



Blaneys on Immigration

EDITOR:

Henry J. Chang
416.597.4883
hchang@blaney.com

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.

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"[Citizenship and Immigration Canada] will narrow the definition of "dependent child" by reducing the age limit to children under the age of 19 and removing the exception for full-time students."

CIC ANNOUNCES PROPOSED CHANGES TO THE DEFINITION OF "DEPENDENT CHILDREN"

Henry J. Chang

Introduction

On May 10, 2013, Citizenship and Immigration Canada ("CIC") announced proposed regulatory amendments that will narrow the definition of "dependent child" by reducing the age limit to children under the age of 19 and removing the exception for full-time students. Once implemented, this proposed change will adversely affect the dependent children of all prospective immigrants to Canada.

Current Definition

According to Section 2 of the current *Immigration and Refugee Protection Regulations* (SOR/2002-227), the term "dependent child" means a child who:

- a) Has one of the following relationships with the parent: (i) is the biological child of the parent, if the child has not been adopted by a person other than the spouse or common-law partner of the parent; or (ii) is the adopted child of the parent; and
- b) Is in one of the following situations of dependency: (i) is less than 22 years of age and not a spouse or common-law partner; (ii) has depended substantially on the financial support of the parent since before the age of 22 — or if the child became a spouse or common-law partner before the age of 22, since becoming a spouse or common-law partner — and, since before the age of 22 or since becoming a spouse or common-law partner, as the case may be, has been a student continuously enrolled in and attending a post-secondary institution that is accredited by the relevant government authority and actively pursuing a course of academic, professional or vocational training on a full-time basis; or (iii) is 22 years of age or older and has depended substantially on the financial support of the parent since before the age of 22 and is unable to be financially self-supporting due to a physical or mental condition.

In other words, the current definition of "dependent child" includes the following:

- a) A child who is under 22 years of age and who is not a spouse or common law partner;
- b) A child who is 22 years of age or older if that person has depended on the financial support of the parent(s) and has attended school continuously as a full-time student since before the age of 22 (or, if

“...based on 2012 statistics, dependents under the age of 19 constituted 90% (64,757) of all sponsored children...”



Henry J. Chang is a partner in the firm's Immigration Law group. He is admitted to the practice of law in the Province of Ontario and the State of California. Henry is also an Executive Member of the Canadian Bar Association National Citizenship & Immigration Law Section. A recognized authority in the field of United States and Canadian immigration law, he lectures extensively on the subject in both the United States and Canada.

Henry may be reached directly at 416.597.4883 or hchang@blaney.com.

married or in a common-law relationship before that age, since becoming a spouse or common-law partner); and

- c) A child who is 22 years of age or older if that person has depended on the financial support of his or her parent(s) since before the age of 22 and is unable to support themselves financially due to a physical or mental condition.

CIC's Rationale for the Proposed Amendment

According to CIC, dependent children represent 30% of the overall immigrants admitted annually to Canada. It further states that, based on 2012 statistics, dependents under the age of 19 constituted 90% (64,757) of all sponsored children, while those 19 years of age and older constituted 10% (7,237) of all sponsored children.

CIC claims that older dependent children (those who arrive between the ages 19 and 21 years old) have lower economic outcomes than those who arrive in Canada at a younger age (between 15 and 18 years old). It also claims that older immigrants have a more challenging time fully integrating into the Canadian labour market and this is more evident for immigrants who are not selected based on their own merits (i.e. dependent children).

In addition, CIC claims that fraudulent school attendance documentation is prevalent in some countries and verification of attendance and enrolment can be labour-intensive.

Effect of the Proposed Amendment

Based on the above, CIC is proposing to limit the definition of “dependent children” to those under the age of 19. It is also proposing to eliminate the exception for full-time students. However, the exception for older dependents who are unable to support themselves due to a physical or mental condition will be continued.

In addition, the proposed amendments would alter the application fees for overage dependent children in permanent residence cases. Currently, overage dependent children (22 years old and over) are subject to the same processing fees as spouses and partners of principal applicants; the fee for these dependent children is \$550CAD while the fee for younger dependants (under 22 years old) is only \$150CAD.

Once the proposed amendment has been implemented, the only overage dependent children (19 years old and over) will be those who are financially dependent on their parents due to a physical or mental condition. As a result, proposed amendments will reduce the permanent residence application fee for these overage dependent children to \$150CAD, the same amount that is charged for dependent children under the age of 19.

