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PUBLICATION

CIC Announces Language Testing Requirements for Certain PNP Applicants

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On April 11, 2012, Citizenship, Immigration and Multiculturalism Minister Jason Kenney announced changes to Canada's Provincial Nominee Programs ("PNPs"). As of July 1, 2012, most PNP applicants for semi-skilled and low-skilled professions will have to undergo mandatory language testing of their listening, speaking, reading and writing abilities, and meet a minimum standard across all four of these categories, before they can qualify for a nomination certificate.

PNPs are established under Section 87(1) of the *Immigration and Refugee Protection Regulations*. A PNP is similar to the Quebec Skilled Worker Program, which is established under IRPR 86(1). Both the Quebec Skilled Worker Program and the PNPs offer the provinces an opportunity to select immigrants based on their specific needs.

Under a PNP, individuals nominated by the province, together with their spouse and dependent children, are eligible to apply for Canadian permanent residence through Citizenship and Immigration Canada (“CIC”) under the Provincial Nominee Class. CIC will also give priority to processing permanent resident visa applications filed by provincial nominees. Given the considerable delays encountered by many permanent residence applicants, this priority processing makes immigration under a PNP program desirable.

Under the Provincial Nominee Class, each province establishes its own selection criteria. Applicants who wish to immigrate to a specific province as a provincial nominee must first apply to the province where they wish to settle. The province will consider the application based on their immigration needs and the applicant's intention to settle there. If the applicant is approved, he or she will be given a provincial nomination certificate, which may be used to support an application for permanent residence.

Although there has been a trend to require mandatory language testing for federal economic immigrants, PNP programs have not yet imposed mandatory language testing on all PNP applicants. This latest announcement makes clear that language testing *will* be imposed, at least on semi-skilled and low-skilled PNP applicants, commencing on July 1, 2012.