

LAW SOCIETY OF NUNAVUT

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Basic Outline



1. Types of Status
2. IRCC vs CBSA
3. Changing Status
4. Work Permits
5. Common Mistakes
6. Compliance
7. PR Status
8. Inadmissibility
9. PNP
10. Appeals
11. Getting help

Photo credit: The Guardian, 4 Jan 2017



Types of Status

1. Stateless ≠ no status
2. FN in Canada without status (no status/illegal)
3. Temporary Status (Student/ Worker/ Visitor, etc) REF: Implied Status
4. Permanent Resident Status (PR)
 - US equivalent: “Green Card”
5. Canadian citizen (*jus soli vs. jus sanguinis*)



Giving Status & Taking it Away

IRCC – Immigration applications around the world

- Immigration, Refugees and Citizenship Canada
- Includes all the Visa Offices abroad
- Includes many Case Processing Centres

CBSA – Border Guards

- Canada Border Services Agency
- Inland Enforcement
- Minister of Public Safety



Changing Status Within Canada

When a FN enters Canada, the INDIVIDUAL must declare their purpose of entry. This declared “purpose” is extremely important.

- The Canadian immigration system assigns different powers to different Officers
- Officers in foreign Visa Offices are, in general, given the power to grant (or refuse) application for temporary status
 - Each Visa Office has its own office culture and the decision on which office to use should be made with a professional
- In certain cases, as defined by the Regulations, individuals with temporary status may change their status (eg. Student status to Worker Status via PGWP)
- Officers at the border can issue new documents only under “extraordinary circumstances” (eg. flagpolling)



“Can I get a Work Permit?”

- IRCC Officers may consider many (many!) different types of Work Permit, divided into 2 main categories: Closed Work Permits and Open Work Permit. (R186)

186 A foreign national may work in Canada without a work permit

- (a)** as a business visitor to Canada within the meaning of section 187;
- (b)** as a foreign representative, if they are properly accredited by the Department of Foreign Affairs and International Trade and are in Canada to carry out official duties as a diplomatic agent, consular officer, representative or official of a country other than Canada, of the United Nations or any of its agencies or of any international organization of which Canada is a member;
- (c)** if the foreign national is a family member of a foreign representative in Canada who is accredited with diplomatic status by the Department of Foreign Affairs and International Trade and that Department has stated in writing that it does not object to the foreign national working in Canada;
- (d)** as a member of the armed forces of a country that is a designated state for the purposes of the [Visiting Forces Act](#), including a person who has been designated as a civilian component of those armed forces;
- (e)** as an officer of a foreign government sent, under an exchange agreement between Canada and one or more countries, to take up duties with a federal or provincial agency;
 - (e.1)** as a cross-border maritime law enforcement officer designated by the United States under the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America, signed on May 26, 2009;
 - (e.2)** as an in-flight security officer employed by a foreign government with which Canada has concluded an arrangement in respect of commercial passenger aircraft security;
- (f)** if they are a full-time student, on the campus of the university or college at which they are a full-time student, for the period for which they hold a study permit to study at that university or college;
- (g)** as a performing artist appearing alone or in a group in an artistic performance — other than a performance that is primarily for a film production or a television or radio broadcast — or as a member of the staff of such a performing artist or group who is integral to the artistic performance, if
 - (i)** they are part of a foreign production or group, or are a guest artist in a Canadian production or group, performing a time-limited engagement, and
 - (ii)** they are not in an employment relationship with the organization or business in Canada that is contracting for their services;
- (h)** as a participant in sports activities or events, in Canada, either as an individual participant or as a member of a foreign-based team or Canadian amateur team;
- (i)** as an employee of a foreign news company for the purpose of reporting on events in Canada;
- (j)** as a guest speaker for the sole purpose of making a speech or delivering a paper at a dinner, graduation, convention or similar function, or as a commercial speaker or seminar leader delivering a seminar that lasts no longer than five days;
- (k)** as a member of the executive of a committee that is organizing a convention or meeting in Canada or as a member of the administrative support staff of such a committee;
- (l)** as a person who is responsible for assisting a congregation or group in the achievement of its spiritual goals and whose main duties are to preach doctrine, perform functions related to gatherings of the congregation or group or provide spiritual counselling;
- (m)** as a judge, referee or similar official at an international amateur sports competition, an international cultural or artistic event or competition or an animal or agricultural competition;
- (n)** as an examiner or evaluator of research proposals or university projects, programs or theses;
- (o)** as an expert who conducts surveys or analyses that are to be used as evidence before a federal or provincial regulatory body, a tribunal or a court of law or as an expert witness before such a body, tribunal or court of law;
- (p)** as a student in a health field, including as a medical elective or clinical clerk at a medical teaching institution in Canada, for the primary purpose of acquiring training, if they have written approval from the body that regulates that field;
- (q)** as a civil aviation inspector of a national aeronautical authority conducting inspections of the flight operation procedures or cabin safety of a commercial air carrier operating international flights;
- (r)** as an accredited representative or adviser participating in an aviation accident or incident investigation conducted under the [Canadian Transportation Accident Investigation and Safety Board Act](#);
- (s)** as a member of a crew who is employed by a foreign company aboard a means of transportation that
 - (i)** is foreign-owned and not registered in Canada, and
 - (ii)** is engaged primarily in international transportation;
- (t)** as a provider of emergency services, including medical services, for the protection or preservation of life or property;
- (u)** until a decision is made on an application made by them under subsection 201(1), if they have remained in Canada after the expiry of their work permit and they have continued to comply with the conditions set out on the expired work permit, other than the expiry date;

