

Management Alert



Canadian Government Announces New Caps for Federal Permanent Residency Programs

By Pavan Dhillon, Jason E. Burritt and Gabriel Mozes

The following alert is directed to organizations with a presence in Canada or who anticipate the need to place talent at a Canadian work site.

Seyfarth Shaw's Global Mobility Practice hosts attorneys licensed to practice in the UK, Canada, and Germany. The group has the capability to assist clients with obtaining work and residence visas for over 70 jurisdictions around the world. If we can assist you in placing talent, please call your Seyfarth attorney. We will be happy to help you.

Effective May 1, 2014, the Canadian Government will introduce important changes to the Canadian Permanent Residency Economic classes, including the Federal Skilled Worker Program, Canadian Experience Class, and Federal Skilled Trades. The Canadian Government will impose new caps and make important changes to the list of eligible occupations in the Federal Skilled Worker program.

Federal Permanent Residency Category	Maximum Number of Applications Accepted (May 1, 2014 - April 30, 2015)
Federal Skilled Workers	25,000 [1,000 reserved for 50 eligible occupations that do NOT require a job offer]
Canadian Experience Class	8,000 [200 reserved for certain occupations]
Federal Skilled Trades	5,000 [100 reserved for 90 eligible occupations]

Federal Skilled Worker ("FSW") Applications (The "Points System")

An application under the FSW requires an individual to obtain a minimum of 67 points in order to qualify for Permanent Residency based on a number of criteria, including work experience, education, French or English language ability, age, "adaptability" in Canada and Arranged Employment in Canada.

From May 1, 2014 until April 30, 2015, Citizenship and Immigration Canada ("CIC") will accept a maximum of 25,000 applications under the Federal Skilled Worker Class from individuals who do not have an offer of pre-arranged employment in Canada but who possess experience in an eligible occupation. Within the overall 25,000 cap, there is a sub-cap of 1,000 applications under each eligible occupation. The list of eligible occupations has more than doubled to fifty (50), and now includes Human Resources managers, financial managers, financial and investment analysts, several types of engineers and those in the information technology industry¹. Individuals in these occupations may be eligible to immigrate to any province in Canada, except Québec, with their dependent family members even if they do not have a job offer in Canada. The cap does not apply to those who have a valid job offer from a Canadian employer.

¹Full list of eligible occupations.

Canadian Experience Class

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 Québec and if that individual has gained at least twelve months of full-time work experience in Canada in any high-skilled position. Applicants must also meet minimum language requirements.

CIC considers an occupation "high-skilled" based on the position's job duties and qualifications. Each occupation in Canada is assigned an NOC and high-skilled occupations are classified in three categories: National Occupation Classifications (NOC 2011) Skill levels "O", "A" and "B." Generally, occupations under NOC "O" refer to Management occupations, occupations under NOC "A" refer to those occupations requiring University education and NOC "B" refer to those occupations usually requiring either college education or apprenticeship training.

CIC will accept a maximum of 8,000 applications under the Canadian Experience Class between May 1, 2014 and April 30, 2015. Within this cap, there will be sub-caps of 200 applications for each occupation that falls under NOC "B." No sub-caps exist for those submitted under NOC "O" or NOC "A" but these occupations are subject to the overall cap of 8,000 applications.

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

Federal Skilled Trades Program

The Federal Skilled Trades Program was initiated in 2012 to attract tradespersons with important skills to address acute labor shortages in Canada, including 90 eligible trades falling under the following groups of the 2011 National Occupation Classification ("NOC"):

- Major Group 72, industrial, electrical and construction trades;
- Major Group 73, maintenance and equipment operation trades;
- Major Group 82, supervisors and technical occupations in natural resources, agriculture and related production;
- Major Group 92, processing, manufacturing and utilities supervisors and central control operators;
- Minor Group 632, chefs and cooks; and
- Minor Group 633, butchers and bakers.

To qualify, prospective applicants must possess at least two years of full-time work experience in a skilled trade within the last five years in an eligible occupation and meet the other typical requirements under this stream, such as intending to reside outside of Québec with the requisite language capabilities and holding an offer of full-time employment for at least one year or a certificate of qualification in that skilled trade issued by a provincial or territorial body. CIC will accept a maximum of 5,000 applications from May 1, 2014 until April 30, 2015 with a sub-cap of 100 applications for each of the 90 eligible occupations.

If you have employees within your organization who may qualify under any of these categories, we urge you to contact Seyfarth Shaw's Canadian immigration team as soon as possible to ensure that qualifying individuals submit applications

before the cap is reached.

Pavan Dhillon is counsel in the Immigration practice group in Seyfarth's New York office, *Jason E. Burritt* is a partner in Seyfarth's Washington D.C. office and *Gabriel Mozes* is an associate in the firm's Atlanta office. If you would like further information, please contact your Seyfarth Shaw LLP attorney, Pavan Dhillon at pdhillon@seyfarth.com, Jason E. Burritt at jburritt@seyfarth.com, or Gabriel Mozes at gmozes@seyfarth.com.

www.seyfarth.com



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