The definition of “dependent child” contained in Section 2 of the *Immigration and Refugee Protection Regulations* also applies to dependents of temporary residents such as foreign workers and students. Although the

“The age of dependants is locked-in at the time the permanent resident application is received by CIC.”

announcement discusses the proposed amendment only in the context of permanent residence cases, at the present time it is uncertain whether CIC intends to also apply this definition in temporary resident cases.

Proposed Implementation

CIC is proposing an effective date of January 1, 2014, for the above amendment. For applicants who submit a sponsorship application and/or permanent resident application on or after this date, the proposed new definition for dependent child would apply. For applicants who submitted a permanent resident application prior to January 1, 2014, the current definition of dependent child would continue to apply.

Transitional provisions are also proposed for applicants who would already be in the immigration application process on January 1, 2014, but who may not yet have submitted the permanent resident portion of their immigration application. The transitional provisions would allow these persons to have their permanent resident applications, including their dependent children, finalized under the criteria in force at the time that their immigration applications were initiated.

The age of dependants is locked-in at the time the permanent resident application is received by CIC. In certain cases, applicants will have initiated their immigration process years before being in a position to submit an application for permanent residence. Given the processing for these groups of applicants, the transitional provisions would apply in the following cases:

- a) Live-in caregivers come to Canada first as temporary foreign workers, usually without their children. Most (98%) apply for permanent residence and expect to reunite with their children after having gained the required experience, years later.
- b) Refugees abroad and refugee claimants have been forced to flee persecution and have little control on the destination and timing of their migration. It may take years before they are granted protected person status and can file an application for permanent residence.
- c) Persons coming to Canada under Section 25.2 of the *Immigration and Refugee Protection Act* (i.e. public policy consideration) often experience refugee-like situations and may also have to wait some time, once selected under these policies, before being able to submit their permanent resident applications.

In some programs, two applications must be submitted: (a) a sponsorship application, and (b) a permanent resident application. In the past, these applications under the parents and grandparents and resettlement categories could be submitted separately (i.e. the permanent resident application would follow a positive assessment of the sponsorship application). In order to not penalize applicants who at the effective date of the amendment would not have submitted their permanent resident application, the transitional provisions would also extend to the following groups:

- a) Parents and grandparents for whom a sponsorship application alone was submitted before November 5, 2011, the date on which CIC put in place a temporary pause on the acceptance of new sponsorship applications under this category as part of its Action Plan for Faster Family Reunification.

“...starting on January 2, 2014, the Parent and Grandparent Program for Permanent Residence based on family sponsorship (“PGP”) will be re-opened and new applications for sponsorship will be received.”



Catherine Longo is a member of Blaney's Employment and Labour, Insurance Defence and Immigration Law Groups. Her practice includes labour, employment and human rights law. Catherine articulated with Blaney McMurtry in 2010-2011 and returned to the firm as an associate after her call to the Bar in 2011.

Before coming to Blaney's, Catherine was a member of the Correctional Law Project. She provided legal advice and representation to federal inmates at Penitentiary Disciplinary Court and National Parole Board hearings.

Catherine can be reached directly at 416.593.2998 or clongo@blaney.com.

- b) Refugees abroad for whom a sponsorship application alone was received before October 18, 2012. Prior to that date, the refugee's permanent resident application was received after CIC approved the sponsorship application.

In both cases, the permanent resident application which includes the application for the dependent child, would not have been submitted with the sponsorship application and may not have been received by CIC at the time of coming into force of the proposed new definition.

Conclusion

The proposed amendment to the definition of “dependent child” will be of significant concern for many potential immigrants, who may decide to not immigrate if their older dependent children cannot accompany them. It is expected that there will be considerable resistance to this proposed change during the next seven months. ■

CIC ANNOUNCES PARENT AND GRANDPARENT PROGRAM TO RE-OPEN IN 2014 WITH A HOST OF CHANGES

Catherine Longo and Simon Reis

Introduction and Background

On May 10, 2013, Citizenship and Immigration Minister Jason Kenney announced that, starting on January 2, 2014, the Parent and Grandparent Program for Permanent Residence based on family sponsorship (“PGP”) will be re-opened and new applications for sponsorship will be received. The government has set out several important changes to the program through the proposed amendments to the *Immigration and Refugee Protection Regulations*, pre-published in the Canada Gazette. These changes are set out in greater detail below.

On November 5, 2011, Citizenship and Immigration Canada (“CIC”) launched Phase I of the *Action Plan for Faster Family Reunification*, putting a two-year temporary pause on the PGP to address the issue of growing backlog and excessive wait-times. The re-opening of the PGP represents Phase II.

