

More Immigration Policy Updates

Last month, a number of changes were introduced by Immigration, Refugees and Citizenship Canada (IRCC) and were summarized in this column. Early this month, a few more changes were announced that could significantly impact the lives of many who intend to make Canada their home.

Faster Processing of Spousal Sponsorship Applications

On 7 December 2016, immigration minister John McCallum announced that the IRCC will further expedite the processing of all spousal sponsorship applications. He said that new spousal sponsorship applications will be completed in less than 12 months. All pending spousal sponsorship applications or those submitted prior to 7 December 2016, will also be processed quickly and "should have a decision no later than the end of December 2017."

However, "complex" cases may require more time. IRCC did not explain what may be considered as complex cases nor how much longer time they will require. It can only be assumed that these will consist of those applications where IRCC doubts the genuineness of the relationship or where the sponsored spouse or their dependents may have admissibility issues.

The IRCC also announced that:

- The application kit for new sponsors has been redesigned to be simpler and easier to understand and would have been made available on December 15, 2016.
- To bring families together, IRCC plans to admit 64,000 spouses and dependants in 2017, well above the average over the past decade of about 47,000.

Visa Requirement for Mexicans Lifted

Effective 1 December 2016, Canada has lifted the visa requirement for all Mexicans who wish to travel to Canada as visitors. It will be recalled that the previous Conservative government imposed a visa requirement on Mexicans in 2009 as a measure to discourage refugee claims after arriving in Canada, most of which were later deemed to be unfounded hence denied by the Immigration and Refugee Board.

Now that the visa requirement had been removed, Mexicans would instead be required to apply for electronic travel documents (ETAs) before entering Canada. In fact, a week earlier, or on 26 November 2016, IRCC already started allowing Mexicans to apply for ETAs even before the visa requirement was lifted less than a week later.

Electronic Travel Authorization (ETA) Requirement

As explained in this column last month, the ETA requirement had been strictly implemented starting 10 November 2016 after a few months of leniency. Hence, all visa-exempt nationals who wish to travel to Canada need to obtain ETAs online (which costs \$7 per person) before they can be allowed entry to Canada.

Canadian citizens, permanent residents, US citizens and non visa-exempt nationals cannot apply for ETAs. US green card holders will only need ETAs if travelling to Canada by air.

Consequently, Canadian citizens (including dual citizens), must always travel to and from Canada with valid Canadian passports. This is to remind dual Canadian/Philippine citizens therefore, who wish to travel outside of Canada, that they must have valid Canadian passports to be allowed re-entry to Canada. ETAs cannot be issued to Philippine passport-holders since the Philippines is not a visa-exempt country.

Express Entry Changes

Starting 19 November 2016, the new Ministerial Instructions regarding the Express Entry System changed the CRS points for those with LMIA-based job offers. Instead of the 600 points previously allotted to LMIA-based job offers, only 200 points will be given if the job offer is in a NOC skill level 00 (senior managerial) position and an even lower 50 points for all other LMIA-based job offers in NOC skill levels 0, A or B. LMIA-exempt job offers like NAFTA work permit holders or intra-company transferees will also get points for arranged employment.

Upon receiving an invitation to apply (ITA), the candidates will now have 90 days instead of the previous 60 days, within which to submit the complete permanent residence application package to IRCC.

During the last round of invitations issued on 16 November 2016 (before the recent Express Entry changes took effect), there were 2,427 invitations issued with a minimum CRS score of 470 points. Prior to that, the number of ITAs issued were averaging about 1000 to 1500 with a minimum CRS score of about 470 to 500 points.

After the changes took effect, the next round of invitations were issued on 30 November 2016 with only 559 candidates having been invited and with a minimum CRS score of 786 points. It is not yet known if this trend will continue or if it is merely a transitional aberration. If it will become a trend, then it will continue to be difficult for those who have no provincial nominations or an LMIA-based job offer to receive an ITA since they can only receive a maximum of 600 CRS points, still short of the 786 minimum score of candidates who received ITAs most recently.

It remains to be seen therefore, if the recent Express Entry changes will indeed level the playing field and give a better chance for highly-skilled candidates who do not have an LMIA-based job offer or provincial nomination to receive ITAs.

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

Merry Christmas and a Blessed New Year to All!

The author is an immigration lawyer in Canada and may be reached at deanna@santoslaw.ca or tel. no. 416-901-8497.