

Publisher's Note

2018 — Release 4

Previous release was 2018-3

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Canadian Citizenship and Immigration Inadmissibility Law

Canadian Citizenship and Immigration Inadmissibility Law, 2nd Edition is the only resource that provides focused guidance on the rapidly expanding area of inadmissibility law. A practical and tactical guide that combines, summarizes, and analyzes hundreds of decisions and key legislation, this publication speaks in practical terms to the key statutory framework, emerging trends, policy developments and relevant leading case law and offers practical tips and key memoranda and sample submissions. This publication includes: comprehensive analyses of the statutory framework for criminal, medical, and financial inadmissibility as well as Canadian employer compliance and the evolving area of misrepresentation law including citizenship revocation; comprehensive and detailed analysis of the distinct treatment and consequences of inadmissibility on various actors in Citizenship, Immigration, and Protected Person law; an overview of remedies; discussion of detention and release, appeals, equivalency defences, judicial reviews, and stays; and, case law annotations and detailed annotated precedents based on cases. The publication also examines exceptional remedies under the Act including humanitarian and compassionate grounds applications, temporary resident permits, rehabilitation, record suspensions, and collateral consequences of criminal convictions. In all, this publication like no

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other delves into the nuances of inadmissibility law from many legal and practical perspectives.

New In This Update

This release features updates to Chapters 5 (Financial Inadmissibility) and 13 (Rehabilitation and Record Suspensions).

Highlights

Financial Inadmissibility — H&C Appeals at the Immigration Division — If a family class sponsorship application is refused, the sponsor may appeal to the Immigration Appeal Division (“IAD”) of the Immigration and Refugee Board under s. 63(1) of the *Immigration and Refugee Protection Act* (“IRPA”). If the IAD allows the appeal, subsection 67(2) of the *IRPA* gives the IAD authority to direct another officer of the Minister to reconsider the application, or (more boldly and less frequently) to substitute the appropriate decision itself.

Rehabilitation, Deemed Rehabilitation and Record Suspensions — The Officer concluded that the Applicant was “removed out of Cda in October 2016 as he is, among others, criminally inadmissible to Canada . . .”. However, no equivalency analysis of his conviction and sentence in the U.S. based upon the laws of Canada was undertaken. Therefore, no formal inadmissibility finding was made by the Officer. *Hutchinson v. Canada (Citizenship and Immigration)*, 2018 FC 441, 2018 CarswellNat 2076 (F.C.).