The PGP allows Canadian citizens and permanent residents who are 18 years of age and older to sponsor their parents and grandparents for permanent residence. During the previous decade, the number of applications on the wait-list ballooned to 160,000 with an eight year processing time. When the PGP re-opens, the Government of Canada expects the backlog to be reduced by 50% with a three and a half year wait period, and down to 43,000 applications with a one and a half year wait period by 2015.

New Qualifying Criteria for Sponsorship

(a) The Minimum Necessary Income (“MNI”) For Sponsors is Increased By 30%

The MNI required for sponsorship was previously equal to the low income cut-off (“LICO”), established annually by Statistics Canada; LICO is an income threshold below which a family will likely devote a

“Sponsors are now required to support their sponsored family members for 20 years.”

larger share of its income on the necessities of food, shelter and clothing than the average family. MNI is calculated based on the number of people that the applicant for sponsorship currently supports (those currently in Canada) and would be supporting if the application was granted (ie. sponsored parents, grandparents and their accompanying family members).

When the PGP re-opens on January 2, 2014, the MNI required for sponsorship will be the LICO *plus 30%*. For example, under the previous criteria a husband and wife sponsoring the wife’s parents would need an MNI of \$42,000. Now, the threshold is \$55,000.

This increase is intended to ensure that sponsors have the financial resources necessary to support their sponsored family members. During his press conference on May 10, Minister Kenney noted that growing numbers of sponsored seniors were accessing social assistance benefits immediately after the sponsorship period ended, including 25% of sponsored seniors accessing welfare and increasing numbers accessing social housing.

(b) The Period For Maintaining MNI is Increased From One Year to Three Years

Under the new regulations, applicants for sponsorship must meet the MNI for three consecutive tax years prior to submitting an application. Again, this change is intended to ensure that sponsors are financially stable and have sufficient resources to provide for the basic needs of their sponsored family members.

(c) Evidence of MNI Submitted By Applicants For sponsorship is Confined to Documents Issued By the Canada Revenue Agency (“CRA”)

When the PGP re-opens, only CRA documents (ie. Notices of Assessment) may be used to demonstrate MNI. This restriction is intended to speed up application processing times, facilitate the assessment of applicants’ financial stability, and better protect against fraudulent applications. It is also intended to act as a tool to verify that sponsors are contributing to the public services that their sponsored family members are likely to use.

(d) The Sponsorship Undertaking Period is Increased From 10 years to 20 years

Sponsors are now required to support their sponsored family members for 20 years. If a sponsored family member and/or accompanying family member receives social assistance benefits during that 20 year period, the sponsor (or co-signer if applicable) is required to repay that amount to the government. This includes health care costs not covered by provincial health care (ie. eye care, dental care, mobility aids). The stated purpose of the increase is to decrease the number of sponsored family members accessing social assistance and alleviate the corresponding burden on taxpayers.

(e) Accompanying Dependents Must Now Be 18 Years of Age or Younger

Under the new regulations, accompanying family members of sponsored immigrants who are 19 years of age or older will no longer qualify as “dependent children.” Therefore, subject to one exception discussed below, a 19 year old who is not a sponsored family member may immigrate to Canada only as an independently sponsored immigrant, not as the dependent child of a sponsored parent or grandparent.

Simon Reis is currently a Summer Student at Blaney McMurtry LLP. He has experience with a variety of matters involving immigration, insurance coverage and defence, as well as other litigation related issues. Throughout his tenure, Simon plans to gain exposure to a variety of different practice areas.

Simon is a law student at Western University and will be entering his third year this September.

“The new [Federal Skilled Worker Program] began accepting applications on May 4, 2013.”

The definition of “dependent child” currently includes children younger than 22 years of age. According to CIC, this change in the definition of dependent child was based on the fact that younger immigrants are better able to integrate both socially and economically into Canadian society.

The current exception for overage children who have been financially dependent on their sponsored parents since age 22, pursuing full-time post-secondary studies, will be eliminated. However, the exception for overage children who are financially reliant on the sponsored family members because of a mental or physical disability will continue.

It should be noted that this change will apply to all immigration programs, not just the PGP. However, the effective date of this change will be January 1, 2014, which immediately precedes the date that the PGP begins accepting new applications for parents and grandparents.

Restrictions

The CIC has committed to admitting 25,000 eligible sponsored family members (from applications submitted before the temporary pause in November 2011) for each of 2014 and 2015. However, new applications accepted under the PGP will be capped at 5,000 in 2014; this will allow CIC to continue working through the remaining application backlog.

