



# Blaneys on Immigration

This newsletter is designed to highlight new issues of importance in immigration related law. We hope you will find it interesting, and welcome your comments.

Feel free to contact any of the lawyers who wrote or are quoted in these articles for more information, or call the head of our Immigration Law Group, Ian Epstein at 416.593.3915 or iepstein@blaney.com.

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*“...if a foreign national is ready to submit a work permit application to CPC Vegreville, but is waiting for an LMO or CAQ, the application may still be submitted...”*

## **CIC PROVIDES GUIDANCE ON CONCURRENT FILING OF WORK PERMIT EXTENSIONS WITHOUT AN APPROVED LMO OR CAQ**

Henry J. Chang

Citizenship and Immigration Canada (“CIC”) has been providing guidance to foreign nationals seeking extensions of their work permits through the Case Processing Centre in Vegreville, Alberta (“CPC Vegreville”), while these foreign nationals wait for a Labour Market Opinion (“LMO”) or a Certificat d’acceptation du Québec (“CAQ”) to be approved.

According to CIC, if a foreign national is ready to submit a work permit application to CPC Vegreville, but is waiting for an LMO or CAQ, the application may still be submitted, but only within two weeks of the expiry date of his or her existing work permit. In addition, proof that the LMO/CAQ request was made must be included with the application.

Applicants who are submitting work permit extensions to CPC Vegreville under the above circumstances must therefore do one of the following (as applicable):

- a) They must include a copy of the LMO /CAQ application sent to Human Resources and Skills Development

Canada/Immigration Québec;

- b) They must include a copy of the receipt confirmation number, if the request was done online; or
- c) They must indicate the following in Section D of IMM 1249:
  - The date the LMO/CAQ request was sent;
  - The office to which it was sent;
  - The employer’s name; and
  - The confirmation number for the submission, if available.

If the LMO/CAQ confirmation number is not available at the time of filing, applicants must contact CIC’s Call Centre and provide this information within two months of CPC Vegreville’s receipt of the application. Failure to do so may result in CPC Vegreville refusing the application.

CIC has also advised that applicants who are waiting for their CAQ may not submit their extension applications online. Instead, paper applications must be submitted by mail in such cases. ■

“...Regulations Amending the Special Economic Measures (Iran) Regulations SOR/2011-268 (the "Regulations") prohibit financial transactions with Iran.”



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## CANADA ENFORCES ECONOMIC SANCTIONS AGAINST IRANIAN IMMIGRANT INVESTORS

Henry J. Chang

On November 22, 2011, in response to an assessment of Iran's nuclear program by the International Atomic Energy Agency ("IAEA"), Canada imposed new sanctions under the *Special Economic Measures Act*, S.C. 1992, c. 17 ("SEMA"). Among other things, the *Regulations Amending the Special Economic Measures (Iran) Regulations SOR/2011-268* (the "Regulations") prohibit financial transactions with Iran.

There are limited exceptions to these sanctions. For example, the prohibition on financial transactions does not apply to payments made pursuant to contracts entered into prior to November 22, 2011. In addition, Canadians with relatives living in Iran are still able to send funds to family members, provided that those family members are not specifically listed individuals and the transactions do not exceed \$40,000.

Unfortunately, these exceptions are of limited benefit to many Iranian citizens who may be seeking permanent residence under one of Canada's immigrant investor programs. Iranians applying under the Federal Immigrant Investor Program, the Quebec Investor Program, and even investor streams under various Provincial Nominee Programs, may be subject to these economic sanctions.

On January 20, 2012, Citizenship and Immigration Canada ("CIC") issued Operational Bulletin 378 ("OB 378"), which provides instructions on how it will apply these economic sanc-

tions. According to OB 378, CIC offices are instructed to continue processing applications for permanent and temporary residence of Iranian nationals, and persons residing in Iran, in accordance with normal procedures. However, in cases where applicants need to show that they can, or have, transferred funds to Canada, such as the Federal Investor Class, applicants will be informed that they may face restrictions in transferring funds to a Canadian financial institution and will be referred to the text of the Regulations.

OB 378 further states that persons affected by the sanctions on financial transactions, whether they be visa applicants abroad or applicants already in Canada, may apply for permits from the Department of Foreign Affairs and International Trade that authorize specified activities or transactions that are otherwise prohibited under the sanctions. This permit process should be taken into consideration by CIC officials when assigning a deadline for submitting evidence that funds can be transferred to Canada or an investment can be made, prior to refusing an application from an Iranian national or person in Iran for failure to transfer the required funds or investments.

Fortunately, the above economic sanctions do not appear to prohibit Iranian citizens from qualifying as immigrant investors through the investment of funds held in third countries. Iranian applicants fortunate enough to have access to such funds should not be affected by the Regulations. ■

## CANADIAN EXPERIENCE CLASS APPLICATIONS TO BE FILED WITH THE CENTRAL INTAKE OFFICE

Henry J. Chang

On December 30, 2011, Citizenship and Immigration Canada ("CIC") published Operational Bulletin 368 ("OB 368"). According to OB 368, all Canadian Experience Class ("CEC") applications must now be submitted to the Centralized Intake Office ("CIO") in Sydney, Nova Scotia. This change became effective on January 1, 2012.

Upon receipt, the CIO will assess each CEC application for completeness. An application must include all of the forms and documents listed in the Generic Document Checklist for CEC applications to be considered complete by the CIO.

If the application is incomplete, the CIO will return the entire application package (including fee payment) to the applicant. For complete applications, the CIO will enter the application information into the Global Case Management System and recover the processing fee. The CIO will then send complete applications to the appropriate visa office for processing and these

offices will process the applications according to existing procedures and processing priorities.

Until January 31, 2012, all visa offices continued to accept CEC applications filed directly with them and the applications were then forwarded to the CIO. As of January 31, 2012, however, all CEC applications filed with visa offices are now returned to the applicant with instructions directing them to submit the application to the CIO. ■

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We welcome your comments. Address changes, mailing instructions or requests for additional copies should be directed to Kylie Aramini at 416 593.7221 ext. 3600 or by email to [karamini@blaney.com](mailto:karamini@blaney.com). Legal questions should be addressed to the specified author.