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## Canada's New Express Entry System: What We Know So Far

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***The "Express Entry Mid-Year Report", issued in July 2015, offers valuable insight into the state of the new Express Entry system for economic immigration to Canada. This article outlines the system's track record so far, and explores what it means for Canada's evolving immigration landscape.***

In July 2015, Citizenship and Immigration Canada (CIC) released its Express Entry Mid-Year Report. The Report covers the first six months of Canada's revamped system for screening and processing economic class permanent residence applications, known as the "Express Entry" system. The data presented in the report was taken from 6 July 2015. Since the system data changes day to day, the report offers only a snapshot in time. Still, that snapshot provides some telling insight into how Express Entry is faring so far.

### ***Who are the candidates?***

The only way to guarantee selection from the Express Entry candidate pool is with a permanent job offer based on a positive Labour Market Impact Assessment (LMIA) or provincial nomination. Obtaining the 'golden ticket' of an LMIA-based job offer is difficult, since it requires the Canadian employer to go through the lengthy and expensive process of proving that there is no qualified Canadian available to fill the position for which a foreign worker is being sought. Without this type of job offer, it is impossible for a candidate to obtain more than 600 points under Express Entry's Comprehensive Ranking System.

Given that obtaining an LMIA-based job offer is so difficult, it is not surprising that most applicants to the Express Entry candidate pool so far have had less than 600 points. The vast majority of candidates waiting in the pool as of July 2015 were assigned point totals in the range of 250-499 by the Comprehensive Ranking System. So far, no candidates with less than 450 points have been selected out of the Express Entry pool.

Over 85% of Express Entry candidates invited to apply for permanent residence have been resident in Canada on temporary status. This is also unsurprising, given that it would be difficult to achieve a points total of 450 or above without experience living and working in Canada.

The top five countries of citizenship for invited candidates are India (20.8%), the Philippines (19.4%), the United Kingdom (7.4%), Ireland (5.3%) and China (4.1%).

### ***An 'Invitation to Apply' is not enough***

In the first six months of Express Entry, CIC issued just over 12,000 'Invitations to Apply' for permanent residence to candidates in the Express Entry pool. Of those candidates fortunate enough to be issued this invitation, 7,528 had submitted their applications for permanent residence by July 2015. Of these submitted applications, 655 had been approved by CIC and 5,835 were still in process in July 2015.



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These numbers imply that 1,038 applications have been rejected so far—more than the number approved. While the report does not detail statistics on the reasons for refusals, we can speculate based on what we have seen and heard in our practice. It seems that many refusals have been based on failure to provide certain documents such as police clearances. In many cases, candidates were not aware that these documents were required due to lack of clarity within the online application system.

In our practice, we have seen applications rejected based on CIC's errors, oversights and misinterpretations. Unfortunately, once the decision to refuse is made, it can be very difficult to reverse—even in cases where the applicant has done everything right. CIC has unfortunately not developed a standardized review process that a candidate can utilize when a mistaken rejection is suspected.

### ***Technical Difficulties with the CIC Portal***

Express Entry was introduced with the promise of being a simple and streamlined system that would remove the need for complicated mail-in application procedures. While this may one day prove true, the first nine months have been fraught with frustration for system users. The online system frequently malfunctions. Design flaws result in lack of prompt for certain required documents and conversely, confusing prompts for documents that are not required. CIC has acknowledged the system's technical flaws. However, until these issues are addressed, candidates and representatives are stuck working within a system that leaves much to be desired.

### ***Bridging the Gap***

Before Express Entry, "bridging work permits" proved to be a saving grace for those seeking to remain in Canada pending the finalization of their permanent resident status. This program allowed for extension of an existing work permit so long as a permanent residence application was pending. However, a bridging work permit is only available upon confirmation that an economic permanent residence application has received a 'positive eligibility assessment' and been accepted into processing. This means that those candidates waiting in the pool who have not yet received an invitation to apply are not eligible for the bridging work permit. If a candidate's temporary status in Canada expires before an Invitation to Apply is issued, they may have no other option but to leave Canada and hope for an invitation to be issued while abroad.

As well, even those who do receive Invitations to Apply are facing the prospect of being uprooted from their lives in Canada. CIC has not been issuing 'positive eligibility assessment' letters so far. Express Entry has therefore led to a lack of options for applicants and their employers who prefer that the applicant's employment in Canada continue without interruption until permanent residence is achieved.

### ***Foreign Students Left Behind***

Upon introduction of Express Entry, there was much concern that foreign students in Canada would be disadvantaged by the new system. Previously, students could apply for permanent residence after completing a qualifying Canadian program of study plus work for only one year in a skilled position on a post-graduate work permit. Since a post-graduate work permit is not an LMIA-based work permit, it offers no guarantee of an Invitation to Apply under the new system. Given that most foreign students lack significant work experience, their chances of being approved for an LMIA-based work permit are minimal.

Statistics are not yet available on how foreign students are faring under the new system. But CIC has provided little assurance to foreign students who came to Canada in hopes of achieving permanent residence, and are now concerned that they will never receive the coveted Invitation to Apply.

### ***The Bottom Line***

Many of the technical and administrative glitches within the Express Entry system will hopefully be resolved with time. More structural concerns about particular candidates, like foreign students, being shut out under the new application system have yet to be addressed by CIC. It is clear that more time must pass before the initial kinks are worked out and the full impacts of the new system are realized. For the time being, potential economic immigrants to Canada must be prepared to muddle through an often frustrating and uncertain system still in its infancy.

We would be happy to speak to you about Express Entry, and about immigration to Canada more generally. Please contact us to set up a consultation appointment.

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