

Canadian Immigration Updates for 2019

Reopening of Interest to Sponsor Form for Parents/Grandparents

Instead of the previously anticipated early January 2019 launch, the Immigration, Refugees and Citizenship Canada (IRCC) announced that the reopening of the parent/grandparent sponsorship program will occur at noon (EST) on 28 January 2019.

As in the previous years, prospective sponsors may express their interest to sponsor their parents and grandparents by accessing the online form and providing the required basic personal information including dates of birth, contact information and immigration status in Canada. The sponsor will also need to upload a copy of their status-in-Canada document and must ensure that they meet the minimum necessary income requirement to sponsor. IRCC will close the online interest to sponsor form after a specified number of confirmed interest to sponsor forms are received.

Unlike in previous years when those invited to apply were drawn by lottery, the IRCC will issue the invitations this year on a first come, first served basis, until the cap of 20,000 applications is reached. If the prospective sponsor receives a confirmation number after completing an interest to sponsor form but was not invited to apply, their confirmation number will be kept for consideration in the following year. Submitting multiple forms will not help increase the sponsor's chances as duplicate entries will be deleted.

Once invited, the prospective sponsors will have 60 days within which to submit the complete sponsorship and permanent residence application package to IRCC.

Although the new online system might sound simple and straightforward, possible issues may still arise if the interest to sponsor forms are not properly completed and/or will later conflict with the submitted sponsorship application package. It is thus very important that the initial interest to sponsor form is done correctly to avoid unnecessary complications later, or even a disappointing refusal.

Biometrics Requirement Expanded

For Canadian immigration purposes, "biometrics" refers to the electronic fingerprints and facial photo collected from visa applicants to help "maintain the integrity of the system" and "ensure the safety and security of Canadians."

In 2013, Canada began requiring biometrics from temporary resident visa applicants (visitor, student or worker) from 29 countries and one territory. On 31 July 2018, the requirement was expanded to include applicants from Europe, the Middle East and Africa.

Starting 31 December 2018, the biometrics requirement had also been imposed on applicants from Asia, Asia Pacific and the Americas, when applying for a visitor visa, study or work permit.

Most applicants will need to go to a visa application centre (VAC) in person to provide their biometrics before being granted a visa to enter Canada.

According to IRCC, "Having biometrics makes it easier for immigration and border services officers to stop individuals who pose a risk to the safety and security of Canadians. It also helps officials verify travellers' identities, makes processing applications easier and simplifies entry for legitimate travellers."

To help ease the burden on frequent travelers, temporary resident visa applicants (to visit, work or study) will only need to give their biometrics once every ten years.

The IRCC is also working with the Privacy Commissioner of Canada to ensure the protection of biometrics and other personal information which are collected from the visa applicants.

Excessive Demand Threshold Increased

Meanwhile, a recent significant change in Canada's immigration policy which took effect on 1 June 2018 is expected to benefit even more prospective immigrants this year. This change had been a boon to many prospective immigrants who were likely to have been refused in the past if they or their dependents have a medical condition which may potentially cause an excessive demand on Canada's health and social services.

The tripling of the annual cost threshold and removal of certain social services (such as special education, rehabilitation and vocational services) from the computation have led to more inclusive and fair decisions in recent permanent residence applications. That is, minor disabilities or chronic medical conditions which may have led in the past to a finding of medical inadmissibility due to excessive demand, are now being granted permanent residence to Canada.

Since the annual cost threshold increases every year, it is expected that even more applicants will benefit from this more generous assessment of medical admissibility in Canadian immigration law and policy. Starting 2019, the annual cost threshold for determining whether a permanent residence applicant will cause an excessive demand on health and social services had been increased to **\$20,517** per year (or three times the new average Canadian per capita health and social services cost of \$6,839). Last year's annual cost threshold was \$19,812 (or 3 times the 2018 per capita cost of \$6,604).

Like the PGP sponsorship process, this positive development should not lead to complacency from permanent residence applicants who may be affected due to potential medical issues. With the now more generous medical admissibility policy, applicants should not be misled into thinking that fulsome submissions are not anymore needed in responding to procedural fairness letters (PFLs). Since immigration applications are subject to a high level of discretion and subjectivity, it is still important to ensure that submissions are adequately and properly documented to avoid a refusal or at least have a good foundation for judicial review.

As always, the above are meant for information purposes only and not as specific legal advice. Each case is unique and is best discussed in detail with a qualified, experienced and trusted immigration legal counsel to increase the chances of success.

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