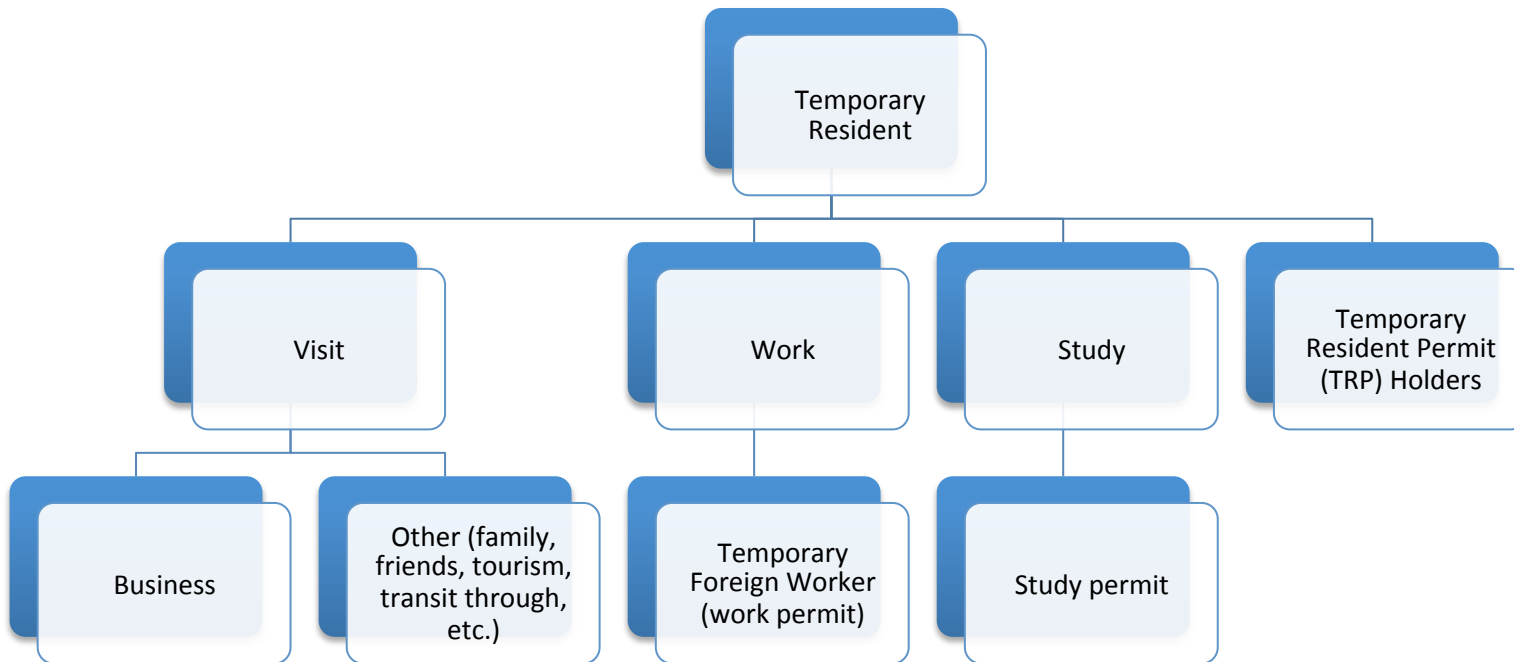


Immigration law

Immigration Status

- Temporary Resident
- Permanent Resident Status
- Citizenship

Temporary Resident



Temporary Resident Visa (TRV) / 'visitor visa'

- I must satisfy immigration officer that:
 - I will just stay temporarily, and will leave when my visa ends
 - I have enough \$ to live while here, and to go back home
 - I won't work or study here unless authorized (eg. Work or study permit)
 - I am not a security risk
 - I will follow the law
 - I do not have a criminal record
 - I am not inadmissible for some reason
 - I am healthy (medical exam may be required).
- Political and economic stability of my home country may also be considered

Temporary Resident Visa (TRV)

