

Blaney McMurtry LLP

IMG ***Immigration Issues***

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Please be advised that the information on these slides is not intended as legal advice. Individuals are advised to contact their own Immigration Law lawyer to obtain advice regarding their own circumstances and situation.

**Becoming a Permanent Resident abroad and
before beginning the licensing process**

**Ways of Immigrating to Canada as a
Permanent Resident**

- **Skilled Worker**
- **Family Sponsorship**



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**Becoming a Permanent Resident from abroad
and before beginning the licensing process**

Who Can Apply – Skilled Workers

- **A skilled worker, under a designated list, including specialist physicians and general practitioners and family physicians.**
- **With 1 year experience in that profession during last 10 years.**



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Becoming a Permanent Resident from abroad and before beginning the licensing process

Who Can Apply – Skilled Workers

An application is processed according to 6 factors:

- Education
- Abilities in English and/or French
- Work experience
- Age
- Whether you have arranged employment
- Adaptability (including relatives in Canada, previous study or work experience in Canada etc.)

You must show that you have enough money to support yourself and your dependants after you arrive in Canada.

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Becoming a Permanent Resident from abroad and before beginning the licensing process

How to Apply – Skilled Worker

- Individuals *with* arranged employment submit their application to the visa office of your country of residency.
- The visa office is the Canadian embassy, high commission or consulate responsible for your region of residency.

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Becoming a Permanent Resident from abroad and before beginning the licensing process

How to Apply – Skilled Worker

- Individuals *without* arranged employment submit their application to Sydney, Nova Scotia (Canada). A letter then advises whether or not the application will be further assessed by a visa office.
- There are application fees which are non-refundable but there is a right of permanent residency fee which is refundable .

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Becoming a Permanent Resident abroad and before beginning the licensing process

Family Sponsorship

- A Canadian citizen or permanent resident may sponsor:
 - her or his spouse, common-law partner or conjugal partner,
 - dependent children
- You promise to support them financially and meet certain income requirements.
- You can apply as a sponsor if they live with you in Canada, even if they do not have legal status in Canada.
- All other requirements must be met.



Becoming a Permanent Resident abroad and before beginning the licensing process

Family Sponsorship

- You can sponsor other eligible relatives:
 - Parents;
 - Grandparents;
 - brothers or sisters, nephews or nieces, grandchildren who are orphaned, under 18 years old and not married or in a common-law relationship;
 - another relative of any age or relationship if none of the above relatives could be sponsored, and you have no other relatives who are Canadian citizens, persons registered as Indians under the *Indian Act* or permanent residents; and
 - accompanying relatives of the above (for example, spouse, partner and dependent children).

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Becoming a Permanent Resident abroad and before beginning the licensing process

Family Sponsorship

- You cannot sponsor other relatives, such as brothers and sisters over 18, or adult independent children
- But, if they apply to immigrate under the Skilled Worker Class, they may get extra points for adaptability because they have a relative in Canada.

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Becoming a Permanent Resident from abroad and before beginning the licensing process

Process of “landing”

- Arrive at Canadian Port of Entry.
- Need a valid passport and/or travel documents, valid permanent resident visa, and Confirmation of Permanent Residence (COPR), Proof of sufficient funds to support yourself and your family in Canada.
- Permanent resident card will be mailed address you advise the border officer at the Port of Entry.

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Becoming a Permanent Resident abroad and before beginning the licensing process

General Immigration Issues

- All permanent residence applicants must go through medical, criminal and background screening.
- After being a permanent resident for 3 years you can apply to become a Canadian citizen, assuming residency requirements are met.
- Advantages to being a Canadian citizen include:
 - Ability to vote
 - Ability to sit on Boards of Directors
 - Citizenship cannot be taken away



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**Coming to Canada and starting the
licensing process before becoming a
Permanent Resident**

**Working in Canada Generally: non-Permanent
Resident or non-Canadian Citizen**

- Must have a work permit before working in Canada.
- No work permit needed once become permanent resident
- Usually 5 years before Citizenship and Immigration Canada expects you to apply for permanent residency.
- May require a Temporary Resident Visa - application at Canadian embassy or consulate before coming to Canada.

