

## Case Study: The Significant Benefit (C10) Application

**CPD Structure:** This is a unique and exciting CPD activity hosted at Toronto's downtown Wine Academy. The event will involve a small, in-person, case study discussion. Participants will be asked to read over a detailed but fictitious client case prior to the event and prepare their own notes with regards to the available immigration options for this client. A set of preliminary questions will be provided prior to the event so that participants can prepare for the case study and guide their research. During the meeting, participants will have the opportunity to discuss their own ideas as the moderator poses general and specific questions. At the end of the discussion, the group will come up with the best immigration strategy for the client and a list of documentation that should be included with the immigration application. The moderator will then summarize the group's conclusions in line with the learning objectives of the case study.

Following the case study discussion, participants will be able to network with immigration colleagues. A sample of wines, cheeses and charcuterie will be provided.

**Moderator:** Andrew Carvajal, Barrister & Solicitor

**Case Study Attendance:** Limit of 13 participants.

### **Case Study Fact Pattern:**

**Antonio Molano** is a thoroughbred horse jockey with over 15 years of horse racing experience. His resume encompasses over 3,000 horse race wins and over 10,000 finishes in the top 3. His overall career earnings are above \$250 million USD and he is currently ranked in the top 5 of the 2020 North American Thoroughbred Racing Jockeys by Equibase.

Some of Mr. Molano's most important wins include the Kentucky Derby and the Preakness Stakes, both part of the United States Triple Crown of Thoroughbred Racing. In addition to these, he has led horses to victory at some of the most prestigious thoroughbred horse races in the United States, Canada, the United Kingdom and the United Arab Emirates. Mr. Molano has earned horse racing's biggest award twice, the Eclipse Award for Outstanding Jockey, and in 2018 he was inducted into the National Museum of Racing and Hall of Fame.

Mr. Molano is a national of Venezuela and no other country. However, he has been residing in the United States for over 12 years and is a US Green Card holder since September 2014.

James Hillcrest owns and runs an Ontario family-owned thoroughbred horse farm (**Hillcrest Farm**) with over 30 years of history and experience in the breeding of race horses. Many of Hillcrest Farm's horses have gone on to win some of the most prestigious races in Canada and the United States, including the Kentucky Derby, the Belmont Stakes, the Queen's Plate and the Breeders' Stakes. Hillcrest Farm is listed as one of the top 20 North American breeders by BloodHorse and has been awarded the Sovereign Award for "Breeder of the Year" in Canada multiple times.

Hillcrest Farm owns the 3-year old thoroughbred horse, **Sir Blazer the Gallant Fox** ("Sir Blazer"). Sir Blazer is a Canadian-stabled horse that has won five of the six starts in his career, earning Hillcrest Farm over \$500,000 USD in prize money. This year he has won the two races that he has entered in preparation for the Canadian Triple Crown races taking place this coming summer.

Antonio Molano has twice raced Sir Blazer the Gallant Fox to victory, once in the Winter of 2019 and in the horse's most recent race, Churchill Downs in Kentucky, US. Mr. Molano has developed a great rapport with this colt and this is why Hillcrest Farm wishes to engage Mr. Molano to race Sir Blazer at the prestigious 2020 Queen's Plate in Toronto.

Founded in 1860, the Queen's Plate is Canada's oldest thoroughbred horse race and the oldest continuously run race in North America. The race is the first leg in the Canadian Triple Crown of thoroughbred horse racing, which also includes the Prince of Wales Stakes and the Breeders' Stakes. The event's purse (total prize money) is \$1 million CAD with \$600,000 paid off to the winner horse. Live coverage of the Queen's Plate is provided by major Canadian TV stations and it is expected that more than 1.2 million Canadians tune in for the race.

Mr. Molano's engagement by Hillcrest Farm involves him racing Sir Blazer the Gallant Fox on the afternoon of the Queen's Plate. In participating at the race, he is required to be in the jockey's quarters one hour before the race and compete at the race. In compensation for racing Sir Blazer, he is entitled to the \$150 Woodbine jockey mount fee and, should he be the winning jockey, he will receive 10% of the owner's purse winnings.

This is not the first time that Mr. Molano will enter Canada to race horses. Depending on his performance with Sir Blazer at the Queen's Plate, Hillcrest Farm may be interested in engaging him again this summer as part of other Canadian Triple Crown races.

**General Format and Questions for Preparation and Discussion:**

1. Group introduction and introduction of case study format
2. Does Mr. Molano need a work permit to race Sir Blazer the Gallant Fox at the Queen's Plate?
3. Would an LMIA be a practical option to secure Mr. Molano a work permit to race Sir Blazer the Gallant Fox?
4. Is Mr. Molano eligible for an LMIA-exempt work permit? If so, which LMIA exemptions may be available to him?
5. What should be the place of application for Mr. Molano's work permit considering the race is less than 3 weeks away?
6. What kind of documentation should be included with Mr. Molano's application?
7. What should be included in Mr. Molano's offer of employment?
8. What will the immigration representative's cover letter look like?
9. What instructions would you provide to Mr. Molano prior to entering Canada?
10. Summary of conclusions and learning objectives