- Visa or no visa? Or eTA? Valid passport?
- Entry requirements vary depending on
 - where you are from
([visa-exempt* or visa-required country](#))
*eTA by air
 - what documents you are travelling with (eg. passport, refugee travel document)
 - How you are entering (eg. plane, car, bus, train, boat)

Parent or grandparent 'super visa'

- Long-term TRV:
 - To visit child or grandchild who is a permanent resident or Canadian citizen
- Single or multiple entry for up to 2 years on each entry. Up to 10 years
- Conditions include:
 - [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

Letter of Invitation must include

Person being invited	Person inviting the foreign national
Full name	Full name
Date of birth	Date of birth
Address and telephone number	Address and telephone number in Canada
Relationship to person being invited	Occupation
Purpose of trip	Whether they are a permanent resident or Citizen
Planned length of stay in Canada	Photocopy of a document proving their status in Canada
Details of where they will be staying and living expenses	details of family, such as names and dates of birth of spouse and dependants (mandatory for super-visa)
Intended date they will leave Canada	the total number of people living in household, including people they sponsored whose sponsorship is still in effect (mandatory for super-visa)
	FOR Super-Visa only: Promise of financial support of parents, grandparents for their entire stay, and proof that they meet LICO

Visits for Business

- TRV so I can temporarily visit Canada to do business, like:
 - Attend a conference or trade show
 - Negotiate a contract
 - Business meetings
- Must show main income source and business is outside Canada
- Do not need a work permit, but will need a TRV if coming from a visa-required country, and show proof of business reason for visit

Refusals

- TRV might be refused for several reasons:
 - History of breaking conditions of admission on a previous stay
 - Lack of money or lack of proof of money to support oneself while in Canada, and to leave Canada
 - Medical reasons
 - Officer not satisfied the person will leave Canada when the visa expires.

Temporary Foreign Workers

- Need a Work Permit, with few exceptions (International Mobility Program)
- Employer usually needs a Labour Market Impact Assessment (LMIA) before employee applies for Work Permit
- To apply for a work permit, a worker needs:
 - a [job offer letter](#),
 - a contract,
 - a copy of the LMIA, and
 - the LMIA number.
- Can apply for Work Permit at a port of entry, Canadian visa office, or from inside Canada depending on where the person is from and country of residence
- Express Entry may be possible in certain situations

