorities than their managers, and employ unsanctioned short-cuts in order to process their large caseloads (2010: 18).

some areas Ontario Works caseworkers' existing discretion is *restricted* by supervisory monitoring, whereas in others, the same supervisors *encourage* its use. In other words, supervisors can either “expand or contract” discretion that already exists in legislative or rules (Baker Collins 2015: 9). In a constituency office, any oversight or supervision coming from the MP is likely to be the main form of organizational control in the constituency office as, unlike visa officers who work in the knowledge that their work will be judicially appealed (Satzewich 2015a: 185), decisions taking place in constituency offices cannot be appealed to an adjudicator (Rawlings 1990: 35). This level of supervision is expected to vary from MP to MP – just as the degree to which individual MPs delegate casework to CAs varies (Malloy 2003; Rawlings 1990). However, as established in the previous chapter, Canadian MPs are often absent from their constituency offices and delegate work to CAs (Docherty 1997: 174; Malloy 2003: 39). This factor of “physical distance” between supervisors and their employees has also been identified as an impediment to supervisors monitoring and control, contributing to increased discretion (Bouchard 2000: 212-13). In this context, with MPs away and most casework files handled independently (Malloy 2003: 39), I hypothesize that MPs' limited supervision opens up opportunities for greater exercise of discretion.

Finally, I hypothesize that the *House of Commons and IRCC rules* governing constituency office casework will also shape CAs' discretion. As we will see in more detail in Chapter 5, there are very few rules governing constituency offices' casework. The existing rules appear to leave significant room for the exercise of discretion as they either do not address day-to-day casework in the office (BOIE 2016), or are framed as “Practical Suggestions” for how to interact with IRCC (IRCC 2016a: 7-8). These types of environments where the rules are vague or ambiguous are associated with higher degrees

of discretion, and are a common characteristic of street-level bureaucrats' environments as well (Lipsky 2010; see also Bouchard 2000: 210-11). However, even these limited areas where rules (or “suggestions”) do exist do not exclude the use of discretion. Even when there are rules, discretion can be used to decide between multiple possible interpretations of the rule or standard to apply (Baker Collins 2015: 2; see also Sandfort 2000; Evans & Harris 2004), or what information is relevant when applying a rule (Hawkins 1992: 35). In short, rules and discretion cannot be seen as “discrete or opposing entities” (Hawkins 1992: 35), but the limited rules in these offices point to a higher degree of “space outside the rules” discretion (Baker Collins 2015: 3) than in the bureaucracy. Once again, this complex relationship between rules and discretion highlights the importance of a context-specific analysis of discretion, to understand how discretion operates in and around the limited rules in constituency offices.

### ***iii. Macro-level variables***

Satzewich's framework goes beyond the Lipskyian emphasis on organizational context, to also emphasize the influence of *macro*-level variables on discretionary decision-making. According to Satzewich, Canadian visa officers' discretion is also shaped by “general understandings of how the world normally works” (Satzewich 2014b: 1453) – similar to what Gilboy describes as “prior knowledge” (1991: 596). In the context of Canadian visa officers, these understandings primarily refer to their understandings of “the wider system of global inequalities, other opportunities for legal migration and patterns of fraud” (Satzewich 2014b: 1451).<sup>34</sup> These understandings – or

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<sup>34</sup> Similarly, Pratt (2005) demonstrates the influence of macro-level neoliberal ideology and a state-defined “crime-security nexus” on the decision-making practices of Canadian border officials on refugee cases. Pratt finds that these macro-level forces both influence decision-making in and of themselves, but also reinforce the micro-level stereotypes held by border officials.

“typifications of normality” (Satzewich 2014a: 14) – shape the discretionary shortcuts, simplifications and routinization that are so characteristic of street-level bureaucrats’ work (see Lipsky 2010; Gilboy 1991) – allowing visa officers to make decisions about which cases to dig deeper on, and which cases to simply approve or reject at face value.<sup>35</sup> However, constituency assistants’ ‘world’ is also rooted in their political context. Therefore, I hypothesize that their “understandings of how the world normally works” (Satzewich 2014b: 1453) also include electoral politics and their ideological beliefs around immigration, which come to shape their discretion. Consequently, our anticipated macro-level sources of variation are: CAs’ understandings of broader migration context – like visa officers, CAs’ understandings of the relationship between casework and electoral politics, and parties’ ideological positions on immigration.

First, given that constituency assistants work within the same Canadian visa issuance system as visa officers, I anticipate that they also will have integrated many of these same visa officer *understandings of how IRCC views the broader migration context* and mobilize them in their decision-making about cases – if only in order to construct their interventions in a way that will appeal to visa officers. While the literature on constituency offices does not speak explicitly about mobilizing these types of knowledge, constituency assistants do draw on past experience and knowledge about past cases (Rawlings 1990: 37). For example, the ability to distinguish between genuine and non-genuine cases is “a skill that was learnt over time” (Zappala 1998: 695), hinting at the development of some sort of typifications of what a ‘normal’ or ‘typical’ case looks like.

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<sup>35</sup> For example, on spousal sponsorship applications, visa officers dig deeper into applications from regions associated with ‘marriage fraud,’ as well as relationships that do not conform to their typifications of what a ‘normal’ relationship looks like (Satzewich 2014a: 11).

Second, the international literature on constituency offices shows that CAs' *understandings of how casework influences electoral politics* shapes CAs' discretionary decision-making during casework interactions. A perception that constituents are "potential voters" and not 'clients' – as in the bureaucracy – impacts the work of French constituency offices at every stage of a case (Kerrouche 2009: 446, our translation), as their work is "cognitively structured by the perspective of future elections and underpinned by that major stake: their employer's re-election" (Le Lidec 2009: 120). According to this logic, a satisfied constituent is more likely to vote for the MP in the next election. As a result, staff are particularly careful not to disappoint constituents, especially in the event of a negative outcome (Kerrouche 2009: 446, 447; Le Lidec 2009: 125, 128). Similarly, Canadian constituents will often clarify that they are a supporter as if they believe it will gain them better service (MacLeod 2005; see also Le Lidec 2009: 125). It is unclear whether supporters actually *can* get better service, though Zappala finds that supporters in Australia may at least be given the *impression* that they are getting better service (1998: 697). In this context, Canadian CAs may well share their MP's belief that constituency service, including casework, contributes to their electoral success (Eagles 1998).

Third, we are attentive to the potential impacts of *parties' ideological positions on immigration*. Broadly speaking, the literature has been unable to find a link between casework and representatives' ideology (Clarke 1978: 611; Johannes 1983: 534; Rawlings 1990: 34). A study of Canadian MLAs found no evidence that a MLA's position on the left-right spectrum influenced the amount of time they spent on casework (Clarke 1978: 611). And in the UK, Rawlings finds virtually no evidence of MPs' ideological views impacting their willingness to take up particular cases (1990: 34).

While the ideological spectrum may not be tied to casework, in the Canadian context, the existence of ideological discourses specifically around immigration has been well documented. Particularly since the arrivals of migrants by boat in the 1990's and early 2000's, there has been a notable shift in the popular and political discourse from refugees to “‘bogus refugees,’ ‘boat people,’ ‘queue jumper,’ and ‘illegal alien.’” (Mountz 2004: 334). In the Harper government years, distinction between “genuine” and “bogus” refugees entered the governmental lexicon to a remarkable degree. Bates, Bond and Wiseman compellingly catalogue the sheer number of times these types of terms were used by the Minister of Immigration – at the time the Hon. Jason Kenney – in debates around the 2012 refugee reforms (2016: *supra* note 114 and 115). They argue that:

“This rhetoric pervaded House of Commons and parliamentary committee debates, and appeared frequently in the media, undermining the respect and recognition afforded to refugee claimants legally seeking protection in Canada, and thus, jeopardizing their symbolic access to justice.” (2016: 31).

Bonisteel (2010) goes even further, arguing that the Minister's use of this language, and his control over the Immigration and Refugee Board, means that the IRB is institutionally biased against certain types of refugee claims. Given this discourse's pervasiveness in Canada, it seems plausible that these ideological conceptions of “genuine” vs. “bogus” refugees may also influence CAs' casework decisions, especially for those working for Conservative MPs with whom this discourse is primarily associated.

## C. Conclusion

In short, while some of the same ‘classic’ meso-level Lipskyian influences on discretion may well still apply in constituency offices, applying Satzewich’s framework to the literature on these offices highlights their specificity. Most notably, the meso-level variables that Satzewich found so determinant in his study in preventing the exercise of micro-level discretion, do not exist in constituency offices, potentially opening up more scope for the exercise of discretion at the micro-level. Additionally, the literature on these offices points to an environment tightly tied to individual MPs (Kerrouche 2009), and to understandings of casework’s electoral advantages (Eagles 1998; Kerrouche 2009; Le Lidec 2009). Thus, this adapted framework first highlights two potential conclusions, underscores CAs’ potential for the exercise of discretion at all stages of a case, and demonstrating the possible increased exercise of individual-based, micro-level discretion – as compared to visa officers, and macro-level influence of political variables on CAs’ discretion to a degree that would be considered inappropriate in the bureaucracy.

## 2. Methodology

This research is based on semi-structured interviews with 15 current or former constituency assistants across four provinces and all three major political parties.<sup>36</sup> This method was chosen due to the absence of previous theorization in this area, and its suitability for studying the sometimes controversial topic of discretion (Bouchard 2000: 32), not to mention possible sensitivities around partisanship. Given the relative absence

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<sup>36</sup> In order to preserve the anonymity of my participants, I will not provide any further information about the location of the constituency offices.

of CAs in the literature,<sup>37</sup> these interviews were an opportunity for them to recount their work in their own words (Wake Carroll & Siegel 1998: 29) and for me to “get a feel for my interviewees working environment” (Bouchard 2000: 30). Bouchard’s study of Canadian visa officers’ discretion even goes so far as to laud interviews as the best way of developing a portrait of “how [interviewees] think and how they act when they exercise their functions” (2001: 29) – precisely what this research attempts to uncover. Though Fenno (1978) famously argued that constituency work cannot be studied without the use of observational methods, there is also a significant body of literature that effectively uses interviews to study the workings of constituency offices (e.g. Cain et al. 1987; Le Lidec 2009; MacLeod 2005; Malloy 2003). Interviews are also routinely used to study bureaucrat’s work habits (e.g. Wake Carroll & Siegel 1999) and discretion (e.g. Baker Collins 2015; Bouchard & Wake Carroll 2002; Côté-Boucher 2016; Hoyle 2014; Pratt & Thompson 2008). It thus appears that the use of observational methods – while interesting – is not a *prerequisite* for research on discretion or constituency offices. In any event, as a former constituency assistant myself,<sup>38</sup> I am already familiar with the “language and culture” of constituency offices, which proved useful in conducting interviews with this population (Wake Carroll & Siegel 1998: 30).<sup>39</sup>

### **A. Case selection and participant recruitment**

I selected the constituency offices to ensure the ridings have a high proportion of immigrants, achieve a balance between the three major political parties and, as much as

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<sup>37</sup> With the exception of MacLeod (2005; 2006; 2014) and Malloy (2003) in Canada, Johannes (1984) and Cain et al. (1987) in the US, Kerrouche (2009) and Le Lidec (2009) in France, and Rawlings (1990) in the UK.

<sup>38</sup> Note that I intentionally avoided interviewing my former colleagues to avoid any possible bias. None of the CAs I interviewed knew me, or knew in advance that I’d worked as a CA.

<sup>39</sup> However, upon recommendation, I chose to not reveal my work history to my interviewees – at least not before the interviews – so as not to taint my interviews with partisan bias (Dallaire 2016).

possible, emphasize experienced CAs specializing in immigration casework.<sup>40</sup> I used Statistics Canada National Household Survey (2011) data to create a list of federal ridings with a high proportion of recent immigrants and non-permanent residents. I then further narrowed down this list by using Elections Canada data to eliminate offices where both the MP and the party were newly elected in that riding in the October 2015 federal election. Even if the MP had changed, but the party held the riding, it is more likely that CAs stayed on; whereas in the event of a party change, keeping the same CAs is highly unusual (Witmer 2014). This approach resulted in a shortlist of approximately 50 constituency offices in diverse ridings across Canada where one could expect to find experienced CAs. I then used this list as a guide to contacting constituency offices. Ultimately, 21 offices were contacted, resulting in interviews with 12 offices (15 CAs) – a response rate of 65% of offices. For each office, I sent a recruitment email with details about the project, requesting to speak with the CA specializing in immigration casework.

To preserve the anonymity of my participants, I choose to refrain here from giving any further detail about my criteria for selecting constituency offices. This commitment to confidentiality is particularly important given the significant political sensitivities in these offices, and the fact that interviews revealed examples of CAs’ “unsanctioned uses of discretion” (Baker Collins 2015: 6) that might have professional repercussions for participants (Campbell 2011). I am mindful that researchers must walk a fine line between reporting on unsanctioned discretion pointing to a need for policy and implementation improvements, while also protecting participants from repercussions from their supervisors (Campbell 2011) – in this case MPs. I obtained ethics approval for the research from the University of Ottawa Research Ethics Board (File #08-16-37).

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<sup>40</sup> Constituency offices often have at least one staff member specializing in immigration casework, while their colleagues focus on correspondence and community outreach.

This method of case selection is intended to result in a ‘most similar systems’-style comparison in order to rule out other possible explanations for variation. By targeting ridings with a high proportion of recent immigrants and non-permanent residents, I control for the reality that demographic factors – in this case, immigration levels – significantly influence the type and the volume of casework in a constituency office (Ortiz et al. 2004: 52; Rawlings 1990; for a similar strategy of targeting high volume offices see Satzewich 2015a: 5-6). Second, by targeting ridings where the incumbent was re-elected in the October 2015 federal election, I sought to prioritize experienced constituency assistants to control for the possibility of variation due to the experience level of the CAs (Bouchard 2000). Thus, despite being in different cities and from different parties, the CAs studied are primarily experienced CAs working in offices with high volumes of immigration cases. However, in doing so, this study likely *underestimates* the degree of variation in services offered across the country, particularly in rural or less-diverse ridings, or with less experienced constituency assistants.

All told, 15 semi-structured interviews were conducted with current or former constituency assistants across 12 offices in four provinces. Interviews were conducted from October 2016 to February 2017.<sup>41</sup> The CAs were relatively evenly distributed between the three major Canadian political parties: 3 worked for Liberal MPs (in 3 offices), 5 for Conservative MPs (3 offices), 5 for New Democratic Party MPs (4 offices), and two CAs preferred that their MP’s affiliation not be disclosed.<sup>42</sup> While I had prioritized ridings where I expected to find experienced constituency assistants, in the end, the length of time they had been working as CAs varied from 5 weeks to 21 years.

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<sup>41</sup> The bulk of the interviews took place from October to December 2016.

<sup>42</sup> Generally, it was more difficult to get Liberal and Conservative CAs to agree to interviews. This was likely due to heightened political sensitivities around being in government, and the perception of ‘favours’ or undue influence being exercised around constituency offices associated with the governing party.

However, all but 3 of the 15 CAs had been in their role more than 2 and a half years.

While I had been targeting experienced CAs, in the end, including less experienced CAs provided a better portrait of the diversity of CAs that constituents can expect to encounter, even within high volume urban, multicultural Canadian constituency offices.

## **B. Interviews and data analysis**

Of the 15 interviews, 14 took place in-person and 1 by phone. In-person interviews took place at a location of their choice – in all but one case at the constituency office itself. The majority of the interviews lasted approximately one hour.<sup>43</sup> The interviews began with a brief introductory section on the CA's background, professional experience and the work of the office (see Appendix C for the full interview guide). The bulk of the interviews focused on: (1) a description of the CA's work process and how they make decisions during a 'typical' immigration case; and (2) direct questions on the dependent variable – discretion, as well as questions asking them to compare the services they offer and how they work to other constituency offices (for a similar comparative strategy in interviews on discretion, see Baker Collins 2015: 5). The issue of discretion was intentionally not probed until the end of the interview, allowing me to distinguish between its spontaneous emergence and interviews where it only emerged when specifically prompted (Dallaire 2016). In the interviews, the term 'professional judgement' was used instead of 'discretion' as it is a more commonly used synonym and thus more familiar to CAs (see also Baker Collins 2015: 5).

Where consent was granted, the interviews were audio-recorded and transcribed (7 interviews). Otherwise, detailed notes were taken. Since there has been no prior study of

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<sup>43</sup> One interview was shorter due to the CA's time constraints, lasting approximately 35 minutes. No interviews were longer than an approximately an hour and twenty minutes.

CAs' discretion, I first coded and analysed the transcriptions and notes by hand to inductively develop a portrait of CAs' discretion, looking at CAs' self-reported discretion, as well as identifying specific variations in service provision in CAs' accounts of their interventions. I then drew on Baker Collins' (2015: 6) approach, drawing on the literatures on street-level bureaucracy, discretion and constituency offices to analyse the same notes and transcriptions to identify influences on CA discretion.<sup>44</sup>

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<sup>44</sup> While a small number of the interviews took place in French, I have chosen not to indicate in the text where interview quotes have been translated to preserve participants' anonymity.

## **Chapter 4 – The exercise of discretion**

International studies have found that constituency offices are highly discretionary environments (Gay 2005; Siefken 2014; Rawlings 1990; Zappala 1998), resulting in significant variations in service provision from office to office (Le Lidec 2009; Rawlings 1990). As Rawlings found in the UK, “Some constituents had active MPs, others did not, but they could not complain if their representative was not offering the type of service given by his next door neighbour” (1990 in Gay 2005: 60). Though Loat & MacMillan suspect that MPs’ constituency offices provide “unequal and inconsistent treatment” (2014: 109), the same in-depth analyses of casework simply haven’t been performed in Canada. Consequently, this chapter attempts to develop a portrait of how Canadian CAs exercise discretion on immigration casework. In doing so, we turn to our first hypothesis – that CAs use their discretion at all stages of a case, resulting in variations from office to office. First, we will look at constituency assistants’ self-reported discretion, demonstrating that CAs believe that they have discretion, and talk about using it. Second, we analyze variations in service provision at all three points in a case where a CA makes a decision – a symptom of the discretion CAs so readily admit to exercising. The rather remarkable variation we find both within and between constituency offices is consistent with the hypothesis that CAs exercise discretion at every stage of an immigration case.

## 1. Self-reported discretion

*“The job description is ‘Do what you need to do in order to get the job done and keep it out of the Globe & Mail.’”<sup>45</sup>*

Constituency assistants paint a remarkably consistent portrait of an environment with very few limits on their discretion.<sup>46</sup> Near the end of each interview, CAs were directly asked whether they felt that they had the ability to exercise their “professional judgement” when dealing with an immigration case.<sup>47</sup> While the question appeared to stump some interviewees, the vast majority of CAs were emphatic that they enjoy significant discretion in their casework activities.<sup>48</sup> “I had complete flexibility in how to help. Absolutely” said one former CA, attributing this to their MPs’ busy schedule and frequent absences.<sup>49</sup> “Oh yeah,” said one CA emphatically: “I mean a lot of it is judgement calls. A lot of it is just straightforward, same old [...] But [...] you have to have the judgement in order to make the calls whether you're going in the right direction.”<sup>50</sup> One CA in particular summed it up well, explaining that there is no specific mandate for MPs’ offices in terms of the “width and depth of services” offered: “If I say, go represent your constituents, advocate for them [spreads his hands and shrugs...] You can spend one hour or you can spend all your time.” The CA concluded

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<sup>45</sup> Interview with CA, November 3<sup>rd</sup> 2016 (A).

<sup>46</sup> Interviews with CAs, November 30<sup>th</sup> 2016; November 29<sup>th</sup> 2016.

<sup>47</sup> For a similar strategy using “professional judgement” as a synonym for discretion in interviews with bureaucrats, see Baker Collins (2015). “Flexibility” also became another word used as a follow up question, when CAs were still stumped by “professional judgement.”

<sup>48</sup> Only two CAs denied that they had any flexibility or ability to exercise their judgement, however the content of their interviews up until that point clearly contradicted that statement. One of them said that “I always go and use my judgement.” (Interview with CA, November 4<sup>th</sup> 2016 (B)), and the other offered examples of situations in which they’d used their discretion (Interview with CA, November 4<sup>th</sup> 2016 (A)).

<sup>49</sup> Interview with CA, November 3<sup>rd</sup> 2016 (A).

<sup>50</sup> Interview with CA, February 14<sup>th</sup> 2017.

they had lots of “freedom [...] big room to manoeuvre” in terms of the immigration services they offered.<sup>51</sup> When directly questioned, CAs thus articulate that they enjoy significant discretion in how they approach their casework activities.

