

A Summary of Immigration Changes in 2013

The year being almost over, I am providing below a summary of the changes introduced by Citizenship and Immigration Canada (CIC) this year, and which are especially relevant for Filipinos in Canada and their families.

Special Measures for Victims of Typhoon Haiyan / Yolanda

The most recent of these changes are the special measures introduced for those affected by typhoon Haiyan/Yolanda in the Philippines. These include the priority processing of applications of Filipinos who are significantly and personally affected by this natural disaster, as well as a “compassionate and flexible” assessment of applications to extend the stay of Filipinos who are in Canada as temporary residents. While no specific timeline has been provided by CIC at this time, these special measures are expected to cease at some point. So if you or your families wish to invoke priority processing, the request or application must be sent to CIC at the earliest opportunity and before this policy ends.

Although these special measures are very much welcome and greatly appreciated, it appears that many Filipinos who availed of, or wish to avail of these measures are still facing serious issues in fulfilling CIC requirements. The problems include the lack of adequate communication and transportation facilities for their affected families in the Philippines and the added financial burden entailed in processing various documentary requirements. Hopefully, the special measures will also take these practical difficulties into serious consideration in dealing with the applications so that the main objective of reuniting distressed families can be realized as soon as possible.

New and Revised Permanent Residence Application Categories

In January 2013, the Federal Skilled Trades program took into effect which was meant for those with adequate experience and specialized skills in identified trades that are most in demand in the present Canadian job market. The list of occupations which may qualify under this permanent residence category are jobs that fall under NOC skill level B or those requiring at least a postsecondary education and/or apprenticeship training. Contrary to what people initially thought, this program would still not provide a route for permanent residence for those who came to Canada under the so-called “Pilot project for low-skilled occupations” since the latter perform jobs which fall under the NOC C and D categories.

Also in January 2013, the work requirement to qualify under the Canadian Experience Class (CEC) was reduced from two years to one year. Hence, this category attracted an even greater number of applications from those who are already working in Canada in NOC O, A or B occupations. However, in November 2013, major changes to the CEC were further introduced such as imposing an overall quota of 12,000 and sub-quotas of 200 for NOC B occupations. CIC also stopped accepting CEC applications from those in certain occupations where too many applications have been received, namely, cooks, food service supervisors, administrative officers and assistants, accounting technicians and bookkeepers and retail sales supervisors.

In April 2013, the Start-up Visa program took effect which is another option for permanent residence for those with a promising business idea that is supported by a Canadian angel investor group, venture capital fund or business incubator program. Judging by the nature of the designated investors and pronouncements made by CIC officials, the program appears to be geared towards the high-technology sector which is perceived to bring higher returns and create more jobs for the Canadian economy.

In May 2013, major changes to the Federal Skilled Worker class, including a modified points system and a reduced list of eligible occupations, took into effect. The changes reflected Canada's emphasis on higher-skilled occupations, superior English or French language skills and younger immigrants. There were also quotas imposed on applications to be accepted for the eligible occupations such that the more popular occupations (i.e. engineering managers, civil and mechanical engineers, financial and investment analysts, computer engineers and programmers, physiotherapists) were filled not very long after these changes took effect.

Temporary Residence Applications and Stricter Inadmissibility Provisions

For temporary residence applications, one of the major changes implemented this year occurred in July 2013 when Service Canada imposed a \$275 processing fee per occupation for all labour market opinion (LMO) applications. This fee must be paid for by the employer and not by the prospective employee. Other changes introduced dealt with stricter English and French language requirements, as well as additional advertising and recruitment requirements

In June 2013, the controversial bill entitled “Faster Removal of Foreign Criminals” entered into force after several months of discussions and debate. Some of the harshest provisions of this new law include the removal of the rights of appeal for permanent residents who are convicted for a crime and sentenced to six months or more (at least two years previously), including conditional sentence served in the community. Moreover, foreign nationals who are deemed to be inadmissible for the most serious grounds of security, human or international rights violations, or organized criminality no longer have access to humanitarian and compassionate consideration.

The above are changes which entered into force this year. These do not include those which were also introduced this year but which are still subject to review, consultations and/or the legislative approval process. In fact, there are several more changes which have already been introduced and are expected to take effect in January 2014 and even those expected to take effect in 2015 (such as the Expression of Interest framework of admitting permanent residents now hotly debated in the House of Commons and elsewhere).

In other words, immigration law remains to be a highly volatile, sometimes confusing and ever-changing area of law and policy where challenges, pitfalls and unending issues abound. We will be happy to keep readers posted on these changes in the coming year. So please stay tuned.

Merry Christmas and a Blessed New Year to all!

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