

Family Class Immigration:

Practice Tips and Understanding the Impact of Recent Regulatory Changes

Prepared For: Legal Education Society of Alberta

Immigration

Presented by:

Nathan Po

McCuaig Desrochers LLP

Edmonton, Alberta

For Presentation In:

Edmonton – October 15, 2013

Calgary – October 16, 2013

FAMILY CLASS IMMIGRATION:

PRACTICE TIPS AND UNDERSTANDING THE IMPACT OF RECENT REGULATORY CHANGES

INTRODUCTION

The family class is one of three broad classes of paths for foreign nationals to become Canadian permanent residents, the others being the economic class (for those who represent an economic benefit to Canada – e.g. demonstrated an ability to contribute to the Canadian economy etc) and refugee/humanitarian classes. Like many aspects of immigration law, the landscape of Canada’s family class immigration programs has evolved significantly in the last two years and will continue to undergo significant change in the near future. This paper outlines some of the most significant recent and upcoming regulatory changes and also provides some practical tips for practitioners who are new to family class applications.

Terminology

Sponsor: the Canadian citizen or permanent resident seeking to support an application for permanent residence.

Member of the Family Class: the foreign applicant (the “Principal Applicant”). The following types of individuals can be sponsored¹:

- a) Spouse, common law or conjugal partner
- b) Dependent child
- c) Parents or Grandparents
- d) An orphan who is under 18 years of age and is not married or a common-law partner, and who is the sponsor’s sibling, niece/nephew, or grandchild
- e) A person who is under 18 years of age, who the sponsor intends to adopt in Canada if certain requirements are met
- f) A residual relative. If the sponsor has no close relatives who are Canadian citizens or permanent residents, and also has no one else in the world who fits the definition of Member of the Family Class, the sponsor can sponsor a relative (related by blood or adoption), regardless of age.

Accompanying “Family Members”: the family members of the Principal Applicant who are eligible to obtain permanent resident status along with the Principal Applicant. The definition of “family

¹ Immigration and Refugee Protection Regulations (“IRPR”) 117