

# CANADIAN IMMIGRATION 101

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## CANADIAN IMMIGRATION STATUS

- TEMPORARY RESIDENT
- PERMANENT RESIDENT
- REFUGEE
- CANADIAN CITIZEN

## CANADIAN IMMIGRATION STATUS

- **Temporary resident:** a foreign national with permission to visit, study, and/or work in Canada for a temporary period of time
- **Permanent resident:** a foreign national who has applied and been granted permanent status (formerly known as "landed immigrant")
  - Must be renewed every 5 years and must be physically in Canada 2 out of every 5 years
  - May have status revoked due to inadmissibility
- **Refugee:** (also refugee claimant/asylum seeker): a foreign national who needs Canada's protection from persecution
  - Still must apply for a study or work permit until permanent residence has been granted
- **Citizen:** a person who has the right to live in a country by virtue of birth or by legally acquiring the right
  - Citizens do not need to renew their citizenship status

## TEMPORARY RESIDENT STATUS

- All individuals in Canada under the CUAET are considered Temporary Residents
- The CUAET is not a Refugee Immigration Stream, therefore there isn't one specific Permanent Resident pathway to follow
- There are several ways for individuals to obtain Permanent Resident Status...

## PERMANENT RESIDENCE EXPRESS ENTRY

- <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry/works.html>

### How Express Entry works

Express Entry is an online system that we use to manage immigration applications from **skilled workers**.

There are 3 immigration programs managed through Express Entry:

#### Canadian Experience Class

- for skilled workers who have **Canadian work experience**
- work experience must have been gained in the 3 years before you apply

[Learn more](#)

#### Federal Skilled Worker Program

- for skilled workers with foreign **work experience**
- must meet criteria for education and other factors

[Learn more](#)

#### Federal Skilled Trades Program

- for skilled workers who are **qualified in a skilled trade**
- must have a valid job offer or a certificate of qualification

[Learn more](#)

## PERMANENT RESIDENCE EXPRESS ENTRY

- If you're eligible for one or more of the Express Entry programs and submit a free online profile, and you'll be ranked in the Express Entry pool using the Comprehensive Ranking System (CRS).

*(The CRS is a points-based system they use to assess your eligibility)*

- To be invited, you need to have a score above the minimum points score for your round of invitations (latest cut off score was 500).
- See the latest round of invitations here: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/ministerial-instructions/express-entry-rounds.html>
- You can roughly calculate your own CRS score using this link: <https://ircc.canada.ca/english/immigrate/skilled/crs-tool.asp>

## PERMANENT RESIDENCE EXPRESS ENTRY

- Processing Time: Approximately 17 months
- Legal Aid Ontario not available
- Government Filing Fees:
  - \$850 Principal Applicant Processing Fee
  - \$515 Right to Permanent Residence Fee

\*While individuals in Canada under the CUAET program can apply for temporary resident status free of charge, they do need to pay the government filing fees for other immigration statuses such as Permanent Residence or Citizenship

## PERMANENT RESIDENCE HUMANITARIAN AND COMPASSIONATE

An individual might be eligible to apply to Permanent Residence under H&C grounds if they are

- in Canada, and
- need an exemption from one or more requirements of the *Immigration and Refugee Protection Act (IRPA)* or *Regulations* in order to apply for permanent residence within Canada;
- believe humanitarian and compassionate considerations justify granting the exemption(s) you need; **and**
- are not eligible to apply for permanent residence from within Canada in any of these classes:
  - Spouse or Common-Law Partner;
  - Live-in Caregiver;
  - Caregivers: caring for children or people with high medical needs;
  - Protected Person and Convention Refugees; and
  - Temporary Resident Permit Holder.

## PERMANENT RESIDENCE HUMANITARIAN AND COMPASSIONATE

- Processing Time: Approximately 22 months
- Legal Aid Ontario available
- Government Filing Fees:
  - \$570 Principal Applicant Processing Fee
  - \$515 Right to Permanent Residence Fee

## PERMANENT RESIDENCE REFUGEE

- The first step through this stream is to apply for refugee status through submitting a Basis of Claim
- The claim will then be evaluated to see if the individual is eligible to apply for refugee status
- Once the claim is deemed eligible a hearing before the Refugee Protection Division (RPD) will be scheduled
- If the claim is accepted by the RPD the individual is considered a Protected Person in Canada
- Protected Person status *does not* give the individual permanent residence, they still need a study or work permit
- The individual must apply for permanent residence after being granted protected persons status within 5 years of being granted protected person status
- However, if you return home this may revoke your Protected Person status and your permanent residence as a result

## PERMANENT RESIDENCE REFUGEE

- Processing Time: Approximately 24 months
- Legal Aid Ontario available
- Government Filing Fees:
  - \$570 Principal Applicant Processing Fee
  - Exempt from Right to Permanent Residence Fee

## PERMANENT RESIDENCE INADMISSIBILITY

- Permanent residence does not mean an individual can stay in Canada indefinitely
- If an individual becomes inadmissible (i.e. commits certain crimes) an individual may be stripped of their permanent residence and deported
- It is important to note that as a Protected Person an individual cannot be stripped of their permanent residence as easily as regular permanent residents
- It is a very serious matter to remove a Protected Person from Canada
- The Minister must either allege the Protected Person is a danger to the public or that the person is no longer in need of protection (cessation)
- However, once you become a Canadian citizen this is no longer an issue

## WHO CAN HELP YOU?

**Only a Regulated Canadian Immigration Consultant (RCIC) or an Immigration Lawyer can give you legal advice!**

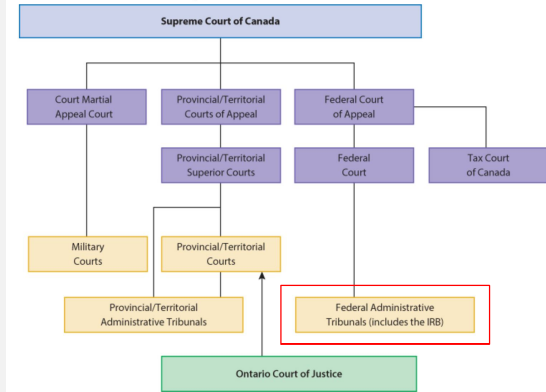
Both are able to assist you through the process and submit your immigration application on your behalf. They are also both regulated by a governing body and pay annual membership fees.

Immigration lawyers though have completed law school and passed the BAR Exam. Immigration consultants have not attendant law school therefore they are only able to represent clients when submitting an immigration application and at the Immigration and Refugee Board (IRB).

If you hire an Immigration Consultant, make sure they are listed on the CICC website:

<https://college-ic.ca/protecting-the-public/find-an-immigration-consultant?!=en-CA>

FIGURE 13.1 Outline of Canada's Court System



## CONTACT US

Book a free consultation with Erin O'Rourke Law at:

<https://erinorourkelaw.clogrow.com/book/qkfW0R2dwR21iPVVmhkf70w>