

# Overview of Immigration and Refugee Policy Changes



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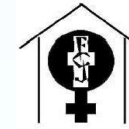
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2013

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# Presentation Outline

- Citizenship
- Family Class Changes
  - Sponsoring spouses
  - Sponsoring dependent children
  - Sponsoring grandparents/parents
- Economic Class Program Changes
  - Federal Skilled Workers
  - Canadian Experience Class
  - Provincial Nominees
  - Entrepreneurships & Immigrant investors
- Temporary Stay
  - Temporary Foreign worker
- Refugee Class Changes
  - New classifications, Conceptual Changes, New Refugee Process, new H&C limitations, new PRAA limitations, Health plan changes

# Application for Canadian Citizenship

- Since November 1, 2012 applicants for citizenship have to provide proof of their English or French skills, at their own expense.
- Citizenship Canada is use more the long form to check physical residence in Canada... the processing time is longer.

# FAMILY CLASS CHANGES (Sponsorship)



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# Sponsoring Spouses

- **CHANGE:** New Conditional Permanent Residence Measure
  - After Oct 25, 2012 **sponsored spouses or partners must now live together in a legitimate relationship with their sponsor for two years** from the day they receive permanent residence status in Canada



# Sponsoring Dependent Children

- Currently: a dependent child **must be under the age of 22** and must either.
- **UPCOMING CHANGES:** The proposed regulatory amendments would narrow the definition of dependent child by reducing the age limit to under 19 and removing the exception for full-time students.
- Changes come into force **January 1, 2014**. For applicants who submit any sponsorship application and/or permanent resident application on or after this date, the proposed new definition for dependent child would apply.



# Sponsoring Parents & Grandparents

**Moratorium:** On November 5th, 2011 the CIC stopped accepting applications for the Parent and Grandparent Stream of Family Sponsorship

- **SUPER VISA:** As of December 1, 2011, for Parent and Grandparent, which is valid for up to 10 years allows an applicant to remain in Canada for up to 24 months at a time without the need for renewal of their status
  - Provide a written commitment of financial support from their child or grandchild in Canada who meets a minimum income threshold
  - Prove that they have bought Canadian medical insurance coverage for at least one year.
  - Complete an Immigration Medical Examination



# Sponsoring Parents & Grandparents cont

## Recent News:

- Announced May 10<sup>th</sup> 2013:
  - CIC will begin accepting new applications on January 2nd, 2014.
- **New Criteria:**
  - Minimum necessary income increased by 30 percent,
  - Lengthen period for demonstrating funds from one year to three,
  - Extend sponsorship undertaking period to 20 years instead of 10,
  - Accompanying dependents must be 18 or younger:

<http://www.cicnews.com/2013/05/parent-grandparent-sponsorship-reopen-2014-052465.html>



# ECONOMIC CLASS PROGRAM CHANGES



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# Federal Skilled Workers (FSW)

## Recent Changes

- Emphasis on **language proficiency** and **youth**
- Increased points for Canadian work experience, reduced for foreign work experience
- Since 2011 FSW requiring occupation listed in NOC National Occupational Classification
- Educational Credential Assessment (foreign education assessed on Canadian standards)
- Cap for most FSW: Between May 4, 2013, and April 30, 2014, CIC will consider no more than 5,000 complete FSW applications for processing



# Provincial Nominee Program (PNP)

Persons who immigrate to Canada under the PNP have the skills, education, and work experience needed to make an immediate economic contribution to the province or territory that nominates them.

- To apply under the PNP, applicants must be nominated by a Canadian province or territory
- Usually an employer-driven application process

## Recent changes:

- Since July 1<sup>st</sup> 2012, if applicant to semi or low-skilled professions, must complete language testing



# Canadian Experience Class

After a person has lived in Canada for some time, he/she may have **good English or French skills** and the **right kind of skilled work experience**. This program is open to temporary foreign workers or foreign students who have skilled work experience in Canada.

- All Applicants Requirement
  - Adequate proficiency in English or French
  - Must maintain temporary resident status during periods of work experience and study



# Canadian Experience Class cont

- Temporary Foreign Workers:
  - Qualifying Canadian skilled-work experience
    - **Change: After Jan 2013, 12 months of work experience is required (previously 24 months)**
- Foreign Students:
  - Qualifying Canadian educational credential
  - Qualifying Canadian skilled-work experience
    - **Change: After Jan 2013, graduates have 36 months (previously 24 months) to earn 12 months of work**



# Entrepreneurship Class & Immigrant Investor Class

## Program Suspension

After July 1, 2012 Citizenship and Immigration Canada has temporarily **stopped** receiving applications for Entrepreneurship class and Immigrant Investor Class

## **Change:** Introduction of Start up Visa Program

- Difficult to get. Eligibility criteria includes support from a designated Canadian venture capital fund or angel investor group

# TEMPORARY STAY



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# Temporary Stay

## Temporary Work Permit

(TFWP) allows Canadian employers to hire foreign nationals to fill temporary labour and skill shortages when qualified Canadian citizens or permanent residents are not available.

