



**CORPORATE IMMIGRATION  
LAW FIRM**

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## **Workforce Growth And Building Your Business In The New Economic Environment**

Citizenship and Immigration Canada (CIC) has just released the new ground rules for the processing of permanent resident applications contained in changes to the Immigration and Refugee Protection Act approved by parliament on June 18, 2008. These changes remove the obligation of the government to process all applications received. The Minister has released instructions to immigration officers and visa officers with respect to which applications for permanent residence can be processed based on government goals and objectives for the immigration program.

CIC has a backlog of over 900,000 permanent resident applications most of which are in the Skilled Worker class. Depending on the Visa office in which the application is filed and depending on Department priority processing, applications could take anywhere from two to six years to process. CIC contends that the new instructions will enable them to process applications based on Canada's labour market needs and at the same time prevent the backlog from growing. The instructions apply to all Skilled Worker applications received after February 27, 2008. Applications that meet the new criteria will be processed quickly... the government claims they will do it in six months to a year... while cases in the backlog will be processed according to rules that were in place at the time they were filed and will no doubt continue to languish.

Eligible applications under the new instructions will include those where there is an offer of arranged employment; or where a foreign national has been living legally in Canada for one year as a temporary foreign worker or international student; or the applicant is a skilled worker who has at least one year experience under one or more of 38 occupations on the list of occupations issued under the Ministerial Instructions. The list can be viewed at [www.cic.gc.ca/eligible](http://www.cic.gc.ca/eligible). Applications received by CIC on or after February 27, 2008 that do not meet these requirements will be returned to the applicant along with the processing fee.

CIC plans to admit 240,000 to 265,000 new permanent residents to Canada in 2009. These numbers are consistent with past entry figures and while some of our competitors in immigrant receiving countries are reducing their intake of new immigrants the plan in Canada is to maintain the levels but to focus on being responsive to Canadian labour market needs. The 38 high-demand occupations on the list are in healthcare, skilled trades, finance and resource extraction. Others who will be eligible to have their applications processed have arranged employment or have already been legally living in Canada for at least one year as a temporary foreign worker or international student.

Experts suggest that three quarters of Canadian population growth is due to immigration and that by the year 2012 100% of workforce growth will be from immigration. With the implementation of the Ministerial Instructions along with other initiatives such as the new Canadian Experience Class (targeting people in Canada with work permits and international students); Foreign Credential Referral Service (to aid in the recognition of foreign credentials); and various provincial nominee programs, the government hopes to become more competitive internationally and responsive to labour market needs domestically in the quest for skilled workers.

Now, and in the coming months and years, more than ever, it will be important for companies who need skilled workers to sustain their growth and market place competitiveness to have efficient, competent immigration counsel to work with. Immigration counsel should assist companies in saving money by ensuring the continued employment of valuable skilled workers without disruption. Counsel can put in place strategic immigration plans that will avoid unnecessary delays in processing, avoid refusals, reduce processing times and reduce the need for extensions of status.

### **New 3-year Renewable Work Permits for NAFTA Professionals**

As of December 15, 2008, professionals seeking to work temporarily in Canada under the North American Free Trade Agreement (NAFTA) can now receive work permits for up to three years. Previously, NAFTA Professionals (such as accountants, engineers, lawyers, architects, etc.) were required to renew their work permit every 12 months. This change matches the United States' new rules on the issuance of Trade NAFTA (TN) work visas to Canadian and Mexican professionals under NAFTA.

### **New Minimum Recruitment Requirements for Labour Market Opinions**

On January 1, 2009, Human Resources and Social Development Canada's "Occupations Under Pressure List" initiative was replaced by new national advertising requirements for Labour Market Opinions. All occupations are now subject to the same minimum advertisement requirements based on skill level under the National Occupational Classification (NOC) system.

Failure to comply with the requirements will result in an application for a Labour Market Opinion being denied.

We will provide more detailed information with respect to these important changes in an upcoming bulletin. In the meantime, please refer to the new minimum recruitment requirements information provided on the Human Resources and Social Development Canada website:

[http://www.hrsdc.gc.ca/eng/workplaceskills/foreign\\_workers/communications/advertrecruitment.shtml](http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/communications/advertrecruitment.shtml)



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