

New Minister and New Rules for the New Year

When Prime Minister Justin Trudeau announced some changes to the members of his Cabinet, not a few were pleasantly surprised by the appointment of a rookie Member of Parliament as Minister of the Immigration department. The new Minister of Immigration will replace the outgoing Minister John McCallum, who will leave politics to become Canada's ambassador to China. From all accounts, the new Minister, Ahmed Hussen, appears to be a perfect fit for the job, who will hopefully bring a fresh and informed perspective to this very important position.

Here are a few excerpts from newspaper articles describing the new Immigration Minister:

"Ahmed Hussen, MP for York South-Weston, is the first Somali-born member of Parliament, who came to Canada as a refugee at the age of 16 and will serve as minister of immigration in place of McCallum. His story is the Canadian immigrant dream — from refugee to community builder, lawyer and now cabinet minister.

- *Toronto Star*, 10 January 2017

"Mr. Hussen arrived in Canada as a refugee in 1993 and settled in Toronto's Regent Park community. While he is proud of his Somali heritage, he hopes to be more than the token Somali in the Liberal cabinet.

"As members of Parliament and members of the cabinet, each of us coming into public life are informed ... by their different experiences that they bring to the table. And I'm no different in that sense. I'll bring my experience as an immigrant to Canada, but also an immigration lawyer, someone who worked many, many years before running for office as a community activist, a community organizer and a community advocate," Mr. Hussen told reporters on Parliament Hill Tuesday.

Mr. Hussen's commitment to public service began after high school, when he began working for the Hamilton-Wentworth social-services department. He eventually returned to Toronto, where he completed an undergraduate degree in history at York University.

Returning to his roots, Mr. Hussen co-founded the Regent Park Community Council in 2002 and helped secure a \$500-million revitalization project for the area.

- *The Globe and Mail*, 10 January 2017

We wish Minister Hussen all the best on his appointment and look forward to seeing how his personal experiences as a refugee and immigrant, as a social activist and legal advocate, will influence his leadership role in this key cabinet portfolio.

Due to an early deadline for submitting my column for last month's Christmas issue, I was unable to report a couple of important immigration changes announced last month: first is the removal of the four-year cumulative duration limit for temporary foreign workers and the new application intake system for applicants under the parent-grandparent sponsorship class.

Removal of the Four-Year Cumulative Duration Limit

The highly-controversial four-year-in, four-year-out rule for temporary foreign workers in Canada was eliminated effective 13 December 2016. All other requirements for a work permit application, such as a labour market impact assessment (LMIA), must still be satisfied.

Hence, if a temporary foreign worker in Canada has been working here for more than four years, he or she may apply for a work permit renewal provided all other eligibility criteria are met. If a foreign worker had lost status but is still within the restoration period, he or she may apply for the work permit restoration from within Canada. If the worker had lost status beyond the 90-day restoration period, then he/she must apply for a new work permit from a visa office outside Canada.

If the temporary foreign worker had left Canada due to having met the previous four-year limit, he or she may apply to return to Canada as a worker anytime and need not wait for four years after having left Canada. However, all other requirements for a new work permit must be met.

Lottery System for Parent-Grandparent Sponsorship Applications

The IRCC announced on 14 December 2016 that instead of accepting the new 10,000 applications in 2017 on the usual first-come, first served basis, it will allow potential sponsors to express their intent to sponsor parents and/or grandparents by completing an online form. The "Interest to Sponsor Online form" will be available for 30 days or from 3 January 2017 to 2 February 2017. At the end of this period, IRCC officials will randomly select 10,000 sponsors who completed the online form and who will then be invited to submit their applications to sponsor their parents or grandparents' permanent residence applications.

Those invited will be given 90 days within which to submit the complete sponsorship application packages. Those who were not invited will be notified and will be encouraged to express their interest again by submitting a new online form when the program reopens.

Those invited but failed to submit the complete application packages within the 90-day prescribed period will be refused (and their applications returned) and will have to resubmit a new online interest form when the parent-grandparent sponsorship quota reopens.

Since this randomized invitation system is very new, some questions remain such as whether the quota will be reopened if less than 10,000 completed applications were processed after the lottery or if several children can submit online interest forms for the same parent/s. There are many ways by which this new system could benefit the lucky ones who get invited to apply but also various ways by which it can lead to frustration and unfairness for those who may not be as lucky.

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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