

Urgent Call for Donations and Immigration Updates

As we all know by now, super typhoon Haiyan hit the central region of the Philippines on 8 November 2013. Although the full extent of devastation is still unraveling by the day, it is estimated that up to 10,000 people have perished and millions of families lost their homes and were severely affected by this tragedy. The various news footages of the aftermath showing the unbelievable damage caused by this natural calamity (although arguably worsened by man-made actions) are truly heartbreaking. It does not require any expertise to conclude that it would take a very long time and a whole lot of financial resources to help the victims and their families recover and rebuild their lives.

Thankfully, the international community has quickly stepped up in providing emergency relief to the worst hit areas. The Canadian government for its part, has not only extended an initial support of up to \$5 million but also pledged to match every dollar donated by Canadians to registered charities until 9 December 2013.

If donations are made to UNICEF Canada, the impact of these donations may even be tripled as corporate sponsors also pledged to match every dollar donated to UNICEF.

Our Canadian dollars will go a long way in the Philippines. Even a seemingly modest \$5 dollar donation can feed a family for up to a week or provide clean drinking water for up to a month.

So please do not delay and send in your donations NOW!

On 13 November 2013, Citizenship and Immigration Canada (CIC) announced the following special measures for those affected by typhoon Haiyan in the Philippines: a) Upon request, CIC will prioritize processing of applications made by Filipinos who are “significantly and personally” affected by this natural disaster; b) Applications to extend the stay of Filipinos who are in Canada as temporary residents will be “assessed in a compassionate and flexible manner”; and c) Applications for travel documents by affected Canadians will be expedited by the Canadian embassy in Manila.

CIC also set up a dedicated crisis line which may be reached through the CIC call centre 1-888-242-2100 or by emailing situation-philippines@cic.gc.ca.

Meanwhile, on the same day that typhoon Haiyan struck the Philippines, CIC made a surprise announcement regarding changes to the Canadian Experience Class (CEC). That is, effective 9 November 2013, CIC will only accept up to 12,000 CEC applications a year and will impose a sub-cap of 200 applications per NOC B occupation (consisting mainly of administrative, technical and skilled trades occupations).

And here's the shocker: due to alleged overrepresentation of applications in these occupations, CIC will stop accepting CEC applications for those whose work experience is in one of the following NOC B occupations:

- cooks (NOC 6322)
- food service supervisors (NOC 6311)
- administrative officers (NOC 1221)
- administrative assistants (NOC 1241)
- accounting technicians and bookkeepers (NOC 1311) and
- retail sales supervisors (NOC 6211)

Sans notice or public consultation, CIC unilaterally decided that authorized work experience in these occupations will not anymore qualify for permanent residence under the CEC simply because there are already too many applications of this kind.

All CEC applications which were received by CIC before 9 November 2013 will not be affected by these changes and would still be processed to completion.

The same language thresholds of Canadian Language Benchmark (CLB) 7 for NOC O and A occupations (mainly managerial, supervisory and professional) and CLB 5 for NOC B occupations will remain. However, CIC will screen the language qualifications at the outset and will return the entire application package, along with the processing fee, if the minimum threshold is not met.

CIC calls these changes "improvements" and "client-friendly" but critics strongly disagree. The absolute lack of due process, i.e. public consultation on the implications of these changes or any notice that these are even being considered, is totally disappointing for many. This is particularly disconcerting for those who may have already been preparing their CEC applications in one of the now ineligible occupations, but are suddenly barred from doing so. If their current or prospective employers are unwilling or not qualified to provide a formal job offer which would require obtaining a labour market opinion, then they would not qualify for permanent residence under the Federal Skilled Worker or Skilled Trades classes either. These changes may lead to enormous inconvenience, if not serious hardship, to many prospective immigrants who may have mapped out their lives and their family's future based on the legitimate expectation that they will qualify for permanent residence under the CEC.

If the consequent hardship will reach to the level of being characterized as "undue, undeserved or disproportionate," they may possibly apply for permanent residence on humanitarian and compassionate (H&C) grounds. However, an H&C application is very discretionary hence the outcome is highly unpredictable. This is very much unlike a CEC application which does not leave much room for discretion and is based on clear, verifiable standards.

In these precarious times, more uncertainty is the last thing people need.

This article is provided for information purposes only and not meant to be taken as legal advice. The author is an immigration lawyer in the GTA and may be reached at deanna@santoslaw.ca.