

One Minute Memo®



Canadian Government Announces Maximum Cap for Widely Used Canadian Permanent Residency Program

On Friday afternoon, the Canadian Government issued “Ministerial Instructions” for the Canadian Experience Class, an extremely popular Permanent Residency Program. Changes to the program are effective immediately.

An application under the Canadian Experience Class allows an individual to apply for permanent residency if he or she intends to reside outside of the Province of Quebec and if that individual has gained full-time Canadian work experience in Canada for at least twelve months in any high-skilled position. Applicants are also required to meet minimum language requirements.

An occupation is determined to be “high-skilled” based on the position’s job duties and qualifications. Each occupation in Canada is assigned a National Occupation Classification and high-skilled occupations are classified in three categories: National Occupation Classifications (NOC) “O”, “A” and “B.” Generally, occupations under NOC level “O” refer to Management occupations, occupations under NOC level “A” refer to those occupations requiring University education and NOC level “B” refer to those occupations usually requiring either college education or apprenticeship training.

The Canadian Experience Class was previously not subject to any caps or restrictions with respect to the type of eligible high-skilled positions. However, as of November 9, 2013, Citizenship and Immigration Canada will only accept a maximum of 12,000 applications under this program until October 31, 2014. If the cap is met before October 31, 2014, applications will no longer be accepted under the program. Within this cap, there will be sub-caps of 200 applications for each occupation that falls under National Occupational Classification “B.”

Moreover, one can no longer use work experience in the following occupations to qualify for the Canadian Experience Class:

- Cooks
- Food service supervisors
- Administrative officers
- Administrative assistants
- Accounting technicians and bookkeepers
- Retail sales supervisors

In addition, Citizenship and Immigration Canada will no longer accept online payments for permanent residence applications under the Canadian Experience Class.

As the Canadian Experience Class is the most popular permanent residency program in Canada, it is expected that the newly imposed cap limits as well as the ineligibility of formerly used occupations will have a significant impact on applicants.

If you have employees within your organization who may qualify under this category, we urge you to contact Seyfarth Shaw's Canadian immigration team as soon as possible in order to ensure that qualifying individuals can submit applications before the cap is reached. As these changes are effective immediately and no notice was provided to potential applicants who were intending to apply under this program; some applicants who are no longer eligible must explore other possible permanent residency immigration options. Seyfarth Shaw LLP's Canadian immigration team can assist in identifying alternative permanent residency options for these individuals and devise long-term immigration strategies to meet your business' immigration needs.

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Seyfarth Shaw LLP One Minute Memo® | November 14, 2013

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