Throughout the interviews, CAs also spontaneously alluded to their discretion, even before direct questions were posed. They spoke about ‘flexibility,’ ‘freedom,’ ‘creativity,’ ‘evaluating,’ and – most often – ‘judgement.’<sup>52</sup> “I exercise judgement on every single case,” said one CA.<sup>53</sup> A number of these allusions to discretion happened in discussions around the ‘urgency’ of a case.<sup>54</sup> One CA listed the criteria that made a case urgent, but when asked if those criteria came from the IRCC, responded “no, I decide myself. *It’s discretionary.*”<sup>55</sup> Another CA spoke about “kind of hav[ing] to play the scale” or “evaluate” the urgency of a case to find out whether the constituent is just upset because they’re going to miss a vacation, or if they’re in fear for their life.<sup>56</sup> Interestingly, one CA explained she can even use her “judgement” to skirt the IRCC instruction to not contact them on cases that are still within processing times; when the application was only made a few months ago, there’s no point in making an enquiry, but “Sometimes I do it [make an enquiry] just to make them [constituents] happy” “I always go and use my judgement.”<sup>57</sup> Other contexts in which CAs spontaneous spoke of discretion include: deciding when and whom to call about a case<sup>58</sup> – particularly around contacting the

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<sup>51</sup> Interview with CA, October 26<sup>th</sup> 2016.

<sup>52</sup> As mentioned, Baker Collins (2015) uses judgement as a more approachable synonym for discretion.

<sup>53</sup> Interview with CA, November 30<sup>th</sup> 2016.

<sup>54</sup> Interviews with CAs, November 29<sup>th</sup> 2016, and November 30<sup>th</sup> 2016.

<sup>55</sup> Interview with CA, November 22<sup>nd</sup> 2016 (B), emphasis added.

<sup>56</sup> Interview with CA, November 30<sup>th</sup> 2016, see also November 29<sup>th</sup> 2016.

<sup>57</sup> Interview with CA, November 4<sup>th</sup> 2016 (B).

<sup>58</sup> Interview with CA, November 30<sup>th</sup> 2016.

Minister’s Office,<sup>59</sup> “mak[ing] a judgement” after comparing the constituent’s story and IRCC’s story,<sup>60</sup> and deciding what step to take next or how hard to push a case.<sup>61</sup>

Just like their international counterparts, these Canadian CAs made it clear – both spontaneously and unprompted – that they use their discretion throughout a case. We will discuss the rules around constituency offices’ work and limits on discretion in greater detail in Chapter 5, but this is consistent with the existing rules. These rules either do not address day-to-day casework in the office (BOIE 2016), or are simply ‘suggestions’ (IRCC 2016a) that at least some CAs appear to take or leave at their discretion.

## 2. Variations in service provision

*“I imagine that you’re finding more or less the same in the other offices.”<sup>62</sup>*

Nothing could have been further from the truth. The bulk of the interviews focused on CAs’ descriptions of how they do their job, asking CAs to recount how they deal with a typical case. Despite a few CAs’ assertions that the service offered is roughly the same from office to office,<sup>63</sup> the interviews allow us to identify significant variations in terms of how immigration cases are dealt with – both from office to office, as well as within the same office.<sup>64</sup> These variations can be understood as ‘symptoms’ or ‘reflections’ of the discretion that constituency assistants enjoy.<sup>65</sup> These variations in service provision fall

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<sup>59</sup> Interview with CA, November 22<sup>nd</sup> 2016 (A)

<sup>60</sup> Interview with CA, October 28<sup>th</sup> 2016 (A).

<sup>61</sup> Interviews with CAs, November 21<sup>st</sup> 2016, and November 22<sup>nd</sup> 2016 (B).

<sup>62</sup> Interview with CA, November 22<sup>nd</sup> 2016 (B).

<sup>63</sup> Interviews with CAs, November 4<sup>th</sup> 2016 (B), November 22<sup>nd</sup> 2016 (B), and November 29<sup>th</sup> 2016.

<sup>64</sup> In three cases, I interviewed two CAs from the same office. Two other interviews also discussed the different practices of colleagues in the same office.

<sup>65</sup> Most importantly, by comparing CAs’ accounts of how they do their job, it allowed me to independently identify variations in service provision without having to rely on CAs’ ‘gossip’ about other offices. That

into the three primary types of decisions that CAs make as identified in the theoretical framework: (1) whether or not to intervene on a case, (2) how to intervene and who to contact, and (3) the intended effectiveness of the intervention.

**Table 4: Sites of discretion**

Decision	Options
Whether or not to intervene	<i>yes / no</i>
How to intervene and who to contact	<i>proof reading application or providing advice / support letter / phone or email enquiries</i>
	<i>IRCC / minister’s office / the media / other</i>
The intended effectiveness of the intervention	<i>pro forma / standard / high</i>

**A. Whether or not to intervene**

Once a file has made it in front of a constituency assistant,<sup>66</sup> the CA must decide whether they will intervene on the case – the first decision they have to make. In this area, CAs have different positions on intervening on files that are still within IRCC’s processing times, how closely a constituent needs to be connected to a file to intervene, as well as on helping constituents outside the riding.

*i. Assisting on files within processing times*

Processing times at IRCC are notoriously long. In 2016, *Radio-Canada* highlighted the case of Marie-Flore Kapamba who has been trying for *thirteen years* to sponsor her mother, even with the help of a number of MPs’ offices (Bureau 2016a). Despite the Harper government’s ‘backlog reduction measures,’<sup>67</sup> and the Liberals’ promises (Rana

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kind of data is sparingly included, but always indicated as such and taken with a grain of salt, especially when it concerns offices from other political parties.

<sup>66</sup> I also found that discretion is also exercised in ways that impact the accessibility of constituency offices’ services: the use of appointments vs. a walk-in policy; insistence on meeting in-person vs. dealing with cases by phone or email; and the decision to advertise their immigration services or not.

<sup>67</sup> In 2008, the Harper government began introducing a variety of backlog reduction measures to reduce the number of applications in IRCC’s “inventory.” The initiatives – including a moratorium on applications in some categories – had some success in reducing the number of files in the backlog: in 2011, there were 167,000 parent and grandparent sponsorship applications in the inventory, waiting to be processed (Bureau

2016a; 2016b), processing times remain stubbornly lengthy. According to IRCC, 80% of Parent and Grandparent sponsorship cases finalized in 2016 took 71 months or less to process – or 5 years, 11 months (IRCC 2016b). With the elderly applicants in this category, it is quite possible that some of them will pass away before coming to Canada – and of course, 20% of these applications took *more* than 5 years, 11 months.

**Table 5: IRCC processing times by immigration category (applications finalized from January to December 2016)<sup>68</sup>**

Immigration Category	80% of cases completed within X months or less
Family Class – Spouses, Partners & Children	19 months <i>1 year, 7 months</i>
Family Class – Parents & Grandparents	71 months <i>5 years, 11 months</i>
Privately Sponsored Refugees	53 months <i>4 years, 5 months</i>
Humanitarian & Compassionate Cases	34 months <i>2 years, 10 months</i>
Live-in-Caregiver Program	48 months <i>4 years</i>

As a result of these extraordinary wait times, much – if not the majority – of constituency offices’ immigration work consists of dealing with these long processing times, especially on family class applications (Rana 2016a).<sup>69</sup> Liberal MP Judy Sgro told the *Hill Times* that “the amount of time it takes to get any family members here” is the “No. 1 issue” in her constituency office (Rana 2016a).

According to IRCC, CAs are not supposed to intervene on casefiles that have not yet exceeded posted processing times (IRCC 2016a: 7). While this is a “Practical Suggestion” (*ibid.*), the department is clear that making unnecessary enquiries can slow down immigration processing as files are sometimes “pulled from the queue” to get an

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2016b). In 2016, that number was down to 50,000 applications. However, processing times themselves remain extremely long and a source of frustration for applicants (CIMM 2017: 12).

<sup>68</sup> IRCC (2016b).

<sup>69</sup> See also interview with CA, February 14<sup>th</sup> 2017.

update (IRCC 2016a: 7). Despite this instruction, CAs clearly differ in terms of their willingness to make enquiries on files that have not yet exceeded the processing times.

Only three of the 15 CAs stated that they abide by IRCC’s instructions.<sup>70</sup> One CA attributed this reluctance to skirt this suggestion to IRCC’s instructions and word of mouth that could swamp them with cases if word got out about their generosity – “It’s that we could end up becoming a branch of IRCC. That’s not the goal.”<sup>71</sup> According to this CA, there are other CAs who are even stricter about processing times than he and some of his colleagues: “I know that there are also CAs where if [...] it hasn’t gone over the processing time by at least 10 percent, they won’t even respond to the person.”<sup>72</sup>

However, there were four CAs who were *quite willing* to contact IRCC before the processing times were up without any evidence of a problem with the file. For three of the four CAs, contacting IRCC ahead of time was explicitly in order to keep constituents happy: we “don’t want to say negative things [...] always have to be positive.”<sup>73</sup> Two CAs will explain to constituents that it’s not worth it to contact IRCC, but will make an enquiry if the constituent “insists”<sup>74</sup> or “really wants an update.”<sup>75</sup> Another went even further, saying: “I always go and use my judgement.” When the application was only made a few months ago, there’s no point in making an enquiry, but “Sometimes I do it [make an enquiry] just to make them [constituents] happy. [...] *It’s our job to make constituents happy.*”<sup>76</sup> We will further discuss the influences on CAs’ discretion in the next chapter. However, this appears to be a case of electoral politics influencing the

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<sup>70</sup> Interviews with CAs, October 28<sup>th</sup> 2016 (A), November 22<sup>nd</sup> 2016 (A), and January 9<sup>th</sup> 2017.

<sup>71</sup> Interview with CA, November 22<sup>nd</sup> 2016 (A).

<sup>72</sup> Interview with CA, November 22<sup>nd</sup> 2016 (A).

<sup>73</sup> Interview with CA, November 29<sup>th</sup> 2016.

<sup>74</sup> Interview with CA, November 29<sup>th</sup> 2016.

<sup>75</sup> Interview with CA, November 30<sup>th</sup> 2016.

<sup>76</sup> Interview with CA, November 4<sup>th</sup> 2016 (B), emphasis added.

application of immigration system rules or procedures, as some CAs will skirt IRCC rules in this area in order to keep their constituents happy. In some offices you're out of luck if your file is still within processing times and no sign of an issue, whereas others are happy to help you get an update even without evidence of a problem.

**ii. Constituent connection to the case**

Constituency assistants also differed on how closely their constituent has to be connected to the case in order to be able to help them. According to one CA, he is more apt to “believe, and empathize with and help out” constituents who are personally experiencing the immigration issue themselves.<sup>77</sup> He may have come by his skepticism naturally; his predecessor in the office – who had trained him – had an absolute rule against helping people who aren't a part of the casefile, either as the applicant, sponsor etc.: “If they say that they're the wife or cousin or friend of... ‘Have a nice day.’ [...] if they are not part of the casefile, that's what you have to verify. And I've sent more than one person [away], saying ‘Sayonara! Have a nice day!’”<sup>78</sup> Conversely, another CA took the opposite approach. This second CA said he was willing to write a support letter telling the constituent's side of the story for cases: “if you had a connection – *it was your wife, your husband, your uncle or whatever, your family friend from that town you lived in where he's from.*” “We try to keep it to someone that has a direct connection”<sup>79</sup> – displaying a completely contradictory different understanding of ‘a direct connection.’ Clearly the definition of ‘connection to a case’ varies and leads to some people being shown the door in one office, where in others they would be offered service.

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<sup>77</sup> Interview with CA, November 3<sup>rd</sup> 2016 (B).

<sup>78</sup> Interview with CA, November 3<sup>rd</sup> 2016 (A).

<sup>79</sup> Interview with CA, October 31<sup>st</sup> 2016.

### **iii. Dealing with misrepresentation**

One of the most striking differences between the CAs was how they dealt with cases of misrepresentation. Misrepresentation is an offense under the *Immigration and Refugee Protection Act* (sec. 40), which can result in the application being rejected and the applicant potentially being declared inadmissible from Canada. For example, this has led to cases of children being separated from their parents unless a successful humanitarian application can be made (Keung 2016).<sup>80</sup> While this measure is intended to counter immigration fraud, others argue that there are social context or biographical factors that would explain why someone might for instance leave a dependent off their application.<sup>81</sup> These varying perspectives on the issue of misrepresentation are reflected in CAs' positions on how they deal with misrepresentation cases.

First, CAs disagreed on whether they can get involved in misrepresentation cases. According to one CA, the misrepresentation may be because of an “honest mistake” but “you can’t say you didn’t know” and there is nothing their office can do to help.<sup>82</sup> In stark contrast, another CA went above and beyond for a misrepresentation case. The CA described at length a particularly “compelling” case of a pending deportation due to misrepresentation on a refugee case:

“When they uncovered that [misrepresentation had occurred], it was under the Conservatives because as soon as you are found to have told an untruth, which many refugees do [...] for their own survival, then you were considered to be inadmissible. And so she was inadmissible. We tried everything within the system

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<sup>80</sup> In 2014, only one third of such humanitarian applications were successful (Keung 2016).

<sup>81</sup> According to the Canadian Council of Refugees (CCR), the primary reasons for not declaring a dependent include: “lack of information, misinformation on officials’ part about the regulation, cultural shame of a child born out of wedlock, and sometimes the applicant’s lack of awareness that the dependent existed or was alive at the time of application (in Keung 2016.). A CCR review of Federal Court decisions found that there was no fraudulent intent in 90% of these types of cases (CCR 2016).

<sup>82</sup> Interview with CA, November 30<sup>th</sup> 2016.

to keep them here and it failed. And she [the claimant] was beside herself.”<sup>83</sup>

The CA felt so badly about her inability to stop the deportation that she even offered to drive the family to the airport for their scheduled deportation. However, a health emergency ensued with one of the claimants and the CA – who even went to the hospital – was eventually able to stop the deportation because of humanitarian concerns.<sup>84</sup>

Furthermore, two CAs disagreed over whether they should report misrepresentation to IRCC when they discover it themselves. One CA reports any misrepresentation that he discovers directly to the department. He gave the example of someone coming in with multiple pieces of ID with different birthdays and pictures:

“Well ah...you still go through the process and you still put it forward, but [...] I'd put it...made sure that when I was corresponding with the department about what I was dealing with. [...] So now they have a record of the individual going into the constituency office and providing two different passports with different information on them. [...] So that's information that becomes a part of the vetting process as we go through. [...] I would share that. Absolutely. And then the investigative forces would maybe become involved and they would determine what's going on.”<sup>85</sup>

That same CA also talked about another case where he obtained a tip about over 200 people who were allegedly fraudulently claiming a government benefit. The CA sent the list of people allegedly involved directly to the department.<sup>86</sup> For this CA, all potential misrepresentation he encountered was reported to the department who then dealt with it, presumably bringing his intervention on the case to an end. Conversely, another CA told me about a case where a refugee claimant hadn't declared their children on the application and was now trying to bring them to Canada. While the CA was dismissive

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<sup>83</sup> Interview with CA, November 21<sup>st</sup> 2016.

<sup>84</sup> Interview with CA, November 21<sup>st</sup> 2016.

<sup>85</sup> Interview with CA, November 3<sup>rd</sup> 2016 (A).

<sup>86</sup> Interview with CA, November 3<sup>rd</sup> 2016 (A).

about her involvement in the case, repeatedly insisting that it was “up to the visa officer to decide” on the case and that they wouldn’t “push the case”<sup>87</sup> – unlike the CA who fought tooth and nail to stop a deportation on similar grounds, this second CA was nonetheless clear that she would not tell the department about the misrepresentation herself: “that [the misrepresentation], I keep to myself.”<sup>88</sup> This second CA was not going to push the file hard, but wasn’t going to report the constituent to the department either and would continue to intervene. CAs thus differ both on whether they will get involved on cases of misrepresentation, and whether they will report it to IRCC.

#### ***iv. Helping constituents outside of riding***

Finally, if constituents are not satisfied with the service they’re receiving from their local MP, there is a way around it – finding *another* MP who is willing to take your case. In theory, this should not be possible. House of Commons rules dictate that MPs can only help their own constituents and shouldn’t ‘poach’ other MPs’ constituents (BOIE 2016). However, the application of this rule is uneven at best and clearly at offices’ discretion.

CAs were either entirely opposed to taking constituents outside of the riding, or willing only under certain circumstances, or open to the practice by default. Five CAs said that they *do not* accept constituents from outside the riding often for reasons of capacity or fairness. Another CA said that they used to help people from outside of the riding – especially because the neighboring MPs ‘aren’t doing the work’ – but it became such an enormous capacity problem because of word of mouth that they now refuse to do it. Another four CAs admitted that they were willing to help constituents outside of the

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<sup>87</sup> Interview with CA, November 22<sup>nd</sup> 2016 (B).

<sup>88</sup> Interview with CA, November 22<sup>nd</sup> 2016 (B).

riding, but only under certain circumstances. For one CA, it was on the condition that the constituent had gone to their local MP and been refused:

“But the politics of it, and if she refuses to work with you and this does happen with the Conservatives, then I feel comfortable with you coming back. The brownie points I get for [my MP] was that we jumped to their assistance and either [a neighbouring MP] or a Conservative turned it down. It's very covert but, it's...but I *kind* of think that's fine. We're just sort of saying 'If they don't want to work with you, we will.’”<sup>89</sup>

Other CAs will consider taking people if the constituent refuses to go back to the other MP – perhaps because of a conflict with their staff,<sup>90</sup> because they have moved,<sup>91</sup> or have another issue, such as mobility challenges.<sup>92</sup> “Most MPs are willing to work with constituents” but “it's a big country” one CA concluded.<sup>93</sup> Finally, three CAs readily indicated that their default was to be open to helping constituents outside of the riding.<sup>94</sup> One said that their office's 'motto' is “help everyone”, even if they're not in the riding and have not already contacted their own MP: “We can't say no when they contact us.”<sup>95</sup> Another said: “I always try to help. That's default. [...] we do try to start with people in the riding. But we have gotten calls from people who say 'Look my MP can't help me.' And we never want to leave anyone in a lurch.”<sup>96</sup> Most interestingly, the notion of only helping within the riding appears to vary not only from office to office, but within the same office. Of the above CAs, four of them worked in the same office as another, and each of them unambiguously disagreed with their colleague. Though many CAs assured

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<sup>89</sup> Interview with CA, October 31<sup>st</sup> 2016.

<sup>90</sup> Interview with CA, February 14<sup>th</sup> 2017.

<sup>91</sup> Interview with CA, October 28<sup>th</sup> 2016 (B).

<sup>92</sup> Interview with CA, November 4<sup>th</sup> 2016 (A).

<sup>93</sup> Interview with CA, November 4<sup>th</sup> 2016 (A).

<sup>94</sup> Interviews with CAs, November 4<sup>th</sup> 2016 (A), November 4<sup>th</sup> 2016 (B), and November 21<sup>st</sup> 2016.

<sup>95</sup> Interview with CA, November 4<sup>th</sup> 2016 (B).

<sup>96</sup> Interview with CA, November 21<sup>st</sup> 2016.

me that all offices offered the same service,<sup>97</sup> in many areas, the variation observed means it may well be possible to find another MP willing to take you on that offers of more ‘generous’ service, or simply a different service that better suits your situation.

On all four of the above issues – processing times, constituent connection to a case, misrepresentation and files outside the riding – service appears to vary substantially from one office to another, and even within the same office. Someone could receive service from one office or one CA, but be turned away – or even reported to IRCC – by another, all at the constituency assistant’s discretion.

## **B. How CAs will intervene and who they will contact**

Once a decision has been made to intervene, constituency assistants must then decide how they will intervene and who they will contact. In this area, there is significant variation in the use of their official immigration contact points, the production of support letters, and their use of personal contacts.

### ***i. Use of official immigration contact points***

On immigration cases, CAs have three primary points of contact. They can contact: (1) the MP and Senator telephone line and email contact at IRCC (the “Call Centre”) in Montreal for more basic information and updates on routine cases; (2) IRCC’s Ministerial Enquiries Division in Ottawa for slightly more complicated cases, where they can reach what some feel are more experienced or more helpful bureaucrats<sup>98</sup>; (3) the political staff in the Minister’s Office or the MP can speak directly to the Minister. There appears to be

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<sup>97</sup> For example interviews with CAs, November 4<sup>th</sup> 2016 (B), November 22<sup>nd</sup> 2016 (B), and November 29<sup>th</sup> 2016.

<sup>98</sup> Interviews with CAs, November 21<sup>st</sup> 2016, and January 9<sup>th</sup> 2017.

a shared understanding that each of these three steps is intended for increasingly complex or urgent cases, but there are no rules around what cases can be sent to each level.

As a result, how CAs choose to interact with these actors appears to be highly discretionary, and varies from CA to CA. As one CA said: “I know I have colleagues who are much more apt, much faster to [...] call the Minister’s Office or to make a written request [of the Minister]. I find it more logical, more beneficial for the constituent, for myself and for the bureaucrats to go in order”<sup>99</sup> – referring to working systematically through the three levels. This was reflected in the interviews, where two CAs from one office both told me that they had *never* sent a file to the Minister’s Office in almost 7 years,<sup>100</sup> in stark contrast to another CA from the same party who said that she usually sends *two cases every two weeks* to the Minister<sup>101</sup> – a particularly high volume.

As one CA pointed out, this variation could *potentially* be due to offices having more complex cases that require review at a higher level due to riding demographics.<sup>102</sup> However, we selected highly diverse ridings, and that explanation also can’t account for why the use of these contacts also varies *within* offices. The officemate of the CA who sends two cases every two weeks to the Ministers’ Office told me that he only “very rarely” sends cases to the Minister’s Office.<sup>103</sup> Similarly, another CA told me that a former colleague used to call straight to the Ministerial Enquiries Division (MED) much more than he did, bypassing the Call Centre: they “sort of abuse[d] the line.” The CA disapproved of his colleague’s practice and used to take a more “conservative approach,” calling the Call Centre first, but is now increasingly just calling the MED too because he

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<sup>99</sup> Interview with CA, November 22<sup>nd</sup> 2016 (A).

