

### ***Parent/Grandparent Sponsorships and Super Visas***

Due to the frequent changes in Canada's immigration laws and regulations, it is not surprising that many people get confused with the various legal changes and their implications. One common area of confusion relates to the immigration applications of parents and grandparents of Canadian citizens or permanent residents. With the creation of the super visa, prospective sponsors of parents and grandparents tend to think that this involves the same requirements and will automatically mean eventual permanent residence for their sponsored family member.

It must be noted that the super visa is a temporary resident visa which could be issued for up to a period of 10 years and may allow the visa holder to stay in Canada as a visitor for up to two years at a time. This is in contrast to the regular temporary resident visas (TRV) for visitors which may be valid only up to the expiry date of one's passport and would allow a visitor stay in Canada for only up to six months at a time.

Both the super visa and regular TRV holders are allowed to apply for an extension of their visitor record from within Canada which must be submitted prior to the expiry of the two-year (for super visa holders) or six-month (for regular TRV holders) validity of their visit. If their authorized stay expires and there is still no decision on the visitor extension application, the visitor can stay legally in Canada on implied status. Their valid authorized stay will end upon receipt of the decision on the extension application (if refused) or on the new expiry date of the visitor record (if the extension application is granted).

However, the super visa is still just a temporary resident visa that will allow the parent or grandparent to reside in Canada as a visitor. It does not authorize the super visa holder to work in Canada nor does it grant eligibility for public healthcare insurance coverage in any of Canada's provinces. In fact, one of the more costly requirements of the super visa is that of providing at least a one year private medical insurance coverage for the visiting parent or grandparent. There is also a requirement for the child or grandchild in Canada to meet the minimum income threshold (Low-income cut-off or LICO) based on the actual number of dependents. Hence the confusion that the super visa application is also a sponsorship application. It is not.

The term "sponsorship" strictly applies to applications for permanent residence in Canada which is accompanied by an undertaking from a Canadian citizen or permanent resident sponsor to be financially responsible for the basic needs of their sponsored family member. In the case of sponsored parents and grandparents, the required period of sponsorship undertaking is 10 years. However, this will be increased to 20 years when the parent/grandparent (PGP) sponsorship category is reopened in January 2014.

Earlier this year, CIC announced the resumption of the PGP sponsorship category on 2 January 2014 but with a number of significant changes such as:

- An increase of 30% to the minimum necessary income to become eligible to sponsor parents and grandparents. Please note that even if one of the parents is not being sponsored, he/she

will be included in the computation of the number of dependents for purposes of determining the minimum income requirement.

- The minimum necessary income must be met for the three consecutive tax years prior to submitting the sponsorship application instead of just for the previous year as in the past.
- Only documents issued by the Canada Revenue Agency will be accepted as proof of the sponsor's income. Thus, if one's income is under-declared for income tax purposes, this could prejudice one's right to sponsor parents and/or grandparents under the new regulations.
- As stated, the period of sponsorship undertaking will be extended from 10 years to 20 years to reduce the chance of the sponsored parent or grandparent becoming a burden on Canada's social welfare system.
- CIC will also implement a cap of 5,000 for new PGP sponsorship applications in 2014.
- The age of dependents will be reduced from 22 years old to 18 years old. Dependency based on continuous studies after the age limit will be removed while dependency based on a mental or physical disability will remain. This amendment will also apply to all other classes of permanent residence applications and not just to PGP sponsorship applications where there are dependent children involved.

These changes are very significant and could potentially disqualify many prospective sponsors of parents and grandparents. The increased income requirement for the previous three years could prove quite onerous for many, especially those with several existing dependents.

For instance, a sponsor who is single and childless and wishes to sponsor both parents will need an annual minimum income of \$46,354 for each of the last three years. On the other hand, a married sponsor with three dependent children in Canada who wishes to sponsor parents will need to meet the minimum necessary income for 7 persons or \$80,152 based on the 2013 low-income cut-off (LICO) figures plus 30%. The LICO figures are changed annually and are expected to increase further in 2014.

The recently publicized results of the National Household Survey indicate that the current average Canadian income is \$38,700. Thus, a Canadian earning the average income will be disqualified from sponsoring parents or grandparents under the new regulations. This means that average-earning Canadians will be deprived of benefiting from the important immigration objective of family reunification.

Although the super visa option remains a less onerous alternative (due to the slightly less stringent income requirements), the high cost of medical insurance is still a big hindrance for many. Thus, the bigger issue seems to lie in the resulting discrimination based on age and financial status, among other serious problems arising from these changes.

*The above are for legal information purposes only and not intended to provide specific legal advice. It is best that you consult with an immigration legal professional to discuss your particular circumstances.*

*The author is an immigration lawyer in the GTA and may be reached at [deanna@santoslaw.ca](mailto:deanna@santoslaw.ca).*