

Parental Sponsorship Moratorium and ‘Super Visas’

On 4 November 2011, CIC announced a two-year freeze in the acceptance of parent and grandparent sponsorship applications effective immediately (5 November 2011). To help soften the blow, CIC has introduced the so-called “super visas” meant to allow parents and grandparents to enter Canada as visitors for up to two years at a time, without need to file extension applications every six months.

The freeze or moratorium of up to two years on parent and grandparent sponsorship applications is meant to allow CIC to process the increasing backlogs and reduce the processing times which now averages at about seven years. With plans of increasing the annual quota of sponsored parents and grandparents admitted to Canada (from the present 15,500 to 25,000 in 2012), CIC hopes to steadily reduce the backlog while conducting consultations on how to “redesign the parents and grandparents sponsorship program to ensure that it is sustainable in the future”.

CIC introduced the “super visa” for parents and grandparents to help facilitate immediate family reunification. Starting 1 December 2011, parents and grandparents are supposed to be granted ten-year multiple entry visitor visas that will allow them to remain in Canada as visitors for up to two years at a time, subject to certain conditions.

The “super visa” may sound like good news for those who may indeed be able to come to Canada much sooner than if they are to wait for the finalization of their permanent residence applications as sponsored parents or grandparents. However, I am not too sure that this will benefit as many as we might have hoped.

It must be noted that the usual admissibility factors which are weighed by visa officers in processing temporary resident visa applications, whether of the “regular” or the “super” variety, still remain. The FAQs which accompanied the recent announcement confirmed this as follows:

“Who is eligible for a Parent and Grandparent Super Visa? What do they need to do to qualify for it?”

Parents and grandparents of Canadian citizens or permanent residents who have been found admissible to Canada and meet some other conditions are eligible for the Super Visa.

Visa officers consider several factors before deciding if the person is admissible. This means they are a genuine visitor to Canada who will leave by choice at the end of their visit.

Among the things that could be considered are:

- the person’s ties to the home country,
- the purpose of the visit,
- the person’s family and financial situation,
- the overall economic and political stability of the home country, and
- invitations from Canadian hosts.

In addition to being found admissible to Canada, the parent/grandparent must also:

- provide a written commitment of financial support from their child or grandchild in Canada who meets a minimum income threshold,
- prove that they have bought Canadian medical insurance for at least one year to cover the period of time that they will be in Canada, and complete an Immigration Medical Examination (IME).”

Although the more specific guidelines have yet to be released by CIC as of this writing, the above CIC announcement excerpt suggests that the so-called “super visas” contradict the very reason for sponsorship of parents or grandparents. If the issuance of “super visas” would still depend on the very same factors used to evaluate regular temporary resident visa applications, then many parents/grandparents who are in the process of being sponsored (or those caught by the moratorium) will be found ineligible because their intention is in fact to establish permanent residence in Canada with their sponsoring children/grandchildren and not of a “temporary” nature as required of visitor visa applicants.

It is also worth noting that the “super visa”, which is a document authorizing entry to Canada and issued by a visa office outside Canada, is different from the authorization to remain or a visitor record granted by immigration officers upon the visitor’s entry to Canada. For regular visa holders, a simple stamp on the passport upon entry to Canada without any expiry date means that the visitor can stay in Canada for a maximum of six months. If the officer enters a date just below the entry stamp, this means that the visitor must leave Canada (or apply for an extension) by that date even if it is less than six months from the date of entry.

It remains to be seen how the “super visa” with a two-year authorized visitor stay will be implemented. Hopefully, many visa officers will exercise positive discretion in granting these new “super visas” and two-year visitor records, in line with the spirit behind their creation in the first place. However, relying on visa officers’ subjective interpretation of immigration laws and policy is part of what makes the outcome of immigration applications very unpredictable and frustrating. Thus, it may help if the relevant guidelines will be clear and specific enough to leave less room for arbitrary interpretation and to provide a more consistent and fair implementation of these recent changes that will truly meet family reunification objectives.

As for the moratorium on parent/grandparent sponsorship applications, we hope that this will truly be just a temporary measure that will be lifted once the backlog has been reduced if not eliminated. Otherwise, banning this type of family sponsorships altogether will not only be bad policy, but will be clearly unfair and discriminatory. In immigration matters, pure economic considerations should never trump deeply-held cultural and social values.

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