

Sponsoring Parents and Grandparents: Is Canada failing to reunify families?

The Issue

Families are important to all Canadians, regardless of where they were born. And regardless of their background, all Canadians consider parents and grandparents an important part of their family. Parents and grandparents are an important resource for many families. They provide emotional and social support, and often provide unpaid childcare support.

Family reunification in Canada is an objective of Canada's immigration lawsⁱ. Yet for more than 15 years, the number of people sponsored by family members (family class immigration) has declined steadily. From 43.9% of all immigration in 1993, family class immigration was 21.5% in 2010ⁱⁱ. Sponsored parents and grandparents are a small proportion of the overall family class immigration. In 2010, 8,253 parents and grandparents were admitted to Canada, compared to 11,076 in 2001ⁱⁱⁱ. The government approach has been to increase the number of skilled workers and investors admitted to Canada as permanent residents, and reduce the number of sponsored family members, including parents and grandparents. The result has been long delays in the sponsorship of family members and the creation of a backlog. The delay for parents and grandparents was estimated at 7 years, sometimes more.

Current situation

As of November 5, 2011, the Canadian government has stopped the sponsorship of parents and grandparents for the next two years. From applications already submitted, the total number of parents and grandparents admitted is to increase to 25,000 in 2012. The government is now holding consultations to review the sponsorship system for parents and grandparents^{iv}. There is widespread concern that the re-designed system will introduce further restrictions on sponsorship.

The government introduced a ten-year multiple entry visa effective December 1, 2011 for parents and grandparents^v. The new visa ("Super Visa") will be valid for a period of ten years and will allow an applicant to stay in Canada for up to two years at a time. Applications are to be processed within 8 weeks^{vi}. The new visa includes strict new criterion that is not required for other visitors' visas to Canada.

The concept of a ten-year multiple-entry visa is a good one, particularly if it allows parents and grandparents to visit family while waiting for their sponsorship to be processed. Given the long wait times for sponsorship, this visa would give separated families another option to be together. However, the restrictions on the super visa and Canada's ongoing inequitable visa granting practices make this a possible solution only for the privileged few.

Who is excluded?

- Countries in regions such as Africa, Asia, Latin America and the Middle East are over-represented among those on which Canada has imposed a visa restriction. These are also countries that have a predominantly racialized population. Parents and grandparents of racialized background are over-represented among those who must first apply for a visa before visiting Canada.
- In addition to the requirements in a regular visitor's visa (Temporary Resident Permit), applicants for the "Super Visa" must also pre-purchase Canadian medical insurance for a year with coverage of up to \$100,000. Private medical insurance in Canada is expensive and a year's coverage can cost several thousand dollars per person. Only the wealthy will qualify for the super visa because of this requirement.
- Visitor visa approval rates are substantially higher for applicants from US and Europe and substantially lower in for those in many countries in Africa, Asia and the Middle East^{vii}. Visa officers have considerable discretion in interpreting the criteria for visas and their decisions can be highly subjective. Applications from refugee-producing countries have tended to be negatively judged, and tend to have low approval rates. It is not clear whether applicants for the super visa are being treated any differently.

- Similar to a sponsorship application, the Canadian family member is required to meet the low-income cut-off (LICO) in order to sponsor the visit of a parent or grandparent. Racialized families and those of immigrant background are over-represented among those below the LICO. That means family visits via the super visa is a privilege that is not permitted to poor families, including the working poor.
- As of February 2012, a higher number of super visa applications than regular visa applications were refused. Some applicants were granted a visa, but were only allowed a 6-month visit rather than the promised two years^{viii}. Community organizations have said that applications to visit a current or former convention refugee are often rejected because of an apparent perception that the visiting family member would claim refugee status^{ix}.

What needs to change?

- At present, there is no evidence to show that parents and grandparents who are here as permanent residents or visitors are a burden on our healthcare system. The government must remove the requirement to pre-purchase medical insurance. This would make the super visa more equitably available, and bring it in line with the existing visitor's visa to Canada.
- There are widespread concerns about visa approval practices at our overseas visa posts. They have been expressed by those trying to arrange a family visit, as well as professional associations, academic institutions and business groups. A report by business and lobby groups has noted that for countries in Africa there is a "longstanding and near universal perception of unwarranted, overly high and arbitrary visa rejections"^x. The government must review and reform the visa process in Canadian visa posts around the world with a view to identifying and eliminating systemic barriers, including prejudicial decision-making. This could include reducing the arbitrariness in decision-making by providing clear instructions, a periodic review of decisions to find and address patterns of exclusion, and develop an appeal mechanism for rejected applicants.

We would still need to consider the broader issue of our inequitable immigration practices. These practices include permitting only those with a higher level of income to reunify with family members, either as permanent residents or as visitors, and making it easier for those from only some countries to reunify more easily with family because they are not subject to a visa restriction.

ⁱ Immigration and Refugee Protection Act. 2001. 3(1)(d), 3(2)(f)

ⁱⁱ Facts and figures 2010: Immigration Overview. Citizenship and Immigration Canada.
<http://www.cic.gc.ca/english/resources/statistics/facts2010/index.asp>

ⁱⁱⁱ Ibid.

^{iv} <http://www.cic.gc.ca/english/department/consultations/parent.asp>

^v This is different from the regular visitor visa or 'Temporary Resident Permit'.

^{vi} Citizenship and immigration Canada Media Release. Nov 4, 2011.

<http://www.cic.gc.ca/english/department/media/releases/2011/2011-11-04.asp>

^{vii} "Canada's opaque visitor visa system" by Anca Gurzu in Embassy Magazine. October 13, 2010.

<http://oppenheimer.mcgill.ca/Canada-s-opaque-visitor-visa>

^{viii} "Super visa applications for visitors to Canada are often rejected" by Nicholas Keung in Toronto Star. Mar 14, 2012.

<http://www.thestar.com/news/canada/politics/article/1146305--super-visa-applications-for-visitors-to-canada-are-often-rejected>

^{ix} Verbal conversation with Ontario Council of Agencies Serving Immigrants. March 2012.

^x "Canada's opaque visitor visa system" by Anca Gurzu in Embassy Magazine. October 13, 2010.

<http://oppenheimer.mcgill.ca/Canada-s-opaque-visitor-visa>