



Ronalee Carey Law

— Canadian Immigration Lawyers —

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This Year Today with Tamara & Ronalee: 2024 Immigration Law & Policy Updates

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**'Keeping Up with Immigration Law:
Exploring Pathways to PR and More'**



LIGHTHOUSE
IMMIGRATION LAW

What's
New With
Express
Entry



Which of the following is true?:

- A) Settlement funds are determined by family size, including both accompanying and non-accompanying dependents
- B) Settlement funds are not required for Canadian Experience Class applications
- C) Settlement funds are not required if the applicant holds a work permit and a qualifying offer of arranged employment
- D) In the event of currency devaluation, officers are required to follow the rules of procedural fairness
- E) All of the above

Settlement Funds

- If there is a currency devaluation and officers have concerns about the sufficiency of settlement funds, they must follow the rules of procedural fairness
 - Applicant must be advised (PFL) and given time to respond
 - Response to IRCC via Authorized Paid Representative portal and/or by webform
 - Submit proof that they still meet settlement fund requirements despite devaluation
- There is no flexibility if an applicant cannot demonstrate sufficient settlement funds: under R76(1)(b), the application will be refused
- If a person is from a country where currency devaluations have happened in the past, include the risk of refusal in your retainer (Lebanon, Argentina, Nigeria, Angola, Malawi, Turkey, Iran, Venezuela)
- The settlement fund requirement must be met at the time of application and at the time of landing
- The minimum required settlement funds are updated annually in May

Which of the following is true?:

A) Express Entry applicants are no longer required to complete an upfront medical

B) Applicants can sometimes request dispensation from using a panel physician in Canada

C) There is a temporary public policy exempting some applicants from having to complete a new immigration medical

D) Applicants for work permits under the Global Talent Stream must complete an upfront medical if required by the country-specific document checklist

E) All of the above

Medical Examinations for Express Entry Applications

- Express Entry applicants are no longer required to complete an upfront medical as of October 1, 2023. IRCC will request a new medical if one is required.
 - If it is requested, applicants have 30 days to complete the medical
 - Upfront medicals are still permitted
 - There is a temporary public policy exempting applicants from having to complete a new immigration medical (ends October 6, 2024) if they completed a medical in the last 5 years, AND they live in Canada, AND the previous medical indicated low or no risk to public health, AND they include the IME number of the previous medical exam with their PR application
- Applicants can request a dispensation from using a panel physician in Canada if:
 - No panel physician is able to offer services in the applicant's preferred official language within 250 km of the applicant's residence.
 - No panel physician is able to offer services in the applicant's preferred official language within a 4-hour drive (one way) of the applicant's residence.
 - **In exceptional cases:** where it would be unreasonable for the client to travel to a panel physician. For example, if the client has limited transportation options available to them or if they have a health condition that limits their ability to travel. Clients are required to provide justification as to why it would be unreasonable for them to travel to a panel physician.

Which language tests are accepted by IRCC for Express Entry?

A) CELPIP General

B) IELTS General Training

C) PTE Core

D) TEF Canada: Test d'évaluation de français

E) TCF Canada: Test de connaissance du français

F) All of the Above

Language Tests

- IRCC accepts different language tests and different versions of language tests depending on the type of application
 - o Citizenship: <https://ircc.canada.ca/english/helpcentre/answer.asp?qnum=572>
 - o Study Permit Student Direct Stream: www.canada.ca/en/immigration-refugees-citizenship/services/study-canada/study-permit/student-direct-stream/eligibility.html#tests
- IRCC Language Test equivalency charts help you convert results to Canadian Language Benchmark levels: www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/standard-requirements/language-requirements/test-equivalency-charts.html
- Designated language testing organizations: www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/standard-requirements/language-requirements/designated-testing-agencies.html
- The Economic Mobility Pathway Pilot (EMPP) is the only program that accepts the IELTS One Skill Retake tests
- The CELPIP-G test is accepted by IRCC for immigration and citizenship purposes
- The CELPIP-G LS test is accepted by IRCC for citizenship purposes only

Which of the following occupations are eligible for the Trades category-based selection?:

A) Basket weave fence erector

B) Gum-wrapping machine mechanic

C) Flash butt welder

D) Pest control supervisor

E) All of the above

Express
Entry:
category-
based
selection

There are currently six categories:

- French-language proficiency
- Healthcare occupations
- Science, technology, engineering and math (STEM) occupations
- Trade occupations
- Transport occupations
- Agriculture and agri-food occupations

Express Entry: category- based selection

Categories will be reevaluated annually as they are meant to address labour shortages and support economic goals

-- How French language proficiency is meant to address labour shortages has not been explained

-- Healthcare workers do not have to be licensed to practice in Canada (but may need ECA from designated professional body)

-- The first category-based selection occurred on September 20, 2023

There have been no program-based draws since category-based selection was introduced (for example, for the Federal Skilled Trades Program or the Canadian Experience Class), with the exception of one provincial nominee draw in October 2023. The IRCC website now notes 'General' instead of 'No Program Specified' in its reporting of draws.

The comprehensive ranking system points required to obtain an invitation to apply for permanent residence for 'general' draws has been drastically impacted

International students with expiring post-graduate work permits have few options for obtaining permanent residency

Category	Date of last draw	Minimum CRS score
General	April 23, 2024	529
French language proficiency	April 24, 2024	410
Healthcare occupations	February 14, 2024	422
STEM occupations	December 8, 2023	481
Trade occupations	December 19, 2023	425
Transport occupations	December 20, 2023	435
Agriculture and agri-food occupations	December 21, 2023	386

OINP Updates



Which of the following is true?:

A) The OINP has done 1 general (all NOC) Foreign Worker with Job Offer Stream draw since March 2022

B) The OINP has suspended the Entrepreneur Stream

C) All applicants must include a signed Applicant Consent Form with their application

D) Foreign Worker with Job Offer Stream applications require employer support

E) All of the above

OINP Updates

- The OINP suspended Entrepreneur Stream applications on December 4, 2023
- The OINP has published an updated employer form effective April 10, 2024, called the Application for Approval of Employment Position (Employer Form)
- The OINP no longer requires that applicants include an Attestation signed at the time of EOI submission. Applicants must include a signed Applicant Consent Form with their application.
 - a. Must be signed after receiving the Notification of Interest (Express Entry) or Expression of Interest (other streams) and after they have reviewed the correctness of their application
 - b. Must be signed by the applicant's spouse and dependents, if applicable
- The OINP now accepts the PTE language test
- The OINP allocation for 2024 is 21,500 nominations

Changes to the Internati onal Student Program



International Students were permitted to work full-time off-campus from November 15, 2022, to April 30, 2024, if:

- A) The student had a valid study permit or had applied for a study permit extension before October 7, 2022, or was approved for a study permit but hadn't arrived in Canada yet.
- B) The student applied for a study permit extension between October 8, 2022, and December 7, 2023, and had applied for the study permit extension before their study permit expired (on 'maintained status')
- C) The student applied for a study permit extension after December 7, 2023, and their study permit had not expired when they applied for their new study permit (not on 'maintained status')
- D) All of the above



Government
of Canada

Gouvernement
du Canada

APPLICATION TO CHANGE CONDITIONS, EXTEND MY STAY OR REMAIN IN CANADA AS A WORKER

2

a) Have you ever remained beyond the validity of your status, attended school without authorization or worked without authorization in Canada?

No

Yes

Changes to the International Students Program

- As of March 19, 2024, spouses and common-law partners of international students can only apply for an open work permit if their spouse is studying at the post-graduate level (master's, PhD programs) or if they are in a professional degree-granting program of study (dental surgery, law, medicine, optometry, pharmacy, veterinary medicine, nursing, education, engineering)

Source: www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/foreign-workers/public-policy-competitiveness-economy/c42.html#application-after

- As of February 15, 2024, all Master's students will be eligible for a three-year PGWP, regardless of the length of their program

Source: www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/study-permits/post-graduation-work-permit-program.html#s27

- International students must now show they have \$20,635 for living expenses for their first year of study in addition to tuition.

Source: www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/study-permits/assessing-application.html

Changes to the International Students Program

- Caps on the number of study permits are now in place. The number of applications that will be accepted for processing in 2024 will be 606 250

Source: www.gazette.gc.ca/rp-pr/p1/2024/2024-02-03/html/notice-avis-eng.html#na1

- In 2024, the cap is expected to result in approximately 360,000 approved study permits, a decrease of 35% from 2023.

