

# VISA TO CANADA

## STUDYING IN CANADA

Most foreign students who wish to study in Canada will need to apply for and obtain a student visa before they come to Canada to begin their studies. To apply for a student visa, you will require the following:

1. A letter of acceptance from the school of your choice;
2. Proof that you have enough money to pay the school fees and cover all your personal expenses for the duration of your studies in Canada;
3. To establish that you will return home at the end of your studies;
4. To pass a medical exam if needed and;
5. To qualify as a temporary resident in Canada, including a temporary resident visa if required.

Please take note that there are some courses in Canada for which you do not require a student visa. Such courses are usually short courses of less than 6 months duration.

## SPONSORING YOUR PARENTS/ GRANDPARENTS

Canadian citizens or Permanent Residents who are at least 18-years-old and who are ordinarily resident in Canada can sponsor their parents and/or grandparents to immigrate to Canada. To do so, you will need to meet minimum income requirements based upon the "Low Income Cut Off" figures researched by Statistics Canada.

Sponsoring your parents or grandparents to immigrate requires that you undertake to provide for their basic necessities of living for up to 10 years following their migration to Canada. In the event that your parents and/or grandparents seek government assistance for their basic necessities after arriving in Canada, you will be required to repay the amount provided to them to the government failing which you will be barred from sponsoring anyone else in the future.

All relatives that you seek to sponsor must pass medical and criminal background checks.

## SPONSORING A SPOUSE OR COMMON-LAW PARTNER FROM WITHIN CANADA

Previously, it was only possible to sponsor a spouse (including a common-law spouse) who was in Canada if the spouse had legal status in Canada, such as a visitor visa, study or work permit. The program that allows for this in-Canada sponsorship is known as the Spouse or Common-law Partner in Canada Class.

In February of 2005, the former Minister of Citizenship and Immigration announced the expansion of the Spouse or Common-law Partner in Canada Class to include, with exceptions, spouses who have no legal status in Canada. This means that an out of status spouse or common-law partner who is in Canada may be allowed to remain in Canada while the immigration authorities process the spousal sponsorship application from inside of the country.

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## SPONSORING A SPOUSE OR COMMON-LAW OR CONJUGAL PARTNER OUTSIDE OF CANADA

You may also sponsor your spouse or common-law or conjugal partner living outside of Canada if:

1. You are 18 years of age or older;
2. You are a Canadian citizen or permanent resident;
3. You reside in Canada;
4. You are not receiving social assistance;
5. You are not currently bankrupt;
6. For common-law or conjugal partners, you meet the definition of either of these categories. Canadian citizens not residing in Canada may sponsor their spouse, common-law or conjugal partner but they must satisfy immigration officials that they will return to and reside in Canada at the time their sponsored spouse, common-law or conjugal partner is granted an immigrant visa to Canada.

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## LIVE-IN CAREGIVERS

The Live-in Caregiver Program is a special program designed to bring workers to Canada to do live-in work as caregivers when there are not enough Canadians to fill the available positions. A "live-in caregiver" is someone who provides unsupervised care to children, the elderly or the disabled in a private household.

Before you apply to hire a foreign live-in caregiver, please note that the live-in caregiver must:

1. Work for you in a private home;
2. Live with you, the employer;
3. Be provided with a private, furnished room within the home;
4. Be employed on a full-time basis;
5. Meet Citizenship and Immigration

Canada's requirements for language, education and work skills necessary to function in the Canadian labour market.

In order to hire someone as a live-in caregiver, you must first advertise the job opportunity in the Canadian market. If you are unable to find someone in Canada for the caregiver position, then you must send an application to Human Resources Skills Development Canada seeking what is called a Labour Market Opinion.

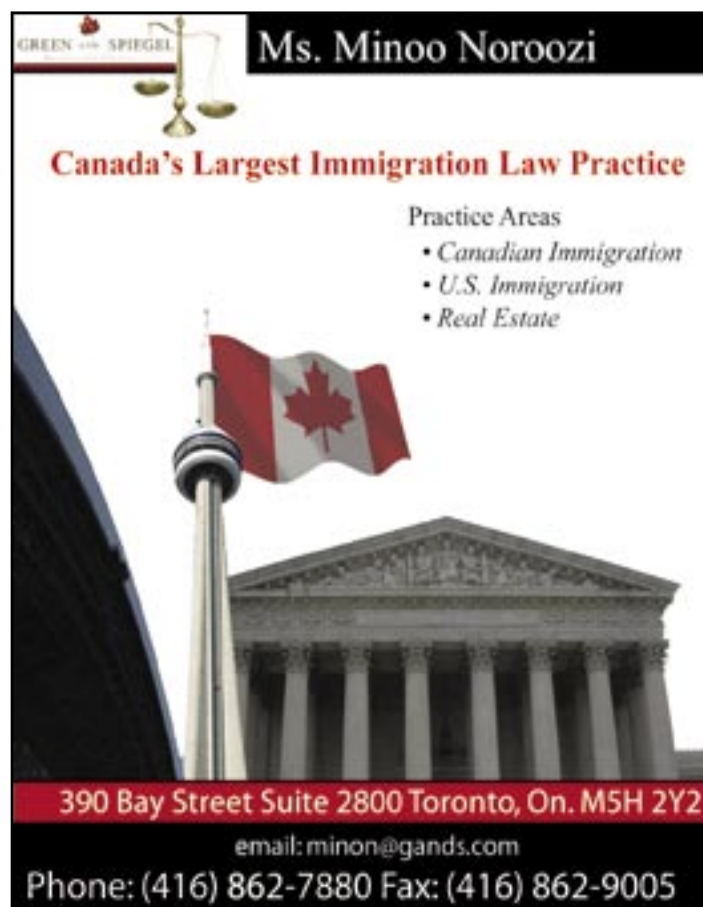
If everything is in order and you receive a positive labour market opinion, your chosen caregiver may proceed to apply for a work permit through a Canadian Consulate, Embassy, or High Commission outside of Canada. Successful applicants receive an employment authorization allowing them to work in Canada as live-in caregivers.

After two years of employment, program participants can apply from within Canada to become permanent residents; they may be granted permanent resident status provided they meet certain requirements.

**Note:** The two years of employment must be completed within three years of the caregiver's arrival in Canada.

The above information is general in nature and should not be construed as a substitute for legal advice. For more detailed information on any of the above-noted topics, the reader is urged to contact a trained legal professional with experience in the field of Canadian Immigration Law.

Michael Korman (Otis & Korman)  
See our advertisement on page 68.



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