

# **APRIL 1, 2009 DIRECTIVES FOR SUBMISSION OF ALL FEDERAL SKILLED WORKER APPLICATIONS TO THE CENTRALIZED INTAKE OFFICE IN SYDNEY, NOVA SCOTIA**

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On June 18, 2008, the Immigration and Refugee Protection Act was amended pursuant to Bill C-50 to give the Minister of Citizenship and Immigration authority to issue instructions that would ensure the processing of applications be conducted in a manner that would support the attainment of immigration goals set by the Government of Canada.

The first set of Ministerial Instructions (“Instructions”) were issued on November 28, 2008 and came into effect immediately.

## **Processing Priorities**

The Instructions apply only to applications submitted on or after February 27, 2008. They do not apply to applications received before February 27, 2008 or to refugees, protected persons or persons making a request for humanitarian and compassionate grounds from within Canada.

The Instructions provided that applications received on or after February 27, 2008 by Quebec economic applicants, Provincial Nominees, Canadian Experience Class, Investors, and Live-in Caregivers are placed into processing according to existing priorities.

Applications received on or after February 27, 2008 from Federal Skilled Workers with an arranged employment offer (“AEO”), Federal Skilled Workers who are residing legally in Canada for at least one year as temporary foreign workers or international students, as well as Federal Skilled Workers with experience in one or more of the 38 occupations specified in the Instructions shall be placed into processing immediately upon receipt, in accordance with the guidelines set forth below.

## **Federal Skilled Worker Class**

Federal Skilled Worker applications are limited to only occupations at the National Occupational Classification (“NOC”) Skill Type 0 (Management Occupations), Skill Level A (Occupations that usually require university education) and Skill Level B (Occupations that usually require college education or apprenticeship training), unless specified otherwise in the Instructions. The Federal Skilled Worker Class does not apply to any NOC Skill Level C or D occupations. The Federal Skilled Worker Class also does not apply to applicants who intend to reside in Quebec, as the Province of Quebec has its own economic immigration selection process.

In order to be eligible for processing in the Federal Skilled Worker Class on or after February 27, 2008, the foreign national applicant must fall under one of the following three categories:

**Category 1:** A Federal Skilled Worker with at least one year of continuous full-time work experience or equivalent paid work experience in the last ten years in one or more of the 38 occupations specified in the Instructions;

**Category 2:** A Federal Skilled Worker with an AEO with a Canadian employer. The employment offer is in writing, indeterminate in duration, and meets the arranged employment factor requirements. Proof of the AEO must be submitted with the application. The applicant must also have at least one year of continuous full-time paid work experience in Skill Type 0 or Skill Level A or B within the past 10 years.

**Category 3:** A Federal Skilled Worker who is residing legally in Canada for at least one year as a temporary foreign worker or international student. The foreign worker or student must also have at least one year of continuous full-time paid work experience in Skill Type 0 or Skill Level A or B within the past 10 years. Proof of the applicant’s

status in Canada, such as a copy of a work or study permit, and a letter of employment, or proof of enrollment at an educational institution must be submitted with the application.

Federal Skilled Worker Class applications received on or after February 27, 2008 will be assessed in accordance with the new Instructions to determine whether the applicants are eligible for processing in accordance with the revised guidelines for the processing of Federal Skilled Workers. Those applications determined to be eligible will be processed on a priority basis and placed into processing immediately. Applications deemed eligible for processing must then meet the Federal Skilled Worker Class requirements outlined in the Immigration and Refugee Protection Act. They must meet the minimum requirements and the pass mark. In addition, applicants are required to meet a financial funds requirement, if they do not have arranged employment in Canada.

### **Centralized Intake Office (“CIO”) Sydney**

Effective April 1, 2009 all applicants in all three categories of the Federal Skilled Worker Class must submit their initial applications to the Centralized Intake Office (“CIO”) in Sydney, Nova Scotia.

Applicants in all three categories of the Federal Skilled Worker Class are required to undergo a two step process in which an initial application package is submitted to the CIO for an initial review for completeness and an eligibility review under the Instructions. If the initial application package is deemed eligible, applicants must submit a second application package with all supporting documents to the visa office.

The lock-in date for all categories of the Foreign Skilled Workers Class will be the date that the initial application is received at the CIO.

Upon receipt of the initial application package, the CIO conducts the initial review for the completeness to ensure that all required fields in the application forms are complete, and the correct processing fee payment has been made. If the application is incomplete, the entire application package including the payment, is returned to the applicant, along with a letter that identifies the missing entries and/or items.

If the initial application package is complete, the CIO then reviews the application to determine whether the application qualifies for processing under one of the three categories outlined in the Instructions.

If the initial application is complete and is being recommended for further assessment to a visa office, the CIO will complete file creation and data entry and send a letter notifying the applicant of this fact along with a reference number. The notification sets out the basic instructions for contacting the visa office and instructs the applicant to submit a copy of his/her application and all supporting documentation (see Visa Office Processing) to the responsible visa office within 120 days. The CIO will electronically transfer the file to the visa office on each Monday and send missions an email with the file numbers of all transferred files. The initial application itself will be retained at the CIO and no paper file will be transferred to the visa office.

If the CIO determines that the application does not meet the eligibility criteria under the Instructions, the CIO will send a letter providing the reason(s) why the application is not eligible and will confirm that a refund for the processing fee will be issued.

### **Visa Office Processing**

The copy of the application and all supporting documentation are to be received by the visa office within 120 days of the instruction from the CIO. The visa office will be responsible for an initial review for completeness, and, subsequently, eligibility review and selection and admissibility processing.

If no application package with supporting documents is received from the applicant within 120 days at the visa office, the visa office will close the file and request the CIO to refund the previously submitted processing fees.

Once the visa office has received the full application, including all forms and documents, the visa office will conduct an initial review for completeness. If the application is considered complete, the visa office will send an

Acknowledgement of Receipt letter with a file number and information on processing times. If the application is incomplete, the entire package will be returned to the applicant with a letter that identifies the missing entries and/or items.

Once a complete application has been received, the visa office will conduct an eligibility review to determine whether the application qualifies for processing under one of the three categories described in the Instructions. This review will be conducted based on the complete information and documentation provided to the visa office. If the application does not qualify for processing under the Instructions, the visa office will send a letter that provides details on the reasons(s) why the application is not eligible for processing, and that a refund for the processing fee will be issued.

If the visa office finds the application to be eligible for processing, the application will then be assessed in accordance with the selection and admissibility requirements for the Federal Skilled Worker Class, which includes the selection factors, the minimum point assessment, sufficient funds and admissibility (i.e. security, criminality and medical).

Once the application is placed into processing, the processing fee is not refundable. If the reviewing officer finds during processing, either at interview or through the document/reference verification, that the applicant does not qualify, the application will be refused.

For any of the Category 2 and 3 Federal Skilled Worker cases that were previously directly submitted to the visa office, the visa office will be responsible for any refunds, if the application was found not to meet the eligibility criteria under the Instructions.

The Ministerial Instructions do not permit the consideration of humanitarian and compassionate requests for exemption from the immigration legislation, unless the applicant meets the eligibility criteria under one of the three categories of Federal Skilled Workers. This means that requests for exemptions on humanitarian and compassionate grounds should only be submitted to a visa office after the application has been recommended for processing by the CIO.