<sup>100</sup> Interviews with CAs, November 3<sup>rd</sup> 2016 (A) and November 3<sup>rd</sup> 2016 (B).

<sup>101</sup> Interview with CA, November 4<sup>th</sup> 2016 (B).

<sup>102</sup> Interview with CA, November 22<sup>nd</sup> 2016 (A).

<sup>103</sup> Interview with CA, November 4<sup>th</sup> 2016 (A).

isn't satisfied with the Call Centre's more basic information.<sup>104</sup> Conversely, even when pressed repeatedly, another CA forgot to mention MED until very late in her interview, indicating that this second option to call MED wasn't top of mind for her.<sup>105</sup>

CAs appear to use the official contact points at their disposal differently. Whether or not it makes a concrete difference on a case to, for example, have access to the Minister's Office is unknown. But in some offices it has a fairly high chance of making it there, while in others, the Minister will never see it – unless it is the first case in 7 years.

## ***ii. Support letters***

One of the tasks that CAs mentioned frequently was helping people with Temporary Residency Visa (TRV) applications, more commonly known as visitor visas. Over 1.7 million TRV applications were made in 2016 (IRCC 2016b) from applicants from the 147 countries requiring a visa. MPs offices are often asked to write support letters for these applications, outlining the facts of the case according to the constituent.

However, there appears to be significant variation around the circumstances in which an applicant is offered or given a TRV support letter. Only one CA said that constituents “always get letters for TRV” cases,<sup>106</sup> while another CA disagreed: “We try and think about other ways [of helping...] before offering a letter.”<sup>107</sup> Most CAs – including the first CAs' officemate – only offered letters in certain circumstances. However, depending on which CA you asked, support letters were: only for “compassionate cases”;<sup>108</sup> applications that have previously been refused and where the

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<sup>104</sup> Interview with CA, January 9<sup>th</sup> 2017.

<sup>105</sup> Interview with CA, November 30<sup>th</sup> 2016.

<sup>106</sup> Interview with CA, November 4<sup>th</sup> 2016 (B).

<sup>107</sup> Interview with CA, November 30<sup>th</sup> 2016.

<sup>108</sup> Interview with CA, November 3<sup>rd</sup> 2016 (B).

office has checked that there are no security or criminality issues;<sup>109</sup> if the office judges that there is enough evidence that the person will return home at the end of their stay;<sup>110</sup> if the CA “believe[s]” the person;<sup>111</sup> or “sometimes” if the documents are in order and the constituent is “really insistent” on having a letter.<sup>112</sup> Interestingly, some CAs appear to be playing a ‘gatekeeping’ role as they evaluate evidence to decide if an applicant will return home. Additionally, one CA said that they write letters for cases who have a low chance of success, such as retirees overseas with few ties to their home country,<sup>113</sup> whereas another said that she would *refuse* to write letters on those kinds of cases because she doesn’t want to give the constituents’ “false hope.”<sup>114</sup> It appears that almost every office had their own unique policy on producing support letters.

The content of the letters also differs. One CA said that the letters are usually just signed by her, but that if they want to really push a case, it is then signed by the MP,<sup>115</sup> while other offices either always have either the CA<sup>116</sup> or the MP sign.<sup>117</sup> More interestingly, one CA told me about working on visitor visa case that had previously been dealt with in another MP’s office. That MP wrote “one of those standard [support] letters” for the application and it was refused.<sup>118</sup> When she became involved, the CA said that she got the constituent to assemble much more extensive supporting documentation and a fuller story for the letter.<sup>119</sup> The file was then accepted. When I asked the CA what she meant by a “one of those standard letters”, she said dismissively that unlike the letter

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<sup>109</sup> Interview with CA, November 22<sup>nd</sup> 2016 (A).

<sup>110</sup> Interview with CA, November 30<sup>th</sup> 2016.

<sup>111</sup> Interview with CA, January 9<sup>th</sup> 2017.

<sup>112</sup> Interview with CA, October 28<sup>th</sup> 2016 (A).

<sup>113</sup> Interview with CA, January 9<sup>th</sup> 2017.

<sup>114</sup> Interview with CA, November 22<sup>nd</sup> 2016 (B).

<sup>115</sup> Interview with CA, November 30<sup>th</sup> 2016.

<sup>116</sup> Interview with CA, February 14<sup>th</sup> 2017.

<sup>117</sup> Interviews with CAs, October 31<sup>st</sup> 2016 and November 22<sup>nd</sup> 2016 (A)

<sup>118</sup> Interview with CA, November 21<sup>st</sup> 2016.

<sup>119</sup> Interview with CA, November 21<sup>st</sup> 2016.

she produced, it was “just very generic,”<sup>120</sup> indicating that there are different types of letters that CAs produce. This is consistent with the international literature which finds that constituency offices in the UK, US and Australia will produce more perfunctory support letters in order to signal to the bureaucracy that they don’t quite endorse the request (Cain et al. 1987: 67; Rawlings 1990: 36; Zappala 1998: 696), a message that was received and understood by the Australian immigration bureaucracy (Zappala 1998: 697).

It is also possible that there is even more variation between offices than directly observed in the interviews. While we must be somewhat circumspect about potentially ‘gossipy’ observations about other party’s offices, the CAs interviewed also spoke about other offices’ approaches to support letters. CAs from two different parties said that some offices don’t offer support letters at all:<sup>121</sup> it’s “up to the Members.”<sup>122</sup> Another CA even said she was shocked to receive a call from a CA from another party asking her what a support letter was!<sup>123</sup> Conversely, another CA said that other offices will hand out support letters more liberally than she is comfortable with, “without really reviewing the cases” – an issue because “you want to protect the reputation of your office [...] I know there have been issues in the past [laughs] where MPs have written letters to people who definitely should not be writing letters for, I think like linked to a terrorist organization or something?”<sup>124</sup> In short, it appears that almost every office – and even each CA – had their own unique policy around when these letters would be produced, and their discretion also allows them to vary the content of the letters.

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<sup>120</sup> Interview with CA, November 21<sup>st</sup> 2016.

<sup>121</sup> Interviews with CAs, October 26<sup>th</sup> 2016, and November 30<sup>th</sup> 2016.

<sup>122</sup> Interview with CA, November 30<sup>th</sup> 2016.

<sup>123</sup> Interview with CA, October 28<sup>th</sup> 2016 (A).

<sup>124</sup> Interview with CA, October 28<sup>th</sup> 2016 (A).

*iii. Use of personal connections*

There is also variation in CAs' use of personal connections to advance casework. Generally, CAs only spoke about the official contacts at their disposal at IRCC and the Minister's Office. Some even explicitly denied using any other contacts:<sup>125</sup> "There's no back-channeling here," said one CA, just the "formal channels."<sup>126</sup>

Nonetheless, some offices appear to have access to a whole different set of contacts to use for casework – their own personal and professional networks. This is consistent with Rawlings' finding that in the UK there is some room for discretion around who to contact based on personal and political connections (1990: 35-6). One CA spoke about using "a contact" at a local Passport Canada office to get a passport in time for a constituent.<sup>127</sup> She explained that it isn't a "clear cut piece of information" about who to call on a specific type of case, so she shared a list of useful contacts at a department with other constituency offices from the same party.<sup>128</sup> Similarly, another CA was able to ask the advice of a local immigration consultant who he had previously helped out – the consultant ended up proposing a helpful angle that the CA hadn't thought of.<sup>129</sup>

A Conservative and a Liberal constituency assistant both attributed a great deal of power to their informal contacts from when they had respectively been in government.

The Conservative CA said:

"I always prefer to try to make personal contact with people before, I mean um, somebody I know personally, before just calling a line or a number for the office of whomever. [...] it's always nice if you call somebody that's willing to talk to you a little more informally, say 'Look, yeah they're going to tell you to call this

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<sup>125</sup> Interviews with CAs, November 3<sup>rd</sup> 2016 (A) and November 4<sup>th</sup> 2016 (B).

<sup>126</sup> Interview with CA, November 3<sup>rd</sup> 2016 (A).

<sup>127</sup> Interview with CA, October 28<sup>th</sup> 2016 (B).

<sup>128</sup> Interview with CA, October 28<sup>th</sup> 2016 (B).

<sup>129</sup> Interview with CA, November 3<sup>rd</sup> 2016 (B).

number and then do this, and that. *Here's what you really want to do.*"<sup>130</sup>

For this CA there is a distinction between a standard process, and then “what you really want to do”, to which those informal contacts can be the gateway. Similarly, a Liberal CA told me about a case where a constituent urgently needed their permanent residency card for an important business trip. The case wasn't going anywhere, but then the CA remembered someone at IRCC that they used to know from their days in government. The person had moved on from that position, but knew their replacement, and sent them an email on behalf of the CA. The constituent “got her card within 24 hours. [...] But it was just a lucky...Otherwise I would be as hopeless as anyone trying to get...for the most irrational thing in the world.”<sup>131</sup> These two CAs clearly feel that these personal connections can be more effective than the bureaucratic channels, and use these connections to obtain results for their constituents.

In short, some CAs have access to these types of contacts, while the majority either do not – or refuse to use them. In one office you might have access to a “back channel”<sup>132</sup> that allows you to get your PR overnight,<sup>133</sup> but in another you might not. Furthermore, it seems likely that the potential for having these kinds of connections may be unequally distributed amongst the parties. The Conservative CA agreed that his connections were particularly useful having been in government: “a lot of experience with kind of how the process works and stuff like that.”<sup>134</sup> CAs from parties that have been in power are perhaps more likely to have access to these sorts of connections, or to have more effective connections. Other authors have also found that these relationships

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<sup>130</sup> Interview with CA, November 3<sup>rd</sup> 2016 (B), emphasis added.

<sup>131</sup> Interview with CA, October 31<sup>st</sup> 2016.

<sup>132</sup> Interview with CA, November 3<sup>rd</sup> 2016 (A).

<sup>133</sup> Interview with CA, October 31<sup>st</sup> 2016.

<sup>134</sup> Interview with CA, November 3<sup>rd</sup> 2016 (B).

and networks that CAs have with people in the public service, NGOs and other stakeholders are key to obtaining a ‘positive’ result for constituents (Kerrouche 2009: 449; Le Lidec 2009: 126; Ortiz et al. 2004: 53).

On top of differences around *when* they will intervene, this section has demonstrated that CAs also intervene *differently* on cases. They use the official contact points at IRCC and the Minister’s Office differently, write visitor visa support letters in different circumstances, and have different access to or orientations towards using their own personal contacts to advance their casework. Even once a CA has agreed to work with you, the service you receive appears to differ from office to office, and CA to CA.

### **C. The intended effectiveness of the intervention**

However, in constituency offices not all “cases accepted are pressed with equal vigor” (Rawlings 1990: 35). CAs vary the effectiveness of their interventions, for example writing less effusive *pro forma* letters for cases they don’t fully endorse (Rawlings 1990; Zappala 1998). Similarly, many of our CAs’ admitted to “pushing” some cases harder than others,<sup>135</sup> and to not getting as involved on cases where they have doubts.<sup>136</sup> However, the circumstances in which they do this – varying the intended effectiveness of their interventions – differed substantially.

#### ***i. ‘Urgency,’ ‘compassionate grounds’ and ‘pushing hard’***

According to constituency assistants, cases generally get “pushed” harder when they are urgent.<sup>137</sup> However, it was clear from the interviews that this perception of urgency is itself highly discretionary. When I asked one CA what gives her a sense of

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<sup>135</sup> Interviews with CAs, October 31<sup>st</sup> 2016, November 3<sup>rd</sup> 2016 (A), November 21<sup>st</sup> 2016, and November 30<sup>th</sup> 2016.

<sup>136</sup> Interviews with CAs, October 31<sup>st</sup> 2016, November 21<sup>st</sup> 2016, and October 26<sup>th</sup> 2016.

<sup>137</sup> Interviews with CAs, October 26<sup>th</sup> 2016, and January 9<sup>th</sup> 2017.

urgency about a case, she responded: “A life’s at stake [...] *or just because a case is compelling.*”<sup>138</sup> testifying to a personal, discretionary element in her decision. As two CAs said, “you have to judge yourself” or “kind of have to play the scale” to decide whether something is truly urgent.<sup>139</sup> Another CA went even further; when asked if her criteria for urgency came from IRCC, she said: “no, I decide myself. It’s discretionary.”<sup>140</sup>

As a result, some CAs had very different definitions of what should be considered “urgent.” Generally, ‘urgent,’ ‘extreme,’ or ‘special’ cases were seen to be related to medical issues, dangerous or precarious situations or humanitarian crises. However, one CA said that someone coming to visit for a major local festival would be urgent, though a regular vacation would not.<sup>141</sup> Conversely, another CA recounted a story of a family going on vacation, but not having received their passports as an example of a case that she *would* push hard.<sup>142</sup> These two examples stood in stark contrast to other CAs who dismissed any kind of vacation as grounds for an urgent reaction.<sup>143</sup> What is considered ‘urgent’ in these offices was clearly a highly discretionary decision; a case that might be considered urgent and get pushed in one office, may well not in another.

## ***ii. Having doubts, pulling back***

On the other hand, CAs admitted that when they have doubts, it changes how they deal with the case, sometimes getting less involved<sup>144</sup> or probing a bit further:<sup>145</sup>

“You kind of again get that gut feeling that there's something not right. So when you get that you kind of tend to dig [...] until finally you at least have a comfort

<sup>138</sup> Interview with CA, November 21<sup>st</sup> 2016.

<sup>139</sup> Interviews with CAs, November 29<sup>th</sup> 2016, and November 30<sup>th</sup> 2016.

<sup>140</sup> Interview with CA, November 22<sup>nd</sup> 2016 (B).

<sup>141</sup> Interview with CA, November 4<sup>th</sup> 2016 (A).

<sup>142</sup> Interview with CA, October 28<sup>th</sup> 2016 (B).

<sup>143</sup> Interviews with CAs, October 26<sup>th</sup> 2016, and November 30<sup>th</sup> 2016.

<sup>144</sup> Interviews with CAs, October 31<sup>st</sup> 2016; November 21<sup>st</sup> 2016; October 26<sup>th</sup> 2016; February 14<sup>th</sup> 2017.

<sup>145</sup> Interview with CA, October 28<sup>th</sup> 2016 (A).

zone. And if, if it's something that [...] I'm really, really, really not feeling at all and I'm going 'Okay, there's something wrong here.' Then we'll, you know, we'll look into it, but only enough to say 'Yes, we're looking into your file.' You know?"<sup>146</sup>

In other words, there is a limit to how involved a CA will get when they have doubts.

However, CAs appeared to have very different degrees of skepticism towards constituents. Two CAs were particularly adamant that constituents lie frequently: "80% [of constituents] they lie" said one.<sup>147</sup> The other felt that the number of people committing fraud in the immigration system is "very very high."<sup>148</sup> The same CA turned away a constituent with a refugee application in progress because the CA "knew" that he was actually from an intelligence organization: "you're not a refugee, you're a young man with military training. I can tell just by the way you move."<sup>149</sup> However, generally, CAs felt that constituents didn't actually lie often, but rather "exaggerated" things.<sup>150</sup> More specifically, "people don't make things up," only maybe "5-10%" "exaggerate" things,<sup>151</sup> clearly contradicting the 80% statistic. According to another CA, most people who are trying to commit immigration fraud don't come into an MPs' office, they stay as far away as possible.<sup>152</sup> In short, some CAs appear to be much more skeptical than others toward constituents and may well more readily revert to the bare minimum intervention.

In other words, though all CAs appear to vary their interventions depending on the perceived 'urgency' of a case or because they don't fully believe a constituent, they have different discretionary definitions of what constitutes 'urgency,' and some are more apt to

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<sup>146</sup> Interview with CA, February 14<sup>th</sup> 2017; see Interview with CA, February 14<sup>th</sup> 2017.

<sup>147</sup> Interview with CA, November 4<sup>th</sup> 2016 (B).

<sup>148</sup> Interview with CA, November 3<sup>rd</sup> 2016 (A).

<sup>149</sup> Interview with CA, November 3<sup>rd</sup> 2016 (A).

<sup>150</sup> Interviews with CAs, October 26<sup>th</sup> 2016, October 28<sup>th</sup> 2016 (A), November 3<sup>rd</sup> 2016 (B), and November 29<sup>th</sup> 2016.

<sup>151</sup> Interview with CA, November 29<sup>th</sup> 2016.

<sup>152</sup> Interview with CA, October 26<sup>th</sup> 2016.

believe constituents than others. These variations in intervention thus appear to happen in different circumstances and perhaps with more or less frequency depending on the CA.

### 3. Conclusion

In conclusion, significant variations in service provision exist between – and sometimes even within – constituency offices on immigration cases. By virtue of their postal code, constituents are receiving different service from these offices and different types of access to the immigration system (summarized in Table 6).

**Table 6: Summary of variations in service provision**<sup>153</sup>

Form of variation	Between offices	Within offices
<b>1) Whether or not to intervene</b>		
Files within processing times	✓	
Constituent connection to the case	✓	
Misrepresentation	✓	
Constituents outside the riding	✓	✓
<b>2) How CAs will intervene</b>		
Use of official contact points	✓	✓
Support letters	✓	
Use of personal or professional contacts	✓	
<b>3) The intended effectiveness of the intervention</b>		
When cases are considered urgent	✓	
When a CA might have doubts about a case	✓	

While it could be argued that some of these differences might be relatively inconsequential in some cases, other differences potentially have real outcomes on constituents' cases. The use of a personal contact to get a PR card expedited overnight is not an option available in most offices, and yet it allowed the constituent to board a flight the next day for a business trip that would have cost her her job if she hadn't been able to

<sup>153</sup> Note: Simply because no variation was found within offices on a measure does not necessarily mean that it does not exist. Only three pairs of CAs from the same office were interviewed.

go.<sup>154</sup> More importantly, variations in situations where CAs have doubts about a case, or see a case as urgent can have real implications on constituents' immigration outcomes. A case may be pushed hard with the full weight of the office's advocacy and resources in one office, but be turned away at another or receive only perfunctory service at another. The CA who went to the hospital to help advocate to stop a constituents' deportation on medical grounds<sup>155</sup> contrasted sharply with the other CA who turned away a purported refugee claimant from the office because he "knew" from the way the constituent held himself that he was from an intelligence organization.<sup>156</sup> It appears that Loat and MacMillan's suspicions are true and that "Canadians, and would-be Canadians, are receiving unequal and inconsistent treatment" from MPs' constituency offices (2014: 109). By seeing these variations as symptoms or reflections of discretion, it becomes clear – just as it has been demonstrated internationally (Rawlings 1990: 23) – that Canadian constituency assistants indeed exercise discretion at every step of a case. However, we will see in the next chapter that this discretion is influenced by variables that would be considered inappropriate in the immigration bureaucracy.

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<sup>154</sup> Interview with CA, November 3<sup>rd</sup> 2016 (A).

<sup>155</sup> Interview with CA, November 21<sup>st</sup> 2016.

<sup>156</sup> Interview with CA, November 3<sup>rd</sup> 2016 (A).

## Chapter 5 – Influences on discretion

As seen in Chapter 4, the immigrations services offered by constituency offices vary from office to office – and even within offices – at every stage of constituency assistants’ decision-making. While these variations in service themselves pose “important equity issues” (Fletcher 2011: 450), the next question is of course: Why does this variation exist? In other words, what factors influence CAs’ exercise of discretion? This chapter argues that – as Satzewich (2015a) found for Canadian visa officers – CAs’ discretion is influenced, or “socially constituted” (Satzewich 2014b: 1451) by variables at the micro-, meso- and macro-levels.

**Table 7: A framework for influences on CAs’ discretion**

Level of analysis	Independent variable
<i>Micro-level</i>	CAs’ role orientation and experience
	CAs’ stereotypes and racism about constituents
	CAs’ personal and professional relationships
<i>Meso-level</i>	High caseloads and limited resources
	The MP’s commitment to casework
	Level of oversight from the MP
	House of Commons and IRCC rules
<i>Macro-level</i>	CAs’ understandings of relationship between casework & electoral politics
	Parties’ ideological positions on immigration
	CAs’ understandings of how IRCC views broader migration context <sup>157</sup>

However, this chapter will demonstrate that constituency assistants’ discretion is influenced by micro-level individual variables and electoral considerations to a degree that would be considered inappropriate for dealing with immigration applications in the bureaucracy. This chapter first examines the classic, street-level bureaucrat meso-level

<sup>157</sup> As seen in Satzewich (2015a).

variables, before turning to the micro- and macro-level influences that are more unique to the constituency office context.<sup>158</sup>

## **1. Meso-level influences: the organizational variables**

The presence of meso-level, organizational variables that shape constituency assistants' discretion is unsurprising. Their influence on decision-making is closely tied to the classic street-level bureaucrat literature (e.g. Lipsky 2010) and was confirmed by Satzewich (2015a), who found that meso-level influences in the Canadian immigration bureaucracy prevented decision-making based on visa officers' individual, micro-level characteristics. In this section, we turn to four meso-level influences on CAs' discretion that we anticipate finding in constituency offices: House of Commons and IRCC rules, high caseloads and limited resources, the level of oversight from MPs, and MPs' commitment to casework. Like the influences at the micro- and macro-levels, we expect these meso- influences to either facilitate or shape CAs' exercise of discretion.