Applications received before the temporary pause in November 2011 will be assessed based on the regulations that were in force at that time. Applications received from January 2, 2014 onwards will be subject to the new regulations.

Super-Visa Program

Minister Kenney also announced that the super-visa, introduced concurrently with the temporary pause on the PGP, will become a permanent immigration vehicle. The super-visa is a 10-year multiple-entry visa that allows the parent or grandparent visa holder to remain in Canada for up to two years at a time. Over 15,000 super-visas have been issued since the program’s launch. ■

CANADA BEGINS ACCEPTING APPLICATIONS UNDER THE NEW FEDERAL SKILLED WORKER PROGRAM

Henry J. Chang

Background

On July 1, 2012, Citizenship and Immigration Canada (“CIC”) imposed a “temporary pause” on the acceptance of new Federal Skilled Worker Program (“FSWP”) applications, except for arranged employment and Ph.D. stream cases. The reasons given for this temporary pause were to allow CIC to manage inventory pressures and to align future intake with the implementation of proposed regulatory changes to the Federal Skilled Worker Class. The new FSWP began accepting applications on May 4, 2013.

“The Federal Skilled Worker Class includes persons who are skilled workers and who may become permanent residents on the basis of their ability to become economically established in Canada...”

The Federal Skilled Worker Class Defined

The Federal Skilled Worker Class includes persons who are skilled workers and who may become permanent residents on the basis of their ability to become economically established in Canada and who intend to reside in a province other than the province of Quebec. A foreign national is a skilled worker if:

- a) Within the 10 years before the date on which their application for a permanent resident visa is made, they have accumulated, over a continuous period, at least one year of full-time work experience, or the equivalent in part-time work, in the occupation identified by the foreign national in their application as their primary occupation, other than a restricted occupation, that is listed in Skill Type 0 or Skill Level A or B of the *National Occupational Classification* ("NOC")
- b) During that period of employment they performed the actions described in the lead statement for the occupation as set out in the occupational descriptions of the NOC;
- c) During that period of employment they performed a substantial number of the main duties of the occupation as set out in the occupational descriptions of the NOC, including all of the essential duties; and
- d) They have submitted the results of an evaluation of their proficiency in either English or French indicating that they have met or exceeded the language proficiency threshold set by the Minister for each of the four language skill areas. The evaluation results must have been issued by an organization or institution designated under R74(3) and must be less than two years old on the date on which their application is made; and
- e) They have submitted one of the following:
 - 1) Their completed Canadian educational credential; or
 - 2) Their completed foreign diploma, certificate or credential and its equivalency assessment;

which must have been issued by an organization or institution designated under R75(4) and must be less than five years old on the date on which their application is made.

On January 31, 2012, Human Resources and Skills Development Canada ("HRSDC") and Statistics Canada replaced the 2006 edition of the NOC with the 2011 edition. Applications received in the Federal Skilled Worker Class on or after May 4, 2013 are to be assessed against the 2011 edition of the NOC.

The Ph.D. Stream

An applicant who qualifies under the Ph.D. stream may apply under the FSWP even if they do not have arranged employment and are not on the list of eligible occupations. To qualify under the Ph.D. stream, applicants must be either:

- a) An international student enrolled in a Ph.D. program in Canada who:
 - 1) Has finished at least two years of study toward a Ph.D.;

“Ph.D. applicants are subject to the same selection criteria as any other FSWP applicant...”

- 2) Is in good academic standing at the time they apply; and
- 3) Did not receive an award that requires them to return to their home country to apply their knowledge and skills; or
- b) A graduate of a Ph.D. program in Canada who:
 - 1) Graduated no more than 12 months before the date that CIC received the application; and
 - 2) Did not receive an award which required them to return to their home country to apply their knowledge and skills (or did, but has already met the terms of the award).

Ph.D. applicants are subject to the same selection criteria as any other FSWP applicant, including minimum language thresholds, having either a completed Canadian educational credential or a completed foreign credential with a credential assessment, and work experience requirements (i.e. one year of continuous full-time paid experience in a single NOC 0, A or B occupation). No more than 1,000 Ph.D. stream applications will be accepted each year.

Eligible Occupations and Numerical Limits

Applicants who do not have arranged employment and who do not qualify under the Ph.D. stream will require at least one year of continuous full-time work experience in one of the listed eligible occupations. Applicants who possess this work experience may apply without a job offer.

