

## **The Ever-Changing Immigration Guidelines**

Minister Kenney is being touted as one of the most, if not the most hardworking, immigration ministers that Canada has ever had. This can be attributed not only to his extremely high visibility in media and community events but also to the successive reforms that he has introduced and implemented in the less than two years that he has been appointed as head of Citizenship and Immigration Canada (CIC).

After having introduced reforms to the LCP and the refugee application process, he has once again proposed revisions to the ministerial guidelines with respect to those applying for permanent residence in Canada under the federal skilled worker and immigrant investor categories.

The changes to the skilled worker applications took effect on 26 June 2010. One of the main changes was the reduction of the list of in demand occupations from 38 to 29 jobs. Those who wish to apply under the federal skilled worker category must either have arranged employment in a NOC O, A or B occupation (managerial, professional and some skilled trades) or must have at least one year work experience in one of the 29 identified occupations.

What used to be a third class under this category – those in Canada on work or study permits, had been eliminated, because it was deemed to overlap with the Canadian Experience Class (CEC) and Provincial Nominee Program (PNP) categories. Unfortunately, this third class would have allowed those who are in Canada on “low-skilled” work permits (NOC C and D) a chance to apply for permanent residence as long as they have had at least one year work experience within the last ten years in a NOC O, A or B occupation. With this recent change however, this possibility appears to have been eliminated, unless the foreign worker falls under the two remaining classes. It must be noted that the CEC class only credits work experience in an occupation falling under the NOC O, A or B categories. While there are semi-skilled worker categories in some PNPs, these are mainly employer-driven categories and end up being granted to a very select few.

Moreover, CIC will limit the number of complete applications that will be processed under the 29 occupations to 20,000 annually, with a cap of up to 1,000 per occupation. There will be no limit imposed however, to those applications with arranged employment (again in a NOC O, A or B occupation).

Another change introduced is the mandatory official language test requirement for all applicants, regardless of country of origin. According to CIC, this change is meant to help speed up processing by allowing a more objective weighting of one’s language skills based on the actual test results. This has become rather controversial as it is perceived to place an unnecessary burden on applicants from English or French speaking countries, or

even on highly educated applicants from other countries who are extremely fluent in these two official languages.

In the immigrant investor category, CIC has proposed an increase of the net worth requirement to \$1.6 million (from \$800,000) and the investment requirement to \$800,000 (from \$400,000). CIC has stopped receiving applications under this category (if postmarked after 26 June 2010) to help reduce the current backlog and prevent a surge of new applications before the new rules take effect.

CIC has justified these changes as measures intended to reduce the growing backlog of immigration applications while trying to meet Canada's labor market needs.

Critics have expressed concern that the seemingly growing emphasis on economic considerations may lead to a neglect of the other aspects of Canada's immigration policy, namely that of family reunification and other humanitarian and compassionate considerations. Despite assurances from CIC, the impact and outcome of recent changes have yet to prove that this will not be the case.

In any event, we are at least thankful that we seem to finally have a CIC minister who is willing to listen to stakeholders and work with different political parties in achieving a truly balanced and fair process for everyone concerned. Let us hope that these efforts continue, along with the humble admission that some reforms may not have gone far enough, or that they may have inadvertently failed to meet their avowed objectives or adapt to the ever-changing socio-political and economic climate. Hence the need to constantly listen to, and consider further suggestions for reform.

In Canadian immigration, as in life in general, the only thing that seems constant is change.

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