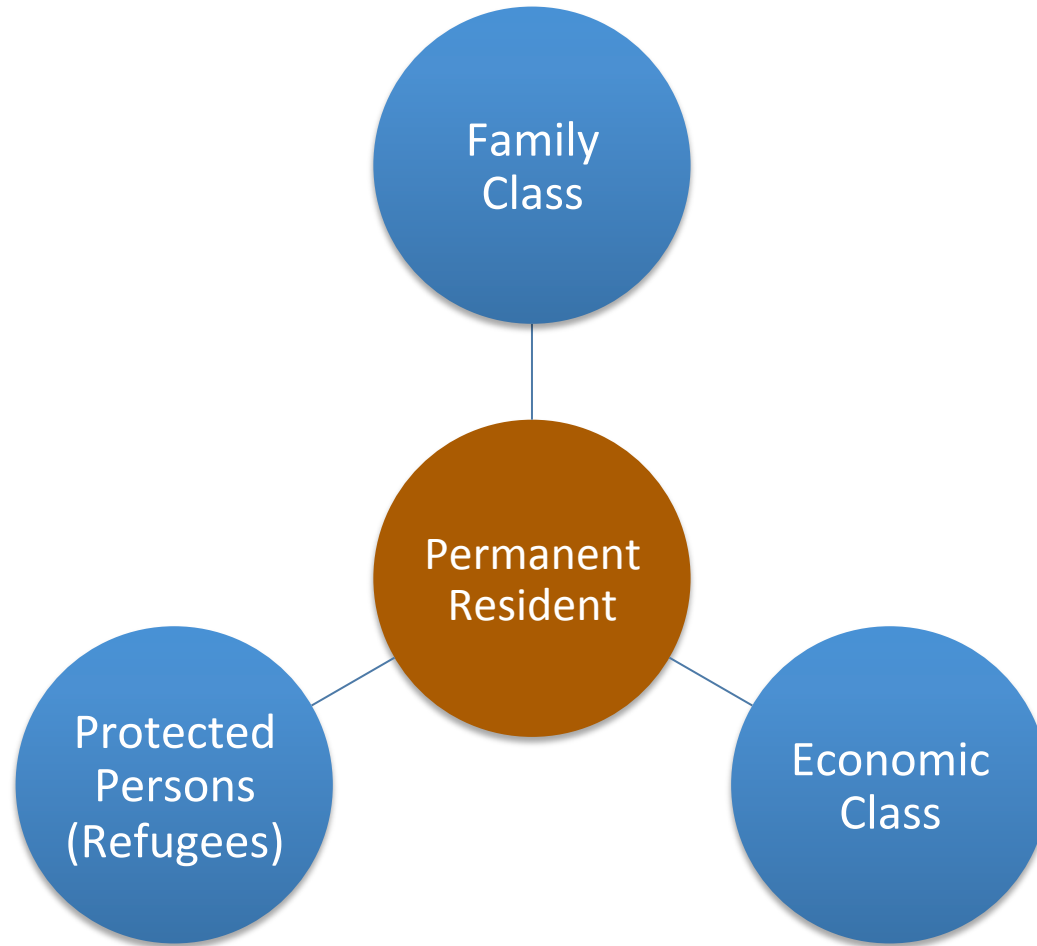
Work Permit: general eligibility

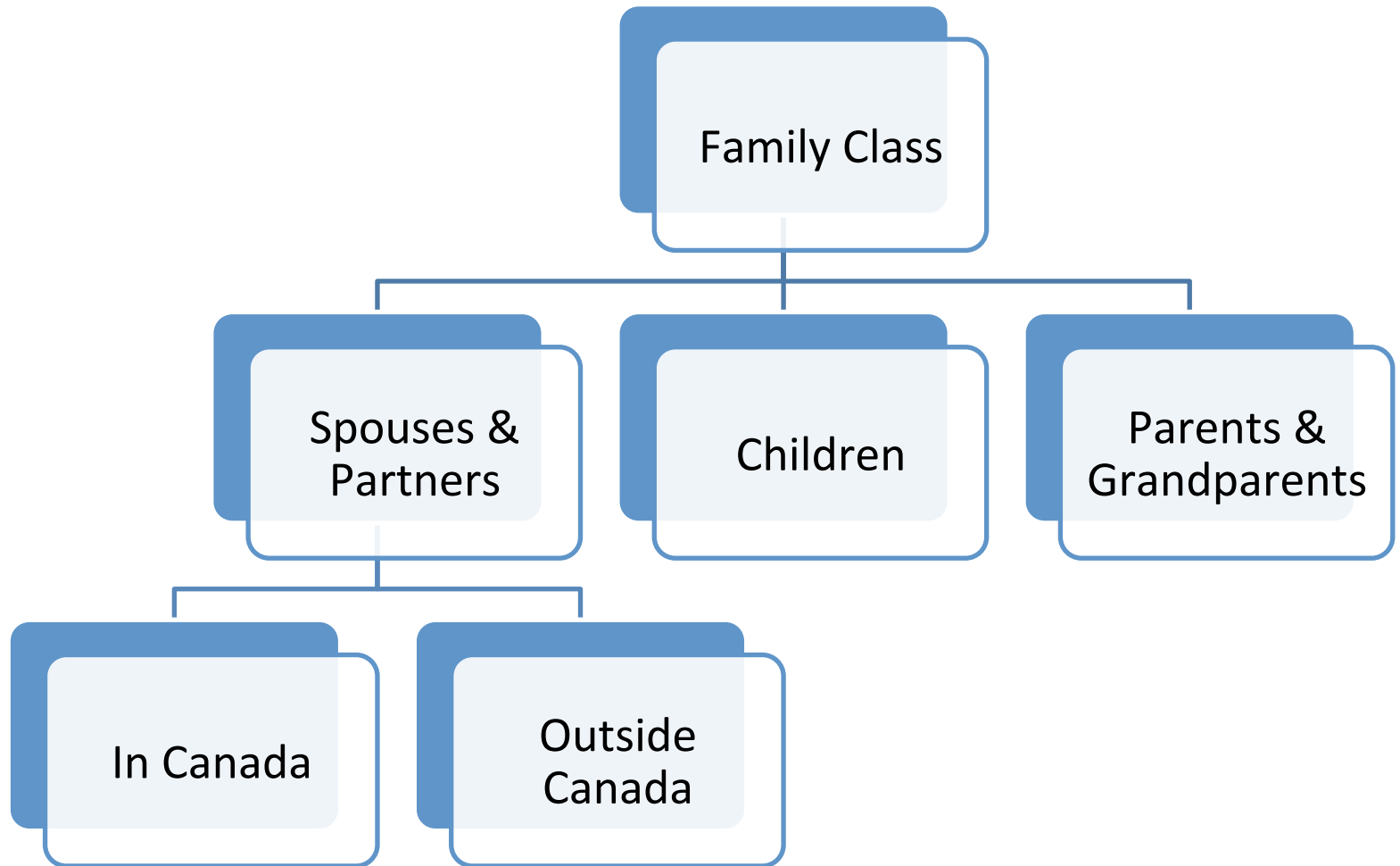
- I must prove that I:
 - will leave Canada when my work permit expires
 - have enough money to support myself and my family while I am here, and to go home
 - will follow the law
 - am not a security risk
 - do not have a criminal record (police clearance certificate may be required)
 - Am healthy (medical exam may be required)
 - Not working for an ineligible employer
 - Not work in certain workplaces: striptease, erotic dance, erotic massage, escorts
 - Have provided other required documents