The eligible occupations stream will have an overall cap of 5,000 new applications and sub-caps of 300 applications in each of the 24 occupations on the list. The list of eligible occupations, with each corresponding 2011 NOC code, is as follows:

- a) 0211 Engineering managers
- b) 1112 Financial and investment analysts
- c) 2113 Geoscientists and oceanographers
- d) 2131 Civil engineers
- e) 2132 Mechanical engineers
- f) 2134 Chemical engineers
- g) 2143 Mining engineers
- h) 2144 Geological engineers
- i) 2145 Petroleum engineers
- j) 2146 Aerospace engineers
- k) 2147 Computer engineers (except software engineers/designers)
- l) 2154 Land surveyors
- m) 2174 Computer programmers and interactive media developers

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“...the applicant must have accumulated at least one year of continuous full-time paid work experience, or the equivalent in continuous paid part-time work experience, in the occupation identified in their application...”

- n) 2243 Industrial instrument technicians and mechanics
- o) 2263 Inspectors in public and environmental health and occupational health and safety
- p) 3141 Audiologists and speech-language pathologists
- q) 3142 Physiotherapists
- r) 3143 Occupational Therapists
- s) 3211 Medical laboratory technologists
- t) 3212 Medical laboratory technicians and pathologists' assistants
- u) 3214 Respiratory therapists, clinical perfusionists and cardiopulmonary technologists
- v) 3215 Medical radiation technologists
- w) 3216 Medical sonographers
- x) 3217 Cardiology technicians and electrophysiological diagnostic technologists, n.e.c. (not elsewhere classified)

Minimum Work Experience Required

Pursuant to R75(2)(a), the applicant must have accumulated at least one year of continuous full-time paid work experience, or the equivalent in continuous paid part-time work experience, in the occupation identified in their application for permanent residence as their primary occupation, that is listed in Skill Type 0 (Managerial occupations), Skill Level A (Professional occupations) or B (Technical occupations and skilled trades) of NOC 2011. In order to meet the minimum requirements, the applicant's skilled work experience must:

- a) Have occurred within the 10 years preceding the date of their application for permanent residence; and
- b) Not be in an occupation that has been designated as a restricted occupation (no occupations are currently designated as restricted).

In addition, during that period of employment, the applicant must have:

- a) Performed the actions described in the lead statement for the occupation as set out in the occupational description of the NOC; and
- b) Performed a substantial number of the main duties, including all of the essential duties, of the occupation as set out in the occupational description of the NOC.

Immigration officers will award the applicant up to a maximum of 15 points for work experience as follows:

Number of Years of Work Experience	1 Year	2-3 Years	4-5 Years	6 or More Years
Points	9	11	13	15

“Applicants must demonstrate that they meet or exceed the threshold(s) set by the Minister for proficiency in either English or French...”

Minimum Language Proficiency Requirement

Applicants must demonstrate that they meet or exceed the threshold(s) set by the Minister for proficiency in either English or French for each of the four language skill areas (reading, writing, speaking and listening). Applicants must demonstrate that they meet the required level of language proficiency in all four language skill areas by submitting the results of an English or French language test from a designated testing organization with their application. Language test results must not be more than two years old at the time of application receipt and are considered conclusive evidence of an applicant’s language proficiency. No other written evidence may be considered.

To obtain points for the first official language, applicants must currently meet the minimum level of CLB 7 for the first official language, in all four language areas. To obtain points for the second official language, applicants must meet the minimum level of CLB 5, in all four language areas.

Approved English Tests

IELTS: International English Language Testing System

IELTS has two options for the reading and writing tests: “General Training” and “Academic.” Applicants must take the “General Training” option.

First Official Language (Maximum 24 points)

CLB Level	IELTS Test Results for Each Ability				Points (Per Ability)
	Speaking	Listening	Reading	Writing	
7	6.0	6.0	6.0	6.0	4
8	6.5	7.5	6.5	6.5	5
9 and above	7.0-9.0	8.0-9.0	7.0-9.0	7.0-9.0	6

Second Official Language (4 points if the applicant meets the minimum threshold in each of the four language abilities)

CLB Level	IELTS Test Results for Each Ability				Points (Total)
	Speaking	Listening	Reading	Writing	
5 or above	5.0-9.0	5.0-9.0	4.0-9.0	5.0-9.0	4

CELPIP: Canadian English Language Proficiency Index Program

CELPIP has three tests: “CELPIP-General (CELPIP-G),” “CELPIP-General LS (CELPIP-General LS),” and “CELPIP-Academic (CELPIP-A).” Applicants must take the “CELPIP-G” test.

