

Canadian immigration demand surges following Trump re-election

By **Jacqueline Bart**

Law360 Canada (November 7, 2024, 10:21 AM EST) -- Following Donald Trump's presidential re-election, a wave of American democrats are grappling with the implications of another Trump term. Many feel disillusioned by what they perceive as a leadership characterized by authoritarianism, divisiveness and undemocratic values. For some, this frustration has spurred thoughts of relocating, with Canada emerging as a top choice due to its geographic proximity and cultural similarities.

Although Canada's political landscape is more liberal — considered "left wing" by many Americans — the familiar time zones, legal system and cultural elements make it an appealing option for those seeking change.



Richard Norris: ISTOCKPHOTO.COM



Jacqueline Bart

As of Nov. 5, 2024, Canadian immigration services have reported a surge in inquiries from U.S. nationals. Our law office has been inundated with calls and emails from Americans seeking either temporary relief or a more permanent transition to Canada in response to Trump's re-election.

Canada's immigration system offers over 500 categories for work permits (including work permit exemptions) and more than 100 immigration pathways. For U.S. citizens, various facilitative and expedited processes are available, especially under programs such as the Canada-United States-Mexico Agreement (CUSMA), which simplifies pathways for American professionals and scientists. Many qualified young Americans with professional credentials or scientific backgrounds stand a good chance of obtaining Canadian work permits, provided they secure employment offers from Canadian employers.

However, a significant number of Americans interested in relocating to Canada are over the age of 65 and retired. Canada's immigration policies primarily favour younger applicants through employment-based permits, making relocation challenging for retirees. For retired Americans without employment prospects, options are limited: they may either start a business — actively investing, hiring Canadians and managing the business — or, if they possess high net worth and French language proficiency, consider investment immigration through Quebec.

Some U.S. nationals may also have a claim to Canadian citizenship by descent. A recent legal development has further broadened access: on Dec. 19, 2023, the Ontario Supreme Court of Justice ruled the "first-generation" citizenship limit unconstitutional. In response, the Canadian government

is developing legislation that would allow citizenship beyond the first generation based on a substantial connection to Canada, opening possibilities for a wider range of Americans.

While Canada remains an option for Americans seeking to emigrate, navigating the citizenship and immigration process has grown increasingly complex. Recent changes to the temporary foreign worker and employment mobility regulations, introduced in the latter half of 2024, add further uncertainty for Americans — even those with secured employment. This lack of predictability in Canada's immigration system may prompt prospective applicants to consider alternative destinations, such as Costa Rica, Portugal or New Zealand.

Ultimately, each American applicant's circumstances are unique and will require careful evaluation to determine the likelihood of a successful immigration outcome. Despite increased complexity, numerous pathways remain for those with the appropriate qualifications, employment and ties to Canada.

Jacqueline Bart is the managing partner of BARTLAW LLP — Canadian Immigration Lawyers, and can be reached at info@bartlaw.ca.

The opinions expressed are those of the author(s) and do not necessarily reflect the views of the author's firm, its clients, LexisNexis Canada, Law360 Canada or any of its or their respective affiliates. This article is for general information purposes and is not intended to be and should not be taken as legal advice.

Interested in writing for us? To learn more about how you can add your voice to Law360 Canada, contact Analysis Editor Richard Skinulis at Richard.Skinulis@lexisnexis.ca or call 437-828-6772.