### **A. House of Commons and IRCC rules**

Situations “requiring responses with a human dimension” (Bouchard 2000: 215) – such as immigration cases – require discretion in order to adapt to people's real-life situations (Evans & Harris 2004: 878; Baker Collins 2015: 7; Lipsky 2010). However, the degree of “space outside the rules” (Baker Collins 2015: 3) or “official discretion” (Bouchard 2000: 174) in constituency offices appears to be particularly high, especially when compared to the bureaucracy where staff already enjoy significant discretion.

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<sup>158</sup> For analytical purposes, this chapter discusses variables at these three levels separately. However, it is important to recognize that they do not operate independently of one another. For example, Pratt (2015) found that macro-level understandings both influence actor's decision-making in and of themselves, but also reinforce their micro-level stereotypes.

Across all three parties, the CAs felt they have very few limits on their discretion. When asked about limits on their judgement, one CA shot back with “No, we are not Immigration [department] employees,”<sup>159</sup> as if that was a distinguishing feature between bureaucrats and CAs. The limits or procedures they did bring up leave remarkable degrees of latitude. As long as CAs don’t break the law,<sup>160</sup> somehow attempt to approve applications themselves,<sup>161</sup> make sure to help everyone within the riding with a federal issue,<sup>162</sup> and work within the IRCC framework and rules,<sup>163</sup> the CAs were clear they had a great deal of room to exercise their discretion. As two CAs pointed out, this is in stark contrast to similar environments, such as the social service sector, where there are service and ethical standards.<sup>164</sup> For one CA, this was a surprise: “the thing that floored me when I first started this job, there's no like standard operating procedures. [...] *there's not really any rule book.*”<sup>165</sup> CAs thus feel they operate in comparatively un-rule bound settings.

Interestingly, CAs rarely mentioned the House of Commons and IRCC rules that *do* govern their work – perhaps either because they are so obvious as to not require mentioning, or they leave so much room for manoeuvre as to be forgettable. The *Members By-Law* that governs these offices requires only that their activities only relate to non-partisan “parliamentary functions” (BOIE 2016: sec. 4(1)) and is otherwise silent on what “serving constituents” concretely looks like. In fact, a MP has “*full discretion* in the direction and control of work performed on the Member’s behalf by employees and contractors” (BOIE 2016: sec. 2(1)(d)). This echoes a CA’s comment that there is no

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<sup>159</sup> Interview with CA, November 22<sup>nd</sup> 2016 (B).

<sup>160</sup> Interview with CA, November 21<sup>st</sup> 2016, and January 9<sup>th</sup> 2017.

<sup>161</sup> Interviews with CAs, November 29<sup>th</sup> 2016, and November 3<sup>rd</sup> 2016 (B).

<sup>162</sup> Interviews with CAs, October 26<sup>th</sup> 2016, and November 22<sup>nd</sup> 2016 (A).

<sup>163</sup> Interviews with CAs, October 28<sup>th</sup> 2016 (A), and November 3<sup>rd</sup> 2016 (B).

<sup>164</sup> Interviews with CAs, October 26<sup>th</sup> 2016, and October 28<sup>th</sup> 2016 (A).

<sup>165</sup> Interview with CA, October 28<sup>th</sup> 2016 (A), emphasis added.

specific mandate for MPs' offices in terms of the "width and depth of services" they provide.<sup>166</sup> Even the IRCC *Reference Document for Members of Parliament and Senators* does not lay out 'rules' per say, but rather "Practical Suggestions" for how to interact with IRCC (2016a: 7-8). Our interviewees all understood that the document outlined what was *desirable*, but as we have seen, CAs actions don't always line up with it – notably around processing times.<sup>167</sup> The existing rules either do not address day-to-day casework, or are simply 'suggestions' that CAs appear to take or leave at their discretion. These situations where rules or policy instructions are vague or ambiguous are one of the primary factors that increases actors' discretion (Bouchard 2000: 210; Lipsky 2010).

This situation is further reinforced by the lack of formalized training for CAs across parties. A lack of training is associated with actors being "less constrained by 'formal' [or standardized] ways of doing things" and thus being "invited to innovate and use their judgement to complete their tasks" (Bouchard 2000: 228). The Minister's Office hosts occasional information sessions via conference call to all CAs: an opportunity to answer questions on how CAs and the Minister's Office work together, who you should contact, and what's new in immigration policy.<sup>168</sup> One Liberal CA felt that the Minister's Office was trying to "standardize" CAs' practices through these info sessions,<sup>169</sup> but a NDP CA was emphatic that these sessions didn't necessarily constitute "training" per say, but rather a Q&A session with Minister's staff.<sup>170</sup> The only formal "training" provided is through the parties during staff training events,<sup>171</sup> but the content is up to the parties.<sup>172</sup>

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<sup>166</sup> Interview with CA, October 26<sup>th</sup> 2016.

<sup>167</sup> For example, interview with CA, November 4<sup>th</sup> 2016.

<sup>168</sup> Interviews with CAs, October 26<sup>th</sup> 2016, November 22<sup>nd</sup> 2016 (B), and November 29<sup>th</sup> 2016.

<sup>169</sup> Interview with CA, November 22<sup>nd</sup> 2016 (B).

<sup>170</sup> Interview with CA, October 26<sup>th</sup> 2016.

<sup>171</sup> Interview with CA, October 26<sup>th</sup> 2016, and October 28<sup>th</sup> 2016 (B).

<sup>172</sup> The House of Commons and IRCC do not provide casework training for CAs.

However, both the information sessions and party training were rarely mentioned in the interviews. According to CAs, most of them learn on the job through informal job shadowing, either with colleagues,<sup>173</sup> or other experienced CAs from the same party<sup>174</sup> who set the “standard” for the newer offices.<sup>175</sup> When one CA arrived, she was told “here’s the immigration file” and was left to it.<sup>176</sup> Learning on the fly – or at best, from party training– appears to be standard, and has the potential to expand CAs’ discretion.

In short, other than ensuring that constituency office’s “serve constituents” in a non-partisan fashion (BOIE 2016), there are no legislative constraints on constituency office’s casework. This situation is reinforced by a lack of standardized training across parties. While the IRCC document may shape CAs’ discretion, the rules in place serve more to underline just how much is left up to CAs’ discretion.

## **B. High caseloads and limited resources**

Constituency offices are busy places, often with thousands of cases going through each office every year (Bureau 2016b; MacLeod 2005). High volume offices in the bureaucracy are associated with increased routinization and use of simplifications in order to manage caseloads (Lipsky 2010). Case volumes “determine how deeply they [bureaucrats] dig into applications and what techniques they use to scrutinize some applications more than others.” (Satzewich 2015a: 121; see also Bouchard 2000). In other words, high caseloads shape workers’ discretionary decision-making, causing them to make different decisions than they might have if that had more time or resources.

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<sup>173</sup> Interviews with CAs, November 3<sup>rd</sup> 2016 (B) and November 30<sup>th</sup> 2016.

<sup>174</sup> Interviews with CAs, October 28<sup>th</sup> 2016 (A), November 3<sup>rd</sup> 2016 (A), November 21<sup>st</sup> 2016 and November 30<sup>th</sup> 2016.

<sup>175</sup> Interview with CA, November 21<sup>st</sup> 2016.

<sup>176</sup> Interview with CA, November 29<sup>th</sup> 2016.

These same caseload pressures were observed in the constituency offices. One CA commented that because he has a lower volume of cases in his office, he has the freedom to spend more time on cases than CAs who just say “here’s the link to the website and go figure it out.”<sup>177</sup> One constituent has come into his office four or five times, and each time he spends an hour or two with her. When then asked directly about impact of a lower caseload on his work, he replied that it allowed him to take “extra” steps and “fully invest” himself into files: “some of that may be *the extra steps, the extra phone call, the extra email that I write up*. I mean maybe if I had thirty of those things a day on my desk, it might be harder to give all those the specific attention that they maybe need right?”<sup>178</sup> However, not all CAs have this luxury of taking “extra steps” as case volumes vary between ridings. One CA working in a riding where the boundaries had changed, said that their new riding has a much “higher casework load” because it’s “one of the most multicultural communities in Canada. So there's just a lot more immigration coming in.”<sup>179</sup> In a quieter, lower caseload office, you might be more apt to find a CA who is able to make the discretionary decision to spend more time on your case.

### **C. Level of oversight from the MP**

High levels of managerial oversight and ability to control front-line workers are often associated with decreased levels of discretion (Lipsky 2010; May & Winter 2009: 456; Taylor & Kelly 2006). CA are particularly notable for their lack of oversight as their “supervisor” – the MP – is generally absent (Malloy 2003: 39).<sup>180</sup>

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<sup>177</sup> Interview with CA, November 3<sup>rd</sup> 2016 (B).

<sup>178</sup> Interview with CA, November 3<sup>rd</sup> 2016 (B), emphasis added.

<sup>179</sup> Interview with CA, October 28<sup>th</sup> 2016 (A); see also November 22<sup>nd</sup> 2016 (A).

<sup>180</sup> Though there is some variation in the level of delegation (Malloy 2003; Rawlings 1990).

This link between oversight and discretion clearly played out in the interviews. First, CAs overwhelmingly agreed that their MPs generally did not get involved in immigration files.<sup>181</sup> Many explicitly attributed that to how busy their MPs are – they simply do not have the time to get involved.<sup>182</sup> A number stated that dealing with cases is ‘their’ job, as if to underline that it is not the MPs’.<sup>183</sup> This emphasis on busyness was particularly acute for prominent MPs who had some sort of high profile position, or who had held such a position in the past. One such CA even said that over their years of service, their Member never touched a single case.<sup>184</sup> For one CA their Member’s absence was explicitly linked to their own high degree of “flexibility” or discretion:

“I had complete flexibility in how to help. Absolutely. And that’s so great about working for somebody like [MP name]. He has so much on his plate on a macro-basis. He has absolutely no time to be dealing with micro-managing. That’s my role and my job to make sure that’s not on his plate and make sure that [...] nothing ends up in the *Globe & Mail* and that everyone is treated equitably and fairly.”<sup>185</sup>

Only three CAs said that they will occasionally consult their MP on “really difficult” cases, but generally have “full reign to go for it”<sup>186</sup> – testifying again to the link between low oversight and CAs’ “relative autonomy and [...] creative license” (MacLeod 2005: 12). In other words, MPs are relatively hands off, and this lack of supervision appears to be associated with CAs’ increased scope for discretion, as it would be in the bureaucracy.

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<sup>181</sup> There was only one exception to this rule of MP’s being ‘hands off’ – one CA said that their MP was involved on about 30% of cases. This same MP has also started calling active cases at random to find out how the office is doing and what they could be doing better (Interview with CA, October 26<sup>th</sup> 2016).

<sup>182</sup> Interviews with CAs, November 3<sup>rd</sup> 2016 (A), November 4<sup>th</sup> 2016 (B), and November 21<sup>st</sup> 2016.

<sup>183</sup> Interviews with CAs, November 3<sup>rd</sup> 2016 (A), November 4<sup>th</sup> 2016 (B) and November 30<sup>th</sup> 2016.

<sup>184</sup> Interview with CA, November 3<sup>rd</sup> 2016 (A).

<sup>185</sup> Interview with CA, November 3<sup>rd</sup> 2016 (A).

<sup>186</sup> Interviews with CAs, October 26<sup>th</sup> 2016, October 28<sup>th</sup> 2016 (A), and November 21<sup>st</sup> 2016.

#### D. MPs' commitment to casework

The importance of MPs' priorities and commitment to casework came up repeatedly in the interviews, mentioned explicitly by nine CAs. This is unsurprising given that street-level bureaucrats' managers' priorities – in this case, MPs' priorities – have been found to significantly shape discretion (Lipsky 2010). This is also consistent with the international literature on constituency offices which finds that the MP's view of their role impacts the volume of casework they take in their offices (Le Lidec 2009: 121), the approach taken to it and the level of priority it has (Ortiz et al. 2004: 51). As MacLeod states: "All constituency offices necessarily reflect the interests and personality of their MP." (2006: 12). The same clearly hold true of the offices' immigration casework where an MPs' commitment to casework appears to be a very significant influence.

A number of CAs stated explicitly that the tone for how casework is dealt with comes from the MP. When asked about the rules or procedures that governed their work, two CAs spoke instead of their MP's priorities – as if they were more important than any rules that might exist.<sup>187</sup> One of them explained that he felt that his work was determined not so much by rules, but primarily by the MP and their high expectations around casework: "she is pushing me a lot."<sup>188</sup> Differences between offices or approaches are attributed to an MP's position and interests,<sup>189</sup> or how involved they want to get with their constituents,<sup>190</sup> or on casework specifically.<sup>191</sup> One CA said that a neighbouring MP doesn't get involved much on casework because "she's a very strong [...] union person,

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<sup>187</sup> Interviews with CAs, October 31<sup>st</sup> 2016, and January 9<sup>th</sup> 2017.

<sup>188</sup> Interview with CA, January 9<sup>th</sup> 2017; see also Interview with CA, October 28<sup>th</sup> 2016 (A), October 31<sup>st</sup> 2016 and February 14<sup>th</sup> 2017.

<sup>189</sup> Interview with CA, October 28<sup>th</sup> 2016 (B).

<sup>190</sup> Interview with CA, February 14<sup>th</sup> 2017.

<sup>191</sup> Interview with CA, October 31<sup>st</sup> 2016.

so she's a believer that [bureaucrats] would make the correct decision."<sup>192</sup> However, when MPs prioritize casework, it allows CAs to deeply engage: “my boss is very insistent” on the importance of casework, said one CA, “we're never told that we're taking too long on a case.”<sup>193</sup> Another CA said that her MP “is very aggressive” on casework and expects them to “call here, call there, whatever you can do.”<sup>194</sup> And in another office, the MP is particularly committed to being generous with non-citizens; as his staff carry out this request, it has led to an influx of Live-In Caregiver cases.<sup>195</sup>

A MP who is ‘generous’ with casework thus results in an environment where staff are empowered to be ‘creative’, take their time and dig in on cases, and engage with a broad population. A ‘generous’ MP can be seen to expand CA’s discretion, but conversely can also be seen to be *restricting* CA’s discretion, for example, to refuse cases or not engage as deeply with a case that they are less convinced by. For example, in one of these particularly generous offices, the MP explicitly requested that constituents who want a meeting with him “never” be turned away, even if they won’t tell the CAs what the meeting is about.<sup>196</sup> CA’s clearly believe that MPs set the tone for immigration casework and the level of priority attributed to it, significantly shaping CAs’ discretion.<sup>197</sup>

In short, the expected meso-level variables clearly influence CAs’ discretion – just as they do for street-level bureaucrats. The very limited rules that do exist shape CAs’ discretionary decision-making, but also serve to open up significant “space outside the

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<sup>192</sup> Interview with CA, October 31<sup>st</sup> 2016.

<sup>193</sup> Interview with CA, November 21<sup>st</sup> 2016.

<sup>194</sup> Interview with CA, November 4<sup>th</sup> 2016 (B).

<sup>195</sup> Interview with CA, October 26<sup>th</sup> 2016.

<sup>196</sup> Interview with CA, October 26<sup>th</sup> 2016; see also October 28<sup>th</sup> 2016 (A).

<sup>197</sup> However, it is important not to overlook the possibility that MPs’ priorities and CAs’ behavior don’t always line up. Lipsky argues that managers’ priorities do not always align with front-line worker performance, as street-level bureaucrats often have different priorities than their managers, and employ unsanctioned short-cuts to process their large caseloads (2010: 18). While this was not observed in the interviews, it is entirely possible that CAs do sometimes act contrary to their bosses’ priorities as well.

rules” (Baker Collins 2015: 3) – increasing CAs scope for discretion. CAs’ discretion is also clearly shaped by the volume of casework, low levels of managerial oversight, and – to very significant degree – by their MPs’ commitment to casework. The presence of above variables is unsurprising as a strong meso-level influence is consistent with the literature on discretion. However, we now turn to variables that are specific and unique to the constituency office context. These variables point to an environment where decision-making is also shaped by individual, micro-level discretion and electoral considerations.

## 2. Micro-level influences: the individual variables

At the micro-level, CAs appear to have more scope to exercise discretion based on their personal characteristics or experience, than is the case in the bureaucracy (Satzewich 2015a). In Chapter 4, we found evidence of variation not just between offices, but *within* offices. By definition, CAs in the same office would be subject to the same meso- and macro-level factors. As a result, the only level of influence that can account for these documented variations in service provision between CAs is the micro-level.

While we will look at three primary influences at the micro-level in this section, the interviews revealed quite a bit of general evidence that CAs discretion is influenced by micro-level, personal characteristics. CAs admit that they will push harder on cases that they find ‘personally compelling’ and have the discretion to do so.<sup>198</sup> As one CA put it: “There are processing times and they’re not going really change that unless there are compelling or emergency circumstances. But within that there’s a judgement call. So *you get to know the person and you relate to the story* or you know...”<sup>199</sup> This is consistent

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<sup>198</sup> Interviews with CAs, October 31<sup>st</sup> 2016, and November 21<sup>st</sup> 2016.

<sup>199</sup> Interview with CA, November 21<sup>st</sup> 2016, emphasis added.

with Johannes’ finding that constituents in the US often get special treatment, not because of their partisan or personal connections, but because of the interest the office takes in the case: “Tearjerkers go to the top” (1984: 127). A CA who had worked in two offices for two different MPs was also asked if constituency offices are similar to each other. She replied that she didn’t know: “I ran the show at the other office, and I’m doing the show here”<sup>200</sup> – meaning that she personally defined the how the office functioned. She agreed that casework very much depends on the person doing it: “Yup. Do they want to go the extra mile or not?”<sup>201</sup> Three other CAs agreed that there were personal differences between CAs;<sup>202</sup> it’s the “approach” that varies, said one – a “question of personality,” some CAs “work faster,” others have more “empathy.”<sup>203</sup> These differences in personality can result in the use of different channels or methods to advance casework.<sup>204</sup>

### **A. CAs’ experience and role orientation**

CAs’ experiences clearly influence their discretion: from their experience as CAs, to their background prior to becoming a CA and their role orientation.

#### ***i. Experience as CAs***

CA’s on-the-job experience is an important influence on their casework. Visa officers can’t “process every file as if it were a blank slate, and so they must use their *accumulated training and on-the-job experience*” to process files (Satzewich 2015a: 17,

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<sup>200</sup> Interview with CA, February 14<sup>th</sup> 2017.

<sup>201</sup> Interview with CA, February 14<sup>th</sup> 2017.

<sup>202</sup> Interviews with CAs, November 21<sup>st</sup> 2016, November 22<sup>nd</sup> 2016 (B), and November 29<sup>th</sup> 2016.

<sup>203</sup> Interview with CA, November 22<sup>nd</sup> 2016 (B).

<sup>204</sup> Interview with CA, November 21<sup>st</sup> 2016.

emphasis added).<sup>205</sup> However, in the absence of formal training at the meso-level, it is only logical that CAs’ experience on the job would take on a particular importance.

Eight of the 15 CAs spontaneously highlighted the importance of their experience as CAs in their decision-making. CAs clearly feel they learn things on one case, that they then apply to the next<sup>206</sup> – influencing future discretionary decision-making. For example, one CA felt that having bad experiences with bureaucrats might make a CA more likely to take future cases directly to the Minister.<sup>207</sup> Another CA said that she sometimes gets a feeling – based on her experience – that there is not much she can do on a case:

“A lot of it is gut feeling, *a lot of it is experience*. I mean I've been in, as I say I've been in this business going on ten years. [...] I won't say you've seen it all [...] But the average, majority case that comes in are usually repetitive. So you pretty much have an idea when you have something walk in the door.”<sup>208</sup>

This is consistent with Bouchard’s finding that more experienced immigration officers feel able to exercise greater discretion (2000: 226). Discretion is also often exercised in these kinds of repetitive ways, leading to the creation of the discretionary shortcuts for processing cases (Hawkins 1992: 39). Furthermore, CAs on the job experience allows them to develop the personal and professional contracts that they then mobilize to advance their casework. Each of these types of on-the-job experience is unique to each CA, placing this variable firmly at the individual, micro-level.

Unlike many of the other variables, a number of the CAs themselves directly linked their “judgement” – or discretion – to this experience. For one CA, casework is all about having the judgement to know whether you’re heading in the right direction: “a lot of

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<sup>205</sup> This refers to street-level bureaucrats’ collective “trade knowledge” of other cases, client-types, what constitutes a ‘normal’ case etc. (Pratt 2010; 467; see also Gilboy 1991: 571-2; Sandfort 2000: 752).

<sup>206</sup> Interview with CA, October 28<sup>th</sup> 2016 (B).

<sup>207</sup> Interview with CA, November 22<sup>nd</sup> 2016 (A); see also January 9<sup>th</sup> 2017.

<sup>208</sup> Interview with CA, February 14<sup>th</sup> 2017, emphasis added.