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**Coming to Canada and starting the
licensing process before becoming a
Permanent Resident**

**Credentials Assessment in Ontario – Before
Admission to Residency Program**

***Assessment by Center for Evaluation of Health
Professionals Educated Abroad (“CEHPEA”)***

- Assessment by CEHPEA requires Canadian citizenship, permanent residency, or letter that you intend to immigrate to Canada.

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**Coming to Canada and starting the
licensing process before becoming a
Permanent Resident**

**Immigration Status Requirements During the
Medical Licensure Process**

Medical Residency Program in Ontario

- Licensure through a medical residency program as assessed by CEHPEA (PGY1, PG2, PRA) requires Canadian citizenship, permanent residency or a work permit.
- But entry via Canadian Residency Matching Services must be permanent resident or Canadian citizen.

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**Coming to Canada and starting the
licensing process before becoming a
Permanent Resident**

**Immigration Status Requirements During the
Medical Licensure Process**

Work Permit for Medical Residency in Ontario

- Once accepted to a medical residency program, the University requests approval from Ministry of Health and Long-Term Care.
- The Ministry of Health and Long-Term Care will approve and notify Human Resources and Skills Development Canada of the applicant.

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**Coming to Canada and starting the
licensing process before becoming a
Permanent Resident**

**Immigration Status Requirements During the
Medical Licensure Process**

***Work Permit for Medical Residency in Ontario
(cont'd)***

- Human Resources and Skills Development Canada issues a Labour Market Opinion (“LMO”) that position is appropriate for a foreign worker.
- The University then issues the medical resident a Confirmation of Offer of Employment Letter, this is different from the Letter of Appointment offering you a medical residency position.

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**Coming to Canada and starting the
licensing process before becoming a
Permanent Resident**

**Immigration Status Requirements During the
Medical Licensure Process**

***Work Permit for Medical Residency in Ontario
(cont'd)***

- The medical resident takes the Offer of Employment Letter and a copy of the Labour Market Opinion and applies for a work permit.
- If the medical resident is from a visa exempt country he can apply for work permit at a Port of Entry (airport/border crossing). Work permit is issued on the spot.

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Coming to Canada and starting the licensing process before becoming a Permanent Resident

Immigration Status Requirements During the Medical Licensure Process

Work Permit for Medical Residency in Ontario (cont'd)

- If the medical resident is from visa bearing country he must apply for work permit through a visa post abroad and the visa post will issue an approval letter.
- The resident takes the visa approval letter together with his Offer of Employment letter and copy of LMO and presents it to the immigration officer at the Port of Entry.
- Officer will issue the work permit on the spot.
- The medical resident must present the official work permit to their school.

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Coming to Canada and starting the licensing process before becoming a Permanent Resident

Immigration Status Requirements During the Medical Licensure Process

Post-Graduate Education Certificate with College of Physicians and Surgeons of Ontario

- Post-graduate education certificate, licence to practice within the medical residency program, the College of Physicians and Surgeons of Ontario requires:
 - be a Canadian citizen; or
 - be a permanent resident; or
 - have a valid work permit.



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Coming to Canada and starting the licensing process before becoming a Permanent Resident

Immigration Status Requirements During the Medical Licensure Process

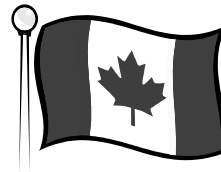
Certificate of Independent Practice with College of Physicians and Surgeons of Ontario

- Independent certification of practice with College of Physicians and Surgeons of Ontario requires a Canadian citizen or permanent resident.
- CPSO policy - if meet all other requirements then the physician can apply to have that requirement waived but would still need a work permit.

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Becoming a Permanent Resident while going through licensing process

- Skilled worker – same as if applying from outside Canada
- Canadian Experience Program
- Provincial Nominee Program



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Becoming a Permanent Resident while going through licensing process

Canadian Experience Program **– Foreign Worker Stream**

- **Canadian Experience Program - new way to permanent residency came into effect September 19, 2008.**
- **Must be temporary foreign worker with at least 2 years of full-time skilled work experience in Canada**
 - includes work as speciality physicians and general practitioners and family physicians.

