

Immigration Status

This pamphlet provides information on Canada's immigration system and newcomers' rights and responsibilities.

Start with LISNS' online legal information. You'll find the answers to many legal questions: www.legalinfo.org

Call our **Legal Information Line** at **1-800-665-9779** or **455-3135** to get free legal information.

Need a lawyer? Call our **Lawyer Referral Service** at **1-800-665-9779** or **455-3135** to request a lawyer referral. You can plan a 30-minute meeting with a lawyer for \$20 + HST. This will give you answers to important questions.

Just want to listen to a recorded message on a particular legal topic? Call **Dial-a-law** at **420-1888**.

The **Halifax Refugee Clinic** offers refugee case preparation and other legal services for refugees in Nova Scotia:
1581 Grafton Street, Halifax NS, B3J 2C3.
Phone: **902-422-6736**,
or visit their website at www.halifaxrefugeeclinic.org

Immigration and Refugee Board (IRB): www.irb-cisr.gc.ca

See the **Canada Border Services Agency** about what you can bring into Canada:
www.beaware.gc.ca/english/toce.shtml

If you have a legal problem, you should talk with a lawyer. Laws and rules may change. You should check with a lawyer or with Citizenship and Immigration Canada for changes to laws mentioned in this pamphlet. If you are in police custody or criminal court, you can get free interpretation services.

This pamphlet contains general legal information. It does not provide legal advice.

LEGAL Information
SOCIETY OF NOVA SCOTIA

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NOVA SCOTIA

With the support of the
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● We are temporary residents, but our child was born in Canada. Does this change our immigration status?

No. If both parents are temporary residents, their newborn is automatically a Canadian citizen but their temporary resident status does not change.

Information

Visit the **Citizenship and Immigration Canada** website:
www.cic.gc.ca

- on sponsoring a relative: www.cic.gc.ca/english/immigrate/sponsor/index.asp
- on rights and residency rules: www.cic.gc.ca/english/newcomers/about-pr.asp#pr_can
- on the refugee process: www.cic.gc.ca/english/refugees/inside/apply-who.asp
- on permanent residency: www.cic.gc.ca/english/immigrate/index.asp
- on immigration consultants: www.cic.gc.ca/english/information/representatives/faq.asp
- on becoming a Canadian citizen: www.cic.gc.ca/english/citizenship/become-eligibility.asp#time
- about inadmissible persons: www.cic.gc.ca/english/information/inadmissibility/who.asp

For information on the **Nova Scotia Nominee Program:**
www.novascotiainmigration.ca/immigrants/immigrating-to-ns

● I was accepted as part of the Nova Scotia Nominee Program. What is my immigration status?

You have completed the first step in a two-step process to be eligible to become a permanent resident. Once you are nominated, you must apply to Citizenship and Immigration Canada to become a permanent resident. Only the federal government has the ability to grant permanent resident status.

● Can I sponsor a family member to come to Canada?

Canadian citizens or permanent residents can sponsor some relatives as members of the family class. Family class includes:

Your spouse or common-law partner

Your dependent children. This means a child under the age of 22 who does not have a spouse or common law partner. You may be able to sponsor a child over the age of 22 in some circumstances.

You may also be able to sponsor other relatives depending on the circumstances.

For more information on sponsorship and the family class, visit the Citizenship and Immigration Canada website listed at the end of the pamphlet.

Some people are not allowed to come to Canada. They are known as "inadmissible." You can find out more on the Citizenship and Immigration Canada website.

When you sponsor a relative, you make a commitment to financially support him or her for three to ten years, depending on the relationship. You have to be able to prove you earn enough money to give support.

Canada welcomes many thousands of newcomers every year through its immigration processes. Newcomers can play an important role in enriching Canadian diversity and heritage and in improving Canada's economic well being.

Canada's immigration system is complex. The laws and rules can be confusing for newcomers and for people who want to help them.

