

Federal Skilled Worker Class and Reopening of Parental Sponsorships

When I wrote last month's column, the list of qualifying occupations for the new Federal Skilled Worker (FSW) class had not been released. Just recently, Citizenship and Immigration Canada (CIC) announced the following list of occupations which may qualify an applicant under the FSW class even without a validated job offer from a Canadian employer:

- 0211 Engineering managers
- 1112 Financial and investment analysts
- 2113 Geoscientists and oceanographers
- 2131 Civil engineers
- 2132 Mechanical engineers
- 2134 Chemical engineers
- 2143 Mining engineers
- 2145 Petroleum engineers
- 2144 Geological engineers
- 2146 Aerospace engineers
- 2147 Computer engineers (except software engineers/designers)
- 2154 Land surveyors
- 2174 Computer programmers and interactive media developers
- 2243 Industrial instrument technicians and mechanics
- 2263 Inspectors in public and environmental health and occupational health and safety
- 3141 Audiologists and speech-language pathologists
- 3142 Physiotherapists
- 3143 Occupational Therapists
- 3211 Medical laboratory technologists
- 3212 Medical laboratory technicians and pathologists' assistants
- 3214 Respiratory therapists, clinical perfusionists and cardiopulmonary technologists
- 3215 Medical Radiation Technologists
- 3216 Medical Sonographers
- 3217 Cardiology technologists and electrophysiological diagnostic technologists

The number before the occupation refers to the National Occupational Classification (NOC) code, Canada's official guide for occupations which prescribes the possible job titles, duties and qualifications for every occupation.

The pass mark will remain at 67 points out of a maximum of 100 points and the revised weight of the selection factors under the FSW class would be as follows:

- The language factor will be given up to a maximum of 28 points (or 24 points for the first official language and 4 points for the second).
- For the age factor, a maximum of 12 points will be given for applicants who are between 18 and 35 years old.
- Under the education factor, a maximum of 25 points are provided but a mandatory assessment of foreign educational credentials by one of the accredited credential assessment

organizations and regulatory bodies identified by CIC will be required before an application can be submitted.

- For work experience, a maximum of 15 points will be given for relevant experience of at least 6 years or more.
- The arranged employment factor will still receive 10 points but it has to be confirmed by a valid labour market opinion (LMO). The arranged employment opinions (AEO) that were issued by Service Canada for previous FSW class applicants had been scrapped.
- The adaptability factor is still given the maximum of 10 points for the applicant and his/her spouse's past study and work in Canada, language proficiency of the applicant's spouse, arranged employment and presence of family in Canada.

While the changes to the FSW class are now in effect, the following proposed changes have just been released and are expected to take effect in the beginning of next year.

Reopening of Sponsorships for Parents and Grandparents

On 10 May 2013, CIC announced the resumption of the parents and grandparents sponsorship category on 2 January 2014 but with a number of significant changes. Among the proposed changes which are still subject to public consultations are:

- An increase of 30% to the minimum necessary income to become eligible to sponsor parents and grandparents
- The minimum necessary income must be met for the three consecutive tax years prior to submitting the sponsorship application instead of just for one year
- Only documents issued by the Canada Revenue Agency will be accepted as proof of the sponsor's income
- The period of sponsorship undertaking will be extended from 10 years to 20 years
- The age of dependents will be reduced from 22 years old to 18 years old. Dependency based on continuous studies after the age limit will be removed. Dependency based on a mental or physical disability will remain.

The Regulatory Impact Analysis Statement on these changes state that transitional provisions will allow the inclusion of dependents under the current definition if the permanent residence application was submitted prior to the entry into force of the proposed changes.

On the whole, these proposed changes appear quite drastic and will surely affect a substantial number of potential applicants. Hopefully, further public consultations will yield more benevolent reforms that will continue to promote, instead of prejudice, Canada's important immigration objective of family reunification.

The above are for legal information only and not intended to provide specific legal advice. It is strongly advised that you consult with a legal professional to discuss your particular circumstances.