



Citizenship and Immigration Canada to Refund Fees for Canceled Federal Skilled Worker Applications

by Catherine Longo

Originally published in *Blaneys on Immigration* (November 2012)



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The *Jobs, Growth and Long Term Prosperity Act* (the "Act"), came into force on June 29, 2012. Pursuant to the Act, Citizenship and Immigration Canada ("CIC") canceled the processing of Federal Skilled Worker ("FSW") applications which were received before February 27, 2008, and for which there had been no decision by an immigration officer before March 29, 2012. We noted in our April 2012 issue that CIC would be engaging in a process of returning fees to applicants affected by the cancellations.

CIC has now announced the process by which these fees will be returned. CIC estimates that it will be returning fees to 100,000 principal applicants on behalf of themselves, their spouses and dependants. FSW applicants who believe they may be affected by the cancellations are asked to confirm their contact information by completing and returning the *Return of Processing Fee, Right of Permanent Residence Fee or Right of Landing Fee Form* (IMM 5741) to CIC. Interest will not be paid on the returned fees.

FSW applicants who are unsure whether or not they are affected by the cancellations should also complete and submit the above form. CIC will advise whether or not their application is affected. However, if the application was refused by an immigration officer before the Act came into force on June 29, 2012, the application fee will not be returned.

FSW applicants cannot request to have the fee put towards a new application, but rather must submit a new application in its entirety with a new filing fee. It should be noted that, as of July 1, 2012, CIC has temporarily stopped accepting applications under the FSW Program. In addition, once CIC begins accepting FSW applications again, new criteria will apply. Applicants who can no longer qualify under the new criteria may wish to consider other permanent residence options, if available. ■