“Applicants must demonstrate that they meet the required level of language proficiency in all four language skill areas...”

First Official Language (Maximum 24 points)

CLB Level	CELPIP Test Results for Each Ability				Points (Per Ability)
	Speaking	Listening	Reading	Writing	
7	4L	4L	4L	4L	4
8	4H	4H	4H	4H	5
9	5L	5L	5L	5L	6
10 and above	5H	5H	5H	5H	6

Note: CELPIP test results for tests written before May 3, 2013 will have these scores for CLB levels 9 and 10:

CLB Level	CELPIP Test Results for Each Ability				Points (Per Ability)
	Speaking	Listening	Reading	Writing	
9 and above	5	5	5	5	6

Second Official Language (4 points if the applicant meets the minimum threshold in all four language abilities)

CLB Level	CELPIP Test Results for Each Ability				Points (Total)
	Speaking	Listening	Reading	Writing	
5 and above	3L	3L	3L	3L	4
	3H	3H	3H	3H	
	4L	4L	4L	4L	
	4H	4H	4H	4H	
	5L	5L	5L	5L	
	5H	5H	5H	5H	

Approved French Test

TEF: Test D'Évaluation De Français

Applicants must submit results from the following TEF tests as proof of their French language proficiency:

- a) Reading;
- b) Listening;

“The purpose of the [Educational Credential Assessment] is to determine whether the applicant’s foreign educational credential is authentic and equivalent to a completed credential in Canada.”

- c) Writing; and
- d) Speaking.

First Official Language (Maximum 24 points)

CLB Level	TEF Test Results for Each Ability				Points (Per Ability)
	Speaking	Listening	Reading	Writing	
7	309-348	248-279	206-232	309-348	4
8	349-371	280-297	233-247	349-371	5
9 or above	372+	298+	248+	372+	6

Second Official Language (4 points if an applicant meets the minimum threshold in each of the four language abilities)

CLB Level	TEF Test Results for Each Ability				Points (Total)
	Speaking	Listening	Reading	Writing	
5 and above	225-372+	180-298+	150-248+	225-372+	4

Educational Credential Assessment (“ECA”)

To be awarded points for education, the applicant must provide evidence that they have earned a Canadian secondary or post-secondary educational credential AND/OR submit their completed foreign educational credential and the equivalency assessment (ECA report) issued by a designated organization or institution. The ECA report must indicate an equivalency to a completed Canadian secondary or post-secondary educational credential.

The purpose of the ECA is to determine whether the applicant’s foreign educational credential is authentic and equivalent to a completed credential in Canada. Applicants who have Canadian educational credentials do not need an ECA, unless they are also submitting a foreign educational credential in support of their application.

As of April 17, 2013, four organizations have been designated by the Immigration Minister to provide ECA reports for purposes of immigrating to Canada under the new FSWP. Additional organizations may be designated by CIC in the future. The designated organizations are:

- a) Comparative Education Service: University of Toronto School of Continuing Studies;
- b) International Credential Assessment Service of Canada;
- c) World Education Services; and,
- d) Medical Council of Canada.

“An ECA report will be valid for immigration purposes for 5 years from the date that it was issued by the designated organization.”

The Medical Council of Canada has been designated only for those principal applicants who intend to apply with specialist physician (NOC Code 3111) or general practitioner/family physician (NOC Code 3112) as their primary occupation in their FSWP application.

CIC will only accept ECA reports issued after the date the organization was designated by CIC to provide ECA reports for immigration purposes (April 17, 2013). An ECA report will be valid for immigration purposes for 5 years from the date that it was issued by the designated organization.

Up to a maximum of 25 educational credential points may be awarded and will be allocated as follows:

Educational Credential	Points
University-level credential at the Doctoral level.	25
University-level credential at the Master's level OR an entry-to-practice professional degree. CIC only accepts as an entry-to-practice professional degree, those degrees issued in relation to an occupation listed at NOC Skill level A and for which licensing by a provincial regulatory body is required, in one of the following fields of study: Medicine; Veterinary Medicine; Dentistry; Podiatry; Optometry; Law; Chiropractic Medicine; and Pharmacy.	23
Two or more post-secondary program credentials AND at least one of these credentials was issued on completion of a post-secondary program of three years or longer.	22
Post-secondary program credential of three years or longer.	21
Two-year post-secondary program credential.	19
One-year post-secondary program credential.	15
Secondary school (high school) credential.	5

“The requirements to be awarded points for a valid offer of employment depend on the applicant’s circumstances...”

