

Updates on Parent/Grandparent Sponsorships and Super Visas

Early this year, the quota of 5,000 parent/grandparent (PGP) applications imposed by the previous Conservative government was doubled by the new Liberal government to 10,000. But with 14,000 applications received only 3 days after it reopened on 4 January 2016, this meant that at least 4,000 applications may be returned or will presumably be carried over to fill the new 10,000 quota for 2017.

For immigrants who have tried or been planning to sponsor their parents and grandparents to become permanent residents of Canada, the increased annual quota may provide some hope. However, those who intend to do so should plan ahead and ensure that the complete sponsorship application package will be ready for submission when the quota reopens on 3 January 2017.

Those who will again fail to meet the quota for 2017 and subsequent years, there is still the option of applying for a super visa. However, 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.

As many would be aware by now, 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) 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 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 was increased to 20 years when the parent/grandparent (PGP) sponsorship category was reopened in January 2014.

The resumption of the PGP sponsorship category on 2 January 2014 also came with a number of other 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.
- A quota of 5,000 PGP sponsorship applications was imposed (*increased to 10,000 in 2016*).
- The age of dependents was reduced from below 22 years old to below 19 years old. (*The present government promised to increase the age limit of dependents again to below 22 years old for all types of PR applications, but no definite date yet on when this will occur.*)

These changes are significant and could potentially disqualify many prospective sponsors of parents and grandparents. 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 each year.

Meanwhile, the most recent National Household Survey indicates that the current average Canadian income is \$38,700. This means that average-earning Canadians will be deprived of benefiting from the important immigration objective of family reunification vis-a-vis their parents and grandparents.

Although the super visa option remains a less onerous alternative due to the slightly less stringent income requirements, the high cost of medical insurance required is still a big hindrance for many. It appears that as far as parents and grandparents are concerned, economic considerations are still given priority over the immigration objective of family reunification. If this is not discrimination, I don't know what is.

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 a Canadian immigration lawyer and may be reached at deanna@santoslaw.ca.