Common Work Permit Codes

- Common work permits applications:
 - R204(a) – a spousal open work permit issued under a [Free Trade Agreement](#)
 - R206 – refugee claimant or unenforceable removal order - (administrative codes [S61 or S62](#)).
 - R205(a) – an open work permit issued for spouses or common-law partners and dependent children under the Home Child Care Provider Pilot or Home Support Worker Pilot ([C91](#)) or for spouses or common-law partners under the Rural and Northern Immigration Pilot participants ([C17](#))
 - R205(c)(i.1 or i.2) - a coop program for students (administrative code [C32 or C33](#));
 - R205(c)(ii) – family member of a worker in any TEER (administrative code [C41, C46, C47, C48, C49](#))



Work Permit – Common Mistakes

1. Shady agent
2. Inconsistent information from immigration history
3. Small mistakes lead to big issues
4. Forget to “submit” doc via portal
5. Poor explanation
6. Relying on info from Facebook/ SM
7. Wrong fees



Closed Work Permits & Abuse

- UN Report re TFW program (July 2024), per CBC News:
 - Canada's temporary foreign worker program as a "breeding ground for contemporary forms of slavery," citing wage theft, excessive work hours, limited breaks and physical abuse as some of the ways workers are being mistreated.
 - Agricultural workers are particularly vulnerable
- IRCC Compliance Officers may investigate Canadian employers



Non-compliant employers

Business operating name	Business legal name	Address	Reason(s)	Date of final decision	Penalty	Status
Tommy's Welding Ltd.	Tommy's Welding Ltd.	1487 Dugald Road, Winnipeg, Manitoba	*	2019-04-30	2-year ban	Eligible
Goldfinch Cartage Ltd.	Goldfinch Cartage Ltd.	234 High Ridge Rd Winnipeg, Manitoba	2 , 6 , 8 , 9	2023-05-26	\$9,250	Eligible
The Diner's Grill	The Diner's Grill	405 Turenne Street, Winnipeg, Manitoba	9	2017-11-17	\$750	Eligible
Mehreen Enterprises Ltd.	Mehreen Enterprises Ltd.	439 Grassie Boulevard, Winnipeg, Manitoba	6 , 8 , 9 , 20	2023-03-03	\$58,500	Eligible
H and JB Transport Inc	H and JB Transport Inc	65 Santa Fe Drive Winnipeg, Manitoba	6	2023-11-23	\$500	Ineligible - unpaid monetary penalty
Agrocorp Processing Ltd	Agrocorp Processing Ltd	Unit 210-254 Edmonton Street, Winnipeg, Manitoba	9	2021-11-22	\$35,000 and a 2-year ban	Eligible
Essex Freight Way Ltd.	Essex Freight Way Ltd.	126 Strasbourg Driver, Winnipeg, Manitoba	9	2023-05-02	\$3,000	Eligible
10047179 Manitoba Ltd.	10047179 Manitoba Ltd.	101 Kinver Avenue, Winnipeg, Manitoba	2 , 6 , 7 , 8 , 9 , 17	2023-02-10	\$258,000 and a 5-year ban	Ineligible until February 10, 2028