Source: www.canada.ca/en/immigration-refugees-citizenship/news/2024/01/canada-to-stabilize-growth-and-decrease-number-of-new-international-student-permits-issued-to-approximately-360000-for-2024.html

- As of January 22, 2024, every study permit application* submitted to IRCC will also require an attestation letter from a province or territory. Provinces and territories were expected to establish a process for issuing attestation letters to students by no later than March 31, 2024.

Source: Ibid

*Exceptions: those studying at the elementary or secondary school level, study permit extensions, post-graduate programs, protected person or family member, full list:

<https://www.canada.ca/en/immigration-refugees-citizenship/services/study-canada/study-permit/get-documents/provincial-attestation-letter.html>

Changes to the International Students Program

- Study permit caps are allocated by province. In 2024, Ontario has a cap of 235,000 study permit applications, an estimated decrease of 41% from 2023.

Source: www.thestar.com/news/canada/immigration-minister-reveals-ontarios-drop-in-incoming-international-students-its-not-as-steep-as-expected/article_955098f0-f37a-11ee-87c5-c3d7748b0c49.html

- Ontario will allocate 96 percent of permit applications to publicly assisted colleges and universities, with the remaining four percent allotted to Ontario's language schools, private universities and other institutions. Career colleges will not receive any applications. Programs in high-demand areas will be given priority, including skilled trades, health human resources, STEM, hospitality and childcare.

Source: <https://news.ontario.ca/en/release/1004360/ontario-allocating-international-student-applications-to-support-labour-market-needs>

Changes to the International Students Program

- As of September 1, 2024, international students who begin a study program that is part of a curriculum licensing arrangement will no longer be eligible for a postgraduation work permit upon graduation. Under curriculum licensing agreements, students physically attend a private college that has been licensed to deliver the curriculum of an associated public college; for example, CDI College, located in four locations in Toronto, affiliated with Algonquin College, see:

www.algonquincollege.com/international/acintoronto/ac-intoronto-ircc-information/#:~:text=Is%20my%20program%20delivered%20by,of%20a%20curriculum%20licensing%20agreement

- It is highly likely that changes are coming to the PGWP. It is possible that programs that lead to positions that are not in high demand will result in shorter PGWPs, and those in high demand will get longer PGWPs.

Source: www.thestar.com/news/canada/changes-are-coming-for-international-students-postgraduation-work-permits-in-canada-heres-what-experts-say/article_2c7f555a-12d3-11ef-9dfd-df7eb86629f3.html

International
Conflict &
Unrest
Temporary
Public
Policies



Which of the following dates apply to temporary public policies?:

A) The temporary public policy for Afghan nationals applying for temporary resident status expired December 31, 2023

B) The temporary public policy for nationals of Israel and the Palestinian Territories who are in Canada as a temporary resident will expire June 12, 2024

C) The temporary public policy to exempt certain Hong Kong residents from work permit requirements will be valid through February 7, 2025

D) The temporary public policy for nationals of Iran in Canada as temporary residents was set to end February 28, 2024, but was extended to February 28, 2025

E) All of the above

International Conflict & Unrest Public Policies

HONG KONG

[Temporary public policy to exempt certain Hong Kong residents from work permit requirements](#)

8 February 2020 to 7 February 2025

Establishes a program to allow Hong Kong recent graduates to apply for OWPs.

Active

IRAN

[Temporary public policy for nationals of Iran in Canada as temporary residents - Extension](#)

29 February 2024 to 28 February 2025
([prior policy](#) 9 February 2023 – 28 February 2024)

Enables Iranian nationals in Canada with valid status to apply for SP/OWPs and exempts them from fees.

Active

SUDAN

[Temporary public policy for nationals of Sudan in Canada as temporary residents – Extension](#)

28 October 2023 to 27 October 2024 (extended from prior policy validity of 30 April 2023 to 27 October 2023)

Waives processing fees for Sudanese nationals in Canada, extending their valid status (visitor, worker, student).

Active

[Temporary public policy for family members who fled conflict in Sudan](#)

1 May 2023 to 30 April 2024 (extended on 1 May 2024 until 27 October 2024)

Enabled Sudanese national spouses/children of Canadian PRs/Citizens who were living in Sudan and fled to accompany them to Canada. Waived TRV/TRP fees and enabled access to OWPs & SPs from within Canada. Not applicable to extended family. Did not exempt from R179(b).