Age

Immigration officers may award the applicant up to a maximum of 12 points for their age (on the date their application):

Age	Points
18 to 35 years of age	12
36 years of age	11
37 years of age	10
38 years of age	9
39 years of age	8
40 years of age	7
41 years of age	6
42 years of age	5
43 years of age	4
44 years of age	3
45 years of age	2
46 years of age	1
Under 18 of age or 47 years of age or older	0

Arranged Employment

Up to 10 points will be awarded to an applicant for arranged employment if he or she is able to perform and are likely to accept and carry out the employment and meet the requirements for a valid offer of employment. The requirements to be awarded points for a valid offer of employment depend on the applicant’s circumstances, and are summarized in the following table.

“...the applicant must hold a valid work permit or be authorized to work in Canada...”

If the applicant...	And...	Points
<p>Is currently working in Canada on a work permit that was issued based on a positive Labour Market Opinion ("LMO") from HRSDC with respect to employment in an occupation listed in Skill Type 0, Skill Level A or B of the NOC</p>	<ul style="list-style-type: none"> • The work permit is valid at the time the application for permanent residence is made; • The applicant is currently working for an employer specified on the work permit; and • The current employer has made an offer to employ the applicant on a full-time, non-seasonal, indeterminate basis in a NOC 2011 Skill Type 0, Skill Level A or B occupation in Canada once a permanent resident visa, if any, is issued. <p>Note: the applicant must hold a valid work permit or be authorized to work in Canada under R186, at the time the permanent resident visa (if any) is issued.</p>	10
<p>Is currently working in Canada on a work permit that was issued:</p> <ul style="list-style-type: none"> • In an LMO exempt category under the North America Free Trade Agreement, the General Agreement on Trade and Services, or the Canada-Chile Free Trade Agreement (i.e. pursuant to R204(a)); or • In respect of a Canada-Provincial/Territorial agreement (i.e. pursuant to R204(c)). 	<ul style="list-style-type: none"> • The work permit is valid at the time the application for permanent residence is made; • The applicant is currently working for an employer specified on the work permit; and • The current employer has made an offer to employ the applicant on a full-time, non-seasonal, indeterminate basis in a NOC 2011 Skill Type 0, Skill Level A or B occupation in Canada once a permanent resident visa, if any, is issued. <p>Note: the applicant must hold a valid work permit or be authorized to work in Canada under R186, at the time the permanent resident visa (if any) is issued.</p>	10
<p>Does not hold a valid work permit and is not authorized to work in Canada under R186 on the date the application for permanent residence is made</p>	<ul style="list-style-type: none"> • A prospective employer has made an offer to employ the applicant on a full-time, non-seasonal, indeterminate basis in a NOC 2011 Skill Type 0, Skill Level A or B occupation in Canada if the permanent resident visa, if any, is issued; and • The offer of employment has been approved by an officer based on a positive LMO. 	10
<p>Holds a valid work permit or is authorized to work in Canada under R186 and:</p> <ul style="list-style-type: none"> • The circumstances referred to in R82(2)(a)(ii) and (iii) and R82(2)(b) do not apply - for example, the applicant has an offer of employment from an employer other than the one for whom they are currently working, or they are currently working in a job in an LMO exempt category other than those outlined in R82(2)(b) - for example, the applicant currently holds an open work permit. 	<ul style="list-style-type: none"> • The work permit or authorization to work under R186 is valid at the time the application for permanent residence is made; • A prospective employer has made an offer to employ the applicant on a full-time, non-seasonal, indeterminate basis in a NOC 2011 Skill Type 0, Skill Level A or B occupation in Canada if the permanent resident visa, if any, is issued; • The offer of employment has been approved by an officer based on a positive HRSDC LMO. <p>Note: the applicant must hold a valid work permit or be authorized to work in Canada under R186, at the time the permanent resident visa (if any) is issued.</p>	10

“No points shall be awarded for arranged employment if the employer making the offer is an embassy, high commission or consulate in Canada or appears on the published list of banned employers...”

No points shall be awarded for arranged employment if the employer making the offer is an embassy, high commission or consulate in Canada or appears on the published list of banned employers (who have previously been found to have violated the temporary foreign worker program).

