

May 26, 2023 IRCC Family Class Immigration Announcements June 6, 2023

This handout is solely for informational purposes. We urge you to consult with us at info@connectingottawa.com if you have any specific legal questions about a client's situation.

VISITOR VISAS FOR SPOUSES ABROAD WHOSE SPONSORSHIP IS IN PROCESS

What we know so far: On May 26th, 2023, the Immigration Minister announced that spouses abroad whose sponsorship is in process can apply for a visitor visa to join their spouse in Canada. Although spouses abroad were already eligible to apply for a visitor visa in the past, they were often refused because IRCC did not believe the person was only a visitor. Under the new policy, officers reviewing visitor visa applications from spouses abroad are now supposed to apply more flexible criteria. The Minister states that applications should be processed in 30 days in the majority of cases.

What we don't know yet: We don't yet know whether IRCC will really process these visas faster and whether they will grant visitor visas to sponsored spouses abroad who reside in countries to which we do not deport. For example, since we do not deport to Afghanistan, will IRCC really let a spouse who is still in process for permanent residence come on a visitor visa when we know that Canada can't deport them even if the sponsorship is eventually denied?

Since this new policy refers to "spousal applicants", we believe this new flexibility concerning visitor visas for spouses in process only applies to spousal sponsorships, not refugee family reunification. However, no detailed instructions have been released yet.

For the news release from Immigration, Refugees and Citizenship Canada (IRCC), please see: <https://www.canada.ca/en/immigration-refugees-citizenship/news/2023/05/canada-is-reuniting-loved-ones-through-new-immigration-measures-new-measures-also-address-labour-shortages-in-canada.html>

CHANGES TO OPEN WORK PERMITS FOR SPONSORED SPOUSES

In the past, only spouses and partners who were being sponsored from inside Canada were eligible for an open work permit (to work for any employer) during the sponsorship process. Under a new public policy, both spouses who were living abroad when their sponsorship was submitted and those living in Canada with their sponsor are now eligible for an open work permit during the processing of their sponsorship application. To qualify, the spouses must now be living together in Canada at the same address, the sponsored spouse must have temporary resident status in Canada (visitor, student, worker) or be eligible to restore their status, and they must have received an Acknowledgement of Receipt letter from IRCC confirming that their sponsorship application is being processed.

Please note that sponsored spouses applying for an open work permit must now do so online through their IRCC Secure Account, not by including their work permit application through the permanent residence portal. Also note that dependent children who are being sponsored together with their parent are likewise now eligible for an open work permit during the sponsorship process if they are residing with their parent and parent's sponsor in Canada.

For the steps to apply for the open work permit, please see: <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/family-sponsorship/spouse-partner-children/spouse-common-law-partner-canada-open-work-permit.html>

For the complete public policy concerning open work permits for sponsored spouses, please see: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/public-policies/spousal-work-permit-exemption.html>

CHANGES TO EXPRESS ENTRY SYSTEM FOR SELECTING IMMIGRANTS FOR P.R.

Canada uses an application management system called Express Entry to rank individuals seeking to immigrate permanently through the Federal Skilled Worker Program, the Federal Skilled Trades Program, the Canadian Experience Class and a portion of the Provincial Nominee Program. If individuals meet the basic eligibility requirements of one of these skills-based immigration programs, they create an online profile through Express Entry. All permanent residence applicants receive a points score based on their English and French language skills, work experience, education and other factors. Every few weeks, the government sends invitations to apply for permanent residence to those applicants who have submitted an Express Entry profile and who have a score above a certain number. Sometimes, the government only sends invitations to apply to those who have applied in a certain class, such as Canadian Experience Class, and sometimes the invitations are to all applicants in any category whose score is above a particular number.

the Immigration Minister recently announced that, during 2023, Canada will also carry out rounds of invitations to apply for permanent residence for those in the Express Entry pool who have work experience in particular jobs or who have strong French language skills. The government will carry out targeted draws in the areas of:

- strong French language proficiency
- healthcare
- science, technology, engineering, and mathematics (STEM) professions
- trades, such as carpenters, plumbers and contractors
- transport
- agriculture and agri-food

For the language requirements for the French language proficiency category as well as the full list of jobs in the employment-based categories, please see: <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry/submit-profile/rounds-invitations/category-based-selection.html>

To be selected in these targeted categories, individuals must still meet the basic eligibility requirements of one of the skills-based immigration programs. For those selected based on their employment, they must have accumulated at least six months in the particular job during the past three years, either inside Canada or abroad. The first category-based invitations for permanent residence sent out through the Express Entry system are expected to come this summer. To read the news release, go to: <https://www.canada.ca/en/immigration-refugees-citizenship/news/2023/05/canada-launches-new-process-to-welcome-skilled-newcomers-with-work-experience-in-priority-jobs-as-permanent-residents.html>