- **Employers may need to get a labour market opinion (LMO)** from Human Resources and Skills Development Canada (HRSDC). An LMO confirms that there is no Canadian or permanent resident available, and the employer can fill the job with a foreign worker.
- A temporary work visa may be required when applying for a temporary work permit. The Countries are listed at <http://www.cic.gc.ca/english/visit/visas.asp>
- **A work permit is not an immigration document.** It does not allow you to live in Canada permanently.
- You normally have to apply for a work permit from outside Canada. Sometimes, you can apply as you enter Canada or from inside Canada, but many of the requirements are the same



# REFUGEE CLASS CHANGES



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# Conceptual Changes to Refugee Policy

- Refugee Appeal Division (RAD)
  - New appeal process for some refugee claimants
  - Claimants in DCO and DFN categories are not eligible
  - Regular claimants made before August 15 2012 are not eligible
- Judicial Review is still available, but there is no stay of removal for DCO or DFN claimants
- Loss of Permanent Resident Status
  - Refugees can now lose their permanent residence status due to the “cessation” of their refugee status
  - Cessation means a convention refugee no longer needs protection due to rehabilitation to their country of origin.
  - Policy is retroactive. It stops only if the persons is a Canadian citizen
  - There is not access to appeal
  - Imminent removal after “cessation”.



# Categories of Refugee Claimants

Under the new system, refugee claimants are divided into three categories:

- Designated Countries of Origin (DCO)
- Designated Foreign Nationals (DFN)
- Regular Refugee Claimants
  - This category is for any claimant who is not from a DCO according to Citizenship and Immigration Canada (CIC), or
  - who is not a DFN according to the Minister of Public Safety

Refugee claimants will experience different processes and be allowed different rights based on their category.