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Becoming a Permanent Resident while going through licensing process

Canadian Experience Program **–Foreign Worker Stream**

- **If medical residency training program is at least 2 years, this experience will count as 2 years of full-time skilled work experience in Canada.**
- **Once worked 2 years of residency program, can apply under the Canadian Experience Class for permanent residency.**

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Becoming a Permanent Resident while going through licensing process

Canadian Experience Program **– Foreign Worker Stream**

- CEC also open to foreign students who graduate from a Canadian post-secondary school after at least 2 years of school and have Canadian work experience for at least 1 year in a position with NOC code “O”, “A” or “B” (student stream).



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Becoming a Permanent Resident while going through licensing process

Canadian Experience Program - Foreign Worker Stream

- Application assessed on work experience and ability in French and/or English.
- Language test is International English Language Testing System (English) or Test d'évaluation de français (French)
- Score for physicians - Canadian Language Benchmark 7 in each Reading, Writing, Listening and Speaking.
- Pass/fail application, not points based.
- Application sent to the Canadian consulate in Buffalo₂₆

Becoming a Permanent Resident while going through licensing process

Ontario Provincial Nominee Programs (“Ontario PNP”)

- Ontario PNP application is available to general practitioners, family physicians and specialist doctors under the Employer Category of the Ontario PNP.
- To be eligible employer (hospital, clinic, etc.) must have been in business for 3 years or more, have at least 5 employees (GTA) or 3 employees (outside GTA) and financial revenues of \$1 million (GTA) or \$500,000 (outside GTA).

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Becoming a Permanent Resident while going through licensing process

Ontario Provincial Nominee Programs (“Ontario PNP”)

- Medical Resident asks full-time employer (i.e. hospital hired with Return of Service Agreement, not the medical residency employer) to initiate the application;
- The employer submits application to Ontario PNP for pre-approval and if approved, the medical resident (nominee) submits his own additional application forms and pays \$2,000 fee to province of Ontario.
- To be approved the nominee requires CPSO licence certification (however, Ontario PNP will also accept post-grad education certificate for medical residents).

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Becoming a Permanent Resident while going through licensing process

Ontario Provincial Nominee Programs (“Ontario PNP”)

- Ontario PNP will help get interim work permit for new job and will fast track permanent resident application.
- Nominee pays additional federal filing fees of \$1,040 per adult (\$550 processing fee and \$490 right of landing fee).

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Becoming a Permanent Resident while going through licensing process

British Columbia Provincial Nominee Program (“B.C. P.N.P.”)

- The B.C. PNP is open to Designated Health Professionals including Physicians
- The employer (hospital, clinic etc.) must have at least 5 employees, have been in business for at least 1 year or more and be financially stable.
- To qualify, the nominee physician must have an offer to work in B.C. and he must have already practiced in B.C. on a work permit for at least 9 months and have a letter from the College of Physicians and Surgeons of B.C. showing that a supervising physician has given them a positive assessment

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Becoming a Permanent Resident while going through licensing process

British Columbia Provincial Nominee Program

("B.C. P.N.P.")

- Retraining in a residency program does not count towards the 9 months practice - only work as fully certified independent practitioner
- A fee of \$550 is paid to the province of B.C. in addition to the Canada immigration filing fee of \$1,040 per adult.

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Becoming a Permanent Resident while going through licensing process

Alberta Immigrant Nominee Program ("Alberta I.N.P.")

- The Alberta PNP has an employer driven category open to physicians and surgeons.
- The Alberta PNP application will only be considered if the offer of employment is permanent, full-time in Alberta.
- Only eligible if nominee physician accepted the offer, meets required qualifications for the position including being approved to practice by Alberta College of Physicians and Surgeon.

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Becoming a Permanent Resident while going through licensing process

Alberta Immigrant Nominee Program (“Alberta I.N.P.”)