Studying in Canada

- Foreign Nationals need a Study Permit unless:
 - Course is less than 6 months
 - List of exempt studies or groups, like minor (under 19) child – conditions apply, general interest course, distance learning, audited courses, family member/staff of diplomats, certain armed forces members, persons with status under the Indian Act or entitled to status
- Study permit is not a visa! Need a TRV or eTA as well.

Permanent Resident





Family Class: Sponsorships

- Who can sponsor? Must be a Canadian citizen, permanent resident or have status under the Indian Act. At least 18 or older
- Who can you sponsor to become a PR?
 - Spouse
 - Common law partner or conjugal partner
 - Dependant children (generally under 22)
 - Parents and grandparents (PGPs) – more limited conditions
 - Other relatives if there are no other relatives who could be sponsored and no relatives in Canada – “Lonely Canadian”

Family Class: Sponsorships

- Two step assessment
 - 1) Is this person an eligible sponsor?
 - 2) What is the applicant's relationship to the sponsor? Are they admissible to Canada?
 - Eg. Is it a genuine (real) relationship (common-law, married or adoption)
 - Are they healthy (medical exam may be required)
 - Do they have a criminal record? Other background checks

Family Class: Sponsorships

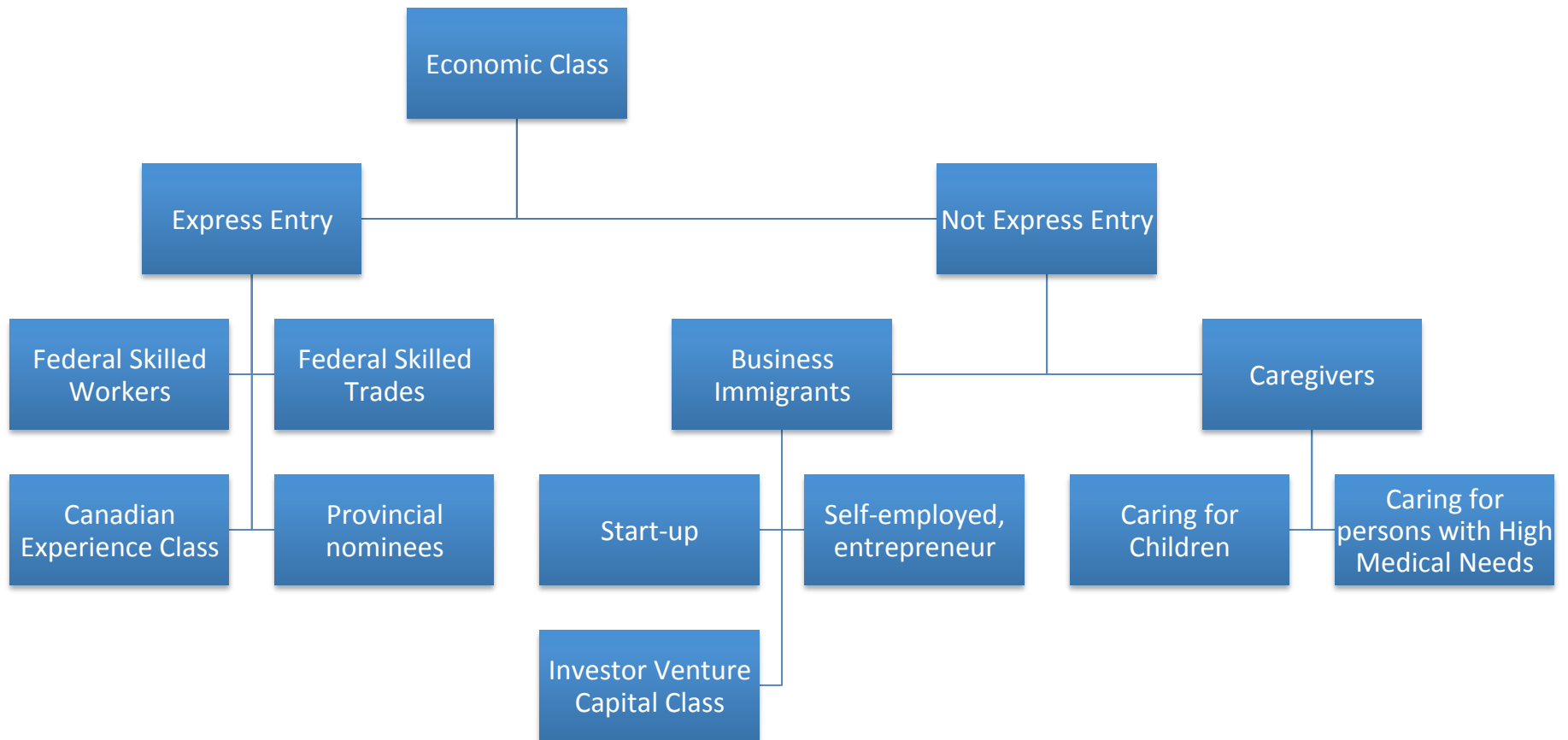
- 1) Is this person an eligible sponsor?
 - 18 or older
 - Able to support family member – meet basic needs or LICO
 - Live in Canada, or plan to live here when family member becomes a PR
 - PR or Canadian citizen

Family Class: Cannot be a Sponsor

- Sponsorship application will be refused if sponsor:
 - Under a removal order
 - Did not fulfill previous sponsorship agreement
 - Has child or spousal support arrears (court ordered)
 - Has been convicted of certain criminal offences
 - Was sponsored as a spouse or partner less than 5 years ago and became a PR less than 5 years ago (5 year sponsorship bar)
 - Has defaulted on an immigration loan
 - Is in prison, jail
 - Convicted of certain crimes
 - On income assistance for reason other than disability
 - Undischarged bankruptcy

Economic Class

- Main categories
 - Canadian Experience Class (Express Entry)
 - Federal Skilled Worker Class (Express Entry)
 - Federal Skilled Trades Program (Express Entry)
 - Live-in Caregiver Program
 - Provincial Nominee – eg. Nova Scotia Nominee Program



Inadmissibility to Canada

- May be denied a visa, eTA, refused entry to, or removed from Canada:
 - Security risk
 - Terrorism, spying, subversion
 - Human rights/international rights violations (part of a group involved in)
 - War crimes, crimes against humanity
 - Committing a crime, including impaired driving*
 - Medical reasons
 - Financial reasons
 - Misrepresentations
 - Not following rules under Immigration and Refugee Protection Act (IRPA)
 - Family member inadmissible

