

## LATEST ISSUES ON CANADIAN IMMIGRATION LAW

MAY 2012 EDITION

The Immigration Minister Mr. Jason Kenney is constantly busy with his team.

The first major announcement by CIC is the fact the BUFFALO VISA OFFICE in USA is officially closed as at MAY 29<sup>TH</sup>, 2012. You can visit the following web link for an explanation of the changes in service standards for processing all types of applications for persons resident in USA: <http://www.cic.gc.ca/english/resources/manuals/bulletins/2012/ob427.asp>

If you represent persons who are citizens of Mexico, the CIC office has announced changes to make it easier to obtain police criminal record certificates from that country. Please see the web link at: <http://www.cic.gc.ca/english/resources/manuals/bulletins/2012/ob422.asp> The major change is that state-issued police certificates do not need to be requested anymore.

The minister has also made it easier for all of those applicants awaiting pr visa to have their medical assessment extended if the current medical certificate is older than 15 months. This memorandum, which takes legal effect on June 1<sup>st</sup>, 2012, will only be applicable if outstanding medical is only remaining issue once the visa officer has made final decision on all other aspects of the pending file application. Please see the following web link:

<http://www.cic.gc.ca/english/resources/manuals/bulletins/2012/ob423.asp>

If you have a client who desires to live and work in Alberta, and they fit into the occupational definition for pipefitter and or steamfitter, then you will want to review the following web link which discusses that this temporary foreign worker agreement has been extended to May 31<sup>st</sup>, 2013. Please see the following web link:

<http://www.cic.gc.ca/english/resources/manuals/bulletins/2012/ob279C.asp>

The CIC department has also announced that they will issue PR cards to those applicants who qualify for renewal and will deliver the actual cards directly to their address, thus avoiding the painstaking process of the applicant having to attend to the nearest CIC office to retrieve their new card. This web link confirms this new procedure:

<http://www.cic.gc.ca/english/resources/manuals/bulletins/2012/ob412.asp> however, in this same operational bulletin, its possible for an applicant to only receive a one year validity and the main reason for that is local cic officials familiar with the applicant may be anticipating or have already filed a section 44 report for inadmissibility.

The federal skilled worker applications for PR status that were filed prior to Feb. 27<sup>th</sup>, 2008 will meet their fate once the BIA ( budget implementation act ) has been finalized. The BIA has to do with the refund of application fees for all of those applicants who applied prior to Feb. 27<sup>th</sup>,

2008. It will be important for all applicants to consider their legal position especially if they have children who were under 22 years of age prior to the announcement of the CIC in March, 2012 but whose children become 22 years and older and who may not meet the definition of dependent child after March 29<sup>th</sup>, 2012. This is significant because many applicants will consider applying for PR status under the new criteria, but those whose children will no longer be accepted under the new criteria due to being over the age of 22 years, will not be so inclined if they know that some of their family members will no longer be able to receive immigrant visas. Please see the following web link: <http://www.cic.gc.ca/english/resources/manuals/bulletins/2012/ob413.asp>

The Minister of Immigration is busy with many media announcements as well. see for example the following web link which discusses the new proposed BILL C-31 which deals with the refugee determination system:

<http://www.cic.gc.ca/english/department/media/releases/2012/2012-05-09.asp> The federal government is prepared to compromise with many of the opponents to this proposed legislation and that is an initial 14 day detention review with subsequent reviews taking place every 180 days, unless of course the person concerned is able to substantiate their request for refugee status and is considered a genuine refugee. The main purpose of the new Bill is to try to deal with the arrival of boat persons who make refugees and others who take advantage of our refugee protection system and make what is considered a bogus refugee claim.

It is important to report as well that though CIC has not announced publicly yet, there is expectation that visa posts such as BUFFALO and many inland CIC offices are going to be closed as the government tries to implement significant cost cutting measures all meant to reduce duplication of services and costs. However, it is important of course to ensure that the government can still meet its mandate of approving pr visas for up to 1% of Canada's population, even with the significant cost cutting.

If you wish to try to stay on top of all changes in Immigration Laws or announcements you should visit the web site of the department at: [www.cic.gc.ca/](http://www.cic.gc.ca/)

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