[this judgement] it's based on experience."<sup>209</sup> Another CA, when asked about his professional judgement, explained you learn things over time; in most situations “once you hear certain key words” you don't need to do an enquiry and can use your judgement to advise the constituent.<sup>210</sup> Conversely, another CA said that sometimes she “sense[s] there is an issue” and feels she needs to intervene even through the processing time has not yet elapsed, based on her “experience” and “seeing trends” in her work.<sup>211</sup> For this same CA, the only ‘limit’ on her professional judgement is her experience.<sup>212</sup> For CAs, just as for Canadian border guards (Bouchard 2000), using their judgement is explicitly tied to mobilizing their experience as CAs, highlighting the important influence of their experience – perhaps even more so in the absence of formal training.

## ***ii. CAs' background before becoming a CA***

CAs' professional and immigration experiences before becoming CAs<sup>213</sup> also appear to shape the approach they take to their casework. For one CA, the “flavor” of the office and how they help constituents is tied to his own past work experience:

“I think a lot of offices, [...how you help people is] based on what the flavour of the office is. Because as I said, the [neighbouring] office was ‘The bureaucracy does this properly.’ [...] *But if you're, like I'm coming back from a social welfare...*

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<sup>209</sup> Interview with CA, February 14<sup>th</sup> 2017.

<sup>210</sup> Interview with CA, November 4<sup>th</sup> 2016 (A).

<sup>211</sup> Interview with CA, November 29<sup>th</sup> 2016.

<sup>212</sup> Interview with CA, November 29<sup>th</sup> 2016.

<sup>213</sup> Four CAs came from a social service background, three from business, two from the immigration sector, two from political science/politics, two from public policy/the bureaucracy, and one from the trades (one CA did not mention their professional background). Eight of the 15 CAs mentioned past political involvement – either working in politics or volunteering on campaigns, while three made it clear that the impetus to become a CA had not been political (others did not mention a political past either way). Three CAs identified themselves as immigrants and spoke about seeing files from the applicants' perspective.

*I worked with street kids many years ago so...I guess you can make the job, what you want to make the job.*<sup>214</sup>

Another CA with a particularly broad professional background says his broad experience allows him to put on a “different hat” when dealing with different cases, mobilizing different parts of his professional background depending on the case: “That’s why I explained my background from before. So it depends which hat I wanted to put on.”<sup>215</sup>

The reflections of one CA who used to be a bureaucrat clearly underscore the influence of previous work experiences on CAs’ discretion:

“I have colleagues who have backgrounds in studying immigration law. I don’t have that. So perhaps because of their interest or their knowledge they feel comfortable pushing things further or doing things differently. As well, through my own experience, I’ve already been in the shoes of the bureaucrat that receives a call directly from a MP or a CA [...] so I’m fairly sensitive to the structure, to the channels, you know, to go through the Call Centre first, then a written request. So *I know I have colleagues who do things differently, but I think it depends more on our backgrounds, our experiences, our nature.*”<sup>216</sup>

This CA’s background appeared to concretely influence how he approached casework, and he believed the same was true of his colleagues. This also appears to be an area where CAs develop their own networks of personal and professional contacts outside of the constituency office that they then bring to their casework.<sup>217</sup> We will see in the next section that these employment histories appear to also influence CAs’ discretion through their respective “role orientation[s]” (Koop 2015: 11).

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<sup>214</sup> Interview with CA, October 31<sup>st</sup> 2016.

<sup>215</sup> Interview with CA, November 3<sup>rd</sup> 2016 (A).

<sup>216</sup> Interview with CA, November 22<sup>nd</sup> 2016 (A), emphasis added.

<sup>217</sup> Interview with CA, November 3<sup>rd</sup> 2016 (B).

### *iii. CAs' role orientation*

The literature on MP's constituency casework often mobilizes the notion of representatives' "role orientation" – "the extent to which [...they] embrace certain roles over others" (Koop 2015: 11) – as a potential explanation for variations in MPs' commitment to casework (e.g. Clarke 1978). However, we find here that CA's appear to have their own, distinct role orientations that are at least partially rooted in their micro-level, individual experiences discussed above.<sup>218</sup> We use Satzewich's concept of actors' placement on the "enforcement-facilitation continuum" (2015a: 56) to analyse CAs' role orientation on immigration cases.<sup>219</sup> Enforcement-minded individuals are concerned with the letter of the law on immigration cases, whereas more facilitative actors "might try to understand the wider societal and biographical context" and "might be more understanding about why someone failed to follow the application process" (Satzewich 2015a: 56). Whether an actor is enforcement or facilitation-minded depends on a mix of personal values, on-the-job and previous professional experience and caseloads (Satzewich 2015a: 56) – many of the variables discussed above.

CAs generally erred on the side of being more facilitation minded – perhaps more so than visa officers in general, but do vary in their placement on the continuum, and express this in their work. On the more enforcement-oriented end of the spectrum was the CA with a law enforcement background who turned the purported refugee claimant away because they "knew" that the constituent was from an intelligence organization: "No, no, you're not a refugee, you're a young man with military training. I can tell just by the way

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<sup>218</sup> The existence of independent role orientations is consistent with Lipsky's finding that front-line workers often have different priorities than their managers (2010). Though we found no specific evidence of this, CAs may have been loath to discuss unsanctioned uses of their discretion (Baker Collins 2015).

<sup>219</sup> The role orientation literature on MPs and other representatives focuses primarily on who the representatives feel their political principal is – in order words, who they feel they primarily serve (e.g. the party, the country, local constituents etc.) (Wahlke, Eulau, Buchanan and Ferguson 1962).

you move. I'm a [former law enforcement professional], I can know."<sup>220</sup> As we saw, this CA also systematically reported suspected misrepresentation to IRCC.<sup>221</sup> Furthermore, CAs enforcement-minded tendencies could also be seen in their assessments of constituents' honesty we discussed at the end of Chapter 4: believing that 80% of constituents lie,<sup>222</sup> or that the rate of immigration fraud is "very, very high."<sup>223</sup>

On the other side of the spectrum, were particularly facilitative CAs. Some of these CAs spoke about their belief that constituents were fundamentally honest. Another CA, who told particularly facilitative stories about going above and beyond on inadmissibility and deportation cases, explained that "many" refugees will tell "untruths" "for their own survival."<sup>224</sup> This CA reflects the Canadian Council of Refugees' understanding that refugees will sometimes not declare a dependent for a variety of societal and biographical reasons (2016). Another CA had a similar interpretation of the societal factors around fears of overstaying visitor visas:

"there are a lot of cultural things that make someone who's an older person, parent, grandparents much hard to prove that they're going to go back even though I really think most of them would not stay here. This is not their culture, this is not where they want to be or understand, but it's really hard, because you have to understand from IRCC's perspective, they're not sitting down with this person."<sup>225</sup>

There were a number of these CAs willing to get deeply involved on files more enforcement-minded CAs would avoid, including by not reporting misrepresentation to the department.<sup>226</sup> In short, role orientation and CAs' experiences – both on the job and

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<sup>220</sup> Interview with CA, November 3<sup>rd</sup> 2016 (A).

<sup>221</sup> Interview with CA, November 3<sup>rd</sup> 2016 (A).

<sup>222</sup> Interview with CA, November 4<sup>th</sup> 2016 (B).

<sup>223</sup> Interview with CA, November 3<sup>rd</sup> 2016 (A).

<sup>224</sup> Interview with CA, November 21<sup>st</sup> 2016.

<sup>225</sup> Interview with CA, October 28<sup>th</sup> 2016 (A).

<sup>226</sup> Interview with CA, November 22<sup>nd</sup> 2016 (B).

before becoming CAs – clearly are a significant influence on CAs’ discretion, especially in a context where on-the-job experience stands in place of formal training.<sup>227</sup>

### **B. CAs’ stereotypes about constituents and racism**

Unfortunately, the interview data does not allow us to make definitive conclusions about the influence of racism and CAs’ stereotypes about constituents. Interviewees may simply have been loath to discuss any prejudice-based decision-making with a researcher. Furthermore, the interview guide was not specifically designed to explore issues of prejudice; it was perhaps naive to believe that these issues would emerge spontaneously. As a result, issues of stereotypes about constituents and racism are difficult to disentangle from CAs’ role orientation and placement on the enforcement-facilitation continuum. What may be presented as a question of “credibility and risk” (Satzewich 2015a: 137) or ‘rational’ or ‘technical’ may simply be code for racism-based decision-making (Webber 2012). Decision-makers’ micro-level stereotypes are also reinforced by macro-level ideologies and understandings of how the world works (Pratt 2005). A more focused study would be required to explore these complex relationships.

Nonetheless, even Satzewich’s (2015a) findings in this area don’t focus primarily on evidence *directly* related to visa officer racism. Satzewich simply found that though “[v]isa officers may indeed bring their own prejudices to their thinking about credibility and risk” (*ibid.*: 137), it would have been difficult – if not impossible – to express this in their decision-making because of factors at the meso-level. Processing targets “rule” life at IRCC and force officers to issue visas quickly (*ibid.*: 135). In our case, we can conclude is that, while we don’t have any *specific* evidence of decision-making motivated

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<sup>227</sup> However, unlike some literature on representatives’ role orientation, we do not see role orientation as acting independently; at a minimum it interacts with CAs’ experiences to shape discretion.

by stereotypes about constituents and racism, there doesn't appear to be any other variables that would *prevent* or significantly constrain the expression of CAs' stereotypes about constituents or racism in the same way that Satzewich (2015a) found.<sup>228</sup>

### C. CAs' personal and professional relationships

As seen in the previous chapter, some CAs use only the official contacts at their disposal at IRCC and the Minister's Office, while others also mobilize their personal and professional networks to support their casework. However, while we had anticipated that these relationships would *influence* discretion, in the end they are better described as a source of variation between CAs – or *symptom* – of their discretion. These relationships appear to stem from CAs' experience on the job, as well as from their background prior to becoming a CA. It is also potentially influenced by a role orientation or personal disposition that makes them inclined to network in this way and use their connections to open up other channels for discretionary interventions on cases.

In short, despite finding that CAs' relationships are better described as a symptom of their discretion, CAs' discretion is clearly influenced by individual-based, micro-level variables to a degree that would raise eyebrows in the bureaucracy. Like bureaucrats (Bouchard 2000; Satzewich 2015a), CAs' on-the-job experience significantly influences their discretion – and perhaps more so in the absence of formal training. More interestingly, CAs also feel free to express their own professional and personal backgrounds and role orientation through their direction – with a limited number of CAs being notably more enforcement-minded than others. Finally, though we found no

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<sup>228</sup> The only possible exception to this is MP's commitment to casework – a generous MP could set an expectation that their CAs intervene actively, thus preventing a CA from turning a constituent away due to prejudice. Nonetheless, with MPs' away in Ottawa, they have a limited ability to oversee and control their employees, an informal expectation in an office is also not formalized, quantifiable or enforceable in the same way that a processing target is in the immigration bureaucracy (Satzewich 2015a: 133).

particular evidence of CAs mobilizing stereotypes or personal prejudices, these still potentially may shape CAs' discretion, as there don't appear to be the type of enforceable meso-level influences that would preclude their influence – other than the MPs' own commitment to casework.

### **3. Macro-level influences: “how the world normally works”<sup>229</sup>**

Finally, we turn to macro-level influences on CAs' discretion. As Satzewich argues, Canadian visa officers' discretion is also shaped by shared “general understandings of how the world normally works” (Satzewich 2014b: 1453). We expect CAs to have similar shared understandings of how the world works, looking first at parties' ideological positions on immigration, and IRCC's understandings of the broader migration context as outlined by Satzewich (2015a), before discussing the significant influence of electoral politics on CAs' discretion.

#### **A. Parties' ideological positions on immigration**

Unfortunately, we do not have enough evidence to draw conclusive conclusions on the effect of parties' ideological positions on immigration on CAs' discretion. Any influence that might exist is so subtle as to be difficult to measure within a sample size of 15. This is somewhat unsurprising given other author's inability to find a link between ideology and casework (Clarke 1978: 611; Johannes 1983: 534; Rawlings 1990: 34). If it influenced immigration casework, we would expect it to be most obvious with Conservative and NDP CAs given these two parties' distinctive discourses on immigration. In both cases the evidence for an ideological influence is ambiguous at best.

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<sup>229</sup> Satzewich (2014b: 1453).

Conservative CAs could be expected to be particularly enforcement-minded, as the Conservative Party of Canada is most associated with policy initiatives tied to more restrictive immigration policies, particularly in humanitarian categories. In line with this hypothesis, only Conservative CAs talked about the notion of ‘false’ refugee claims or refugees as a security threat. One talked about refusing to intervene on cases where people who came to Canada as refugees want to renew their permanent residency card “so that they can go and visit to their relatives in the home where they were a refugee from. So *right off the bat you know like they lied like hell on their refugee application. They're not true refugees.*”<sup>230</sup> The other CA also talked about refugees as a security risk: “I mean you know personally, when we're bringing in all these refugees and we're not even background checking half of them and stuff like this, we're just piling people in.”<sup>231</sup> However, not all Conservative CAs talked about refugee cases in that way, and even those who did spoke compassionately about other refugee cases they had pushed hard.

Conversely, if there was an ideological influence on casework, NDP CAs should logically be the most “generous” and facilitation-minded. Some of the most “interventionist” stories of CAs getting deeply involved on files came from NDP offices,<sup>232</sup> and they were the most likely to cite contextual factors as an explanation for, for example, why a constituent would misrepresent something.<sup>233</sup> However, there were particularly active CAs in all three parties,<sup>234</sup> and the most ‘bureaucratically’-minded CA who seemed less inclined to push cases aggressively also came from a NDP MPs’

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<sup>230</sup> Interview with CA, November 3<sup>rd</sup> 2016 (A).

<sup>231</sup> Interview with CA, November 3<sup>rd</sup> 2016 (B).

<sup>232</sup> For example interview with CA, November 21<sup>st</sup> 2016.

<sup>233</sup> Interviews with CAs, November 21<sup>st</sup> 2016 and November 22<sup>nd</sup> 2016 (A); see also October 28<sup>th</sup> 2016 (A).

<sup>234</sup> Interviews with CAs, November 29<sup>th</sup> 2016 and February 14<sup>th</sup> 2017.

office.<sup>235</sup> In short, there are some interesting avenues for future research in this area, in light of Conservative and NDP CAs' comments, but there is insufficient evidence for the influence of party ideology on CA's discretion at this time.

### **B. CAs' understandings of how IRCC views broader migration context**

Next, as Satzewich argues, Canadian visa officers' discretion is also shaped by “general understandings of how the world normally works” (Satzewich 2014b: 1453). These “typifications of normality” (2014a: 14) around marriages, fraud and immigration flows frame their shortcuts and decisions about which cases to dig deeper on, or to accept or reject at face value.

The interviews made it clear that CAs are very aware of IRCC's understandings in this area and make their own discretionary decisions in light of them. For two CAs, their understandings of how IRCC views the world shape their decisions to intervene or not on cases. One CA explained that she won't write visitor visa support letters for cases with few ties to Canada to avoid giving constituents “false hope” because of how IRCC will view their application.<sup>236</sup> Other CAs spoke about mobilizing these understandings in order to construct their interventions in a way that will appeal to visa officers. For example, a number of them spoke about advising constituents or helping constituents to address the things that they know IRCC cares about – especially to address IRCC's concerns around fraud and overstaying visas.<sup>237</sup> Another CA explained that she helps constituents highlight specific information that is of interest to visa officers:

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<sup>235</sup> Interview with CA, November 22<sup>nd</sup> 2016 (A).

<sup>236</sup> Interview with CA, November 22<sup>nd</sup> 2016 (B); see also October 28<sup>th</sup> 2016 (A). These types of applicants without financial or family ties to their countries of origin are seen by IRCC as high risk to “jump” and stay in Canada after their visa has expired (Satzewich 2015a: 201).

<sup>237</sup> For example Interview with CA, October 28<sup>th</sup> 2016 (A).

“I've got to understand how the evaluator's going to look at it [...] In the cases of let's say deportation, I again, I'm going to know the kinds of things that are going to be compelling to the authorities. [...] Over time you get to know how they think I guess? And what's considered important.”<sup>238</sup>

As a result, CAs' understandings of how IRCC understands the migration context very clearly have concrete impacts on CA's discretionary decision-making. Service may not be offered in some cases in order to be “realistic” with constituents,<sup>239</sup> and interventions are specifically framed to address CAs' understandings of visa officers' concerns. However, these understandings of how IRCC views the world, while shared between CAs, are clearly not the primary macro-level influence on their decision-making.

### **C. CA's understandings of the relationship between casework and electoral politics**

At the macro-level, while constituency offices are ostensibly non-partisan,<sup>240</sup> CAs clearly share their boss' understanding that casework contributes to electoral success (Eagles 1998). One CA explained that his office isn't there to please people, but the electoral relationship with constituents “is [a] business relationship that will always exist.”<sup>241</sup> In fact, it appears to be the most influential shared “understanding of how the world normally works” (Satzewich 2014b: 1453) amongst CAs – potentially playing the role that shared understandings of the migration context play for visa officers (*ibid.*). CAs' ‘world’ is politics, and in their eyes, casework contributes to their boss' re-election.

The influence of electoral politics can be observed throughout CAs' work. In two offices, it was immediately apparent when you walked in the door, with large posters of

<sup>238</sup> Interview with CA, November 21<sup>st</sup> 2016.

<sup>239</sup> Interview with CA, October 28<sup>th</sup> 2016 (A).

<sup>240</sup> Interviews with CAs, October 28<sup>th</sup> 2016 (A) and November 3<sup>rd</sup> 2016 (A).

<sup>241</sup> Interview with CA, October 26<sup>th</sup> 2016. However, as two CAs pointed out, a certain proportion of constituents receiving immigration casework services are non-citizens, making the electoral gain uncertain (Interviews with CAs, October 26<sup>th</sup> 2016 and November 21<sup>st</sup> 2016.) – unless you are playing the long game for when they become citizens or dealing with sponsors who are Canadian citizens themselves.

current and/or former Liberal leaders on the walls.<sup>242</sup> Accepting casework from outside the riding is also tied in these CAs’ minds to “political leverage,”<sup>243</sup> either because it was “a good political file to sort of work with” – an LGBTQ refugee case – or to get “brownie points” for their MP when another MP has turned the case down: “It’s very covert but, it’s...but I *kind of* think that’s fine.”<sup>244</sup> CAs also spoke about the importance of “protecting the reputation of your Member” while doing casework, for example refusing certain types of cases,<sup>245</sup> not pushing a case as hard,<sup>246</sup> or writing a support letter “as a PR defense mechanism” so the constituent doesn’t complain to the media.<sup>247</sup> Offices are also sometimes friendly with offices from other parties,<sup>248</sup> but only appear to share information within offices of their party – no need to help other party’s offices help constituents.<sup>249</sup> Finally, as we will see, the role of electoral politics can also be seen in the influence of MP’s political position on CAs’ discretion and in CAs’ need to keep constituents happy.

***i. The MP’s position***

First, their MP’s political position affects CAs’ discretion, both whether or not the MP has a high-profile role and whether they are in the governing or opposition parties.

***a. High-profile MPs***

Working for a high-profile MP appears to be useful for CAs in their casework. For one CA – though she is not certain of the impact – her boss’ high-profile position is a

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<sup>242</sup> Interviews with CAs, October 31<sup>st</sup> 2016 and November 30<sup>th</sup> 2016. Another Liberal CA disapproved of that practice: “As you can see, there are no Liberal signs [in the office].” That’s “got nothing to do with my work [...] you have to be neutral” (Interview with CA, November 29<sup>th</sup> 2016).

<sup>243</sup> Interview with CA, October 28<sup>th</sup> 2016 (A).

<sup>244</sup> Interview with CA, October 31<sup>st</sup> 2016.

<sup>245</sup> Interview with CA, October 28<sup>th</sup> 2016 (A).

<sup>246</sup> Interview with CA, November 21<sup>st</sup> 2016.

<sup>247</sup> Interview with CA, November 30<sup>th</sup> 2016.

<sup>248</sup> Interview with CA, November 29<sup>th</sup> 2016.

<sup>249</sup> Interview with CA, October 28<sup>th</sup> 2016 (B).

“tool” she uses to help advance her constituent’s cases.<sup>250</sup> She believes that bureaucrats and the Minister’s Office are “probably” more sensitive to requests from high-profile MPs: “You know, someone who can make a noise if he needs to right?”<sup>251</sup> Another CA spoke of not wanting to “use up your favours” with the Minister.<sup>252</sup> More definitively, a second CA felt he got different results because of his boss’ position. An impressive outcome on a difficult case was all “absolutely” because of his “special” relationships with the IRCC bureaucrats:<sup>253</sup> “If I was just a normal constituency person calling up they would say ‘Pfft. They’re on their own, they’re in the family sponsorship, too bad, so sad.’”<sup>254</sup> The CA felt that this relationship was “Absolutely unique. [...] It was only because [of the MP’s position].”<sup>255</sup> If things had ever not gone well with the bureaucrats, the CA also felt that he could have made a few phone calls and there would have been “hell to pay” at the bureaucratic level. He never did that, but was sure the bureaucrats were aware of that possibility: “So they became human beings for a while.”<sup>256</sup>

In short, being a CA for a high-profile MP appears to give CAs access to different tools or leverage that they can use at their discretion.<sup>257</sup> For one CA, the impact of this was unclear, but the second CA felt very strongly that their boss’ position made a difference on their casework, and saw a dramatic change when that position was lost.