Criminal inadmissibility

- If you have a criminal history you might be:
 - Denied entry to Canada
 - Removed from Canada
 - A PR convicted of certain crimes will lose their status and be removed from Canada
 - Criminal inadmissibility may be based on offences committed inside or outside Canada, or even acts not resulting in a conviction provided they were criminal offences in the place where they were committed, and equivalent to a Canadian offence

Criminal inadmissibility

- Overcoming criminal inadmissibility – potential options
 - Temporary Resident Permit
 - Criminal Record Suspension ('pardon')
 - Parole Board of Canada
 - Waiting period though from end of sentence (including fines, prohibition periods):
 - 10 years – indictable
 - 5 years – summary
 - Deemed rehabilitated or applied for rehabilitation and were approved, Individual rehabilitation

Medical inadmissibility

- Inadmissible if health condition:
 - (a) Is likely to be a danger to the public health
 - (b) Is likely to be a danger to public safety; or
 - (c) Might reasonably be expected to cause excessive demand on health or social services.
 - ‘excessive demand’ does not apply to
 - Certain sponsored family members – spouses, common law partners, and dependant children, refugees & their dependants, protected persons.

Permanent Residency

- Residency requirements:
 - Permanent Resident Card (PR Card) – the only universally accepted proof of PR status
 - To keep/get a new PR Card:
 - must be in Canada (or outside Canada) for 730 days within a 5-year period.
 - Some time abroad may count – example: accompanying a Canadian spouse or working for a Canadian employer
 - The 730 days don't need to be continuous
 - Can only renew PR Card *in Canada*

Permanent Residency: loss of status

- Do not lose PR status when card expires
- Can only lose PR status if:
 - Adjudicator determines no longer a PR after an inquiry or PRTD appeal
 - Voluntarily give up (renounce) PR status
 - Removal order, in force
 - Become a Canadian citizen.
- Could lose PR status if do not follow residency requirements, but official decision (as above) must be made about status first (it is **not** automatic)

Humanitarian and Compassionate Grounds

- Not otherwise eligible to be a PR
- May apply on humanitarian and compassionate grounds: exceptional situations
 - Settled in Canada?
 - Children? Best interests
 - What could happen if PR status not granted?
- Can only apply on HC grounds if applying for:
 - PR status in Canada
 - PR visa abroad
- **Not** available
 - for Temporary Resident applicants
 - if have a pending refugee claim
 - One Year Bar – negative IRB decision within last 12 months (some exceptions)

Permanent Resident

No work permit required to authorize work in *most** jobs
(*high level security jobs)

Must have PR Card with them when travelling, or need PR Resident Travel document

Cannot vote or run for office in Municipal, Provincial or Federal elections

Must pay taxes & follow all Canadian laws

Cannot hold Canadian passport

Has protection under the Charter & other Canadian laws

Can lose Canadian immigration status or be removed from Canada for 'serious' criminality

Can live, work or study anywhere in Canada

Citizenship

- A Permanent Resident is eligible to apply for Canadian citizenship if they meet the following conditions:
 - PR status with no problems
 - Physically in Canada for 3 out of the last 5 years (no minimum number of days per year). 1095 days.
 - Language ability (English or French), 18 to 54 years old
 - File Canadian Income Taxes for 3 out of 5 years, if need to
 - No prohibited criminal history
 - Pass the citizenship test if 18 to 54 years old
- There are special rules for minors under 18

RESOURCES

- [Immigration, Refugees and Citizenship Canada](#)
- [Nova Scotia Immigration](#)
- [Accès Justice Access](#)
- Nova Scotia Start - novascotiastart.ca
- Newcomer settlement services – [ISANS](#), [YMCA](#)
- Lawyer Referral Service – Immigration lawyer!
- [Halifax Refugee Clinic](#)
- ARIS
- [Immigration Francophone NE](#)

Thanks

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Questions?

LEGAL INFO 
NOVA SCOTIA

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