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## Federal Express: New Immigration Program, One Year In

*Warren Creates, Partner, Immigration Lawyer*

On 1 January 2015, the federal government launched a revamped 'Express Entry' system for economic immigration to Canada. Before this new program, potential economic immigrants to Canada followed a straightforward application process with a predictable outcome. So long as an applicant met the qualifying criteria, included the right documents, and applied before the yearly application quota was met, the application would eventually be approved. Though the wait was often very long, each applicant was ensured an eventual decision on their application.

The new system is designed to eliminate backlog and ensure swifter processing times. Under the new system, each prospective economic immigrant fills out an online profile. Once complete, the electronic database assigns a points total based on a "Comprehensive Ranking System". Points are awarded for factors such as Canadian work experience, education, and language skills. A profile will only remain in the system for 12 months, after which it is removed and the individual must reapply.

Candidates who meet the requirements of one of the four federal Express Entry programs are accepted into the Express Entry Pool. From this pool, the federal government periodically picks the top-ranked candidates and invites them to pay the processing fee and submit a formal application for permanent residence.

### **Ontario Express Entry**

In June 2015 the Ontario government launched two Express Entry streams under the Ontario Immigrant Nominee Program (OINP). These streams allow the province to nominate candidates from the federal Express Entry pool who meet certain education, skilled work experience, and language ability standards and who express a desire to reside in Ontario. Ontario will identify desirable candidates and send them a notification of interest inviting them to apply for a provincial nomination certificate. This certificate will grant the candidate enough points under the Comprehensive Ranking System to be selected out of the pool.

Ontario's first stream, the Human Capital Priorities Stream, requires eligible candidates to have a minimum score of 400 in the Comprehensive Ranking System. Candidates must generally have one year of continuous work experience or part-time equivalent in Canada in the years preceding the notification of interest. The minimum education requirement is a Canadian bachelor's degree or a foreign degree with an education credential assessment report issued by a designated organization. Candidates also must meet minimum French or English language requirements and possess sufficient funds for settlement.

The second "French-Speaking Skilled Worker" Stream targets candidates who have both strong French and English language abilities. The program requirements are similar to



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the Human Capital Priorities Stream, however the French-speaking stream does not have a cut-off score of 400 on the Comprehensive Ranking System.

### **Continuing Challenges**

The Express Entry system has its challenges. On 14 January 2016, the Canadian Chamber of Commerce (“Chamber”) released a comprehensive report on the Express Entry program and declared that “Canada risks losing its economic and competitive advantage when it comes to attracting highly skilled international talent.”

According to the report, the most troubling aspect of the new program is that it still prioritizes Canadian employment and does not provide a meaningful opportunity to attract highly skilled economic immigrants. The only way to provide a candidate with any certainty of selection through the Express Entry system is a positive Labour Market Impact Assessment (“LMIA”) obtained by a Canadian employer. Obtaining an LMIA is costly, and the compliance and enforcement regimes accompanying an LMIA can be daunting for employers.

To improve the Express Entry system, the Chamber recommends that the program be amended to award points to candidates who hold a valid job offer, without requiring an LMIA to validate it.

We would be happy to speak to you about economic immigration to Canada. Please contact us to set up a consultation appointment.

*Warren Creates is Head of Perley-Robertson, Hill & McDougall's Immigration Law Group. He can be reached at [wcreates@perlaw.ca](mailto:wcreates@perlaw.ca) or 613.566.2839.*