



## CORPORATE IMMIGRATION LAW FIRM

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### **What's New at Corporate Immigration Law Firm?**

We are one month away from celebrating our first anniversary of commencing business. We have had a busy year, at Corporate Immigration Law Firm ("CILF"). We started the year with approximately 70 corporate clients and professional individuals, and in the past 12 months have served over 100 new clients. In order to meet the growing demand for our services Tammy Ovando joined our team as a Law Clerk in June.

We are pleased to announce that [Brenda Wong](#) will be joining us in January 2007 as an Associate. Brenda has been practicing immigration law for the past three years. She articulated at Gowling Lafleur Henderson LLP before being called to the Bar in 2002.

We would like to take this opportunity to thank our clients for their continued business, and our many friends and colleagues for their referrals and support.

### **CROSSING BORDERS**

#### **Update on US Passport Requirements**

We have previously reported that the Western Hemisphere Travel Initiative requires that passports will be mandatory for entry to the United States as early as January 1, 2007, when travelling by air, and January 1, 2008, when travelling by land or sea. Recent legislative changes now permit a later deadline for the requirement of passports. However, the Department of State and Homeland Security are working to meet all requirements as soon as possible and have just announced the new deadline for travel by air is January 23, 2007. We are advising clients to treat the implementation date for travel by land and sea, of January 1, 2008 as a firm date at this time.

The United States government has announced a Passport Card, also referred to as the PASS Card, which will be a limited use passport in card format, similar in size to a credit card. It will be available for travel only via land or sea between the United States and Canada, Mexico, the Caribbean and Bermuda. It is also anticipated that the following documents will continue to be acceptable for their current travel uses: SENTRI, NEXUS, FAST, and the US Coast Guard Merchant Mariner documents.

Canada has not announced a similar document in lieu of a passport. Again, we are

advising clients that do not already have a valid passport, or those that may have an expired passport, or a passport that will expire in the near future, to ensure that they apply for a new passport.

## **Permanent Resident Cards**

In June 2002, the Immigration and Refugee Protection Act ("IRPA") was introduced. One of the many legislative changes included the replacement of the Record of Landing document issued to permanent residents of Canada by the Permanent Resident Card. The Permanent Resident Card is a document more easily carried, and contains a number of security features, including photo identification. Many people may not realize that each Permanent Resident Card is only valid for five years from the date of issue. Therefore, as we approach the June 2007, the fifth anniversary of the Permanent Resident Card coming into existence, many cards will be expiring.

Businesses that have employees that need to travel outside of Canada, should remind their employees to review their Permanent Resident Card to determine the date of expiry. CILF can assist with filing an application for a new Permanent Resident Card on an urgent basis.

In order to renew a Permanent Resident Card, an individual will have to satisfy the Department of Citizenship and Immigration that they have met the requirements of maintaining a permanent resident status. Specifically, permanent residents must physically reside in Canada two years out of every five years. There are a number of exemptions to this requirement. For example, individuals employed by a Canadian company while travelling abroad on business can treat their time away from Canada as time resident for the purpose of meeting their residency obligation under IRPA. These individuals should seek legal advice before filing their application for a new Permanent Resident Card. Failure to meet the residency obligation could result in enforcement action against the individual and ultimately the loss of permanent resident status in Canada.

Unlike permanent residents, Canadian citizens have no obligation to physically reside in Canada. Also, Canadian citizens may carry a Canadian passport, and may vote in Canada. Therefore, there may be some advantage to a permanent resident applying for Canadian citizenship. Permanent residents may be eligible to apply for Canadian citizenship as early as two years from the date of their becoming permanent residents. Although Canada currently recognizes dual citizenship, not all countries do. Therefore, anyone contemplating applying for Canadian citizenship should, before applying, consider whether or not they will be required to abandon their citizenship of birth.

## **Work Permits for Post Graduates**

There are special rules for obtaining a work permit for foreign students that graduate from Canadian schools. Most often a foreign student after graduating will be eligible to obtain a one or two year non-renewable work permit without the need of obtaining a Labour Market Opinion from Service Canada. Often Canadian companies become dependent on the foreign student's skills, or invest significant resources in training the foreign student, and wish the foreign student to be able to remain past the validity of their foreign student work permit. It can be difficult to obtain a Labour Market Opinion following the completion of the one or two year work permit that the foreign student

has been issued, because often the wage being offered to the foreign student is not in keeping with the average wage for that particular occupation since the position is still considered "entry level". Also, the Canadian company may not have advertised initially for the position because the foreign student came to their attention under a co-op program.

Recently, Service Canada announced a new directive that will facilitate the continued employment of foreign students past the validity of their one or two year graduate work permit. Specifically, the employer will not be obligated to advertise or re-recruit for the position. Also, the wage paid must be within the market range for the position, and need not meet the average wage. If approved the Labour Market Opinion will be valid for two years, which will likely be sufficient time for the foreign student to apply for permanent residence under the Federal Skilled Worker Program.



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