

# HUMANITARIAN APPLICATIONS FOR PARENTS



**Sherif R. Ashamalla LLB**  
[www.ashamalla.ca](http://www.ashamalla.ca)

One of the first questions that many newcomers ask once they are settled in Canada is how they can bring their elderly parents from back home to live permanently with them in Canada. Many parents are retired and living alone in the Middle East when they could be here living with their children and helping in the care of their grandchildren. While visitor visas, such as the Super Visa, have remained an available option, Canadian citizens and permanent residents are increasingly exploring the possibility of bringing their parents permanently while they are still in good health and able to pass the medical requirements.

Firstly, it should be noted that in an obvious attempt to cut the costs associated with admitting the elderly into Canada, Immigration, Refugees and Citizenship Canada (IRCC) decided in January 2017 to create a lottery system for the sponsorship of parents and grandparents. Throughout the month of January interested Canadians and PRs could complete an online form which was considered an expression of interest to

sponsor their overseas parents. When the lottery was chosen, only 10,000 entrants were selected and deemed eligible to submit a sponsorship application in 2017. It is estimated that the total expressions of interest at the time exceeded 95,000.

This new lottery system resulted in an almost 10% chance of being able to successfully submit a sponsorship application for your parents. This means that families who are not selected will have to try again and again each year and then when finally chosen and meet the financial criteria, wait the processing time which has, in the past, been several years. Clearly this is not an ideal scenario for families attempting to reunite more urgently.

Another type of application that we have been very successful with is the Humanitarian & Compassionate (H&C) application submitted with the support of a Parent Sponsorship. These are inland applications that provide another means for allowing parents and grandparents to be accepted permanently, based on the hardship of having to apply from overseas. What this means is that if a parent or grandparent is currently inside Canada on a temporary visitor visa, an application can be submitted to IRCC which asks for an exception to the normal sponsorship procedure outlined above. The exception would be based upon the hardship to the family of having the parent or grandparent wait these several years in the Middle East before being processed for permanent residence. We are essentially asking the government to complete the processing while they remain inside the country.

In order for these H&C applications to be successful, there are a number of critical factors. The first is that the parent is currently visiting from a country in the Middle East that is currently experiencing turmoil. This would include Syria, Iraq, Egypt or Yemen. The parent should have little familial support in their home country and so the reunification with children and grandchildren here in Canada is of utmost importance. It is important to note that this is not a refugee application based on persecution in the home country, but rather a humanitarian application for permanent residence based on the hardship of having to remain there.

Another factor is the successful establishment in Canada of the Canadian citizen or PR child. To support the application, we submit proof that the child is financially eligible to sponsor her parents

if she had been chosen in the lottery. A final requirement for this type of application is that the parent or grandparent remain inside Canada for the duration of the application. Our experience is that we should receive an approval in principle within approximately six months, and then PR status a year later, after successful medical and police clearance. During this time, the parent's visitor status in Canada is extended legally.

In the past several years an H&C application from within Canada with the support of the sponsorship documents has proven to be a successful alternative to the traditional Parent and Grandparent Sponsorship which is so strictly limited. Permanent Residence through an H&C application allows family reunification within Canada at a time when it is increasingly difficult for the elderly to remain alone in the Middle East.