Different Paths to PR

- Humanitarian Class applications
 - H&C/ Ref Claims
- Family Class applications
 - SCLPC (include OWP)
- Economic Class applications
 - EE (Federal) vs. PNP (Provincial)
 - CEC/ FSW/ FST/ SWM/ SWO/ BIS/ IEC/ RNIP (exp JULY 2024)



CANADIAN
CHARTER OF RIGHTS
AND FREEDOMS

Enforcement

21. The provisions of this Charter shall not be construed as to deprive of any legal or equitable right to which a person may be entitled, subject to the provisions of this Charter, and no person shall be held to be bound by any law or to be subject to any process or to be liable in any manner in respect of anything which he has done or omitted to do which was lawful at the time it was done or omitted to be done.

General

22. The guarantee in this Charter of certain rights and freedoms shall not be construed as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including all any rights or freedoms that have been recognized by the Royal Proclamation of October 3, 1763, and all any rights or freedoms that may be recognized by the Royal Proclamation of 1869.

Application of Charter

23. (1) This Charter applies to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories and all matters exclusively of the government of each province.
(2) This Charter applies to the Parliament and government of each province in respect of all matters within the authority of the legislature of each province except those matters that are exclusively of the government of Canada.
(3) This Charter applies to the Parliament and government of each province in respect of all matters within the authority of the legislature of each province except those matters that are exclusively of the government of Canada.