Active

International Conflict & Unrest Public Policies

PALESTINIAN TERRITORIES OR ISRAEL

<p>Updated: Temporary public policy for foreign nationals who are family members of Canadian citizens and permanent residents who left Israel or the Palestinian Territories on or after October 7, 2023</p>	<p>8 March 2024 to 12 June 2024</p> <p>Active - Expiring Soon</p>	<p>Allows fee-exempt applications for SPs, WPs, and TRPs from inside Canada for FN family members of Canadian PRs/Citizens who were in Israel or Palestinian territories on or after October 7, 2023.</p>
<p>Updated: Temporary public policy for nationals of Israel and the Palestinian Territories who are in Canada as a temporary resident</p>	<p>8 March 2024 to 12 June 2024</p> <p>Active - Expiring Soon</p>	<p>Allows Israelis and Palestinians in Canada with valid status to apply for SP/OWP from inside Canada and be fee-exempt. No Canadian family connection required.</p>
<p>Temporary public policy to facilitate temporary resident visas for certain extended family affected by the crisis in Gaza</p>	<p>9 January 2024 to the soonest of 8 January 2025, or *1000 applications accepted (*later announced not to be a 'hard cap')</p>	<p>Palestinians in Gaza with CDN family anchor can apply for a visa and be exempted from requirements of financial inadmissibility and R179(b).</p>

International Conflict & Unrest Public Policies

<p>Temporary public policy for foreign nationals who applied under the Canada-Ukraine authorization for emergency travel measures and whose applications were pending as of February 4, 2024</p>	<p>1 April 2024 to 31 July 2024 Active - Expiring Soon</p>	<p>Permits entry into Canada and obtaining of WPs/SPs for CUAET applicants who applied before expiry of CUAET policy but did receive a TRV/TRP until after 1 February 2024.</p>
<p>Temporary public policy for foreign nationals who applied under the Canada-Ukraine authorization for emergency travel measures and for new temporary resident applicants</p>	<p>17 July 2023 to 31 March 2024 - Expired</p>	<p>Permitted Ukrainian nationals and family-issued CUAET visas to enter Canada and benefit from exemptions to R179(b), financial inadmissibility, and visa fees. Enabled access to SPs and WPs on entry or inside Canada and renewal of SPs and WPs until 31 March 2024.</p>
<p>Temporary public policy to renew the Canada-Ukraine Authorization of Emergency Travel from April 1, 2023</p>	<p>1 April 2023 to 15 July 2023 - Expired</p>	<p>Extended the CUAET program that expired on 31 March 2023.</p>
<p>Temporary public policy to exempt Ukrainian nationals from various immigration requirements in support of the Canada-Ukraine authorization of emergency travel</p>	<p>17 March 2022 to 31 March 2023 - Expired</p>	<p>Established the CUAET program.</p>
<p>Public policy to extend the exemption of lower-risk Ukrainian nationals applying under CUAET measures from the biometrics collection requirement</p>	<p>21 March 2023 to 15 July 2023 – Expired (previous policy 25 April 2022 to 31 March 2023)</p>	<p>Exempted low-risk Ukrainian nationals from biometrics collection.</p>

You can stay up to date with changes to Canadian immigration law, policies, and application processing through the following sources:

1) The IRCC website:

- Program Delivery Updates (PDUs) <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/updates.html>
- News releases: www.canada.ca/en/immigration-refugees-citizenship/news.html
- Notices: www.cic.gc.ca/english/department/media/notices/index.asp
- Public Policies: www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/public-policies.html

2) Email newsletters published by law firms and immigration organizations:

- IMEDA Watch - weekly newsletter <https://visitor.r20.constantcontact.com/manage/optin?v=001gzwnFJ8fIV3WKfILgEUaAUB750BqPgld>
- CIC News – weekly newsletter www.cicnews.com/cicnews-subscribe.html#gs.7s3s9d

3) Tamara's X posts - https://twitter.com/TTRRMK?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor

1) Unannounced changes to IRCC's instruction guides

Guide IMM 5445 - Applying for a permanent resident card (PR card) www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/guide-5445-applying-permanent-resident-card-card-first-application-replacement-renewal-change-gender-identifier.html

Note: If you cannot apply online and require accommodations, including for accessibility reasons, you can apply by paper.

5) All of the above



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Thanks

for
attending!
g!