- **The employer and employee fill out a joint application together.**
- **The employer is only eligible if their offer of employment accords with above and:**
 - Meets provincial employment and wage standards,
 - Does not conflict with existing collective bargaining agreements.

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Becoming a Permanent Resident while going through licensing process

Manitoba Provincial Nominee Program (“Manitoba P.N.P.”) – General Stream

- **Skilled workers, including physicians, apply under the General stream if they do not have an offer of employment, but must have:**
 - proof of a close relative in Manitoba, OR
 - two affidavits of support (MAS), each completed by a close friend or distant relative in Manitoba, OR
 - proof that you have previously worked full-time in Manitoba for at least six months, OR
 - proof that you completed an educational program in Manitoba of at least one academic year (excluding language-training programs), AND

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Becoming a Permanent Resident while going through licensing process

Manitoba Provincial Nominee Program ("Manitoba P.N.P.") – General Stream

- have the training, work experience and language ability necessary for long-term employment in Manitoba (including any licence or certification required in your country of residence)
- have demonstrated a clear ability and intention to establish permanently and successfully in Manitoba
- applications will be assessed on a point basis taking into account age, education, work experiences, language ability and adaptability.

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Becoming a Permanent Resident while going through licensing process

Manitoba Provincial Nominee Program ("Manitoba P.N.P.") – Employer Stream

- Skilled workers, including physicians, can apply under the Employer stream if they have been offered long-term, full-time employment in Manitoba, and must:
 - have a work permit issued by Citizenship and Immigration Canada; and
 - be currently working for the Manitoba employer that offered you the job and been working there for at least 6 months; and
 - have the training, work experience and language ability required for the job you have been offered.

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Becoming a Permanent Resident while going through licensing process

Saskatchewan Provincial Nominee Program **("Saskatchewan I.N.P.")**

- **Physicians may be eligible for the Saskatchewan I.N.P. who:**
 - Provide proof of a temporary work permit confirming have been practicing as a physician in Saskatchewan for a minimum of 6 months; and
 - Have an offer of permanent employment that is issued by a provincial health authority or the health education institution where you are currently employed; and/or
- verified with documents that describe your permanent arrangement to practice medicine in a Saskatchewan medical office (e.g. a business plan or contract, partnership agreement, or other documents describing the applicant's practice).

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Becoming a Permanent Resident while going through licensing process

Saskatchewan Provincial Nominee Program **("Saskatchewan I.N.P.")**

- **The S.I.N.P. will obtain:**
 - A letter of support from the College of Physicians and Surgeons of Saskatchewan (CoPSS) - CoPSS must state type of license and expiry date, their support for you to obtain permanent residence status in Saskatchewan.
 - If applicable, also require a letter from the Royal College of Physicians and Surgeons of Canada indicating that you have licensing in a particular specialty.

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Becoming a Permanent Resident while going through licensing process

Provincial Nominee Program Issues

- The Ontario, B.C., Alberta and Saskatchewan PNP programs are employer driven and require you to accept full-time, permanent employment.
- They require you to be in licensed by the regulatory authority, such as the College of Physicians and Surgeons.
- Other provinces with PNP programs which includes physicians:
 - Newfoundland, P.E.I. (for General Practitioners), Nova Scotia, New Brunswick

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Addendum

- Temporary worker must not be criminally inadmissible.
- If have been convicted or charged with an offence that would constitute an offence in Canada could be denied entry on that basis.
- Criminal inadmissibility may be overcome bring an application for Rehabilitation, Deemed Rehabilitation.



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Addendum

- If will work in health care, including physicians, must have a medical examination before granted work permit.
- Spouses and common-law partners of physicians with a work permit can apply for an open work permit so long as the physician's work permit is for longer than 6 months (i.e. PGY2 entrance).

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Immigration Issues for Physicians and Families

Foreign Students who Graduate from Canadian Medical School

- To study and obtain a medical degree from a Canadian medical school a foreign student will need a valid study permit.
- If graduate from a Canadian medical school you may be eligible for a Post-Graduate Work Permit
 - a permit to work anywhere in Canada for 3 years.

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Thank You.

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