



# Blaneys on Immigration

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This newsletter is designed to highlight new issues of importance in immigration related law. We hope you will find it interesting, and welcome your comments.

Feel free to contact any of the lawyers who wrote or are quoted in these articles for more information, or call the head of our Immigration Law Group, Ian Epstein at 416.593.3915 or iepstein@blaney.com.

## IN THIS ISSUE:

CIC Announces Changes to the Canadian Experience Class  
Henry J. Chang

Canada Lifts Visa Requirement for the Czech Republic  
Henry J. Chang

*“Citizenship and Immigration Canada will now impose a total annual cap on the number of new [Canada Experience Class] applications that it accepts and ... change the timing of when language ability is assessed.”*

## CIC ANNOUNCES CHANGES TO THE CANADIAN EXPERIENCE CLASS

Henry J. Chang

### Introduction

On November 9, 2013, Citizenship and Immigration Minister, Chris Alexander, announced significant changes to the Canadian Experience Class (“CEC”). Citizenship and Immigration Canada (“CIC”) will now impose a total annual cap on the number of new CEC applications that it accepts and introduce limits on the number of applications that may be accepted in certain occupations. In addition, CIC will change the timing of when language ability is assessed.

### Total Annual Cap

For the period commencing on November 9, 2013, and ending on October 31, 2014, CIC will accept a maximum of 12,000 new CEC applications. However, it still intends to admit approximately 15,000 individuals (whose cases are currently being processed) as permanent residents under the CEC during 2014.

### Sub-Caps for Certain Occupations

As of November 9, 2013, CIC will impose sub-caps of 200 applications each for *National Occupational Classification* (“NOC”) Level Skill

Level B (usually requiring college education or apprenticeship training) occupations. NOC Skill Level 0 (management-level) and Skill Level A (usually requiring university education) occupations will not be subject to occupational sub-caps, but they will be subject to the total annual cap of 12,000 applications.

### Eliminated Occupations

As of November 9, 2013, the following six occupations will no longer be eligible under the CEC:

- a) Cooks (NOC code 6322);
- b) Food service supervisors (NOC 6311);
- c) Administrative officers (NOC 1221);
- d) Administrative assistants (NOC 1241);
- e) Accounting technicians and bookkeepers (NOC 1311); and
- f) Retail sales supervisors (NOC 6211).

CIC claims that it already has a large inventory of applications in these occupations and will continue processing them to a final decision.

### “Up Front” Assessment of Language Ability

CIC will maintain the same language criteria for CEC applicants but, as of November 9, 2013, it will now assess language ability during its initial review of the application. The current language



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requirements are Canadian Language Benchmark (“CLB”) 7 for NOC Skill Level 0 and Skill Level A occupations, and CLB 5 for NOC Skill Level B occupations. Applicants who do not have the required language proficiency will have their applications returned to them along with the processing fee. ■

## CANADA LIFTS VISA REQUIREMENT FOR THE CZECH REPUBLIC

Henry J. Chang

On November 14, 2013, Canada's Citizenship and Immigration Minister, Chris Alexander, announced that, effective immediately, Czech nationals will no longer require a temporary resident visa to visit Canada. Czech nationals can now stay in Canada for up to six months visa-free, which is consistent with all other visa exempt nationals. This reverses Canada's [previous decision](#) to impose visa requirements on Czech nationals, which came into effect on July 14, 2009.

At that time, Citizenship and Immigration Canada (“CIC”) justified its decision based on the fact that nearly 3,000 refugee claims had been filed by Czech nationals since the visa requirement was lifted in October 2007. In contrast, there were less than five such claims in 2006 when the visa requirement was still in place. At

the time that the visa requirement was reinstated in 2009, the Czech Republic was the second top source country for refugee claims.

CIC has stated that a recent visa policy review of the Czech Republic has revealed that it now meets the criteria for a visa exemption. Visa policy reviews are based on several criteria, including a country's immigration issues (such as violation rates and asylum claims), the integrity of a country's travel documents, safety and security issues, border management, human rights and bilateral relations.

CIC further justified its decision to lift the visa requirement by referring to recent changes in Canada's refugee system. In particular, claimants from the Czech Republic will be processed more quickly as it is a designated country of origin, and those whose claims are rejected will be removed from Canada within a few months. ■

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