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<sup>250</sup> Interview with CA, November 21<sup>st</sup> 2016.

<sup>251</sup> Interview with CA, November 21<sup>st</sup> 2016.

<sup>252</sup> Interview with CA, February 14<sup>th</sup> 2017.

<sup>253</sup> Interview with CA, November 3<sup>rd</sup> 2016 (A).

<sup>254</sup> Interview with CA, November 3<sup>rd</sup> 2016 (A).

<sup>255</sup> Interview with CA, November 3<sup>rd</sup> 2016 (A).

<sup>256</sup> Interview with CA, November 3<sup>rd</sup> 2016 (A).

<sup>257</sup> CAs from all three parties also spoke about how their MPs’ high profile role increases case volumes in offices, as constituents believe – erroneously according to some CAs (Interviews with CAs, November 4<sup>th</sup> 2016 (B), and January 9<sup>th</sup> 2017.) – that high-profile MPs can get better results (Interviews with CAs, November 4<sup>th</sup> 2016 (B), November 30<sup>th</sup> 2016, and January 9<sup>th</sup> 2017). As we saw earlier in this chapter, this is significant for CAs’ discretion as high case volumes shape discretion by increasing the time pressures CAs work under and thus their reliance on shortcuts and routinizations to manage the caseload.

*b. Governing party vs. opposition party*

Secondly, according to one Liberal and one Conservative CA,<sup>258</sup> being in the governing party shapes their discretion on cases, both in terms of how they communicate with constituents, the actual action taken on cases, and personal contacts they use.

Discussing immigration casework with constituents becomes more delicate when you work for the governing party. Two NDP CAs – who had of course never been in government – suspected this: as one put it, “less [of CAs] blaming the government” for issues with the immigration system when they talk to constituents.<sup>259</sup> For a Liberal CA, this was indeed a challenge: “sometimes I sit there and say to my people and to [the MP] I say, ‘God, it was better under Stephen Harper.’ On one count, when someone walks in the door and when it’s slow with the processing of a file you can blame it on him!”<sup>260</sup> In other words, as a CA for the governing party, now *your* government’s immigration policies are under the microscope, and how you communicate with constituents changes.

Even more interestingly, some governing party CAs appear to feel that their actual ability to act on casework is constrained – or at least shaped – by being in government. Once again, an NDP CA suspected this saying that she thinks local Liberals CAs have been told “to not promise too much.” As a result, “it’s almost like they’re doing less” for fear of a perceived conflict of interest with “their buddy the Minister”.<sup>261</sup>

“we know that we're in the opposition and we feel free to use every tool at our disposal to advocate for our clients. And I think in their case they’re not. So we’ve had people come from other constituency offices [...] say ‘I’m being deported and

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<sup>258</sup> The other Liberal and Conservative CAs were understandably reticent to discuss this topic during the interviews. They usually responded that nothing much had changed, but they often appeared eager to change the topic.

<sup>259</sup> Interview with CA, January 9<sup>th</sup> 2017; see also October 28<sup>th</sup> 2016 (A).

<sup>260</sup> Interview with CA, October 31<sup>st</sup> 2016.

<sup>261</sup> Interview with CA, November 21<sup>st</sup> 2016.

they can't give us an appointment for another two weeks.”<sup>262</sup>

This same theme came up with some of the CAs who had been in government. A Liberal CA said that when they were in opposition, it was easy to bend the rules – for example around who to contact. Now it is harder to do this, because it's *their own* government's rules – though he still sometimes bends rules with his MP's permission.<sup>263</sup> Furthermore, a Conservative CA felt strongly that there was a different set of rules for CAs working for governing party MPs. While it is unclear whether the *Federal Accountability Act* actually applies to constituency offices, this CA felt strongly that it entirely forbids governing party constituency offices from engaging in advocacy on behalf of constituents – you can only make enquiries.<sup>264</sup> No other Conservative CA mentioned this, but this CA had avoided anything that could be seen as “advocacy” while they were in government, while other CAs felt free to do so,<sup>265</sup> resulting in different service being provided.

Finally, in the previous chapter we discussed constituency assistants' differential use of personal contacts on immigration casework. However, the CAs who talked about using personal contacts were primarily Liberal and Conservative CAs who had been working in politics in some capacity while their party had been in government. Being in government made their contacts “experience[d] with kind of how the process works and stuff like that.”<sup>266</sup> Their contacts also came from when they had in government: “They used to be the manager of the [IRCC] operation when [my MP] was a minister, [another minister] and all them rubbed shoulders with them and they were perfectly pleasant.”<sup>267</sup>

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<sup>262</sup> Interview with CA, November 21<sup>st</sup> 2016.

<sup>263</sup> Interview with CA, October 31<sup>st</sup> 2016.

<sup>264</sup> Interview with CA, November 3<sup>rd</sup> 2016 (A).

<sup>265</sup> Interviews with CAs, October 26<sup>th</sup> 2016, October 31<sup>st</sup> 2016, November 3<sup>rd</sup> 2016 (B), and November 21<sup>st</sup> 2016.

<sup>266</sup> Interview with CA, November 3<sup>rd</sup> 2016 (B).

<sup>267</sup> Interview with CA, October 31<sup>st</sup> 2016.

For CAs who talked about making use of personal contacts, the availability and the quality of these contacts was clearly tied to their party's time in government.

In short, working for a governing party or opposition MP appears to shape CA's discretionary decision-making in terms of how they talk to constituents, the action they feel they can take on cases (bending the rules and 'advocating' on cases), and the availability and quality of personal contacts to help on casework.

## *ii. Keeping constituents happy*

Finally, a significant motivator for CAs' decisions appears to be keeping constituents happy – a recurring theme in the interviews. One CA explained that their office works to “spread [the MP's] good name [...] they [constituents] are our voters as well.”<sup>268</sup> Another CA stated:

“I mean let's face it, the job of the constituency office is to make the Member look good. [...] and make his constituents happy. If we don't, he's not getting re-elected. [...] So our job is to make everybody happy with him. And as far as everybody is concerned that walks in the door, he sees every case!”<sup>269</sup>

One CA frankly explained that the demographic that their immigration casework represents is a very important “voting bloc” for his boss so “no matter how crazy [the constituent] is [...] I'm always going to have a good attitude” and “always fight hard.”<sup>270</sup> This influence was particularly evident when CAs were talking about visitor visa support letters and contacting IRCC before the processing time is up – both of these activities are primarily associated with constituent satisfaction. CAs generally doubt whether or not a support letter actually accomplishes anything on a TRV application, “but we will do that

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<sup>268</sup> Interview with CA, November 4<sup>th</sup> 2016.

<sup>269</sup> Interview with CA, February 14<sup>th</sup> 2017.

<sup>270</sup> Interview with CA, January 9<sup>th</sup> 2017.

if they're really insistent upon wanting it.”<sup>271</sup> No matter what happens on the application, “the constituent [then] feels that, you know, we’ve looked after them and we did what we could.”<sup>272</sup> One CA said she will sometimes make an enquiry with IRCC even when the case has yet to exceed the processing time “just to make them [constituents] happy. [...] *It’s our job to make constituents happy.*”<sup>273</sup> This appears to be a clear case of electoral politics influencing the application of immigration rules or procedures, as the CA skirts IRCC’s instructions for perceived electoral gain.

CAs also spoke repeatedly about the importance of “managing expectations” in order to not disappoint constituents<sup>274</sup> One CA said that this is important so that “even if they're not satisfied with the government's service, they'll be satisfied with our service.”<sup>275</sup> This echoes Johannes’ finding that American CAs must always carefully manage constituents’ expectations so that they are never dissatisfied, especially when a ‘positive’ outcome is unlikely (1984: 97).<sup>276</sup> These expectations can be magnified by being in government<sup>277</sup> or by having a high profile position.<sup>278</sup>

These findings are also consistent with the rest of the literature on constituency offices that speaks to the strong influence of electoral politics on their activities. Due to constituent’s status as “potential voters” (Kerrouche 2009: 447), these offices offer a more responsive, face-to-face service than the bureaucracy (MacLeod 2005: 14). For incumbents, casework is the one thing they can do on the ground to at least have the

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<sup>271</sup> Interview with CA, October 28<sup>th</sup> 2016 (A).

<sup>272</sup> Interview with CA, November 22<sup>nd</sup> 2016 (A); see also November 4<sup>th</sup> 2016 (B).

<sup>273</sup> Interview with CA, November 4<sup>th</sup> 2016, emphasis added; see also November 29<sup>th</sup> 2016.

<sup>274</sup> Interviews with CAs, October 26<sup>th</sup> 2016, October 28<sup>th</sup> 2016 (A), and November 4<sup>th</sup> 2016 (A).

<sup>275</sup> Interview with CA, October 26<sup>th</sup> 2016.

<sup>276</sup> Other authors have also found that CAs are obligated to act even when they know their efforts will be futile in order to prove the MP’s goodwill (Le Lidec 2009: 129; see also Zappala 1998: 696).

<sup>277</sup> Interview with CA, November 22<sup>nd</sup> 2016 (B).

<sup>278</sup> Interview with CA, November 4<sup>th</sup> 2016 (B).

impression that they are contributing to their electoral chances (Kerrouche 2009).<sup>279</sup> As one CA explained, maybe it was their work, or maybe the case was just spontaneously approved, but you made the constituent feel welcome; elections are mostly an ‘air war,’ but casework can change the reception on the doorstep.<sup>280</sup> This reflects the grey area in these offices between “political and public interest” (MacLeod 2005: 11) and “partisan and non-partisan functions” (Franks 2007: 11). In fact, high electoral competitiveness in a riding appears to increase casework activity (Cain et al.: 1987; Kerrouche 2009: 451; Rawlings 1990: 23; Zappala 1998: 695). CAs thus understand that there are electoral considerations at play in their interactions with constituents and act accordingly. In short, we appear to have an office dealing with a high volume of immigration applications whose decision-making is significantly shaped by electoral considerations.

#### **4. Conclusion**

The service offered at constituency offices is clearly not simply governed by IRCC’s rules or view of how the world works. Rather, this chapter has demonstrated that constituency office casework is influenced by their own unique set of variables (as summarized below in Table 8). Satzewich (2015a) concluded that visa officer discretion in the immigration system was not problematic because meso-level organizational variables – such as processing targets – and shared macro-level understandings of how the world works, prevented visa officers from inappropriately exercising their micro-level discretion. We find the opposite is true in Canadian constituency offices.

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<sup>279</sup> Interview with CA, January 9<sup>th</sup> 2017.

<sup>280</sup> Interview with CA, January 9<sup>th</sup> 2017.

**Table 8: Influences on discretion in constituency offices**

Level of analysis	Independent variable	Presence
<i>Micro-level</i>	CAs' role orientation and experience	✓
	CAs' stereotypes and racism about constituents	Unclear
	CAs' personal and professional relationships	n/a <sup>281</sup>
<i>Meso-level</i>	High caseloads and limited resources	✓
	The MP's commitment to casework	✓
	Level of oversight from the MP	✓
	House of Commons and IRCC rules	✓
<i>Macro-level</i>	CAs' understandings of the relationship between casework and electoral politics	✓
	Parties' ideological positions on immigration	Unclear
	CAs' understandings of how IRCC views broader migration context	✓

First, micro-level influences – such as CAs' own background prior to becoming a CA and their role orientation – influence constituency office casework to a degree that would be considered questionable in the bureaucracy.<sup>282</sup> We found clear evidence in Chapter 4 of variation not just between offices, but *within* offices, pointing to strong micro-level influences on CAs' discretion. At this level, CAs' discretion is shaped by their experience – both on the job and before becoming CAs – and their role orientations.

Secondly, while CAs clearly understand how IRCC thinks and views the world, the primary shared “understanding of how the world normally works” (Satzewich 2014b: 1453) among CAs is electoral. Their discretionary decision-making is clearly significantly shaped by electoral politics. From explicitly acting to “keep constituents happy” and “manage expectations,” to decision-making being shaped by their MPs’

<sup>281</sup> A reminder that our results showed that CAs' personal and professional relationships were better described as a type of variation – a symptom of discretion, rather than as an influence on discretion.

<sup>282</sup> In addition, while we – somewhat understandably – did not find any evidence of CAs mobilizing stereotypes or their own personal prejudices in their decision-making, there was no substantive barrier found that would prevent this for being expressed, for example through a CAs' role orientation.

political position, CAs' decision-making clearly has a dual purpose – help constituents with their immigration issue, *and* maximise their MP's chances of re-election. This is not necessarily 'bad' for constituents – in fact, as the international literature argues, it may make offices more responsive to constituents than the bureaucracy (Cain et al. 1987; Kerrouche 2009; Le Lidec 2009), especially in precarious electoral situations (Cain et al.: 1987; Rawlings 1990: 23; Zappala 1998). However, it does mean that large volumes of immigration applications – approximately 182,400 per year<sup>283</sup> – are mediated through offices whose decision-making is significantly shaped by a variable whose presence would be considered inappropriate in the immigration bureaucracy.

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<sup>283</sup> Minus the limited caseload in Senators' offices (Bureau 2016b).

## Chapter 6 – Conclusion

In short, this dissertation's findings are two-fold: Canadian constituents are receiving different immigration services from their local MPs' office by virtue of their postal code; and these variations appear to be shaped by variables whose influence would be considered inappropriate in the bureaucracy.

As evidenced by the sheer volume of immigration applications that flow through them (Bureau 2016b), constituency offices have quietly become important actors in the Canadian immigration system – simultaneously a new front-line of our immigration system, and a backdoor to the bureaucracy. By responding to Zappala's call to take into account not just the 'high politics' of legislatures, but also the "micro-politics" of the constituency when studying immigration (1998: 683 & 699), seeing constituency offices and constituency assistants as actors in the immigration system contributes to a fuller portrait of the variety of actors in the Canadian immigration system. This dissertation also highlights what Dubois refers to as "the contradictions between [...] the policies to be applied and the practical conditions of their implementation" (2012: 96, our translation). Officially, immigration applications are simply processed through the bureaucracy in a straightforward implementation of immigration policy welcoming immigrants to a diverse country. In practice, at least 182,400 applications are also mediated through MPs and Senators offices (Bureau 2016b), a symptom of an immigration system that is difficult to navigate, unresponsive and dehumanizing (CIMM 2017; Haince 2010; Satzewich 2015a).

## 1. Summary of findings

Canadian studies have already demonstrated that levels of commitment and intensity of casework vary significantly from MP to MP, along with each MP's approach to their constituency work (Clarke 1978; Montigny & Morency 2014; Eagles 1998: 74; Franks 2007: 42). This study has gone even further, demonstrating that the same service is not available across offices, or even within the same office. This variation occurs primarily in three areas: whether the CA will intervene on the case, how they will intervene, and how hard they will push the case. Constituents who might receive service from one office, might be turned away at another. A case that might reach the Minister's Office or be offered a support letter in one office, might not in another. And a case that sees one CA go above and beyond, might only receive a pro forma response elsewhere. Limitations in the literature prevent us from knowing whether these differences have any concrete impact on access to immigration status in Canada as we do not know whether the bureaucracy would have reached the same conclusion without a CAs' intervention. But it is clear that some people have access to this pro-bono immigration service while others do not, and that the nature of this service varies. Canadian constituency offices thus appear to be a classic example of one of the two main policy concerns around discretion: the "differential use of discretion" resulting in "unequal citizen access to benefits" (Baker Collins 2015: 10).<sup>284</sup> In public service contexts, these types of variations in bureaucratic service (Ricucci 2002; Wake Carroll & Siegel 1999: 201-2) are a source of "important equity issues" (Fletcher 2011: 450).

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<sup>284</sup> The other is "the impact of street level decision making on public policy (altering, extending or subverting policy intents)" (Baker Collins 2015: 1).

Furthermore, the variations in service appear to be shaped by variables that would be considered inappropriate in the Canadian immigration bureaucracy. According to Satzewich (2015a), visa officers' exercise of discretion in the Canadian immigration system is not problematic because it is shaped primarily by meso-level organizational variables and shared macro-level understandings of how the world works, which prevent inappropriate exercises of micro-level discretion. This dissertation has found that the opposite is true in Canadian constituency offices. CAs have increased scope to express discretion rooted in their personal characteristics, for example around which cases they find personally "compelling" and choose to push, expressing their own "style" and placement on the "enforcement-facilitation continuum" (Satzewich 2015a: 56), and mobilizing their own informal contacts to advance their casework. As Loat & MacMillan put it: "if an MP [or more accurately, a CA] takes an interest in your case, then it seems likely that you'll get better service [from the bureaucracy]." (2014: 109).

In addition, one of macro-level variables that substantially shapes CAs' work is electoral, intimately linked to politics and their MPs' fortunes at the ballot box. While we found no evidence for Loat & MacMillan's assertion that Canadian MPs obtain better bureaucratic service for constituents that share their partisan affiliations (2014: 109), the service offered at constituency offices is clearly shaped by an understanding of constituents' status as "potential voters" (Kerrouche 2009: 447, our translation). As a result, increasing volumes of immigration applications are being mediated through offices where CAs have a scope for micro-level discretion that would be considered inappropriate in the bureaucracy, and where their decisions are shaped by electoral considerations to a degree that is clearly at odds with the principle of the political neutrality of the bureaucracy. This is all the more concerning given that – unlike some

parts of the bureaucracy – there is no formal appeal mechanism for decisions made in constituency offices (Rawlings 1990: 35).

This electoral influence on immigration casework is particularly interesting in light of the literature around the politicization of the bureaucracy. The term ‘politicization’ is traditionally used to describe one of two phenomena: appointments to the civil service that based on political –not merit-based – criteria, or civil servants’ acting in a way that does not meet the standard of “neutrally competent service” (Cooper 2015: 3). In other words, ‘politicization’ generally refers either to: “the politicization of *appointments* [...or] the politicization of *policy*” (Eichbaum & Shaw 2008: 341). It is this second definition of politicization related to bureaucrats’ service and decisions that is most relevant in this case. Similarly to ministerial advisors asking civil servants to rewrite documentation or change their advice for political purposes (*ibid.*: 342), constituency assistants are asking immigration officials to review their decisions, process a file differently, or provide an update that this otherwise unavailable – and as we have seen, these requests are influenced by political and electoral considerations (along with micro-level personal variables). Of course CAs likely do not have the clout with the bureaucracy as a minister’s staff, but bureaucrats are likely aware that MPs’ have the potential to go to the media about cases in an effort to embarrass the government<sup>285</sup> – exerting political pressure on the immigration bureaucracy and their political principals. A similar phenomenon occurs when MPs go through the Minister to get movement on a file. NDP MP Alexandre Boulerice acknowledges this issue: ““When we call on them [the Minister’s Office], they generally do a good job. But we don’t want to be constantly obligated to pull the alarm bell with the Minister, directly, and then go find him in the

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<sup>285</sup> Interviews with CAs, October 28<sup>th</sup> 2016 (A), November 21<sup>st</sup> 2016, and January 9<sup>th</sup> 2017.

hallway to try and sort out a case. It shouldn't work like that.” (Bureau 2016b, our translation). Similarly, one of the Conservative CAs we interviewed explained that going to the Minister is “not something that is done lightly” because “*you want to make sure that you don't use up your favours*”<sup>286</sup> – referring to political favours with the Minister.

In the absence of Canadian literature on immigration casework from the bureaucrat's perspective, it would be a stretch to refer to the politicization of the bureaucracy as a whole, or the politicization of bureaucrat's advice or decisions on cases. However, given the influences on CAs decision-making that this dissertation has demonstrated, and the volume and institutionalization of this channel, it does appear appropriate to refer to a politicization of *immigration applications* that IRCC receives through constituency offices – a new form of bottom-up political influence on the bureaucracy not yet studied in Canada.

This is significant as, as we have seen, representatives' casework interventions in other jurisdictions have been found to actually influence bureaucrats' decision-making. In the UK, MPs' have a “significant” capacity “to have a case reviewed at a higher level”, which can sometimes even lead to a rule being bent (Rawlings 1990: 41). Cases brought forward by Members of Congress get looked at more carefully and promptly, and get dealt with at a higher level (Johannes 1983: 132). Gilboy (1992) found that even just the “anticipation” of interventions from Members of Congress significantly shapes US border guards' decision-making at border, as they “accommodate” these anticipated demands to avoid Members' political interventions.<sup>287</sup> Because of this political pressure, Gilboy argues that “the stage is set for the differential treatment of people and groups” by the bureaucracy itself (1992: 309). Even in Canada, Bourgault argues that the public

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<sup>286</sup> Interview with CA, February 14<sup>th</sup> 2017, emphasis added.

<sup>287</sup> Similar to the effect of appeal mechanisms in the Canadian immigration bureaucracy (Satzewich 2015a).

service’s response to an MP’s inquiry is different than the average citizen would receive – less “administrative” (2009: 438, our translation) – though it is unclear what type of scientific research this is based upon.<sup>288</sup> At a minimum, CAs play an important role in supplying and framing information for visa officers – for example by outlining the facts of a case in a support letter. Hawkins argues that “those who create, assemble or supply material relevant to a decision to formal decision-makers” have a “form of power” as they are able to consciously or unconsciously “frame the contents [...] to give prominence to a particular point of view.” (1992: 31). In short, despite a lack of information on the Canadian case, evidence from other jurisdictions does point to CAs’ immigration casework influencing bureaucratic decision-making. In other words, there is reason to believe that the politicization of immigration applications does have an impact both on bureaucratic decision-making in general,<sup>289</sup> and on the outcome of individual applications. If true, this would be inconsistent with the notion that immigration applications should be processed by an impartial, “neutrally competent” public service (Cooper 2015: 3).

