

New Federal Skilled Worker Program to Begin Accepting Applications as of May 4, 2013

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As previously reported, last year Citizenship and Immigration Canada (“CIC”) imposed a “temporary pause” on the acceptance of new Federal Skilled Worker Program (“FSWP”) applications, which became effective on July 1, 2012.¹ On August 18, 2012, CIC published proposed regulatory amendments (the “Proposed Regulations”) in the Canada Gazette, which (once enacted) would significantly alter the FSWP.²

On December 19, 2012, Citizenship, Immigration, and Multiculturalism Minister Jason Kenney (the “Immigration Minister”) announced that the FSWP will once again begin accepting new applications on May 4, 2013. The proposed changes to the FSWP were described in our previous article, which provided an analysis of the regulatory amendments.³ However, a brief summary of these changes also appears below:

- a. Minimum official language thresholds and increased points for official language proficiency, making language the most important factor in the selection process;
- b. Increased emphasis on younger immigrants;
- c. Introduction of the Educational Credential Assessment (“ECA”), to evaluate the foreign credentials of FSWP applicants;
- d. Changes to the arranged employment process; and
- e. Additional adaptability points for spousal language ability and Canadian work experience.

Applicants will first need to demonstrate that they meet the minimum language threshold (Level 7 of the Canadian Language Benchmark assessment system). To do so they must obtain a language assessment from a language testing organization designated by the Immigration

Minister. Applicants will then have their education credentials assessed prior to arriving in Canada. A list of approved ECA organizations designated by the Immigration Minister will be made available early in 2013. Applicants may then submit an application for permanent residence under the FSWP.

The above changes do not apply to foreign nationals who applied under the FSWP prior to May 4, 2013, with a qualifying arranged job offer or under the Ph.D. stream. The temporary pause imposed on July 1, 2012, did not apply to these applicants and CIC continued to accept their FSWP applications.

CIC expects that new applications under the FSWP will be processed in a few months, rather than a few years. However, in order to avoid backlogs, the new FSWP will accept a fixed number of applications each year.

¹ <http://www.blaney.com/articles/cic-announces-temporary-pause-most-federal-skilled-worker-immigrant-investor-applications>.

² <http://www.blaney.com/articles/citizenship-immigration-canada-proposes-amendments-immigration-and-refugee-protection-regulations>.

³ Id.