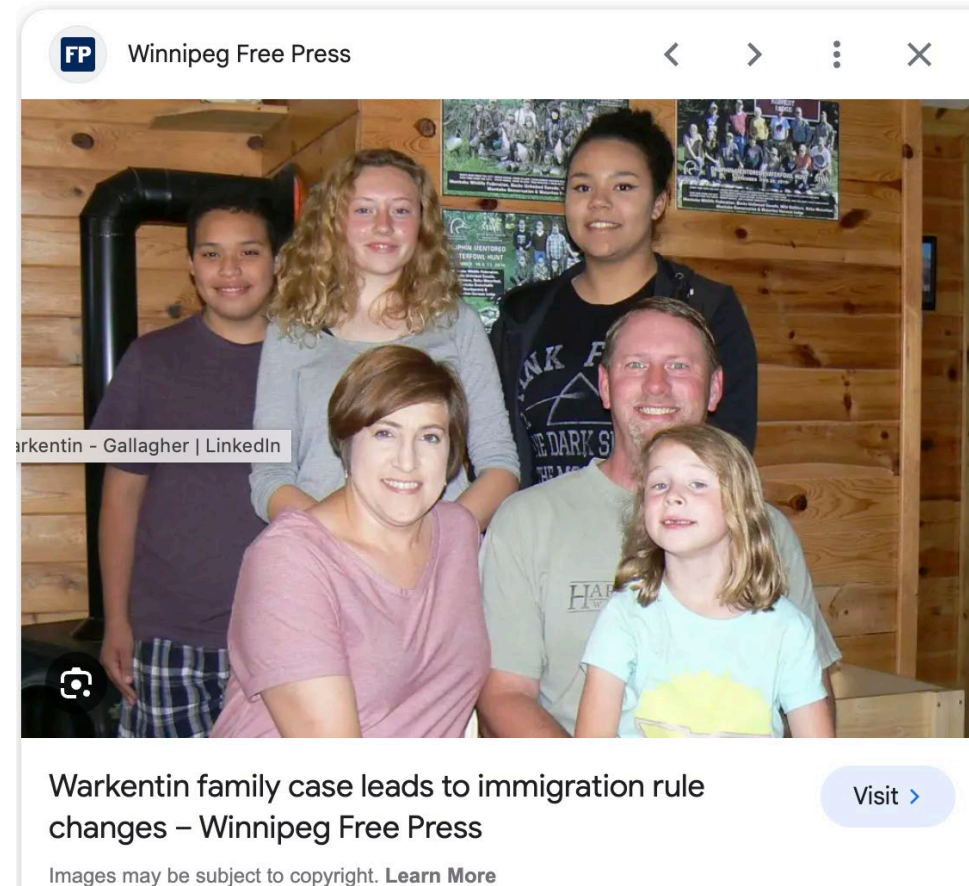
Citation

24. The first part may be cited as the Canadian Charter of Rights and Freedoms.



Inadmissible Family Member

- Temporary status documents are issued to individuals
- Permanent status must be issued to all members of the family unit
- **If one family member is inadmissible, then all family members will be refused**



EE – CRS Calculation

- EE is Federal (Applicants across Canada)

CRS score distribution of candidates in the Express Entry pool as of February 11, 2024

CRS score range	Number of candidates
601-1200	587
501-600	9,004
451-500	60,043
491-500	7,285
481-490	10,016
471-480	17,431
461-470	13,750
451-460	11,561
401-450	51,356



PNP Programs

- Is MPNP the best PNP in Canada? ;)
- SWM/ SWO/ IES/ BIS

Expression of Interest Draw #210

Posted on [February 8, 2024](#) by [Manitoba Immigration Pathways](#)

Skilled Worker in Manitoba

Close relative in Manitoba selection

Skilled Worker in Manitoba profiles declaring a Manitoba Supporter who is a close relative, is a Canadian permanent resident or citizen, is an established resident of Manitoba and has been residing in Manitoba for at least one year were considered. Please see note #7 for more details.

- Number of Letters of Advice to Apply issued: **151**
- Ranking score of lowest-ranked candidate invited: **619**

International Education Stream

Profiles that declared meeting International Education Stream eligibility requirements.

- Number of Letters of Advice to Apply issued: **83**

Skilled Worker Overseas

Profiles that declared being directly invited by the MPNP under a Strategic Recruitment Initiative.

- Number of Letters of Advice to Apply issued: **48**
- Ranking score of lowest-ranked candidate invited: **713**

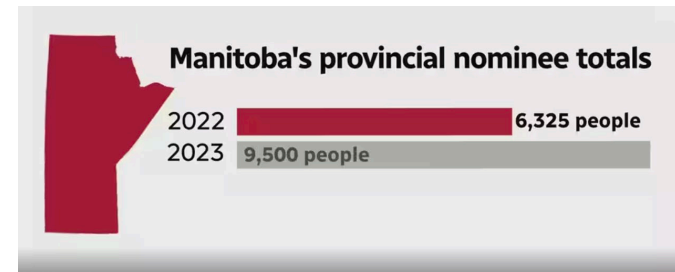
Of the **282** Letters of Advice to Apply issued in this draw, **26** were issued to candidates who declared a valid Express Entry profile number and job seeker validation code.

[Continue reading →](#)



Steps to Citizenship

1. EOI – points assessment, valid for only 12 months
2. LAA – 60 days to upload evidence (through MPNP Representative Portal?)
3. NC – Limited supply?
4. PR to IRCC – Long processing
 - Federal Officer may double-check the work of the Provincial Officer
5. PR to Canadian Citizen – 1095 Physical Presence Test (make sure you use the right calculation!)