## 2. Limits

However, it is important to underline the exploratory nature of this study. With only 15 constituency assistants interviewed, it remains unclear how widespread this type of variation is. However, in limiting case selection to ridings with a high proportion of recent immigrants and non-permanent residents to control for demographic factors, it is

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<sup>288</sup> In a limited number of cases, some Canadian casework interventions can also eventually lead to legislative or regulatory change (Loat & MacMillan 2014: 105-6).

<sup>289</sup> However, Cooper (2015) finds that bureaucrats also have ways of resisting forms of top-down politicization. It is possible that the same is true of the politicization of immigration applications.

more likely that this dissertation *underestimates* variation, rather than overestimates it.<sup>290</sup> In addition, the CAs were remarkably consistent in their discussions of the influences on their discretion, and our conclusions do echo the concerns that have already been raised in the literature about constituency offices doing casework on this scale (Loat & McMillan 2014: 109) and around variations in service provision between offices in the UK (Rawlings 1990). Our exploratory conclusions primarily represent avenues for more sustained future research on CAs’ discretion and their offices’ role in the Canadian immigration system. Furthermore, it is important to emphasize the low degree of generalizability of these results, particularly since analyses of discretion are contextually based and not necessarily portable from one context to another (Evans & Harris 2004).

### 3. Implications and recommendations

Finally, this research should not be understood as a plea to overturn the constituency office system, nor to impose rules on it. Irrespective of political party,<sup>291</sup> these offices and their staff do extraordinary, caring work on behalf of their constituents – albeit each in a slightly different way. To impose more rules on constituency offices in an effort to constrain their discretion would be to recreate a redundant version of the bureaucracy. It would also likely be unsuccessful as “more rules do not mean less discretion” since discretion works both in and around rules (Baker Collins 2015: 11; see also Hawkins 1992; Pratt & Sossin 2009). In fact, “paradoxically, more rules may create more discretion (Evans & Harris 2004: 871). For better or for worse, discretion is a bureaucratic inevitability as the interpretation and application of rules are necessarily

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<sup>290</sup> CAs in rural or less-diverse ridings with lower immigration case volumes likely deal with immigration cases differently.

<sup>291</sup> Generally, we found there to be as much variation within a party as there was between parties.

discretionary (Hawkins 1992: 35; see also Baker Collins 2015; Evans & Harris 2004; Hoyle 2014), especially where a “human dimension” is needed (Bouchard 2000: 215).<sup>292</sup>

In fact, constituency offices are an example of a situation where discretion is “an important professional attribute” (Evans & Harris 2004: 871), allowing them to attempt to confront the “sometimes Kafkaesque rigidities of government” (Satzewich 2015a: 239). The strength of these offices *is* their discretion and their capacity for creativity on cases that have fallen through the bureaucratic cracks – using their discretion to “humanize” the application of the law (Pratt & Sossin 2009: 308). In environments where no two cases are alike – such as immigration in constituency offices which receive more exceptional cases – discretion is necessary in order to recognize cases’ unique nature (Pratt 2005). Furthermore, when programs are *designed* to be difficult to access – such as in immigration – discretion is required in order to ensure access to immigration status (Baker Collins 2015: 12).

However, constituency offices were never intended to deal with this *volume* of applications: to be a “first resort” for constituents (MacLeod 2004) so “intertwined” with the immigration system (2005: 14). The variations in service provision, CAs’ greater ability to exercise their own micro-level discretion and the politicization of applications going through their offices raise questions about the appropriateness of constituency offices’ involvement and “institutionaliz[ation]” (Malloy 2003: 5) in the immigration system on this scale. Effectively outsourcing an aspect of immigration processing to such highly politicized offices appears inconsistent with the administration’s principle of political neutrality. Furthermore, the micro- and meso-level influences that fuel variations

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<sup>292</sup> Furthermore, arguing that decision-making should be circumscribed by more rules “not only distracts from social and political critiques but also gives expression to the liberal legal conceit that the imposition of rules will necessarily result in increased individual justice.” (Pratt & Sossin 2009: 307).

in service provision – from CA to CA and from office to office respectively – also appear incompatible with basic notions of fairness and equal treatment (see Fletcher 2011).

The obvious solution appears to be to reduce the volume of *routine* applications going through these offices. A routine immigration application should not need to be mediated – or be perceived to need to be mediated – through a constituency office. Siefken argues that constituency office casework can “highlight problems in bureaucratic performance and serve as a warning sign for larger underlying deficits in procedures or leadership of public administration” (2014: 6). The high volumes of cases, coupled with the creation of an elaborate “parallel system” to deal with requests from MPs’ offices (Bureau 2016b, our translation), highlight just these types of issues in the Canadian immigration bureaucracy.

Therefore, what this research *does* demonstrate is the urgency of reducing applicants’ need – or perceived need – to seek help at their constituency office. In other words: (1) reducing IRCC’s lengthy processing times, and (2) restoring or creating a more responsive, accessible, human bureaucracy. In fact, though little change has been forthcoming, these types of goals were recognized in the Immigration Minister’s Mandate Letter from the Prime Minister as a top priority.<sup>293</sup> IRCC’s *Departmental Plan 2017-2018* also lists “Client service” and “Efficient processing” as two of its seven organizational priorities (IRCC 2017: 4) – though the proposed initiatives to achieve these goals remain relatively vague.<sup>294</sup> Furthermore, as mentioned previously, in March 2017, the House of

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<sup>293</sup> More specifically, the Prime Minister has called on the Minister to: “Work on reducing application processing times, on improving the department’s service delivery and client services to make it timelier and less complicated, and on enhancing system efficiency” (Trudeau 2017).

<sup>294</sup> Initiatives in these areas include: (1) “Pilot initiatives through a Client Service Strategy that focuses on improving user-friendly services and increasing the Department’s use of technology”; (2) “Improve and increase the amount of information available for immigration applicants on their individual cases through different channels, including call centres and electronic communication”; and (3) “Implement innovative

Commons Standing Committee on Immigration and Citizenship tabled a report on “Modernizing Client Service Delivery” (CIMM 2017). Their report – which aims to assist IRCC in its ‘modernization’ initiatives, while “at the same time reduce the need for intervention from Members of Parliament” (CIMM 2017: 20) – concludes with 24 detailed recommendations aimed at improving IRCC’s service delivery, including:

- improving the accessibility and usefulness of the public-facing Call Centre;
- improving the website’s clarity (plain language and non-official languages);
- reviewing and simplifying application forms to avoid common mistakes;
- pre-emptively contacting applicants when processing times have been exceeded or simple mistakes are made on applications;
- developing an online portal to allow applicants to track the status of their applications (including reasons for delays, estimated processing time, and “any missing information or complications with the application”) (*ibid.*: 22);
- providing more detailed reasons for negative decisions;
- and conducting a cost-benefit analysis of reinstating in-person service.<sup>295</sup>

Government responded to the Committee’s report in August 2017, accepting many of the recommendations around the call centre, the website, more frequent status updates on files, and measures to mitigate language barriers (Canada 2017). Government also committed “to explor[ing] the feasibility of limited in-person services being offered to clients at Departmental offices on a case-by-case basis” (*ibid.*). However, they refused the recommendation to provide more information when cases are refused – something constituency offices spend a great deal of time helping people with. A September 2017, Toronto Star headline stated that “Customer service a new concept for Canada’s Immigration Department,” profiling IRCC’s new client experience branch launched in

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approaches to increase efficiencies and reduce processing times, including reducing the processing time for spousal applications by half, to 12 months.” (IRCC 2017: 4-5).

<sup>295</sup> See Appendix A for a full list of the recommendations.

January 2017 (Keung 2017). It remains to be seen how these changes will come into effect and what impact they will have on applicants' experience and constituency office caseloads. The Committee felt that action on their recommendations is needed as CAs spend significant amounts of time “relaying basic information that should be simple to find” (*ibid.*: 32), as well as “inefficiently doing update checks because applicants become frustrated and concerned” (*ibid.*: 34). However, beyond this client service perspective, this dissertation has also further underlined the importance of reducing case volumes in constituency offices as the influence of micro-level variables, and particularly the politicization of immigration applications, raises questions about these offices playing such an “institutionalized” role in the immigration system (Malloy 2003: 5) and dealing with such high volumes of cases (Bureau 2016b; Rana 2016a; 2016b).

To close, this situation also has implications for the broader work of constituency offices. These offices were not designed to be the “*de facto* front-line” (MacLeod 2005: 16) of Canadian immigration processing. Rather, at their inception they were also intended as spaces to “keep in touch” with constituents (*ibid.*: 9). As MacLeod argues: “What constituency offices *are* uniquely poised to do is deepen and enrich this country’s political conversation. [...] It will begin by reorienting the constituency system as a conduit to parliament, rather than to the bureaucracy.” (2005: 16, our emphasis). But when so much of constituency work is taken up with immigration applications, it leaves very little time for these other activities. If – for all the reasons outlined in this dissertation – constituency offices were relieved of the high volumes, and more routine cases that they handle, these offices would be better equipped to live up to their full potential – advocating for constituents on truly exceptional casework issues, and doing on-the-ground outreach to engage Canadians with their government (MacLeod 2005).

## **Appendix A – CIMM recommendations (2017)**

### **List of Recommendations from “Modernization of Client Service Delivery” a report by the House of Commons Standing Committee on Citizenship and Immigration (CIMM), March 23, 2017, pp. 21-24.**

#### **RECOMMENDATION 1**

That Immigration, Refugees and Citizenship Canada train all Call Centre agents on client service excellence and on how to communicate with people who may have limited English or French speaking abilities.

#### **RECOMMENDATION 2**

That Immigration, Refugees and Citizenship Canada provide a standard process to facilitate calls between a client and a Call Centre agent when an interpreter is used.

#### **RECOMMENDATION 3**

That Immigration, Refugees and Citizenship Canada have a 15-minute standard for clients to be connected with an advisor or agent for all Call Centre operations.

#### **RECOMMENDATION 4**

That Immigration, Refugees and Citizenship Canada consider including specializations and subject-matter experts for Call Centre advisors and agents based on application type, including (1) temporary residence, (2) permanent residence, (3) refugees, including protected persons, (4) citizenship and (5) passports.

#### **RECOMMENDATION 5**

That Immigration, Refugees and Citizenship Canada consider, as part of the redesign of its website, using (1) client-centric design principles to produce digital channels for each business line, (2) plain language, (3) languages other than French and English, similar to what the Government of British Columbia is doing, and (4) virtual assistance.

#### **RECOMMENDATION 6**

That Immigration, Refugees and Citizenship Canada make improvements to “My Account” to allow clients to view and print applications before filing and during processing, and allow applicants to maintain a complete record of every application filed.

#### **RECOMMENDATION 7**

That Immigration, Refugees and Citizenship Canada improve the ability for applicants and their representatives to link paper applications with online accounts.

#### **RECOMMENDATION 8**

That Immigration, Refugees and Citizenship Canada provide alternative payment methods for individuals without access to online payment services and credit cards, such as returning to the previous policy of accepting proof of payment at a bank.

#### **RECOMMENDATION 9**

That Immigration, Refugees and Citizenship Canada contact clients via email or other channels when (1) processing exceeds times provided at the time of application (2) an incorrect payment is made (3) common or simple errors are made on the application.

#### **RECOMMENDATION 10**

That Immigration, Refugees and Citizenship Canada implement an online portal for clients and authorized representatives to track application progress, including but not limited to: (1) current status of the application, (2) any reasons for delays, (3) an estimated time for decision and (4) any missing information or complications with the application.

**RECOMMENDATION 11**

That Immigration, Refugees and Citizenship Canada provide more information and details to clients on the reasons for negative decisions.

**RECOMMENDATION 12**

That Immigration, Refugees and Citizenship Canada examine ways, in collaboration with partners and stakeholders, to increase the number of pre-arrival service sessions available, including attendance, in Foreign Service locations.

**RECOMMENDATION 13**

That Immigration, Refugees and Citizenship Canada ensure Members of Parliament and Senators continue to have access to the Ministerial Enquiries Division.

**RECOMMENDATION 14**

That Immigration, Refugees and Citizenship Canada regularly review all application forms to (1) simplify the form, (2) improve the client experience, and (3) evaluate common patterns in mistakes and errors made on applications.

**RECOMMENDATION 15**

That Immigration, Refugees and Citizenship Canada establish a process for notifying applicants when forms are changed and establish a mechanism to ensure that completed applications submitted with once-current forms are not rejected due to form changes.

**RECOMMENDATION 16**

That Immigration, Refugees and Citizenship Canada consider establishing service standards and processing times for all business lines and publish the standards on the website.

**RECOMMENDATION 17**

That Immigration, Refugees and Citizenship Canada extend the validity period of work permits from six months to one year to take into account processing times at the department.

**RECOMMENDATION 18**

That Immigration, Refugees and Citizenship Canada offer automatic client service feedback forms for applications to the department.

**RECOMMENDATION 19**

That Immigration, Refugees and Citizenship Canada review key performance indicators for all client service channels and review best practices from other immigration systems around the world, such as those of the United States, Australia, New Zealand and the United Kingdom.

**RECOMMENDATION 20**

That Immigration, Refugees and Citizenship Canada create a “Reconsideration Committee” to deal with reconsideration requests within applicants’ 15-day deadline.

**RECOMMENDATION 21**

That Immigration, Refugees and Citizenship Canada conduct “client service and delivery” consultations with customer and client service experts, the private sector, former and current clients of Immigration, Refugees and Citizenship Canada and all Canadians on how the department can better provide service.

**RECOMMENDATION 22**

That Immigration, Refugees and Citizenship Canada consult with refugees to determine their issues with client service and take steps to address them; the review would include (but would not be limited to) the website, Call Centre, languages used, access to technology and payments.

**RECOMMENDATION 23**

That Immigration, Refugees and Citizenship Canada work to better serve Canadian businesses and employers by studying the possible benefits of the department creating a trusted employer program to offer employers an expedited service for assessments (subject to a fee); that this study include input from Canadian businesses and employers; and that IRCC make its findings available to the Committee.

**RECOMMENDATION 24**

That Immigration, Refugees and Citizenship Canada conduct a cost-benefit analysis on having regional immigration offices to deliver in-person service similar to Passport Canada and Service Canada locations.

## **Appendix B – List of interviews**

1. Interview with constituency assistant, October 26<sup>th</sup> 2016.
2. Interview with constituency assistant, October 28<sup>th</sup> 2016 (A).
3. Interview with constituency assistant, October 28<sup>th</sup> 2016 (B).
4. Interview with constituency assistant, October 31<sup>st</sup> 2016.
5. Interview with constituency assistant, November 3<sup>rd</sup> 2016 (A).
6. Interview with constituency assistant, November 3<sup>rd</sup> 2016 (B).
7. Interview with constituency assistant, November 4<sup>th</sup> 2016 (A).
8. Interview with constituency assistant, November 4<sup>th</sup> 2016 (B).
9. Interview with constituency assistant, November 21<sup>st</sup> 2016.
10. Interview with constituency assistant, November 22<sup>nd</sup> 2016 (A).
11. Interview with constituency assistant, November 22<sup>nd</sup> 2016 (B).
12. Interview with constituency assistant, November 29<sup>th</sup> 2016.
13. Interview with constituency assistant, November 30<sup>th</sup> 2016.
14. Interview with constituency assistant, January 9<sup>th</sup> 2017.
15. Interview with constituency assistant, February 14<sup>th</sup> 2017.

## Appendix C – Interview guide

### Part 1: Introductions

1. Can you start by briefly telling me a bit about your background: how long you've worked here, how you came to work here etc.?
2. What types of immigration issues do you and the office help with? What services do you offer?
3. Approximately how many cases go through this office per year? / What proportion of office's work?
4. *OPTIONAL: What do you see as your role in helping constituents with immigration issues?*
  - *OPTIONAL: What does the MP see as the office's role in helping constituents with immigration issues?*

### Part 2: Cases

5. I'd like you to walk me through how you deal with a case. First off, when someone contacts your office, how do you decide whether or not you can help them?
6. Once you've decided to help someone, what are your different options in terms of how to help them? What can you do? (*Ex/ Letters v. phone calls, who to contact*)
7. You have lots of different options. What factors or criteria are you considering when choosing *how* to help someone? What are you thinking about?
  - Does it depend on the type of case?
  - Does it depend on the strength of the case?
  - What if you don't know the constituent?
  - What happens if you have doubts about a case or don't believe the constituent?
8. Are there some files that you get more involved with or push harder than others? Why?
9. *OPTIONAL: Do you feel pressure to keep constituents happy no matter how their case goes? Why?*

### Part 3: Professional judgement/discretion

10. Do you feel that you can exercise your professional judgement when deciding how to help a constituent with an immigration issue? In other words, do you have flexibility?
11. What limits are there on your professional judgement/flexibility? (*Rules?*)
  - Do you have a set of formal procedures that you follow?
12. To what extent is the MP involved in decision-making on individual cases?
13. Do you have the impression that other constituency offices provide the same kind of immigration services as your office does?
  - Parties?
14. Do you have the impression that other CAs have a different approach to helping constituents with immigration issues?
  - From the same party? From different parties?
15. Is there anything else you wish to tell me about your work? Or do you have any questions for me?

## Bibliography

- Abu-Laban, Y. and C. Gabriel. (2002). *Selling diversity: Immigration, multiculturalism, employment equity and globalization*. Peterborough: Broadview Press.
- Adler, E. S., C. E. Gent and C. B. Overmeyer. (1998). "The home style homepage: Legislator use of the World Wide Web for constituency contact." *Legislative Studies Quarterly*, 23(4): 585-595.
- Aiken, S. (2007). "From slavery to expulsion: racism, Canadian immigration law and the unfulfilled promise of modern constitutionalism." In Agnew, V. (Ed.), *Interrogating race and racism*. Toronto: University of Toronto Press, pp. 55-111.
- Alpes, M. J., and A. Spire. (2014). "Dealing with law in migration control: The powers of street-level bureaucrats at French consulates." *Social & Legal Studies*, 23(2): 261-274.
- Anagnoson, J. T. (1983). "Home style in New Zealand." *Legislative Studies Quarterly*, 8(2): 157-175.
- André, A., J. Bradbury and S. Depauw. (2014). "Constituency service in multi-level democracies." *Regional & Federal Studies*, 24(2): 129-150.
- André, A., J. Bradbury & S. Depauw. (2015). "Explaining cooperation over casework between members of national and regional parliaments." *Parliamentary Affairs*, 68: 665-689.
- Angus, C. (2016, November 1). "Immigration." Canada. House of Commons. Standing Committee on Immigration and Citizenship. *Edited Hansard*. 42nd Parliament, 1st session, meeting no. 36. Retrieved from <http://www.ourcommons.ca/Content/Committee/421/CIMM/Evidence/EV8568261/CIMMEV36-E.PDF>
- Anisman, P. (1975). *A catalogue of discretionary powers in the revised statutes of Canada, 1970*. Ottawa: Law Reform Commission of Canada.
- Baker Collins, S. (2015). "The space in the rules: Bureaucratic discretion in the administration of Ontario Works." *Social Policy and Society*: 1-15.
- Bates, E., J. Bond and D. Wiseman. (2016). "Troubling signs: Mapping access to justice in Canada's refugee system reform." *Ottawa Law Review*, 47(1): 1-72.
- Board of Internal Economy (BOIE). (2016). *Members Bylaw*. Retrieved from <http://www.ourcommons.ca/DocumentViewer/en/boie/by-law/10000>
- Bonisteel, J. (2010). "Ministerial influence at the Canadian Immigration and Refugee Board: The case for institutional bias." *Refuge*, 27(1): 103-109.
- Bouchard, G. (2000). *Field officer discretion in the implementation process: Immigration policy in Canada, Quebec and the United States* (Doctoral dissertation). Hamilton: McMaster University.
- Bouchard, G., & B. Wake Carroll (2002). "Policy-making and administrative discretion: The case of immigration in Canada." *Canadian Public Administration*, 45(2): 239-257.
- Bourgault, J. (2009). "Les relations entre l'administration publique et le Parlement." In Pelletier, R. and M. Tremblay (Eds.), *Le parlementarisme canadien*. 4th Edition. Quebec: Les Presses de l'Université de Laval, pp. 417-454.

