

## First Reference Talks

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### **CIC adds new eligibility stream for doctoral students under the Federal Skilled Worker Program**

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On June 18, 2008, the Immigration and Refugee Protection Act was amended to give the Minister of Citizenship and Immigration authority to issue instructions that would allow it to control the processing of applications. Pursuant to this authority, the Minister recently issued a fourth set of Ministerial Instructions (MI-4), which came into force on November 5, 2011.

According to MI-4, the Federal Skilled Worker program will now have a new eligibility stream for international students pursuing doctoral (PhD) studies at Canadian institutions. This adds an additional 1,000 numbers to the current cap of 10,000, which are available to FSW applicants who do not have arranged employment.

#### General eligibility requirements

In order to be eligible to apply under this stream, the FSW application must be received by the Centralized Intake Office in Sydney, Nova Scotia on or after November 5, 2011, and must meet either of the following two sets of criteria in order to be placed into processing:

Applications from international students who are currently enrolled in a doctoral (PhD) program, delivered by a provincially or territorially recognized private or public post-secondary educational institution located in Canada, and who have completed at least two years towards the completion of their PhD and who are in good academic standing and who are not recipients of a Government of Canada award requiring them to return to their home country to apply their knowledge and skills. OR

Applications from foreign nationals who have completed a doctoral (PhD) program from a provincially or territorially recognized private or public post-secondary educational institution located in Canada no more than twelve months prior to the date their application is received by the CIO in Sydney, Nova Scotia. Applicants must not have received a Government of Canada award that required them to return to their home country to apply their knowledge and skills; or if they were a recipient of such an award, they must have satisfied the terms of the award.

Applicants who are eligible for processing are still assessed under the other requirements of the

FSW Program. Applicants must still meet minimal requirements and obtain the minimum pass mark in order to continue processing of their cases.

#### Annual limits

A maximum of 1,000 new FSW applications from international students pursuing PhD studies or recently who obtained a PhD at a Canadian institution will be considered for processing each year. This cap will be calculated over and above any other FSW caps on application intake identified in earlier Ministerial Instructions. Under the earlier Ministerial Instructions, FSW applicants who do not have arranged employment in Canada are limited to a total cap of 10,000 a year and a sub-cap of 500 per year for each of 29 specific occupations.

For the purpose of calculating this particular cap, this year will begin on November 5, 2011, and end on October 31, 2012. Subsequent cap years will begin on November 1 and end on October 31, unless otherwise indicated in a future Ministerial Instruction. Applications will be considered in order of the date they are received.

#### FSW applications received before November 5, 2011

MI-4 does not apply to complete applications received prior to November 5, 2011. All FSW applications received by the CIO prior to that date will continue to be considered for processing under the previous Ministerial Instructions

#### FSW applications received on or after November 5, 2011

The MI-4 applies to applications received at the CIO on or after November 5, 2011. The CIO will assess complete applications received on or after this date against the Ministerial Instructions to determine whether applicants are eligible for processing.

The CIO will make a final eligibility determination and those determined to be eligible will be placed into processing. Applications that receive a negative eligibility determination will not be processed and will receive a full refund of the processing fee. In the case of a negative determination, the application and documentation submitted will not be returned.

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