Current Issues

- Long processing times, staffing issues
- Unscheduled interviews to confirm ongoing employment
- High suspicion of fraud
- Black listed agents
- Getting burned by a “good Samaritan”
- Intention of living “permanently” in MB



Appeals

- IRCC Visa Office appeals – FEDERAL COURT
- Spousal Sponsorship appeals – IRB – IAD
- Residency Obligation appeals – IRB- IAD
- Admissibility appeals – IRB - ID



S SHAHZAD SINGH
1 review

★★★★★ 6 months ago

Worst experience ever!

#1 Problem in Canadian Immigration

Woman faces removal from Canada after college admission letter turned out to be fake



P Pawandeep Dhallwal
3 reviews

★★★★★ 4 years ago

Worse experience even did not told when I book appointment on phn. While the time I went on my appointment day they charge me \$345 only for answering my

Toronto immigration firm charges \$170K for fake Canadian job, undercover investigation reveals

price tag for would-be Chinese immigrant covers Canadian employer's fee, the paper trail and their own wage

Winnipeg man fined \$20K in immigration fraud case

Woman paid \$40,000 for work permit when there was no job, court heard Monday

Caroline Barghout · CBC News · Posted: Oct 23, 2023 5:08 PM CDT | Last Updated: October 23, 2023

Winnipeg immigration consultant sentenced to 4 1/2 years for fraud

By The Staff · The Canadian Press
Posted October 30, 2012 12:00 pm · Updated March 12, 2013 3:35 pm · 1 min read

R Ratinder Brar
8 reviews

★★★★★ a year ago

He is very unprofessional and unreliable person. He literally ruined my PNP application. His profile says he always promises to answer within 24-48 hours but never does because for my case even if I send him everything by Monday he

Ottawa warns against use of immigration agents in India

Information campaign is the immigration department's first paid media campaign, though it does regularly caution potential applicants to beware of unscrupulous free communication channels.

July 1, 2019 | 2 min read

kirankumar patel
Local Guide · 43 reviews

★★★★★ 3 years ago

B.C. immigration lawyer sentenced to 22 months in jail for forging documents

Balraj Singh "Roger" Bhatti forged doctor's notes, police reports submitted to immigration board

Unlicensed consultant faces \$100K fine for '1-stop-shop immigration service'

Hae Suk Yoon has pleaded guilty to providing immigration consulting services without a licence

Triple D · 8 reviews
Dean Pritchard · CBC News · Posted: Nov 28, 2017 7:11 PM CST | Last Updated: November 28, 2017

★★★★★ 4 years ago

Pay lots money nothing happen assign to you have to pay again

B.C. wants to seize 2 properties of illegal immigration consultant

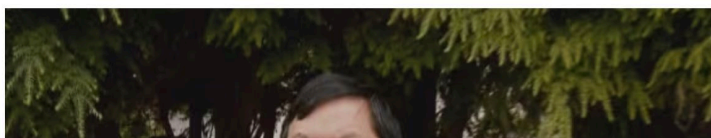
Civil Forfeiture office claims they are proceeds of crime, Sunny Wang surprised

Manjula Dufresne · CBC News · Posted: Feb 08, 2019 10:38 PM CST | Last Updated: February 8, 2019

G S
7 reviews

★★★★★ 5 years ago

Worst Lawyer I've ever seen. Money



Do you need help?

- Immigration lawyers are experts in these applications. Find someone you can **trust**
- Lawyers ≠ consultants ≠ agents ≠ unlicensed consultants ≠ social worker ≠ academic advisor
- “I have a simple case.” OK – try your MPs office
- The applicant makes the decision who may help with their case; therefore, **the applicant is responsible** for any mistakes made by their representative. Ref: Federal Court



My Team

- Services: French, Ukrainian, Tagalog, Punjabi, Urdu, Mandarin, Spanish, Hebrew, and many other languages
- “Triple Check system”
- 100% transparent pricing and fees



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