- Bradbury, J. and J. Mitchell. (2007). "The constituency work of Members of the Scottish Parliament and National Assembly for Wales: Approaches, relationships and rules." *Regional and Federal Studies*, 17(1): 117-145.
- Brintnall, M. (1981). "Caseload performance and street-level bureaucracy." *Urban Affairs Quarterly*, 16(3): 281-298.
- Brodtkin, E. Z. (2011). "Putting street-level organizations first: new directions for social policy and management research." *Journal of Public Administration Research and Theory*, 21(S2): 199-201.
- Cain, B. E., J. A. Ferejohn and M. P. Fiorina. (1983). "The constituency component: A comparison of service in Great Britain and the United States." *Comparative Political Studies*, 16(1): 67-91.
- Cain, B., J. Ferejohn and M. Fiorina. (1987). *The personal vote. Constituency service and electoral independence*. Cambridge: Harvard University Press
- Campbell, D. (2011). "Public workaround stories are valuable evaluative indicators: But should they be told?" *American Journal of Evaluation*, 32(3): 408-17.
- Canada, Government of. (2017). : Government Response to the Ninth Report of the Standing Committee on Citizenship and Immigration, entitled Modernizing Client Service Delivery." Ottawa: House of Commons. Retrieved from <https://www.ourcommons.ca/DocumentViewer/en/42-1/CIMM/report-9/response-8512-421-182>
- Canadian Council for Refugees. (2016). "Family reunification: Submission to the Standing Committee on Citizenship and Immigration." Montreal: Canadian Council for Refugees. Retrieved from <http://ccrweb.ca/sites/ccrweb.ca/files/family-reunification-submission-nov-2016.pdf>
- Carty, R. K. and M. Eagles (2006). *Politics is local: National politics at the grassroots*. Toronto: Oxford University Press.
- Chiru, M. and L. Blaga. (2014). "Improving MPs' responsiveness through institutional engineering? Constituency questions under two electoral systems." Paper prepared for the APSA Annual Meeting, Washington D.C., August 28-31, 30 pages.
- Citizenship and Immigration Canada (CIC). (2012, June 1). "Operational bulletin 431 - In-Canada office closures and the elimination of front counter service." Ottawa: Government of Canada. Retrieved from <http://www.cic.gc.ca/english/resources/manuals/bulletins/2012/ob431.asp>
- Clarke, H. D. (1978). "Determinants of provincial constituency service behaviour: A multivariate analysis." *Legislative Studies Quarterly*, 3(4): 601-628.
- Clarke, H. D., R. G. Price and R. K. Krause. (1975). "Constituency service among Canadian provincial legislators: Basic findings and a test of three hypotheses." *Canadian Journal of Political Science*, 8(4): 520-542.
- Colaiacovo, I. (2013). "Not just the facts: Adjudicator bias and decisions of the Immigration and Refugee Board of Canada (2006-2011)." *Journal on Migration and Human Security*, 1(4): 122-147.
- Cooper, C. (2015). "Bureaucratic identity and the resistance of politicization." *Administration & Society*: 1-23.
- Côté-Boucher, K. (2016). "The paradox of discretion: Custom and the changing occupational identity of the Canadian border officers." *British Journal of Criminology* 56: 49-67.
- Dallaire, S. (2016, May 26). Personal communication.

- Docherty, D. (1997). *Mr. Smith goes to Ottawa: Life in the House of Commons*. Vancouver: UBC Press.
- Docherty D. (2002). "Citizens and legislators: Different views on representation." In Nevitte, N. (Ed.), *Value change and governance in Canada*. Toronto: University of Toronto Press, pp. 165-206.
- Docherty, D. (2003). "Canada: Political careers between executive hopes and constituency work." In Borchertand Jürgen Zeiss, J. (Ed.), *The political class in advanced democracies*. Oxford: Oxford University Press, pp. 63-83.
- Dubois, V. (2012). "Ethnographier l'action publique. Les transformations de l'État social au prisme de l'enquête de terrain." *Gouvernement et action publique* 1(1): 83-101.
- Eagles, M. (1998). "The political ecology of representation in English Canada: M.P.'s and their constituencies." *American Review of Canadian Studies*, 28(1-2): 53-79.
- Eichbaum, C., and R. Shaw (2008). "Revisiting politicization: Political advisers and public servants in Westminster systems." *Governance* 21: 337-363.
- Elling, R. C. (1979). "The utility of state legislative casework as a means of oversight." *Legislative Studies Quarterly*, 4(3): 353-379.
- Eule, T. G. (2014). *Inside immigration law: Migration management and policy application in Germany*. Farnham, UK: Ashgate Publishing.
- Evans, T. and J. Harris. (2004). "Street-level bureaucracy, social work and the (exaggerated) death of discretion." *The British Journal of Social Work*, 34(6): 871-895.
- Fenno, Richard F. (1978): *Home style. House Members in their districts*. Boston: Little Brown.
- Fletcher, D. R. (2011). "Welfare reform, Jobcentre Plus and the street-level bureaucracy: towards inconsistent and discriminatory welfare for severely disadvantaged groups?" *Social Policy and Society*, 10(4): 445-458.
- Franks, C. E. S. (2007). "Members and constituency roles in the Canadian federal system." *Regional & Federal Studies*, 17(1): 23-45.
- Gay, O. (2005). "MPs go back to their constituencies." *The Political Quarterly*, 76: 57-66.
- Gilboy, J. A. (1991). "Deciding who gets in: Decisionmaking by immigration inspectors." *Law & Society Review*, 25(3): 571-599.
- Gilboy, J. A. (1992). "Penetrability of administrative systems: Political 'casework' and immigration inspections." *Law & Society Review*, 26(2): 273-314.
- Gofen, A. (2014). "Mind the gap: Dimensions and influence of street-level divergence." *Journal of Public Administration Research and Theory*, 24(2): 473-493.
- Haince, M.-C. (2010). *Au cœur des institutions d'immigration : dispositifs, gestion et contrôle migratoire au Canada* (Doctoral dissertation). Montreal: Université de Montréal.
- Halligan, J., R. Krause, R. Williams and G. Hawker. (1988). "Constituency service among sub-national legislators in Australia and Canada." *Legislative Studies Quarterly*, 13(1): 49-63.
- Handler, J. (1983). "Discretion in social welfare: the uneasy position in the rule of law." *The Yale Law Journal*, 92(7): 1270-1286.
- Hawkins, K. (1992). "The use of legal discretion: Perspectives from law and social science." In Hawkins, K. (Ed.), *The uses of discretion*. Oxford: Clarendon Press, pp. 11-46.

- Heitshusen, V., G. Young and D. M. Wood. (2005). "Electoral context and MP constituency focus in Australia, Canada, Ireland, New Zealand, and the United Kingdom." *American Journal of Political Science*, 49(1): 32-45.
- Henry, F. and C. Tator. (2010). *The colour of democracy: Racism in Canada*. 4<sup>th</sup> Edition. Toronto: Nelson.
- House of Commons. (1988). *Establishing your constituency office: A guide for newly elected Members of the House of Common*. Ottawa: House of Commons.
- Hoyle, L. (2014). "'I mean, obviously you're using your discretion:' nurses' use of discretion in policy implementation." *Social Policy and Society*, 13(2): 189-202.
- Howe, D. (1991). "Knowledge, power and the shape of social work practice." In Davies, M. (Ed.), *The sociology of social work*. London: Routledge.
- Hsu, T. (2012, April 23). "Letter to minister Kenney on the closure of Kingston's Citizenship and Immigration office." Received by the Hon. Jason Kenney. Retrieved from <http://blog.tedhsu.ca/2012/07/25/letter-to-minister-kenney-on-the-closure-of-kingstons-citizenship-and-immigration-office/>
- Immigration, Refugees and Citizenship Canada (IRCC). (2016a). "Enquiries on immigration and citizenship cases: Reference document for Members of Parliament and Senators." Ottawa: Government of Canada.
- Immigration, Refugees and Citizenship Canada (IRCC). (2016b). "Permanent and Temporary Resident Applications Overview." Record ID: 63858380-265e-4948-8e96-ca50fceca2d7. Ottawa: Government of Canada. Retrieved from [http://open.canada.ca/data/en/dataset/63858380-265e-4948-8e96-ca50fceca2d7?\\_ga=2.256457867.1413192631.1498150010-361837534.1497106150](http://open.canada.ca/data/en/dataset/63858380-265e-4948-8e96-ca50fceca2d7?_ga=2.256457867.1413192631.1498150010-361837534.1497106150)
- Immigration, Refugees and Citizenship Canada (IRCC). (2017). *Departmental plan 2017-2018*. Ottawa: Government of Canada. Retrieved from <http://www.cic.gc.ca/english/pdf/pub/dp-pm-2017-2018-eng.pdf>
- Immigration and Refugee Protection Act, Revised Statutes of Canada (S.C. 2001, c. 27). Retrieved from <http://laws.justice.gc.ca/eng/acts/i-2.5/>
- Jackson, N. (2008). "MPs and their e-newsletters: Winning votes by promoting constituency service." *The Journal of Legislative Studies*, 14(4): 488-499.
- Johannes, J. R. (1979). "Casework as a technique of U. S. Congressional oversight of the executive." *Legislative Studies Quarterly*, 4(3): 325-351.
- Johannes, J. R. (1983). "Congressional casework styles." *American Journal of Political Science*, 27(3): 530-547.
- Johannes, J. R. (1984). *To serve the people. Congress and constituency service*. Lincoln & London: University of Nebraska Press.
- Jordan, B., B. Str ath and A. Triandafyllidou. (2003). "Contextualising immigration policy implementation in Europe." *Journal of Ethnic and Migration Studies*, 29(2): 195-224.
- Kallen, E. (2003). *Ethnicity and human rights in Canada*. 3<sup>rd</sup> Edition. Toronto: Oxford University Press.
- Keiser, L. R. (2003). "The determinants of street-level bureaucratic behavior: Gate-keeping in the social security disability program." Paper prepared the National Public Management Research Conference, Georgetown University, Washington DC, October 9<sup>th</sup>-11<sup>th</sup>, 34 pages.

- Kerrouche, E. (2009). "Usages et usagers de la permanence du député." *Revue française de science politique*, 59(3): 429-454.
- Koop, R. (2015). "Institutional- and individual-level influences on service representation and casework in Canadian cities." *Urban Affairs Review*: 1-24.
- Le Lidec, P. (2009). "French deputies, their assistants and the uses of staff appropriations: A sociology of political work." *Sociologie du travail*, 51S: 117-135.
- Liew, J. C. Y. and D. Galloway. (2015). *Immigration law*. 2<sup>nd</sup> Edition. Toronto: Irwin Law.
- Lipsky, M. (2010). *Street-level bureaucracy: Dilemmas of the individual in public services*. New York: Russell Sage Foundation.
- Loat, A. and M. MacMillan. (2014). *Tragedy in the Commons: Former Members of Parliament speak out about Canada's failing democracy*. Toronto: Vintage Canada.
- MacLeod, P. (2005). *The lowroad to democratic reform: Constituency offices, public service provision and citizen engagement*. A report to the Democratic Reform Secretariat of the Privy Council Office of Canada, 46 pages.
- MacLeod, P. (2006). "How to organize an effective constituency office." *Canadian Parliamentary Review*, 29(1): 9-12.
- MacLeod, P. (2014). "The constituency project ten years on." *Canadian Parliamentary Review*, 37(2): 37-40.
- Mahler, J. and P. M. Regan. (2005). "Homestyle online: Casework over the Internet." Paper prepared for the American Political Science Association Meetings, Washington D.C. September 1<sup>st</sup>, 14 pages.
- Malloy, J. (2003). *To better serve Canadians: How technology is changing the relationship between Members of Parliament and public servants*. New Directions No. 9. Toronto: The Institute of Public Administration of Canada, 64 pages.
- May, P. J. and S. C. Winter. (2009). "Politicians, managers and street-level bureaucrats: influences on policy implementation." *Journal of Public Administration Research and Theory*, 19(3): 453-476.
- Montigny, E. and R. Morency. (2014). "Le député québécois en circonscription : évolution, rôle et réalités." *Canadian Journal of Political Science*, 47(1): 71-92.
- Mountz, A. (2004). "Embodying the nation-state: Canada's response to human smuggling." *Political Geography* 23: 323-345.
- Norris, P. (1997). "The puzzle of constituency service." *The Journal of Legislative Studies*, 3(2): 29-49.
- Norton, P. (1994). "The growth of the constituency role of the MP." *Parliamentary Affairs*, 47(4): 705-720.
- Norton, P. and D. Wood. (1993). *Back from Westminster: British Members of Parliament and their constituents*. Lexington: University Press of Kentucky.
- Ortiz, L. P., C. Wirz, K. Semion and C. Rodriguez. (2004). "Legislative casework: Where policy and practice intersect." *Journal of Sociology and Social Welfare*, 31(2): 49-67.
- Patzelt, W. J. (2007). "The constituency roles of MPs at the federal and Lander levels in Germany." *Regional and Federal Studies*, 17(1): 47-70.
- Pratt, A. (1999). "Dunking the doughnut: Discretionary power, law and the administration of the Canadian *Immigration Act*." *Social & Legal Studies*, 8(2): 199-226.

- Pratt, A. (2005). *Securing border: detention and deportation in Canada*. Vancouver: UBC Press.
- Pratt, A. (2010). "Between a hunch and a hard place: Making suspicion reasonable at the Canadian border." *Social & Legal Studies*, 19(4): 461-480.
- Pratt, A. and L. Sossin (2009). "A brief introduction of the puzzle of discretion." *Canadian Journal of Law and Society*, 24(3): 301-312.
- Pratt A. and S. K. Thompson. (2008). "Chivalry, 'race,' and discretion at the Canadian border." *British Journal of Criminology* 48: 620-640.
- Rawlings, R. (1990). "The MP's complaint service." *Modern Law Review*, 53(1): 22-42.
- Rousseau, C., F. Crépeau, P. Foxen and F. Houle. (2002). "The complexity of determining refugeehood: A multidisciplinary analysis of the decision-making process of the Canadian Immigration and Refugee Board." *Journal of Refugee Studies*, 15(1): 43-70.
- Riccucci, N. (2002). "Implementing welfare reform in Michigan: the role of street-level bureaucrats." *International Journal of Public Administration*, 25(7): 901-921.
- Rousseau, C., F. Crépeau, P. Foxen and F. Houle. (2002). "The complexity of determining refugeehood: A multidisciplinary analysis of the decision-making process of the Canadian Immigration and Refugee Board." *Journal of Refugee Studies*, 15(1): 43-70.
- Salter, M. B. (2008). "When the exception becomes the rule: Borders, sovereignty, and citizenship." *Citizenship Studies*, 12(4): 365-380.
- Sandfort, J. (2000). "Moving beyond discretion and outcomes: examining public management from the front lines of the welfare system." *Journal of Public Administration Research and Theory*, 10(4): 729-756.
- Satzewich, V. (2014a). "Canadian visa officers and the social construction of 'real' spousal relationships." *Canadian Review of Sociology*, 51(1): 1-21.
- Satzewich, V. (2014b). "Visa officers as gatekeepers of a state's borders: The social determinants of discretion in spousal sponsorship cases in Canada." *Journal of Ethnic and Migration Studies*, 40(9): 1450-1469.
- Satzewich, V. (2015a). *Points of entry: How Canada's immigration officers decide who gets in*. Vancouver: UBC Press.
- Satzewich, V. (2015b). "Is immigrant selection in Canada racialized? Visa officer discretion and approval rates for spousal and Federal Skilled Worker applications." *Journal of International Migration & Integration*, 16: 1023-1040.
- Searing, D. D. (1985). "The role of the good constituency member and the practice of representation in Great Britain." *The Journal of Politics*, 47(2): 348-381.
- Serra, G. and N. Pinney. (2004). "Casework, issues and voting in state legislative elections: A district analysis." *The Journal of Legislative Studies*, 10(4): 32-46.
- Siefken, S. T. (2014). "The case against (or for?) casework. German MPs' service responsiveness in their district work with citizens." Paper prepared for the ECPR General Conference, Glasgow, September 3-6, 20 pages.
- Simeon, R. (1976). "Studying public policy," *Canadian Journal of Political Science*, 9(4): 548-80.
- Sossin, L. (2005). "From neutrality to compassion: the place of civil service values and legal norms in the exercise of administrative discretion." *The University of Toronto Law Journal*, 55(3): 427-447.

- Standing Committee on Citizenship and Immigration (CIMM). (2017). "Modernization of client service delivery: Reports of the Standing Committee on Citizenship and Immigration." Ottawa: House of Commons. Retrieved from <https://www.ourcommons.ca/Content/Committee/421/CIMM/Reports/RP8838388/cimmrp09/cimmrp09-e.pdf>
- Taylor, I. and J. Kelly. (2006). "Professionals, discretion and public sector reform in the UK: re-visiting Lipsky." *International Journal of Public Sector Management*, 19(7): 629-642.
- Trudeau, J. (2017). "Minister of Immigration, Refugees and Citizenship mandate letter." Received by Hon. Ahmed Hussen. Retrieved from <http://pm.gc.ca/eng/minister-immigration-refugees-and-citizenship-mandate-letter>
- Turgeon, L. (2010). *Tax, time and territory: The development of early childhood education and child care in Canada and Great Britain* (Doctoral dissertation). Toronto: University of Toronto.
- Uslaner, E. M. (1985). "Casework and institutional design: Redeeming promises in the Promised Land." *Legislative Studies Quarterly*, 10(1): 35-52.
- Wahlke, J. C., H. Eulau, W. Buchanan and L. C. Ferguson (1962). *The legislative system: explorations in legislative behavior*. New York: Wiley.
- Wake Carroll, B. and D. Siegel. (1999). *Service in the field: The world of front-line public servants*. Montreal: McGill-Queen's University Press.
- Webber, F. (2012). *Borderline justice: the fight for refugee and migrant rights*. London: Pluto Press.
- Witmer, E. (2014). "Changing partisan representatives while maintaining office staff." *Canadian Parliamentary Review*, 37(2): 3-4.
- Wong, J. (2001). *Democracy and welfare: Health policy in Taiwan and South Korea* (Doctoral dissertation). Madison: University of Wisconsin.
- Zappala, G. (1998). "The micro-politics of immigration: Service responsiveness in an Australian ethnic electorate." *Ethnic and Racial Studies*, 21(4): 683-704.

## News articles

- Barron, R. (2012, August 5). "Rush for help after city office closure." *Times Colonist*. Retrieved from <http://www.timescolonist.com/news/rush-for-help-after-city-office-closure-1.14154>
- Bureau, B. (2016a, December 6). "Des vies brisées : les longs délais d'Immigration Canada." *Radio-Canada*. Retrieved from <http://ici.radio-canada.ca/nouvelle/1003961/immigration-canada-residente-ottawa>
- Bureau, B. (2016b, December 15). "Les bureaux de députés fédéraux débordés par les dossiers d'immigration." *Radio-Canada*. Retrieved from <http://ici.radio-canada.ca/nouvelle/1005931/demandes-immigration-bureaux-deputes-debordement-boulerice-laverdiere>
- Keung, N. (2016). "He started a new life in Canada, but now he's separated from his family." *The Toronto Star*. Retrieved from [http://startouch.thestar.com/screens/f99694e5-78eb-4aa7-888f-16097a33f17c%7C\\_0.html](http://startouch.thestar.com/screens/f99694e5-78eb-4aa7-888f-16097a33f17c%7C_0.html)
- Keung, N. (2017). "Customer service a new concept for Canada's Immigration Department." *The Toronto Star*. Retrieved from

- <https://www.thestar.com/amp/news/immigration/2017/09/10/customer-service-a-new-concept-for-canadas-immigration-department.html>
- MacLeod, P. (2004, November 24). "Peter MacLeod." *Globe and Mail*. Retrieved from <https://www.theglobeandmail.com/opinion/peter-macleod/article1144423/>
- Marchitelli, R. (2016, September 19). "Canadian immigration DNA test would force kids through dangerous area under travel warning." *CBC News*. Retrieved from <http://www.cbc.ca/news/canada/calgary/required-dna-test-canada-immigration-somalia-kids-1.3764607>
- Nash, C. (2017, August 17). "Directing MPs through new call centre for immigration cases disastrous, say critics." *The Hill Times*. Retrieved from <https://www.hilltimes.com/2016/08/17/directing-mps-through-new-call-centre-for-immigration-cases-disastrous-say-critics/77540>
- Pez, A. (2012, June 15). "Immigration and refugee services suddenly shut down." *The Tyee*. Retrieved from <http://thetyee.ca/News/2012/06/15/CIC-Shut-Down/>
- Radio-Canada. (2016, October 12). "Demande grandissante pour les services d'immigration à Trois-Rivières." *Radio-Canada*. Retrieved from <http://ici.radio-canada.ca/nouvelle/808361/immigration-trois-rivieres-services>
- Rana, A. (2016a) Liberal MPs put heat on McCallum to address immigration processing 'mess,' say lengthy delays 'unacceptable'. *The Hill Times* (February 1). Available at: <https://www.hilltimes.com/2016/02/01/liberal-mps-put-heat-on-mccallum-to-address-immigration-processing-mess-say-lengthy-delays-unacceptable/49401>
- Rana, A. (2016b) 'People are asking what we're doing differently from the previous government,' Grit MPs set up regional caucuses on immigration, 'No. 1' riding issue. *The Hill Times* (June 20). Available at: <https://www.hilltimes.com/2016/06/20/people-are-asking-what-were-doing-different-from-the-previous-government-liberal-mps-set-up-regional-caucuses-on-no-1-constituency-issue-immigration/70397>
- Sudbury Star. (2012, July 25). "Cuts could cripple immigration to North: MP." *The Sudbury Star*. Retrieved from <http://www.thesudburystar.com/2012/07/25/cut-could-cripple-immigration-north-mp>