

## **Recent Immigration Policy Updates**

On November 8, the night of the US presidential elections, the website of Immigration, Refugees and Citizenship Canada (IRCC) crashed as the election results started showing a trend in favor of Donald Trump winning over Hillary Clinton. This led many to suspect that many Americans were scrambling to find more information on how to move to Canada if Trump becomes the next US president (as many had threatened during the long and bitter campaign period).

When the IRCC website was restored later the next day, November 9, others wondered whether the high traffic was also due to the last minute scramble to apply for electronic travel authorizations (ETA) which was due for strict implementation starting 10 November 2016.

In any case, there is no doubt that the IRCC website (<http://www.cic.gc.ca>) continues to be a very much in demand and dynamic repository of information as it tries to keep pace with the ever-changing world of Canadian immigration law and policy.

As can be seen below, the past month was no exception.

### *2017 Immigration Targets*

On 31 October 2016, the Immigration Minister announced that the immigration intake target for 2017 will be the same as the 2016 target of 300,000 new immigrants. This is about a 10% increase from the previous government's annual immigration target of between 250,000 to 280,000 in the past recent years. The current 300,000 target will be distributed among the different immigration classes as follows: 172,500 in the economic class including 18,000 caregivers (LCP, Caring for Children and Caring for People with High Medical Needs); 84,000 family class including spouses, children, parents and grandparents; 43,500 refugee & humanitarian classes.

While these projected numbers seem promising, it is unclear how the present government intends to meet its targets in light of the fact that it is still way off the mark in meeting its 2016 targets. For instance, the number of invitations to apply (ITAs) issued by early 2016 under the Express Entry system had only totalled approximately 25,000. Considering that the Express Entry system has been touted as IRCC's flagship program for economic class immigrants, one cannot help but wonder how the government will meet the balance of its target in a little less than two months before the year ends, and how the expected 2016 shortfall will affect the 2017 targets.

### *Electronic Travel Authorization (ETA) Requirement*

As stated above, the ETA requirement would have been strictly implemented starting 10 November 2016. The ETA requirement had been introduced a few months ago but the so-called "leniency period" ended on 10 November 2016. 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. Therefore, Canadian citizens (including dual citizens), must always travel to and from Canada with valid Canadian passports.

However, a further "leniency period" of until 31 January 2017 is given to dual Canadian citizens who may be granted a special authorization if they

- have a flight to Canada that leaves in less than 10 days, and
- have a valid passport from a visa-exempt country.

And one of the following:

- have previously received a certificate of Canadian citizenship, or
- held a Canadian passport in the past, or
- were granted Canadian citizenship after having been a permanent resident of Canada.

The dual citizen's information will be verified in the IRCC electronic systems to confirm Canadian citizenship. The special authorization, if granted, will be valid for only 4 days from the date of travel selected on the application form. If not used within this time, the dual Canadian citizen will need to submit a new request for special authorization.

Since the Philippines is not a visa-exempt country, special authorizations will not be issued to dual Canadian/Philippine citizens who wish to travel to Canada with a Philippine passport.

U.S. immigrants or green card holders will need ETAs only if travelling to Canada by air.

#### *Reduced Express Entry Points for LMIA-based Job Offers & Other 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 0 (managerial) position and an even lower 50 points for all other LMIA-based job offers in NOC skill levels A & B.

In addition, IRCC also announced that the following long-awaited changes are expected to be implemented by 2017:

- the conditional PR status for sponsored spouses will be repealed by spring 2017 and
- the age of dependents will be increased to below 22 by fall 2017.

Hopefully, these upcoming changes will benefit those whose PR status may be in jeopardy due to a breakdown in marriage or common-law relationship with a sponsoring spouse, or whose dependents are over the current age limit of 19 years old. So if these apply to you, please watch out closely for these expected changes.

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.

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