

Changes to the immigration procedures - review, consequences

Wednesday, 17 February 2010

Reasons

Since 2002, when new Canadian Immigration and Refugee Protection Act was introduced, thousands of new immigrants were welcomed by Canada under the Federal Skilled Worker immigration class (former Independent Immigration class). Under this class almost every one was eligible to submit an application for the permanent residence in Canada - occupation-dependent criteria were lifted, and the only restriction in regards to the previous occupation was to have an experience listed in sections 0, A or B of the National Occupational Classification of Canada. This meant that almost every skilled individual now had a real chance to become a newcomer to Canada. The chances became even higher when very soon the passmark under the Federal Skilled Worker class was changed from 75 to just 67. By 2008 the program became very popular, application processing times notably shortened in many visa offices around the world.

Meanwhile CIC was often criticized for the excessive openness of the immigration programs. It was said that new immigrants were welcomed regardless of their occupations and education - the fact that did not contribute to the Canadian labour market, which has its own demands. The only mechanism of adapting the Federal Skilled Worker immigration program to the labour market needs was a so-called "list of restricted occupations", introduced in the IRPA but never used since it was never populated.

At the same time, provincial immigration programs were not very popular. Those programs are province-oriented and include requirements resulting from provinces' demands. It is said that after the recent changes provincial immigration will have to welcome a lot of applicants who found themselves ineligible under to the Federal Skilled Worker immigration program, and appropriate changes to the provincial programs are also expected.

Thus targeting the labour market demands is considered one of the main reasons for the recent changes. There are several major changes introduced to the Federal Skilled Worker program on November 28, 2008, and that changes are in force retroactively, affecting every application under the Federal Skilled Worker class submitted on or after February 27, 2008. List of 38 eligible occupations

Now there is the list of occupations, that makes the biggest difference. The list contains 38 NOC codes denoting specific occupations. If the applicant does not have an arranged employment in Canada and have never worked or studied in Canada for at least one year, he must have at least one year of work experience in one of the listed occupations to be eligible for processing.

Instead of populating the list of restricted occupations, CIC decided to do just the opposite: restrict every occupation but explicitly listed. Now there are several possible case scenarios for those who have submitted their applications already:

- If the application was submitted on or after February 27, 2008 and the applicant's eligibility is confirmed, his application is to be processed very soon (that is, if the applicant has an arranged employment in Canada, have studied or worked in Canada for 1 year or more already, or if one of his previous year-and-more more occupations is listed in the eligibility list).
- If the application was submitted on or after February 27, 2008 and the applicant is found ineligible for further processing in accordance with new rules, the application will be returned to the applicant and the application processing fee will be refunded.
- The changes will not affect applications submitted before February 27, 2008, and such applications will be processed according to the rules effective on the submission date. This should also work for the simplified applications submitted before February 27, 2008.

Needless to say that 38 listed occupations are just a bit more than nothing, especially given that the most popular occupations, such as Information Systems Analyst, Computer Programmer, Network Administrator are not listed. The only IT occupation in the list is NOC 0213 "Computer and Information System Managers". Other occupations include natural resource specialists, some medical positions, construction workers etc. Paper screening of applications

Before November 28, 2008, every application under the Federal Skilled Worker class should be submitted to the visa office responsible for the particular foreign region. That gave some benefits: immigration officers were well informed about local peculiarities and this fact often contributed to the processing.

Now all applications must be sent to Canada - namely to Sydney, Nova Scotia (map), where Centralized Intake Office is located. It is there where the eligibility of every received application will be determined. Only after that the eligible applications will be forwarded to the local visa offices around the globe, and others will be returned. This approach will of course be very effective in terms of determining applicants' eligibility: now this part of work is concentrated in one place, where highly competent and well-trained staff will be employed. IELTS points calculation

The only seem-to-be good change is the modified rule used to calculate immigration points under the Federal Skilled Worker class based on the applicants' IELTS score.

Here is what we have had before: Listening Reading Writing
Speaking
IELTS band score
7 and above 7 and above
7 and above 7 and above Immigration points earned
4 4 4 4

This meant that maximum immigration points for each of the language abilities were earned if an applicant had at least 7 IELTS points for this ability out of 9. Now the things have changed a bit: Listening

Reading
Writing
Speaking
IELTS band score
7.5 and above 6.5 and above
6.5 and above 6.5 and above Immigration points earned
4 4 4 4

So the applicant now has to earn not 7 but 6.5 for three out of four IELTS sections, while for the fourth one the requirements are a bit higher than before.

Taking into account that since 2007 IELTS writing and speaking sections are rated in 1/2 increments rather than 1, new calculation rules can help some of the applicants to get more points for their English. We have more information about IELTS on our website:

IELTS general information
IELTS sections explained
3 simple and effective methods of preparation for IELTS and other language tests
Processing times

It is said that it will now take about 6 to 12 months to completely process the application under the Federal Skilled Worker class.

This statement looks well grounded, because in some overseas visa offices similar processing times were already reached for this program. For example, processing time in Moscow embassy (Russia) was often around 12 months during last couple of years, and some applications were processed even faster - within 8..9 months. This shows that the newly declared processing times are real.

Processing times of two to five years and more, that are still common in some countries, are caused mostly by the growing backlog, since the volume of applications being submitted exceeds the performance of particular visa offices. Now when new instructions are in force, they prioritize the eligible applications and on the other hand they will drastically decrease the overall volume of the applications submitted from now on. Together this will contribute to much shorter processing times.