

Express Entry Clarifications and Updates

Although the Express Entry system was launched almost three months ago (on 1 January 2015 to be exact), the program is still largely misunderstood and is causing a lot of confusion, frustration and apprehension among many prospective immigrants. Please allow me therefore, to clarify a few issues and provide some relevant updates in this month's column.

First, it must be noted that the Express Entry system is not creating another immigration or permanent residence category. It is simply a new framework or an entry door to the existing immigration programs (Federal Skilled Worker, Federal Skilled Trades, Canadian Experience Class and selected Provincial Nominee Programs). The Express Entry system is meant to create a pool of prospective immigration applicants who will be invited to apply and/or from which Canadian employers can choose potential employees who will be invited to apply for permanent residence in Canada under one of the above-mentioned categories. CIC then promises that it will process the permanent residence applications of those who were invited to apply, on an expedited basis - within six months or less. Thus, the Express Entry system is meant to facilitate a process whereby Canadian employers will work with the government in selecting the best candidates to match their needs and who will be deemed deserving of being granted permanent residence in Canada.

Since the criteria for the existing immigration programs (Federal Skilled Workers, Federal Skilled Trades and Canadian Experience Class) remain the same, the Express Entry System continues to apply only to immigration applicants who qualify under the so-called high-skilled occupations, i.e. those falling under the levels O, A or B in the National Occupation Classification (NOC). Those who are working in, or have work qualifications that fall under levels C or D (or the so-called "occupations requiring lower levels of formal training"), are not qualified to apply for permanent residence under the Express Entry. This was true before the introduction of the Express Entry system, this remains true under the Express Entry system.

The reason that not all provincial nominee programs (PNP) qualify under the Express Entry is that, there are some PNP categories that are open to those working in NOC C and D occupations. The latter applicants can still apply for permanent residence under the PNP class but they will not qualify under current Express Entry system.

Similarly, caregivers under the Live-in Caregiver Program or the recently created Caregiver for Children and Caregiver for People with High Medical Needs pathways, do not qualify under the current Express Entry framework.

Once the candidate is determined to have met the Express Entry criteria, he or she will be entered into the Express Entry pool and will be ranked based on the total points garnered

under the Comprehensive Ranking System (CRS). The total maximum points one can get under the CRS is 1,200, with a maximum of 600 points allotted for the various skill/experience and skill transferability factors and another 600 points for a validated offer of employment (i.e. a positive labour market impact assessment or LMIA) or for an approved provincial nomination.

CIC will then draw the highest ranking candidates from this Express Entry pool who will be given an invitation to apply (ITA) for permanent residence. Once an ITA is granted, the candidate will be given 60 days within which to submit their permanent residence application.

As of this writing, CIC has conducted three draws of candidates from the Express Entry pool who were given an ITA. The dates of the draw, numbers of those invited and lowest CRS scores are as follows:

- On 31 January 2015, 779 Express Entry pool candidates were given an ITA with the lowest ranked candidate having a CRS score of 886 points
- On 7 February 2015, 779 Express Entry pool candidates were given an ITA with the lowest ranked candidate having a CRS score of 818 points
- On 20 February 2015, 849 Express Entry pool candidates were given an ITA with the lowest ranked candidate having a CRS score of 808 points

Since the lowest ranked candidates given an ITA have so far scored at least 808 points, this means that all candidates invited to date would have had an offer of arranged employment or provincial nomination certificate (600 points). This leaves many candidates who would otherwise qualify under the Canadian Experience Class (CEC) for having at least one year of full time work experience in a high-skilled occupation, who have not received an ITA if they have no LMIA-based job offer or provincial nomination certificate. This is because without an LMIA-validated job offer or provincial nomination certificate, candidates can only garner a maximum of 600 points out of a total of 1200 points under the Express Entry Comprehensive Ranking System.

For those CEC applicants therefore, they would likely have to wait until later in the year when the higher ranking candidates (those with job offers and provincial nominations) would have been exhausted and if CIC would still need to fill its annual quota of approved immigrants. Meanwhile, many of these CEC candidates are fast running out of time as their work permits may soon expire or may have already expired.

So what can these prospective immigrants do in the interim? They can either try to extend their temporary stay as a worker, student or visitor while waiting for their turn to receive an ITA, or return to their home countries in the meantime. There may also be other options available depending on their specific circumstances. As usual, consulting with a trusted and competent immigration legal professional is highly-encouraged.

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