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DID THE CANADIAN IMMIGRATION WEBSITE REALLY CRASH?

American election aftermath questions answered

By 8 pm Pacific time on Tuesday, November 8 it was becoming apparent that Donald Trump would become the 45th President of the United States. For many Americans, with this came an increased sense of uncertainty and fear of the unknown. Several news stories related to Canadian immigration immediately surfaced including President Obama declaring he will move his family to Canada if Donald Trump was elected, and the Canadian Immigration website crashing as a result of Americans investigating moving to Canada. Most of these stories were debunked, however the latter is in fact true. The Canadian Immigration website did in fact crash.

According to CTV News, immediately following the US election, the Government of Canada's Immigration & Citizenship website (www.cic.gc.ca) crashed due to a "surge in traffic from U.S.". More than 200,000 users accessed the website (up from 17,000 visitors at the same time the preceding week), and at that time approximately 50% of the traffic came from American IP addresses, according to Immigration, Refugees and Citizenship Canada. Further, according to Google Analytics, searches from the US for "moving to Canada" began to increase shortly after forecasting models started to predict Trump's victory.

So what does this mean from a Canadian immigration perspective? With high emotion, uncertainty, and as a result fear, many Canadians and Americans undoubtedly have questions. Below are several questions that may be asked as a result of the election, and information for you to make an informed decision.

"How do I move to Canada?"

If you are an American citizen currently living in the United States, you may believe that moving to Canada is as easy as buying a house and arriving at the border with your family and belongings. Unfortunately, this isn't true. In order to live full time in Canada, you will first need to obtain Permanent Residence status in Canada. Available pathways to permanent residence include family sponsorship categories, economic categories and entrepreneurial categories.

Once a permanent resident of Canada, you'll receive most of the same privileges as a Canadian citizen. Political and economic stability, a sense of security and safety, a developed social aid program, excellent medical and healthcare benefits, a wealth of natural resources, and world-class education options are some of the draws that lead people to seek permanent residence. But before you leap to apply for residence, make sure you are informed.

Since the department's introduction of the Express Entry system in January, 2015, it has been possible for foreign nationals with skilled work experience to apply for Permanent Residence status in Canada through an online expression of interest system, in which applicants are assessed points for factors such as age, English or French language abilities, education and work experience (Canadian or foreign depending on the Express Entry stream). Applicants with the highest points are then invited to file an electronic application for Permanent Residence online and to submit additional background documentation to support their point total. Through this system, Permanent Residence can be obtained in as little as 6-9 months.

Additionally, avenues to Permanent Residence in Canada exist through a variety of Family Sponsorship, Entrepreneur programs and other Economic programs that are often applicant specific and which we would be happy to discuss further with you.

“Will NAFTA work permits be affected?”

Currently the North American Free Trade Agreement (“NAFTA”) allows US and Mexican nationals who are qualified in over 60 specifically designated professions to obtain work permits in Canada without first testing the domestic labour market to prove that there are no Canadians available for the position. Many Canadian companies rely heavily on these types of foreign workers to fill crucial roles within their operations.

On the campaign trail, President-elect Trump repeatedly promised to “rip up” NAFTA. While experts disagree on whether or not exiting NAFTA would require congressional approval, there is the potential that President-elect Trump could orchestrate an exit from NAFTA with as little as 6 months notice through Article 2205 of the agreement.

Our advice to foreign nationals in Canada under NAFTA Professional work permits and those companies that employ them is similar. Review your current status and determine whether Permanent Residence is appropriate. Generally, individuals who are in Canada on NAFTA Professional work permits would receive a high score in the Express Entry system due to their qualifications and their work history. Combined with fluency in English and/or French, significant previous work experience and an age below 40, these individuals would very likely receive invitations to apply for permanent residence through Express Entry.

Similarly, for companies that are considering filling a vacant Canadian professional role with a US National, we strongly advise you to perfect and file such an application as soon as possible.

“Could I already have a claim to be a Canadian Citizen?”

Due to the ability to pass Canadian Citizenship down to offspring who are born outside of Canada, there is a potential that you may already be a Canadian Citizen but don't yet know it! Annually, we see cases of individuals who are looking to apply for Permanent Residence in Canada and during that process we learn that one of their parents was a Canadian citizen at the time of their birth. These applicants are always happy to learn that instead of applying for Permanent Residence, they are entitled to apply for a Proof of Canadian Citizenship certificate, which will then allow them to immediately apply for their Canadian Passport.

Unfortunately, the processing time for such a Certificate can be unduly lengthy. There are a number of situations in which we are able to obtain urgent processing of these applications on behalf of our clients. If you believe that you may have a derivative claim to Canadian citizenship and have an urgent need to travel or move to Canada we encourage you to contact us directly.

This bulletin is intended for informational purposes only and does not constitute legal advice or an opinion on any issue. We would be pleased to provide additional details or advice about specific situations if desired.