Adaptability

Immigration officers will award the applicant up to a maximum of 10 points for adaptability as follows:

Adaptability Criteria	Points
<p>Language proficiency (accompanying spouse or common-law partner)</p> <p>Award five points if the accompanying spouse or common-law partner, other than a permanent resident residing in Canada or a Canadian citizen, has a level of proficiency in either official language at CLB 4 level or higher in all four language skill areas (speaking, listening, reading and writing).</p> <p>To be eligible for points, the principal applicant must provide original language test results for their accompanying spouse or common-law partner from a designated testing agency that are no more than two years old at the time of application to the CIO.</p> <p>CLB 4 test results for each designated testing agency are as follows:</p> <ul style="list-style-type: none"> • CELPIP = 2H for each language ability • IELTS = 4.0 (Speaking), 4.5 (Listening), 3.5 (Reading), 4.0 (Writing) • TEF = 181 (Speaking), 145 (Listening), 121 (Reading), 181 (Writing) 	5
<p>Previous study in Canada (principal applicant)</p> <p>Award five points if the principal applicant completed at least two academic years of full-time study (in a program of at least two years in duration) at a secondary or post-secondary institution in Canada.</p> <p>To be eligible for points, the principal applicant must have remained in good academic standing (as defined by the institution) during the period of full-time study in Canada. The applicant is not required to have obtained an educational credential for completing a program in Canada; they simply must have completed at least two years of study in a program of at least two years in duration.</p>	5
<p>Previous study in Canada (accompanying spouse or common-law partner)</p> <p>Award five points if the accompanying spouse or common-law partner, other than a permanent resident residing in Canada or a Canadian citizen, completed at least two academic years of full-time study (in a program of at least two years in duration) at a secondary or postsecondary institution in Canada.</p> <p>To be eligible for points, the accompanying spouse or common-law partner must have remained in good academic standing (as defined by the institution) during the period of full-time study in Canada. The spouse or common-law partner is not required to have obtained an educational credential for completing a program in Canada; they simply must have.</p>	5
<p>Previous work in Canada (principal applicant)</p> <p>Award ten points if the principal applicant completed at least one year of full-time work in Canada authorized under a work permit or under R186 in an occupation that is listed in Skill Type 0 (Managerial occupations), Skill Level A (Professional occupations) or B (Technical occupations and skilled trades) of the NOC.</p>	10
<p>Previous work in Canada (accompanying spouse or common-law partner)</p> <p>Award five points if the accompanying spouse or common-law partner, other than a Canadian citizen or permanent resident residing in Canada, completed at least one year of full-time work in Canada authorized under a work permit or under R186.</p>	5

Adaptability Criteria (continued...)	Points
<p>Relatives in Canada</p> <p>Award five points if the principal applicant or accompanying spouse or common-law partner has a relative (parent, grandparent, child, grandchild, sibling, aunt/uncle, or niece/nephew) who is 18 years of age or older as of the date of application and who is a Canadian citizen or permanent resident residing in Canada.</p> <p>Note: points for relatives in Canada may be awarded only once - either to the principal applicant or the accompanying spouse or common-law partner, but not to both.</p>	5
<p>Arranged employment (principal applicant only)</p> <p>Award five points if the principal applicant has been awarded points for arranged employment in Canada under R82(2).</p>	5

Settlement Funds

In addition to the selection criteria, the applicant must also have sufficient funds available to support their settlement in Canada pursuant to R76(1)(b)(i). However, applicants are not required to have settlement funds if the applicant is authorized to work in Canada and has been awarded points for arranged employment in Canada. The funds must be:

- Available and transferable; and
- Unencumbered by debts or other obligations.

Immigration officers must be satisfied that the applicant has at their disposal, with sufficient liquidity, and with the ability to transfer those assets, the necessary threshold of funds to support their establishment in Canada on arrival. The amount of funds is assessed according to the applicant's family size, using 50% of the current Low-Income Cut-off ("LICO") from Statistics Canada for urban areas with populations of 500,000 or more.

Minimum Points for Eligibility and Substituted Evaluation

Applicants must have a minimum of 67 points of an assessment to qualify under the FSWP. However, if the selection criteria described above are not considered sufficient indicators of whether the foreign national will become economically established in Canada, an immigration officer has the discretion to substitute his or her own evaluation and approve the application. Substituted evaluation is to be considered on a case-by-case basis. ■

EXPECT THE BEST

**Blaney
McMurtry**
BARRISTERS & SOLICITORS LLP

2 Queen St. East, Suite 1500
Toronto, Canada M5C 3G5
416.593.1221 TEL
416.593.5437 FAX
www.blaney.com

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