Under Canada's Constitution, immigration is a shared responsibility between the Government of Canada and the provinces and territories. The Government of Canada is responsible for setting criteria and the selection process for foreign nationals who want to come to Canada, setting out the classes of immigrants, and defining persons who will not be admitted into or allowed to remain in Canada. The Provincial Nominee Program gives provinces and territories a role in immigration selection by allowing them to nominate individuals who meet specific labour market needs. Nominees can apply to become permanent residents.

● Are there different categories of immigration status?

Yes, here are examples of the different categories:

A **permanent resident** is a person who has applied for and received permanent resident status. Once you have permanent resident status, Citizenship and Immigration Canada will provide you with a status document called a Permanent Resident Card. You may apply to renew the card every five years. Under the Immigration and Refugee Protection Act, you have the right to enter and remain in Canada as long as you are

a permanent resident. You should carry your Permanent Resident Card with you if you leave the country. A valid Permanent Resident Card will help you prove that you are a permanent resident when you want to board a commercial plane, ship, train or bus, or enter Canada in another way.

A **temporary resident** is a person who has been permitted to enter Canada for a temporary period and who will leave Canada when that period ends. International students, tourists and visitors, and temporary foreign workers are examples of persons who have temporary resident status.

Permanent and temporary residents are not Canadian citizens.

A temporary resident has fewer rights and privileges than a permanent resident. You do not have the right to stay in Canada beyond the allotted time of your permit unless you become a permanent resident or citizen.

Refugees and persons needing protection are people in or outside of Canada who fear returning to their home country where they are experiencing danger or persecution. In keeping with its humanitarian tradition and international obligations, Canada gives protection to thousands of people every year. A Convention refugee or protected person can be given permanent resident status, and be provided with the Permanent Resident Card.

In Canada, the Immigration and Refugee Board decides if a person is a Convention refugee or a person in need of protection. A refugee claimant is not a temporary resident.

● Do I need a lawyer or immigration consultant before I can immigrate to Canada?

No, you do not need a lawyer or a consultant before you apply to immigrate to Canada. All the application forms, information and guides to help you complete the forms are available for free from Citizenship and Immigration Canada.

Anyone who charges fees or other types of payment for advising or representing you with respect to your application must be registered with one of the Canadian regulatory bodies. To find out more, visit the CIC's website, which is listed at the end of this pamphlet.

● I am a permanent resident. What are my rights?

Permanent residents have many rights that Canadians are born with, including rights to:

- receive many social benefits including healthcare
- live and work anywhere in Canada
- not be discriminated against because of your race, national or ethnic origin, colour, religion, sex, sexual orientation, age, or mental or physical disability
- practice your religion and have your own beliefs and opinions

You also have a right to apply for Canadian citizenship as soon as you meet the requirements. To become Canadian citizens, adults must have lived in Canada for at least three years (1,095 days) in the past four years before applying. Children under the age of 18 do not need to meet this requirement.

You may be able to count time you spent in Canada before you became a permanent resident if that time falls within the four-year period. Use the Citizenship calculator to find

out if you have lived in Canada long enough to apply for Canadian citizenship. A link to CIC's website and the calculator, as well as other information on applying for Canadian Citizenship is available at the end of this pamphlet.

There are some rights you do not have as a permanent resident. For example, you cannot:

- Vote or run for political office
- Serve on a jury
- Join the Canadian Armed Forces
- Hold certain jobs that require a high level security clearance
- Remain in Canada if you have been convicted of a serious criminal offence and have been told to leave the country.

● If I am a permanent resident, can I travel to other countries?

Yes, but you will need to have the right papers before travelling. Some countries require you to apply for a visitor or non-immigrant visa. You will have to check with the country where you are planning to travel to see if a visa is required. It is good idea to apply well ahead of the time you plan to travel. If you are a citizen of a country with a visa waiver agreement, you may not need a visa, but you must have a valid passport from your country of citizenship.

Before you can re-enter Canada, you must show your valid Permanent Resident Card or other proof that you are a permanent resident. This applies to all family members who are travelling, including children. As a permanent resident, you must travel with your own country's passport and you will still need to meet visa requirements that exist for that country, not for Canada.