

Recent Immigration Updates

True to form, a few more changes have recently been implemented Immigration, Refugees and Citizenship Canada (IRCC) which could significantly affect the lives of many current or prospective immigrants. These include the following:

Repeal of Conditional Permanent Residence for Sponsored Spouses

As of 18 April 2017, the two-year conditional permanent residence for individuals who were sponsored as spouses, common-law spouses or conjugal partners and their dependents, had been cancelled.

According to the Operational Bulletin (OB 640) issued for this purpose, the cancellation of the two-year conditional permanent residence applies to the following:

- Permanent residents who have been issued a Confirmation of Permanent Residence with a condition to live with their sponsor for a period of two years and for whom the two-year period has not expired.
- Permanent residents who are the subject of a report issued pursuant to subsection 44(1) of the *Immigration and Refugee Protection Act* for failing to comply with the requirement to live with their sponsor for a period of two years whether or not the report had been referred for an admissibility hearing at the Immigration Division of the Immigration and Refugee Board, and have not been issued a removal order
- Permanent residents who have been issued a removal order for failure to comply with the requirement to live with their sponsor for a period of two years and have filed an appeal to the Immigration Appeal Division but no decision has been made on the appeal.

It must be noted however, that the repeal of the two-year conditional permanent residency does not mean that the government is treating spousal sponsorship applications more leniently. The IRCC has stated that it is still taking marriage fraud seriously and that it "continues to have measures in place to safeguard against it."

Hence, although the investigations for non-compliance with the two-year cohabitation requirement for sponsored persons have been terminated, those involving marriage fraud will proceed as usual.

If further investigation will reveal possible cases of marriage fraud, sponsored persons may still lose their permanent resident status and be removed from Canada due to misrepresentation.

Lastly, sponsored spouses must still wait five years from the day that they are granted permanent residence in Canada before they become eligible to sponsor a new spouse or partner. This measure is meant to deter marriages of convenience, i.e. those entered into primarily to obtain PR status.

Increase in Age of Dependents

On 3 May 2017, IRCC released the regulatory changes that will fulfill another campaign promise of the Liberal government, that is, to return to the former age limit of 22 years old for dependents.

The IRCC press release on this matter states that: "The new age limit of 'under 22' will come into effect this fall, on October 24, 2017, raising it from the current 'under 19' requirement. The increased age will apply to new applications for all immigration programs under Immigration, Refugees and Citizenship Canada, including for refugees. Children who are 22 years of age or older and who rely on their parents due to a physical or mental health condition will continue to be considered dependent children."

Aside from promoting family reunification, the press release intimated that this change is also meant to allow older children to pursue postsecondary education in Canada thus allowing them to adapt more quickly to the Canadian system and facilitate smoother transition into the Canadian labour market.

Unfortunately, the change did not go far enough to reinstate the previous inclusion of dependents who are 22 years of age and over but who have been undergoing full time studies since the age of 22.

The only exception allowed for dependents who are older than 22 are for those who continue to rely on their parents due to a physical or mental condition. However, if these dependents are concurrent permanent residence applicants with their parents, this may also lead to a finding of medical inadmissibility due to excessive demand, hence a possible refusal of the entire family's permanent residence application.

Express Entry Updates

The most recent rounds of invitations for the Express Entry have seen a spike in the number of applications issued an invitation to apply (ITA) and a substantial decrease in the minimum CRS score of those invited. In 2017, there have been at least 10 rounds of invitations (conducted between a week to three weeks apart) with an average of about 3500 invitees per round.

The minimum CRS scores since January 2017 have ranged from 415 to 468 points. This means that the recent changes to the Express Entry may have leveled the playing field somehow in that those who do not have provincial nominations or qualifying job offers now have better chances provided they are younger, have a number of years of work experience and have very high language scores.

Upon receiving an ITA, the candidates would have 90 days within which to submit their complete permanent residence application packages to IRCC.

As always, the above are meant for information purposes only and not as legal advice. To seek legal advice about your particular situation, please consult a trusted immigration legal professional.

The author is an immigration lawyer in Canada and may be reached at deanna@santoslaw.ca or tel. no. 416-901-8497.