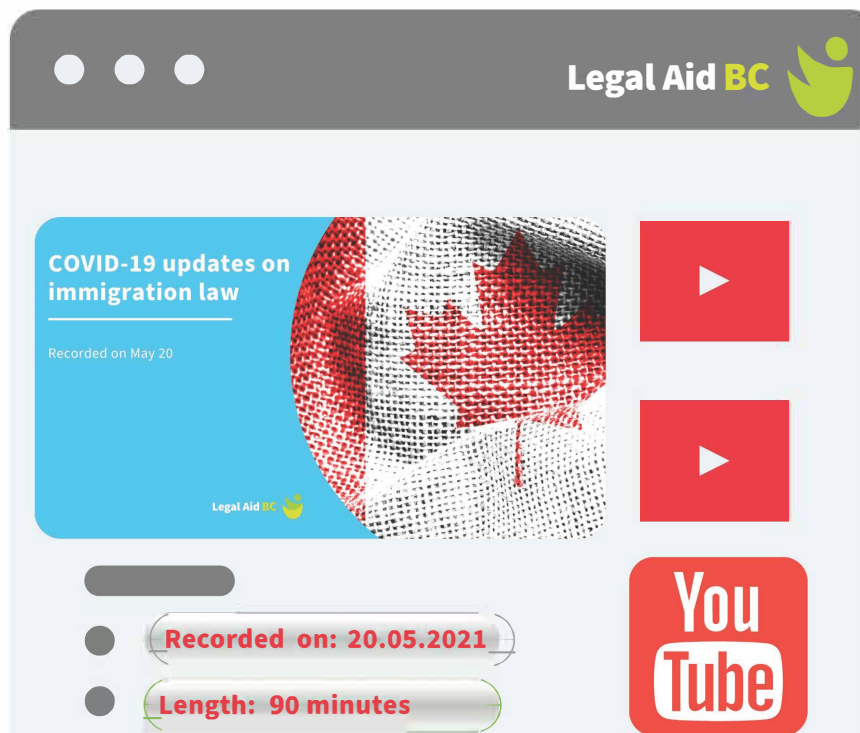


Overview of Key Immigration Policy Changes in Response to the COVID-19 Pandemic

Virtual Conference For Legal Aid BC
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Deanna L. OKUN-NACHOFF
McCrea Immigration Law LLP
101-440 Cambie Street
Vancouver BC V6B 2N5
deanna@mccrealaw.ca
Tel: 604.662.8200 x/12





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Overview



- Immigration Policies created in response to COVID-19
 - ❖ OICs, Travel Restrictions and Quarantine Rules
 - ❖ Exceptions for Certain Out of Status Persons
 - ❖ Facilitated Employer Change Exemptions
 - ❖ VR to WP Policy
 - ❖ TR to PR pilot programs for Essential Workers and International Graduates
- Other impacts
 - ❖ Visa office closures
 - ❖ Court/board closures and delays
 - ❖ Delayed processing in citizenship, spousals, caregivers, biometrics, etc.
- Q&As

COVID-19 Updates: Generally



- New changes being announced very frequently
- Great idea to follow the department on twitter
- Best online source for federal travel restrictions/quarantine rules/testing requirements
- New public policies now consolidated on IRCC website
- Large margin for error at the ports of entry, especially in the immediate aftermath of a change – as such, always best to approach all travel with great caution

Travel Restrictions (from the US)



- Travel from the US (OIC 48): Prohibits all travel from the United States except (with negative COVID molecular test and are asymptomatic) for “non-optional” “non-discretionary” travel, including (non-exhaustive list):
 - trips of 15+ days to visit an immediate Cdn/PR/registered “Indian” family member (spouse/CL partner, child, (step)parent, guardian;
 - trips of 15+ days to visit an extended Cdn/PR/registered “Indian” family member (exclusive partner of 1+ year; (grand) child of that partner; sibling; grandparent of spouse/CL partner) with prior approval;
 - to work;
 - to make a refugee claim;
 - to study in a “listed institution” where the applicant holds a valid study permit, is entitled to apply for a study permit or has been approved for a study permit but hasn’t yet received the actual permit;
 - is entering
 - to enter on compassionate grounds (very strictly circumscribed for end of life care or visit, or to attend a funeral

Travel Restrictions (countries other than the US)



- Travel from countries other than the US (OIC 49): Prohibits all travel into Canada except (with COVID molecular test) for (non-exhaustive list):
 - trips of 15+ days to visit an immediate Cdn/PR/registered “Indian” family member (spouse/CL partner, child, (step)parent, guardian;
 - trips of 15+ days to visit an extended Cdn/PR/registered “Indian” family member (exclusive partner of 1+ year; (grand) child of that partner; sibling; grandparent of spouse/CL partner) with prior approval;
 - to study in a “listed institution” where the traveler holds a valid study permit or has been approved for a study permit but hasn’t yet received the actual permit;
 - to work, where the traveler holds a valid work permit or has been approved for a work permit but hasn’t yet received the actual permit.

