

Corrigan: Changes in immigration law worth students noting

JANUARY 9, 2014 BY EDWARD C. CORRIGAN

On Nov. 8, Citizenship and Immigration Minister Chris Alexander announced changes to the Canadian Experience Class (CEC) Immigration program. The new CEC eligibility provisions apply to any application received at the Sydney, N.S., Citizenship and Immigration Canada (CIC) office on or after Nov. 9.

A cap has been imposed limiting the number of applicants to be accepted. Between Nov. 9 and , Oct. 31, 2014, CIC will accept a maximum of 12,000 new applications under the Canadian Experience Class immigration category.

This change in the requirements in the Immigration program and the imposition of caps has the potential to affect many individuals, and especially students, whose academic programs and work experience will no longer qualify them for immigration to Canada under the CEC immigration program.

“The Canadian Experience Class has allowed more than 25,000 people to stay in Canada permanently to contribute their skills and talents,” Alexander said. “The government is taking concrete action to reduce backlogs and processing times. By making these changes to the Canadian Experience Class, we are moving toward a more effective and efficient immigration system” he said.

A number of occupations are no longer eligible for the program. Due to an overrepresentation in the CEC applications already received, the following six occupations will no longer be eligible for the CEC starting Nov. 9: cooks (NOC code 6322); food service supervisors (NOC 6311); administrative officers (NOC 1221); administrative assistants (NOC 1241); accounting technicians and bookkeepers (NOC 1311); and retail sales supervisors (NOC 6211).

CIC already has a large inventory of applications in these occupations and will continue processing them until a final decision is made.

Other limitations to the program are also being imposed. CIC will establish sub-caps of 200 applications each for National Occupational Classification (NOC) B occupations. These occupations are mostly technical and administrative jobs or those in the skilled trades. NOC 0 and A (managerial and professional) occupations will not be sub-capped. However, these occupations they will still be subject to the overall cap of 12,000 applications.

Another change is also being made. Applicants will now be required to provide proof of language qualification at the beginning of the process as of Nov. 9. The language standards will remain the same. The current language requirements are Canadian Language Benchmark (CLB) 7 for NOC 0 and A occupations, and CLB 5 for NOC B occupations. This new requirement will ensure that applicants who do not meet the minimum language requirements are screened out earlier in the process.

CIC has also changed their policy on refunds. Applicants who do not meet the language proficiency standards will have their applications returned along with the processing fee.

Edward C. Corrigan
BA'77 (King's), MA'91

Editor's note: Edward C. Corrigan is a lawyer certified as a Specialist in Citizenship and Immigration Law and Immigration and Refugee Protection by the Law Society of Upper Canada in London.