

What's New for Canadian Immigration in 2018

Caregiver Program Changes

Before the end of 2017, IRCC promised to expedite family reunification for caregivers and their families by addressing the huge backlog of permanent residence applications under the now defunct Live-in Caregiver Program.

In addition, employers who would like to hire caregivers for people with high medical needs and those who would like to hire caregivers for children with annual household income of less than \$150,000 are now exempt from paying the \$1,000 LMIA processing fee.

We truly hope that these changes will only be the start of other significant changes that will help improve the status of caregivers in Canada who are initially admitted as temporary workers. Among others, the employer-specific and precarious nature of the caregiver work permits will need to be removed, being the root cause of their vulnerability to various forms of abuse and exploitation.

Reopening of Parent-Grandparent Sponsorship Applications

As in 2017, the IRCC reopened the parent-grandparent sponsorship program by allowing prospective sponsors to fill up an online form for this purpose anytime between January 2 to February 1, 2018. Completion of this form is not equivalent to an application but is only an expression of interest to sponsor and will form part of the pool of prospective applicants.

At the end of the designated one-month period, IRCC officials will again randomly select 10,000 sponsors from those who completed the online form and who will then be invited to submit their applications to sponsor their parents' or grandparents' permanent residency.

Unlike in the past year however, where minimal information was required, the online form this time asks for more detailed information, including the names, dates of birth, family size and incomes of prospective sponsors for the past three taxation years. This is meant to weed out prospective sponsors who are not qualified to sponsor due to lack of the minimum necessary income which apparently led to the inability to meet the target of 10,000 applications last year even after two rounds of lottery invitations.

Those invited but who will fail to submit the complete application packages within the 90-day prescribed period or fail to meet the requirements, will be refused. If they would like to reapply, they will have to resubmit a new online interest form when the parent-grandparent sponsorship quota reopens and/or wait to be chosen in the next lottery.

IRCC has also clarified that one can only sponsor his/her own parents and grandparents. An invitation to apply received from IRCC cannot be used to sponsor the spouse' parents or grandparents. If one is a co-signer in his/her in-law's application, it is the spouse or partner who must have received an invitation to apply as a sponsor.

If, like last year, the quota of 10,000 applications is not met after the first round of invitations, it is possible that the IRCC will randomly pick and invite more sponsors to apply, just like what happened in September 2017.

Work Permit Pilot Program for Inland Spousal Sponsorship Applicants Extended

In line with the IRCC's policy of prioritizing family reunification through the faster processing of spousal sponsorship applications, the open work permit pilot program had also been extended until 31 January 2019, to give spouses a chance to work while their applications are being finalized

This pilot program authorizes the issuance of an open work permit to the sponsored spouse shortly after the complete inland spousal sponsorship application is received by IRCC (normally a few months later) and even before the grant of an approval in principle. To be eligible for an open work permit under this program, the applicant must:

1. be a spouse or common-law partner living in Canada who is being sponsored under the spouse or common-law partner in Canada class
2. have valid temporary resident status (as a visitor, student or worker) and
3. live at the same address as the sponsor.

If the sponsored spouse does not qualify for the open work permit pilot program but is in a genuine marriage or common-law relationship with the sponsor in Canada, then they will just have to wait for the approval in principle before becoming eligible for the open work permit. With the current faster processing of inland spousal sponsorship applications, this should not take much longer than the few months it takes to be granted an OWP under the pilot program.

Express Entry Recent Rounds of Invitations

The most recent Express Entry round of invitations issued on 10 January 2018 to 2,750 applicants had 446 as the minimum score. In the past few weeks, the minimum scores ranged from 439 (on 15 November 2017) to 452 (on 6 December 2017). So far, the lowest score of those invited had been 413 (and 199 for the Federal Skilled Trades class) which occurred in May 2017.

For those who are already in the Express Entry pool but have not reached the minimum score to be invited to apply, it will be best to continue being proactive by applying for prospective employment in Canada which may increase the candidate's CRS score by 50 points (for NOC 0, A or B occupations) or 200 points (for a NOC 00 occupation). Better yet, if the candidate is able to use this job offer to obtain a provincial nomination certificate, this will give an added score of 600 points, which will ensure an invitation to apply in the next round.

As always, the above are meant for information purposes only and not as legal advice. To seek legal advice about your particular situation, please consult a trusted immigration legal professional.

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