



CIC Announces Parent and Grandparent Program to Re-Open in 2013 with Host of Changes

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Before coming to Blaney's, Catherine was a member of the Correctional Law Project. She provided legal advice and representation to federal inmates at Penitentiary Disciplinary Court and National Parole Board hearings.

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Introduction and Background

On May 10, 2013, Citizenship and Immigration Minister Jason Kenney announced that, starting on January 2, 2014, the Parent and Grandparent Program for Permanent Residence based on family sponsorship ("PGP") will be re-opened and new applications for sponsorship will be received. The government has set out several important changes to the program through the proposed amendments to the *Immigration and Refugee Protection Regulations*, pre-published in the Canada Gazette. These changes are set out in greater detail below.

On November 5, 2011, Citizenship and Immigration Canada ("CIC") launched Phase I of the *Action Plan for Faster Family Reunification*, putting a two-year temporary pause on the PGP to address the issue of growing backlog and excessive wait-times. The re-opening of the PGP represents Phase II.

The PGP allows Canadian citizens and permanent residents who are 18 years of age and older to sponsor their parents and grandparents for permanent residence. During the previous decade, the number of applications on the wait-list ballooned to 160,000 with an eight year processing time. When the PGP re-opens, the Government of Canada expects the backlog to be reduced by 50% with a three and a half year wait period, and down to 43,000 applications with a one and a half year wait period by 2015.

New Qualifying Criteria for Sponsorship

(a) The Minimum Necessary Income ("MNI") For Sponsors is Increased By 30%

The MNI required for sponsorship was previously equal to the low income cut-off ("LICO"), established annually by Statistics Canada; LICO is an income threshold below which a family will likely devote a larger share of its income on the necessities of food, shelter and clothing than the average family. MNI is calculated based on the number of people that the applicant for sponsorship currently supports (those currently in Canada) and would be supporting if the application was granted (i.e. sponsored parents, grandparents and their accompanying family members).

When the PGP re-opens on January 2, 2014, the MNI required for sponsorship will be the LICO *plus 30%*. For example, under the previous criteria a husband and wife sponsoring the wife's parents would need an MNI of \$42,000. Now, the threshold is \$55,000.

This increase is intended to ensure that sponsors have the financial resources necessary to support their sponsored family members. During his press conference on May 10, Minister Kenney noted that growing numbers of sponsored seniors were accessing social assistance benefits immediately after the sponsorship period ended, including 25% of sponsored seniors accessing welfare and increasing numbers accessing social housing.

(b) The Period For Maintaining MNI is Increased From One Year to Three Years

Under the new regulations, applicants for sponsorship must meet the MNI for three consecutive tax years prior to submitting an application. Again, this change is intended to ensure that sponsors are financially stable and have sufficient resources to provide for the basic needs of their sponsored family members.

(c) Evidence of MNI Submitted By Applicants For sponsorship is Confined to Documents Issued By the Canada Revenue Agency ("CRA")

When the PGP re-opens, only CRA documents (ie. Notices of Assessment) may be used to demonstrate MNI. This restriction is intended to speed up application processing times, facilitate the assessment of applicants' financial stability, and better protect against fraudulent applications. It is also intended to act as a tool to verify that sponsors are contributing to the public services that their sponsored family members are likely to use.

(d) The Sponsorship Undertaking Period is Increased From 10 years to 20 years

Sponsors are now required to support their sponsored family members for 20 years. If a sponsored family member and/or accompanying family member receives social assistance benefits during that 20 year period, the sponsor (or co-signer if applicable) is required to repay that amount to the government. This includes health care costs not covered by provincial health care (ie. eye care, dental care, mobility aids). The stated purpose of the increase is to decrease the number of sponsored family members accessing social assistance and alleviate the corresponding burden on taxpayers.

(e) Accompanying Dependents Must Now Be 18 Years of Age or Younger

Under the new regulations, accompanying family members of sponsored immigrants who are 19 years of age or older will no longer qualify as "dependent children." Therefore, subject to one exception discussed below, a 19 year old who is not a sponsored family member may immigrate to Canada only as an independently sponsored immigrant, not as the dependent child of a sponsored parent or grandparent.

The definition of "dependent child" currently includes children younger than 22 years of age. According to CIC, this change in the definition of dependent child was based on the fact that younger immigrants are better able to integrate both socially and economically into Canadian society.

The current exception for overage children who have been financially dependent on their sponsored parents since age 22, pursuing full-time post-secondary studies, will be eliminated. However, the exception for overage children who are financially reliant on the sponsored family members because of a mental or physical disability will continue.

It should be noted that this change will apply to all immigration programs, not just the PGP. However, the effective date of this change will be January 1, 2014, which immediately precedes the date that the PGP begins accepting new applications for parents and grandparents.

Restrictions

The CIC has committed to admitting 25,000 eligible sponsored family members (from applications submitted before the temporary pause in November 2011) for each of 2014 and 2015. However, new applications accepted under the PGP will be capped at 5,000 in 2014; this will allow CIC to continue working through the remaining application backlog.

Applications received before the temporary pause in November 2011 will be assessed based on the regulations that were in force at that time. Applications received from January 2, 2014 onwards will be subject to the new regulations.

Super-Visa Program

Minister Kenney also announced that the super-visa, introduced concurrently with the temporary pause on the PGP, will become a permanent immigration vehicle. The super-visa is a 10-year multiple-entry visa that allows the parent or grandparent visa holder to remain in Canada for up to two years at a time. Over 15,000 super-visas have been issued since the program's launch. ■

Simon Reis is currently a Summer Student at Blaney McMurtry LLP. He has experience with a variety of matters involving immigration, insurance coverage and defence, as well as other litigation related issues. Throughout his tenure, Simon plans to gain exposure to a variety of different practice areas.

Simon is a law student at Western University and will be entering his third year this September.