Quarantine and Testing Rules



- Quarantine and Testing Rules (OIC 50): for all travelers into Canada, the following rules apply (with limited exceptions):
 - Everyone age 5 and older must provide a negative COVID test prior to seeking admission to Canada;
 - All persons entering Canada:
 - Must quarantine for 14 days following admission
 - Must register a quarantine plan which demonstrates plans to isolate with all the necessities of life and no access to others during their quarantine period
 - Must complete a second (8 day) COVID test
 - For those flying into Canada: additional mandatory (costs born by the person entering) pre-paid stay at a government approved hotel for the first three nights until the results of your negative arrival COVID test are received

Policy for Out of Status Persons



- This policy allows anyone who had valid temporary resident status at any period from 30 January 2020 and 31 May 2021 and remained in Canada thereafter, in spite of losing status, to apply for restoration, even though more than 90 days had elapsed. Details are found [here](#). The policy essentially extended the normal “restoration period”, but note that it is set to expire **on 31 May 2021**.
- Applicants applying under this policy make clear that they are seeking to engage the exemption, making that request by IRCC webform, using the specific wording proposed in the policy.

Facilitated Job Changes



- In July 2020, the Department also issued a directive that allows workers to seek interim authorization to work for a new employer, even while their work permit application is pending (often obtained within 10 days or less).
- This policy can be engaged when the applicant is seeking restoration, or where they are applying for a new employer specific work permit, but can only be accessed where the applicant held a valid permit ***in the 12 months before the date they submitted the application to restore the status as a worker***, and will work at the same employer and occupation that's specified in the LMIA or LMIA-exempt offer of employment included in the work permit application (i.e. not for an open work permit).
- As with the out of status policy, applicants must make clear that they are seeking to engage the exemption, making the request by IRCC webform, and using the specific wording proposed

Visitor to Worker



- The third facilitated process allows those who are in Canada as a visitor to apply for a work permit from inside the country (i.e. without having to leave the country or to apply via a visa office).
- For caregiver applicants, this allows applicants to get around the “refusal to process” LMIA policy in MI32
- This policy is set to expire on 31 August 2021
- As with the other policies, applicants must make clear that they are seeking to engage the exemption, making the request by IRCC webform, and using the specific wording proposed

Processing Delays and Anomalies



- Citizenship tests and ceremonies were cancelled from March 2010 – they are now being scheduled online, but in a very *ad hoc* way. Long delays, and new online interviews seem to be the norm
- In person landings are no longer happening; most are some are being landed by email. Again, this is happening in a very *ad hoc* way
- Spousal applications, caregiver PRs open work permits are processing much slower than usual
- Hearings at all levels of the IRB and Federal court were cancelled and are now being booked online but were quite backlogged



Questions?

Our Decision

The McCrea team has been pouring over the new PR Pathways announced by IRCC on 12 April 2021 (the Pathways), and have come the decision that we **will not be accepting retainers to prepare and file applications in these pathways on program launch day.** Here is what we considered in making this decision:

- the Pathways will open on 6 May 2021, and will comprise only **40k places** in the International Graduate stream, and **50k places** in the Temporary Worker stream (leaving aside those with French language proficiency);
- the Pathways will open for application filing **at noon ET on 6 May 2021**, and the guide and forms that applicants will require to make those applications were not published until after **3pm ET on 5 May 2021 – they are now accessed [here](#) on IRCC's website;**
- lawyers do NOT have the option of filing applications in the Pathways through their IRCC “representative portals”. Rather, applicants will be required to create their own individual portals on the new platform referenced above. Lawyers will only be able to link to pending applications that have already been filed*;
- because the guides and forms were published less than 24 hours prior to program launch, we weren't able to prepare/review them or to get clients' pre-approval on contents before submission; and
- when IRCC opened a similar program in recent history (for parents and grandparents), 30k spots were snatched up in 5 minutes or less, so we are concerned about significant volume at program launch, and fear that any delay in collecting/verifying information could cause clients to lose a spot in their desired program.

