

## The Canadian Experience Class

### 1. INTRODUCTION

Effective September 17, 2008, the federal government introduced a new type of application for permanent residence called the Canadian Experience Class (CEC). The CEC was established in a bid to retain the top talent from abroad and overcome the excessively long processing delays many applicants experience when applying for permanent residence status under the federal skilled worker program. This class of application allows temporary foreign workers with work experience, and foreign students who are graduates of a Canadian educational institution who have acquired Canadian work experience, to apply for permanent resident status on a fast-tracked basis (8 – 12 months) without having to leave Canada during the application process. The following is a high-level overview of the requirements of the CEC immigration category.

### 2. PASS/FAIL QUALIFICATION SYSTEM

Unlike the federal skilled worker program which is based on a points system, qualification under the CEC is not discretionary. CEC selection is based on a pass/fail system where applicants must meet the minimum qualifying requirements for each criterion.

### 3. MINIMUM QUALIFYING REQUIREMENTS

In order to qualify under the CEC, the foreign national must meet the following five minimum requirements:

- (a) The applicant must plan to live outside the province of Quebec.
- (b) The applicant must have gained their experience in Canada with a proper work or study permit.
- (c) The applicant must meet the minimum requirements under one of the two below-referenced streams:

#### A. Temporary Foreign Worker Stream

The applicant must be a temporary foreign worker with at least **two years** of full-time skilled work experience in Canada at the National Occupational Classification (“NOC”) Skill Type 0 (managerial occupations) or Skill Level A (professional occupations) or Skill Level B (technical occupations and skilled trades). The work experience must be gained within three years prior to applying. Work experience in several occupations may also be used. Full-time work experience means working at least 37.5 paid hours per week.



Any periods of self-employment or work without authorization cannot be included in the required Canadian work experience.

### **B. Post-Graduation Stream**

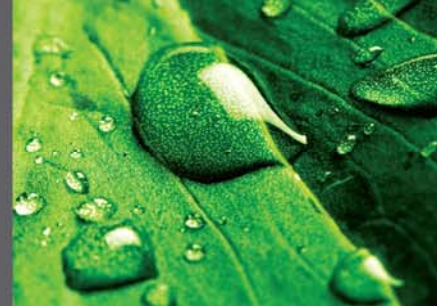
- (i) The applicant must have been enrolled on a full-time basis in a post-secondary program of study or training program for at least two years and have graduated from a Canadian post-secondary institution (for example, one year of undergraduate study, plus a one year Master's program). There is no definition of "full-time studies". It will be up to the post-secondary institution to provide written confirmation that the applicant studied on a full-time basis. However, generally speaking, eight months is recognized as full-time study. Full-time studies could also include any period of training in the workplace which is part of a study program.
- (ii) The applicant must have acquired one year of full-time skilled-work experience at the NOC 0, A or B level in Canada within the two years preceding the date the application is made. Full-time work experience means working at least 37.5 paid hours per week. Work experience gained during the applicant's studies does not count toward meeting the requirements for work experience. This includes work performed under an off-campus work permit program or on a co-op work term. Only work experience gained after graduation under a valid work permit acquired after graduation will be considered. Therefore, the applicant must have worked under a valid post-graduate work permit which can be obtained upon graduation and is valid for a period of up to 3 years.

**When to Apply?** The applicant must apply while working in Canada or within one year of leaving his or her job in Canada.

**Language Test:** Each applicant has to provide evidence that they meet the minimum language requirements according to their occupational skill level.

This means that an applicant who has qualifying Canadian work experience at **Skill Type 0** or **Skill Type A** of the NOC must meet a language requirement **benchmark of 7** or higher for each of the language abilities (writing, speaking, listening and reading) or **6** for any one of the language abilities, **7** or higher for any other two of those abilities and **8** or higher for the remaining ability. Each applicant who has qualifying Canadian work experience at **Skill Type B** of the NOC must meet a language requirement of **benchmark of 5** or higher in each of the abilities, or **4** for any one of the abilities, **5** or higher for any other two of the abilities and **6** or higher for the remaining ability.

Each applicant is strongly advised to take the International English Language Testing System (IELTS) test as this examination is considered conclusive evidence of the individual's English language



abilities. Please note that language test results are valid for **two years** from the date the examination was taken.

#### **4. WHERE TO APPLY?**

An application made in Canada needs to be sent to CIC's visa office in Buffalo, United States:

Canadian Consulate General  
Immigration Regional Program Centre  
1 HSBC Center, Suite 3000  
Buffalo, NY 14203-2884 U.S.A.

An application made from outside Canada must be sent to the Canadian Visa Office that serves the applicant's area.

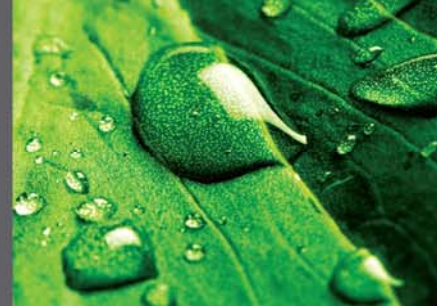
Please see the following link for a list of Canadian Visa Offices:  
[www.cic.gc.ca/english/information/offices/missions.asp](http://www.cic.gc.ca/english/information/offices/missions.asp).

#### **5. THE APPLICATION**

The applicant will be sent a confirmation letter from Citizenship and Immigration Canada once the application has been received. This may take up to three months. If the applicant meets the minimum requirements set out above, the applicant may be asked to attend an interview with an immigration officer at the Consulate General of Canada in Buffalo, New York. Generally speaking, the requirement to attend the interview will only arise where it is unclear whether the applicant has met the minimum requirements set forth above. At the time of the interview, the applicant must have a valid passport or travel documents.

#### **6. FAMILY MEMBERS**

An application made under the CEC can include the applicant's spouse or common-law partner and dependent children. The age of the accompanying dependent children is locked in on the date the application is made, but dependence is not. A child who is under the age of 22 on that date, but 23 when the visa is issued, may still be included as part of the parent's application as an accompanying dependent.



## 7. PROCESSING TIMES

The current processing times range from 8 – 12 months from the date of application.

## 8. FEES

The applicant must pay the following fees, submitted in Canadian funds:

- A processing fee of \$550.00, which must be paid at the time of application and is non-refundable even if the application is not approved.
- A fee of \$490.00 for the Right of Permanent Residence, which must be paid before CIC issues the permanent resident visa. It is refundable if the applicant cancels the application, the application is rejected, or if the applicant does not use the visa.

The applicant also has to pay fees to third parties for:

- a medical examination;
- a police clearance certificate; and
- language testing.



## 9. CONCLUSION

At Dale & Lessmann LLP, we strongly recommend that each situation be assessed well in advance to ensure that the most appropriate immigration strategy is adopted in light of the of the applicant's skill-set and any long term objectives.

Dale & Lessmann LLP's Immigration Practice Group offers a specialized range of immigration and international mobility services to ensure a seamless process for businesses, employees and any accompanying family members. We provide cost-effective immigration solutions to businesses from Canada, the United States, Europe and Australia on major projects, executive transfers, and in obtaining business visitor status, work permits, temporary resident visas and permanent resident status.

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For more information, we encourage you to contact a member of our Immigration Practice Group.

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