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CANADIAN CITIZENSHIP AND IMMIGRATION INADMISSIBILITY LAW

Bellissimo

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

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What's New in this Update

This release features updates to Chapter 1. The History and Evolution of Inadmissibility in Canada.

Highlights

Chapter 1. The History and Evolution of Inadmissibility in Canada
– § 1:4 Canada Border Services Agency (CBSA) – The following is an excerpt from the updates made to the chapter –

... Bill C-20, An Act establishing the Public Complaints and Review Commission and amending certain Acts and statutory instruments, was passed and received Royal Assent on October 31, 2024, as Statutes of Canada 2024, c. 25. This new legislation established the Public Complaints and Review Commission (PCRC), which replaced the CRCC for the RCMP and expanded its mandate to include the CBSA. The PCRC is designed to address the transparency gaps that existed under the previous regime. It grants the PCRC the authority to receive and investigate complaints from the public concerning the service levels and conduct of both the RCMP and CBSA. The Commission is required to make findings, provide recommendations, and ensure that both agencies respond within legislated timelines. This system promotes timely resolution of complaints and mandates that agencies report annually on actions taken in response to the Commission's recommendations.

Further enhancing its powers, Bill C-20 includes provisions to hold both agencies accountable for their actions, particularly in terms of race-based data collection. The PCRC is now tasked with publishing disaggregated race-based data, helping identify and address systemic racism within law enforcement. In addition, the PCRC will oversee the CBSA's handling of serious incidents, including deaths, serious injuries, or offenses involving its personnel, ensuring that these investigations are conducted impartially. The Act also addresses the issue of detention-related complaints. The PCRC now has the authority to accept and review complaints from individuals held in CBSA detention facilities, including concerns about their treatment and conditions. It also specifies that the CBSA can only enter into detention agreements with provinces or territories that have independent complaints mechanisms in place.