

Citizenship and LCP Updates

In case you missed the previous month's announcements from Citizenship and Immigration Canada (CIC), discussed below are some highlights of further developments relating to Canadian citizenship matters.

For Live-in Caregiver Program (LCP) participants, also discussed below is a relevant update regarding the cancelled hotline for live-in caregivers that was created in 2009 by the Ontario Ministry of Labour to help protect and promote caregivers' employment rights.

New Language Requirement for Citizenship Applicants

Effective 1 November 2012, CIC will be having stricter requirements for proving the applicants' knowledge of either the English or French language.

Before this change took effect, the only way that CIC assessed a citizenship applicant's knowledge of English or French is through casual interaction with CIC staff and by assuming the applicant's language ability through the results of the citizenship knowledge test.

Consistent with one of the main reasons behind recent proposed changes to immigration applications under the Federal Skilled Worker category (discussed in this column last month), CIC officials believe that strong language ability in one of Canada's two official languages is a major factor for successful integration and establishment in Canadian society.

In this regard, Minister for Citizenship, Immigration and Multiculturalism Jason Kenney was quoted as follows: "Extensive research has consistently shown that the ability to communicate effectively in either French or English is a key factor in the success of new citizens in Canada. .. We believe it is important that new citizens to be able to participate fully in our economy and our society."

Therefore, CIC will now require all citizenship applicants between the ages of 18 and 54 years old to provide evidence of their language ability (equivalent to the Canadian Language Benchmark / Niveau de compétence linguistique canadien 4 in speaking and listening) in either of the following ways:

- the results of a CIC-approved third-party test; or
- the completion of secondary or post-secondary education in English or French; or
- achieving the appropriate language level in certain government-funded language training programs.

As in the previous regulations, citizenship applicants who are below 18 years old and older than 54 years old remain exempt from the language ability requirement.

Cracking Down on Citizenship and Residence Fraud

Last month, CIC announced that it is seriously investigating almost 11,000 cases of possible residence fraud committed by applicants for citizenship and permanent resident status extensions.

Minister Kenney has been quoted as saying that: “We are applying the full strength of Canadian law to those who have obtained citizenship fraudulently... Canadian citizenship is not for sale. We are taking action to strip citizenship and permanent residence status from people who don’t play by the rules and who lie or cheat to become a Canadian citizen.”

In close coordination with the Canada Border Services Agency (CBSA), the Royal Canadian Mounted Police (RCMP), and Canadian offices abroad, CIC has initiated the process of revoking the Canadian citizenship of up to 3,100 citizens who obtained their citizenship by committing fraud.

On the other hand, almost 5,000 permanent residents who are suspected of having obtained or maintained their status in Canada by committing fraud have been flagged for closer scrutiny should they attempt to re-enter Canada or apply for Canadian citizenship. The fraud often involves the use of unscrupulous immigration representatives in providing fake evidence of their residence or establishment in Canada to comply with the residence requirements for maintaining permanent resident status or obtaining Canadian citizenship.

The CIC website reported that criminal investigations conducted by RCMP and CBSA have found that “a family of five may pay upwards of \$25,000 over four or more years to create the illusion of Canadian residence.”

CIC has also flagged the files of another 2,500 individuals with other related concerns and whose future applications will be the subject of closer scrutiny and are counted among the 11,000 citizenship and residency fraud investigations.

Substitute for Cancelled LCP Hotline

For those who have been wondering about the LCP hotline, a CIC official has confirmed with the province of Ontario that the dedicated hotline for live-in caregivers had been disconnected on 8 February 2011. Vulnerable workers (including live-in caregivers) are instead encouraged to contact the Ontario Employment Standards Information Centre at **1-800-531-5551**. This call centre is deemed more effective as it has dedicated agents who could assist callers in 23 languages and dialects.

(Please note that the above are for legal information purposes only and not intended to provide specific legal advice. It is strongly advised that you consult with a legal professional to discuss your particular circumstances.)

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