

AN OVERVIEW OF CANADIAN IMMIGRATION PATHWAYS



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INTRODUCTION

The decision to immigrate to Canada and make a life for oneself is never made lightly. It requires a strength of spirit, bravery and willingness to adapt to a new country with all of its challenges and opportunities.

Canada is the most northerly country of the Americas and the largest country in the world. It has 11 provinces namely: Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland And Labrador, Nova Scotia, Northwest Territories, Nunavut, Ontario, Prince Edward Island(PEI), Quebec, Saskatchewan and Yukon.

IMMIGRATION LAWS IN CANADA

- Canadian immigration law addresses the rules and processes governing who can enter Canada, and who can stay in Canada. The legislation that outlines these processes and requirements is the Immigration and Refugee Protection Act S.C. 2001, c. 27.
- The administration and decision-making of immigration law is assigned to various entities, such as the Minister of Citizenship and Immigration, Immigration Officers, Citizenship and Immigration Canada (CIC), the Canada Border Services Agency (CBA), and the Immigration and Refugee Board (IRB)

- They each have different responsibilities in governing immigration, and it is through administrative law that Canadian courts hold these government bodies accountable. They ensure that the government bodies act within their authority outlined in legislation, which includes acting in a manner that is just and procedurally fair.
- Immigration, Refugees and Citizenship Canada (IRCC) is the department in Canada that is responsible for helping immigrants and refugees settle and fully integrate into the Canadian society and the economy, and encouraging and facilitating Canadian citizenship. IRCC's mandate comes from the Department of Citizenship and Immigration.

WAYS TO IMMIGRATE TO CANADA

There are numerous programs available for individuals wishing to enter Canada, depending on the purpose of entry and the circumstances of the applicant. If you are someone exploring this as an option, or you require legal advice on an immigration matter, it is always best to contact a lawyer about your personal circumstances.

There are more than 80 pathways to immigrate to Canada and secure Canadian permanent residence. Some immigration programs require higher qualifications and more documents than others.

The Canadian immigration pathways can be divided into five categories:

- Family Sponsorship;
- Economic and Business immigration options;
- Studying in Canada: A pathway to Permanent Residence
- Humanitarian and Refugee Immigration

Family Sponsorship:

Family sponsorship is a category of immigration available to the family members of Canadian citizens and permanent residents. This entry path looks at both the eligibility of the sponsor and family members. The eligibility of the sponsor to bring their family member to Canada depends on different factors, including age, residence, and their willingness and ability to support the applicant.

Family members eligible to sponsor include, spouse or common-law/conjugal partner, dependent child (adopted or biological) and parents and grandparents.

Economic and Business Immigration Options:

Economic and business immigration options are for professionals who have skills that support the Canadian economy. Economic and business immigration categories include:

- Express Entry pathways (Federal Skilled Worker Program, Federal Skilled Trades Program, Canadian Experience Class, and Provincial Nominee Programs)
- Quebec Immigration
- Investor Programs
- Entrepreneur and Self-Employed Programs

Other federal classes of immigration like the Caregivers Program, the Atlantic Immigration Pilot, the Rural and Northern Immigration Pilot, and the Agri-Food Pilot are also options under the umbrella of economic immigration to Canada.

Studying in Canada: A pathway to Permanent Residence:

Education offers a route to Canadian permanent resident status. There are a range of programs whereby international students may apply for permanent immigration. In some cases, this can be done without obtaining a job offer from a Canadian employer. The steps to becoming a Canadian permanent resident through education are outlined below.

Step 1: Gain admission to a Canadian designated institution

Step 2: Apply for a Canadian Study Permit

Step 3: Complete your study program and obtain an open work permit

Step 4: Become a permanent resident of Canada

Humanitarian and Refugee Immigration:

Canada has an international reputation as a leader in accepting new refugees and other immigrants for humanitarian and compassionate reasons. A foreign national who is either inside or outside Canada may qualify for permanent residency based on their personal circumstances as a refugee. A significant portion of Canada's annual immigration target is dedicated to admitting refugees.

BENEFITS OF AN IMMIGRATION LAWYER

Although hiring an immigration lawyer is not a requirement in the Canadian immigration process, According to statistics published in the Toronto Star in 2018, the rate of refusal of permanent residence applications for those candidates who self-represented or used immigration consultants, who are not lawyers, was almost double that of those candidates who engaged a lawyer. These numbers are both striking and telling. Choosing to hire an experienced and trustworthy Canadian immigration lawyer can make the difference between a rejected and accepted application.

- The immigration process naturally requires a great deal of paperwork, bureaucratic hurdles and policy-necessary considerations. While some immigrants choose to hope for the best and go it alone, becoming Canadian does not have to be a difficult process when a trained immigration lawyer is advocating for you.
- Immigration to Canada may engage many other areas of law such as business, family, and international etc. For example, a family coming to Canada as part of an entrepreneur immigration program will benefit from a lawyer with a thorough understanding of Canadian business laws, regulations, and practices. Immigration lawyers can foresee potential problems, opportunities— both the known and the unknown unknowns— for their clients

- A lawyer can identify programs you may not have been previously aware of and tell you which ones you may be eligible for. They can also guide you in what steps you need to take to apply for the best immigration program for you. A lawyer's job is to come up with a plan for you. They can also inform you of your options in appealing an unfavourable decision, and help you pursue them.
- Lawyers are also subject to ongoing regulation by the various societies that monitor the legal profession. This supervision is designed to ensure a standard of knowledge, professionalism, and service. It also means you can verify your lawyer and his or her status on the websites of the provincial bar associations which have licensed them to practice in Canada.
- A lawyer who specializes in immigration will develop a further base of knowledge and experience that can assist clients. An immigration lawyer not only can guide you in addressing any problems that arise, but they can also anticipate and prevent issues before they even develop. Immigration, Refugees, and Citizenship Canada or a provincial government may return an application for being incomplete.

DISCLAIMER

This power point slide is only intended to provide general information on the subject matter and does not itself create a client/lawyer relationship between readers and Nouvelle Legal or service as legal advice. We are available to provide specialist legal advice on the readers' specific circumstances when they arise.



For further information on this topic, please contact Nouvelle Legal by telephone (+2349097809000), or e-mail: yketiku@nouvellelegal.com)

Nouvelle Legal website can be accessed at www.nouvellelegal.com

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