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Jan

2014

## The Year in Immigration

January, 2014



2013 was an important year in the world of Canadian immigration. Some of the country's largest immigration programs were opened, closed or changed, and some brand new programs were introduced.

“In 2013, we continued to see the Government of Canada shake up its immigration system,” said Attorney David Cohen. “Widespread changes were made across the board in an effort to bring Canada’s immigration programs in line with its economic goals and social responsibilities.”

As 2014 begins to unfold, CIC News looks back on the immigration highlights from last year, and contemplates what the new year may bring:

## Recent Highlights in Immigration

*Reopening of the Federal Skilled Worker Program:* The popular Federal Skilled Worker Program began accepting applications once more on May 4, 2013. In its current state, the program is open to individuals with experience in one of [24 eligible occupations](#). A total of 5,000 applications will be accepted until April 30th.

*Creation of the Entrepreneur Start-Up Visa Program:* On April 1, 2013 Canada's newest immigration program began accepting applications. The [Entrepreneur Start-Up Visa Program](#) targets innovative businesspeople from around the world, and provides them with assistance in building their company once arriving in Canada.

*Quebec Skilled Worker Program Changes:* On August 1, 2013 a number of changes to the Quebec Skilled Worker Program came into effect. These included doing away with restrictions limiting eligibility to specific areas of training/fields of study. At present, all skilled and semi-skilled applicants may now be eligible for the program provided they meet basic eligibility requirements. In addition, a cap of 20,000 total applications was put in place, lasting until March 31, 2014.

*Canadian Experience Class Changes:* On November 9, 2013 an overall cap of 12,000 applications was put in place for the Canadian Experience Class. In addition, some occupations are now ineligible for the program, and a maximum of 200 applications will be accepted per occupation for applicants with Canadian experience in occupations that are classified as NOC level B.

*Temporary Foreign Worker Program Changes:* As of July 31, 2013 a number of changes to the Temporary Foreign Worker Program, particularly the [Labour Market Opinion \(LMO\)](#) application process, are now in effect. They include the following:

- LMO applicants must now pay a processing fee of \$275 per position requested on the LMO
- No languages other than English or French may be listed as a requirement for an LMO. If another language is indicated, an explanation will be required.
- Minimum advertising requirements have been raised from 2 weeks to 4 weeks
- Employers must now answer questions about the labour market impact of their foreign hires
- Employers may no longer pay workers up to 15% below the prevailing wage in their occupations

*Introduction of Biometric Requirements for Some Temporary Residents:* Individuals from [designated countries](#) coming to Canada to visit, work temporarily or study will be required to submit fingerprints and photographs before arrival. This requirement is being phased in gradually country by country.

*New Rules for Spousal Sponsorship:* Two new rules are now in place regarding sponsorship of spouses or common-law partners:

1. Five Year Sponsorship Ban: Individuals who receive Canadian Permanent Residency through spousal sponsorship may not in turn sponsor a foreign spouse for a minimum of five years
2. Legitimate Relationship Clause: This rule applies to couples that have been in a relationship for two years or less and have no children in common. The sponsored spouse will be issued conditional permanent residency. Once a couple has lived in Canada in a 'legitimate relationship' for two years, conditions will be lifted from the spouse's permanent residency.

*Re-Opening of Parent and Grandparent Sponsorship Program:* On January 2, 2014, the Parent and Grandparent Sponsorship Program is open to receive a maximum of 5,000 new application. A moratorium on new applications had been in place since 2011.

*Quebec Investor Program Briefly Reopened:* The Quebec Investor Program opened its doors in August to accept 1,750 applications. Due to the program's popularity, the cap of 1,750 filled the same month.

*Implementation of "Faster Removal of Foreign Criminals Act":* This act expedites the removal of foreign

criminals from Canada by limiting their access to appeal their deportation, amongst other measures. It came into force on June 20, 2013.

*Court Challenges to Federal and Quebec Skilled Worker Programs:* Attorney David Cohen, along with two separate teams of lawyers, went to court to challenge decisions that have been made regarding the Federal and Quebec Skilled Worker Programs.

One court case challenged the decision by Citizenship and Immigration Canada to terminate approximately 280,000 backlogged applications. The Federal Court found the government within its rights to terminate the applications. However, an appeal has been filed in the Federal Court of Appeal and the case is expected to be heard later this year.

The second court case challenged the Government of Quebec's decision to retroactively apply changes to the Quebec Skilled Worker Program to pending applications. Arguments are expected to be heard on May 7 and 8 in the Quebec Superior Court.

## 2014: Looking Forward

In October 2013, Citizenship and Immigration Minister Chris Alexander announced general plans for [immigration in the upcoming year](#). Generally speaking, the government intends to strengthen its economic immigration programs while keeping family reunification and refugee commitments a high priority.

Perhaps most interesting, however, is that 2014 is expected to be a year of preparation for when Canada adopts a new selection model for economic immigration in 2015. The government has been transparent about its [intentions to adopt an Expression of Interest system](#) that will help bring immigration in line with Canada's economic goals and better the immigration process as a whole. While the specifics of the program have yet to be announced, there is already a good deal of information available detailing what an EOI system will look like in Canada.

*To find out if you are eligible for one of over 60 Canadian immigration programs, please fill out a [free online assessment](#) today.*

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