
Immigration

Overview

Immigration law covers temporary residents (work, travel, study, permits), permanent residence - economic and non-economic, and citizenship. It also covers refugee protection. This session will only briefly touch on refugee protection.

Objectives

To understand the basics of immigration law - temporary and permanent residency, and becoming a Canadian citizen.

Agenda

Welcome and group discussion, questions on previous topics.

Presentation on: Immigration Law

- Temporary Residents: Work, Study, Visit
- Permanent Residency
- Citizenship

Activities: How would you answer

Together or individually, research the questions below and explain your answer.

1. What are 4 main ways to have temporary resident status?
2. What are some key factors in determining eligibility for a temporary resident visa?
3. Do I need a study permit to place my child in pre-school in Nova Scotia? I am a temporary resident working at the university and have a work permit.
4. What are some of the conditions for a Parent or Grandparent super visa?
5. I am writing a letter of invitation to bring my mother here for a visit. What should I include in the letter?
6. I want to work in Canada. Do I need a work permit?

Temporary Residents

Permanent Residents

Citizenship

Key Resources

- Immigration Canada
canada.ca/en/services/immigration-citizenship.html
- Immigration Canada
[Operational Instructions and Guidelines](#)
- [Immigration Appeal Division](#)
- NS Office of Immigration
novascotiainmigration.com/
- Office of Francophone Immigration (NS)
immigrationfrancophonene.ca/
- Acces Justice Access
ajefne.ns.ca/
- ISANS isans.ca/
- YMCA Immigrant Services
ymcahfx.ca
- Halifax Refugee Clinic
halifaxrefugeeclinic.org/
- African Diaspora Association of the Maritimes adamns.com/
- Rainbow Refugee Association of NS rainbowrefugeens.com/
- Salvation Army Atlantic Refugee & Immigrant Services Project
salvationarmy.ca/maritime
- Nova Scotia Interpreting Services
interpretingservices.ca/

Activities: How would you answer?

7. What are 3 key eligibility requirements for a work permit?
8. List four non-economic classes for permanent resident applications
9. Who is included in the Family Class?
10. What are the basic requirements to sponsor a family member?

Case example:

I want to sponsor my mother to come to Canada. I am a permanent resident and have been living and working in Nova Scotia for 3 years. I live with my partner and 4 year old child.

Can I apply right now and what do I need?

And are there income rules?

Key Laws

- Citizenship Act (CAN)
- Citizenship Regulations, and No 2
- Immigration and Refugee Protection Act (CAN)
- Immigration and Refugee Protection Regulations
- Federal Courts Citizenship Immigration and Refugee Protection Rules

Legal Question	Where would you start? Answer key
What are 4 main ways to have temporary resident status?	Visitor, student, worker, temporary resident permit holder. Immigration Canada - Temporary Resident Visa - https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/guide-5256-applying-visitor-visa-temporary-resident-visa.html, And Temporary Resident Permit Holder (different from above): https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/permits.html
What are some key factors in determining eligibility for a temporary resident visa?	Purpose of the trip, length of stay, plans while in Canada, ties to Canada or country of residence (eg. money, family, property), documents & financial support (includes ability to return to home country), do they have & need a work or study permit, any criminal convictions. See: https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/guide-5256-applying-visitor-visa-temporary-resident-visa.html
Do I need a study permit to place my child in pre-school in Nova Scotia? I am a temporary resident working at the university with a work permit	No - minor child is exempt. See https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/study-permits/guidelines-on-minor-children.html
What are some of the conditions for a Parent or Grandparent super visa?	• Letter of Invitation from child or grandchild (does not guarantee a visa though) • Child or grandchild meets LICO minimum income • Proof of Canadian Medical Insurance – 1 year • Proof of relationship to child/grandchild • Medical Exam See: https://www.canada.ca/en/immigration-refugees-citizenship/services/visit-canada/parent-grandparent-super-visa/about.html
I am writing a letter of invitation to bring my mother here for a visit. What should I include in the letter?	• Name, date of birth, contact in Canada, job, permanent resident or Citizen (and proof), family details including number of people in household. For supervisa must also have - proof of financial support and meet LICO
I want to work in Canada. Do I need a work permit?	Yes, with few exceptions (see https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/permit/temporary/need-work-permit-work.html)
What are 3 key eligibility requirement for a work permit?	Leave Canada when work permit expires; enough money to support myself; I am working for an eligible employer
List 3 non-economic classes for permanent resident applications	Family class, Humanitarian Class, Permit holders class Adoptions Spouse or common-law partner in Canada class, dependent children, other eligible relatives Humanitarian and compassionate consideration Protected persons (refugees) Temporary resident permit holders
What is included in Family Class?	Family Class: • Spouses and partners: • Marriage not required • Proof of LICO not required • married spouse, common-law or conjugal partner

	• Parents and Grandparents • Dependent Children (includes children adopted overseas), sponsor's orphaned sibling, niece, nephew, grandchild under 18 • adopted children (option for direct citizenship) • Lonely Canadian: Only one living relative left in the world! https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/family-sponsorship.html
What are the basic requirements to be a sponsor (of a family member)?	Sponsor must be a Canadian citizen or permanent resident who • is at least 18 years of age • resides in Canada • not on income assistance (unless for a disability) • can provide for basic needs (food, shelter, clothing) of sponsored person • no LICO for spouse, partner or dependent child sponsorship (unless dependent child has own child(ren)) A Canadian citizen residing abroad may sponsor a spouse, common-law or conjugal partner provided that the sponsor and applicant will live together in Canada when the <u>applicant</u> becomes a permanent resident https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/family-sponsorship/spouse-partner-children/eligibility.html

For discussion

Can sponsor mother if this person is at least 18. They are a permanent resident living in Canada so meet that requirement. They must have enough money to support the mother and their own family (assuming only income earner), and will have to provide proof of income. Here is information about how much money they need: <http://www.cic.gc.ca/english/helpcentre/answer.asp?qnum=1445&top=14>. If partner does not have an income, responsible for 4 people, so last 3 tax years income (based on Notice of Assessment - CRA) \$60,271 (2018), \$59,426 (2017), \$58,768 (2016). Here is information about how to calculate family size (this can get a bit complicated sometimes): <http://www.cic.gc.ca/english/helpcentre/answer.asp?qnum=1460&top=14>

Will have to wait until next year to submit the interest to sponsor form, as that's the first step to sponsor parents (or grandparents) and the limit already reached for 2019. Will likely be available again January 2020. Must be invited to apply

If invited to apply, <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/family-sponsorship/sponsor-parents-grandparents/apply.html>. Need to wait to fill out paperwork, as the Application package changes - so need to make sure they use the correct forms. Here is the current Application package to sponsor a parent: <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/sponsorship-parents-grandparents.html>

Mother must be eligible as well to become a permanent resident (so it isn't just sponsor's eligibility). Basics are:

- medical exam (<https://www.canada.ca/en/immigration-refugees-citizenship/services/application/medical-police/medical-exams/requirements-permanent-residents.html#when>),
- biometrics (fingerprints & photo - <https://www.canada.ca/en/immigration-refugees-citizenship/campaigns/biometrics/facts.html>),
- police certificate - <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/medical-police/police-certificates/about.html>. A police certificate is a statement that they don't have a criminal record **or**, a copy of their criminal record if they have one