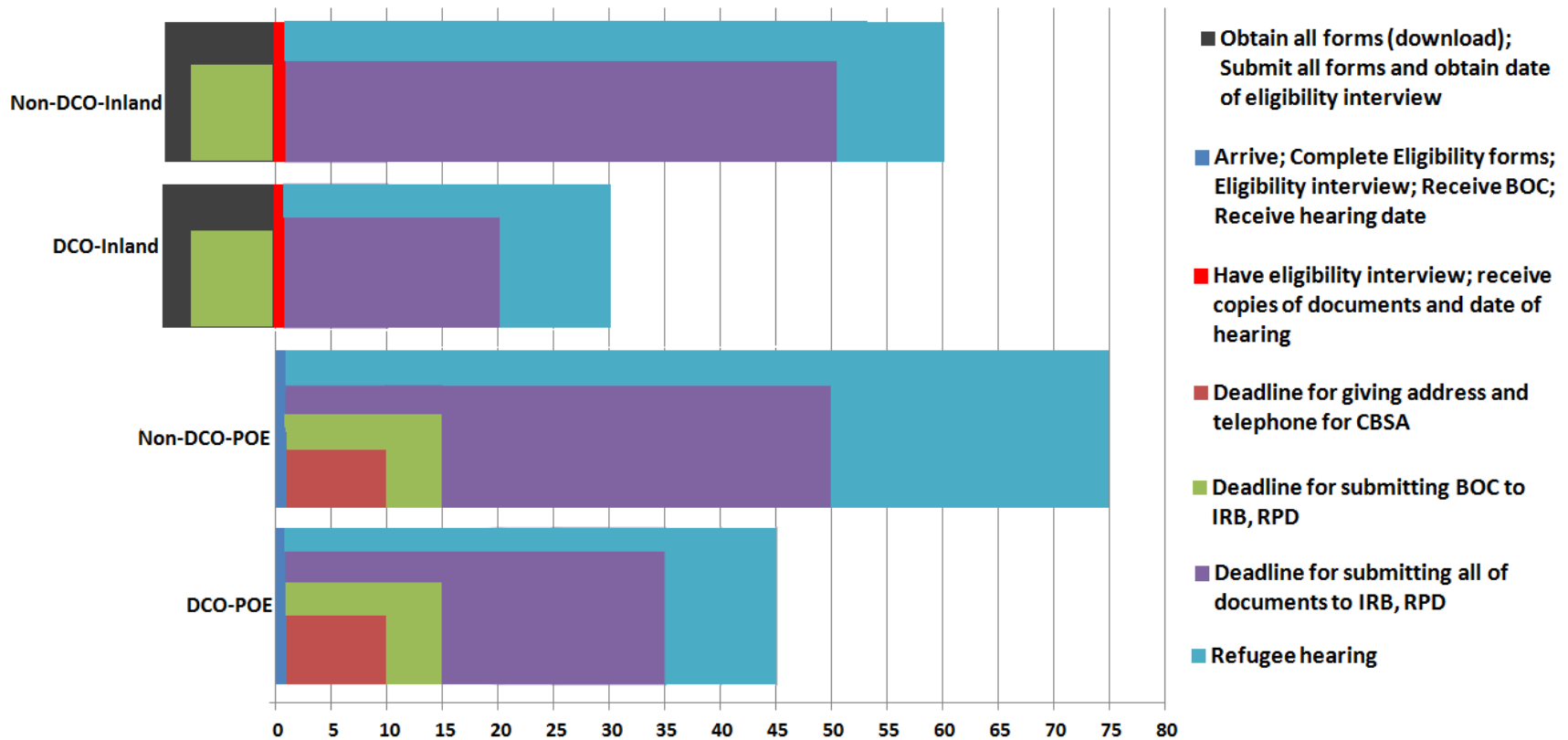


# Categories of Refugee Claimants

- Designated Countries of Origin (DCO): *25 countries are in the European Union (EU), Croatia, USA, Mexico, Israel, Japan, Norway, Iceland, New Zealand, Australia, Switzerland, South Korea and Chile.*
- Designated Foreign Nationals (DFN): *Roma from Rumania*

Remember: Refugee claimants will experience different processes and be allowed different rights based on their category.

# THE NEW REFUGEE PROCESS TIMELINES





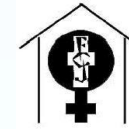
# H&C Application

- Under the new Refugee Protection System, **APPLICANTS CANNOT MAKE an H&C application FOR ONE YEAR** (12 months) following a final negative decision by the IRB.
- They can remain in Canada without status and still be eligible to apply.
- Some exceptions to apply before the 12 months:
  - The best interests of children directly affected, or
  - Risk to life caused by health or medical condition for which there is no adequate care in the country of origin.
- Applicants with an ongoing refugee claim can't make an H&C application.
- A refugee claim may be withdrawn and an H&C application submitted if the IRB has not yet heard substantive evidence on the claim.



# Pre-Removal Risk Assessment

- Under the new system, the access to the PRRA will be as follows:
- Applicants are NOT eligible for the PRRA for one year (12 months):
  - following a final negative refugee claim decision by the IRB (rejection at the RAD, or
  - at RPD if applicants did not go to the RAD or
  - a negative PRRA decision.
- The ban on PRRA application is extended to 36 months if applicants are from a Designated Country of Origin (DCO).



# Refugee Service Changes

## INTERIM FEDERAL HEALTH PLAN (IFHP) changes:

- The IFHP provides refugee claimants coverage of health-care benefits, but the type of coverage **depends on whether the claimant comes from a DCO or non-DCO country.**
- *Non DCO claimants qualify for “Health-Care Coverage”.*
- With this coverage, beneficiaries will be covered if they need medical attention for a disease, symptom, complaint or injury.





# Refugee Service Changes cont

## LEGAL AID ONTARIO (LAO) changes:

- Individuals from countries designated as DCO **are not entitled** to legal aid representation at hearings
- After 2012: Limited legal aid funds: due to budget cuts LAO won't reimburse the legal service already invested if it disapproves the legal aid at the end (either because the client earns more than \$12,000 a year or the case is deemed unlikely to succeed)
- LAO now offers a toll-free phone service to help eligible refugee clients in over 200 languages. LAO has also posted a new refugee law section to help guide refugees toward legal assistance

# ASSISTED VOLUNTEER RETURN PROGRAM

## KIND OF ASSISTANCE AVAILABLE

- Plane Ticket Home
  - Pay for extra luggage
- Up to CANADIAN \$ to Reintegration Assistance
  - Find a Job, rent a house
  - Set up a Business
  - School, University
- Up to CAN \$2,000
  - . Before Judicial Review
- Up to CAN \$1,500
  - . Before submitting PRRA
- Up to CAN \$1,000
  - . After negative from PRRA
- <http://www.cbsa-asfc.gc.ca/prog/avrr-arvr/menu-eng.htm>



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# Questions?

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