Our Recommendation

For the reasons cited above, we have decided that handling applications on a “full representation” basis will prejudice our clients, since filing within minutes of launch may prove critical. As such, we are recommending that prospective applicants do the following:

- **immediately:** download/review the [program guide](#), [download/complete all of the forms](#);
- **at noon ET on 6 May 2021:** IRCC's application portal will be launched, and you will need to create an individual login account on that portal before you can begin application drafting. From there, you will be asked to upload your forms and supporting documents and submit your application (you should do so as quickly and accurately as possible). The number of positions still available in the applicable program quota will apparently be displayed on the page, **but note that your place is not reserved until you click submit on your completed application.** Be sure to print/save copies along the way.
- if any questions arise during application preparation, proceed with the filing, especially if the number of spaces is depleting rapidly, but then book a consultation with one of our lawyers for assistance communicating with the department after the fact, or if you would like our assistance monitoring the progress of your application.

* Note that our previous version of this bulletin indicated that applications in the new Pathways would be filed using the MyCIC portal. IRCC has since clarified that they will be using an entirely NEW platform for filings in the Pathways, and that this platform will not be launched until either 5 or 6 May 2021.



Documents to Gather

We recommend that you begin prepping these items as soon as possible, as they will take some time to complete and gather.

- Required for all streams:

- A completed [IMM0008 form](#) for the principal applicant (with all dependents listed, whether they are seeking permanent residency or not). N.B.: a new version of this form was issued on **5 May 2021**, and it is this new version that must be uploaded to the application;
- A completed [Schedule A form](#) for the principal applicant, spouse and each dependent child over the age of 18 (whether those dependents are seeking permanent residency or not);
- A completed [Additional Family Information form](#) for the principal applicant, spouse and every dependent child over the age of 18 (whether those dependents are seeking permanent residency or not);
- A completed [Supplementary Information form](#);
- A completed and signed [IMM0130](#) form for the principal applicant;
- Scanned birth certificates for the applicant's spouse and every dependent child under the age of 22, plus translation[†], if applicable;
- Scanned copies of passport ID pages for the principal applicant, spouse and every dependent child under the age of 22;
- Scanned copies of current status documents for the principal applicant, spouse and every dependent child under the age of 22 who are currently in Canada;
- Official CELPIP/IELTS report for the principal applicant showing band scores at or above CLB 5 (for International Graduates stream) or CLB 4 (for Temporary Workers stream);
- Official TEF/TCF results for anyone applying in the "French-speaking" streams;
- Police clearance certificates for all countries where the principal applicant, spouse and dependent children above the age of 18 have resided for 6+ consecutive months in the last 10 years EXCEPT Canada, with translations, as required. If these clearances can't be obtained in time, we recommend uploading proof that they have been ***applied*** for and that the originals will be sent later (if possible, any evidence of delayed processing of these clearances should be uploaded);
- Digital photos of all immediate family members under age 22 (taken with a mobile phone should suffice);
- Proof of a completed immigration medical examination for the principal applicant, spouse and any dependent children under the age of 22 (whether accompanying or not) are deemed mandatory. N.B.: applicants will not likely be able to book these in advance of launch given demand (unless you have completed one already, and it is less than a year old). However, you should at least **book an up-front medicals with a panel physician in advance of launch**, and provide proof of doing so with your application (or at least a letter stating when the appointment is booked); and
- A marriage certificate, if applicable, with translation;
- For those in a common-law relationship with their spouse, a signed/notarized [Statutory Declaration of Common Law Union](#), plus proof of cohabitation for at least one full year, plus translations, as applicable;

[†] Wherever translations are referenced in this list, but not possible to obtain given the short timelines, we recommend providing a google translation, and then uploading a letter indicating that a more formal translation will be provided at a later date.



- Divorce certificates, as applicable, with translations;
 - Death certificates for a former spouse, as applicable, with translations;
 - Proof of employment in Canada (we recommend including copies of the principal applicant's work permits, and a letter of employment including employer's address, start date, detailed job description, salary and hours of work); and
 - For those seeking to immigrate with a child whose second parent is not already in Canada and not part of the permanent residence application, a signed/notarized [Declaration of Non-Accompanying Parent/Guardian for Minors Immigrating to Canada](#), or alternate proof of custody.
- Required in the international graduate stream:
- Copy of the certificate of completion from the school, and proof that the applicant completed a qualifying credential as described in the policy;
 - Copies of study permits to prove that the applicant was authorized to study throughout the qualifying program;

We will do our best to continue posting any further updates or information as it becomes available.

Best of luck!