

Canada has overhauled its immigration process for international students

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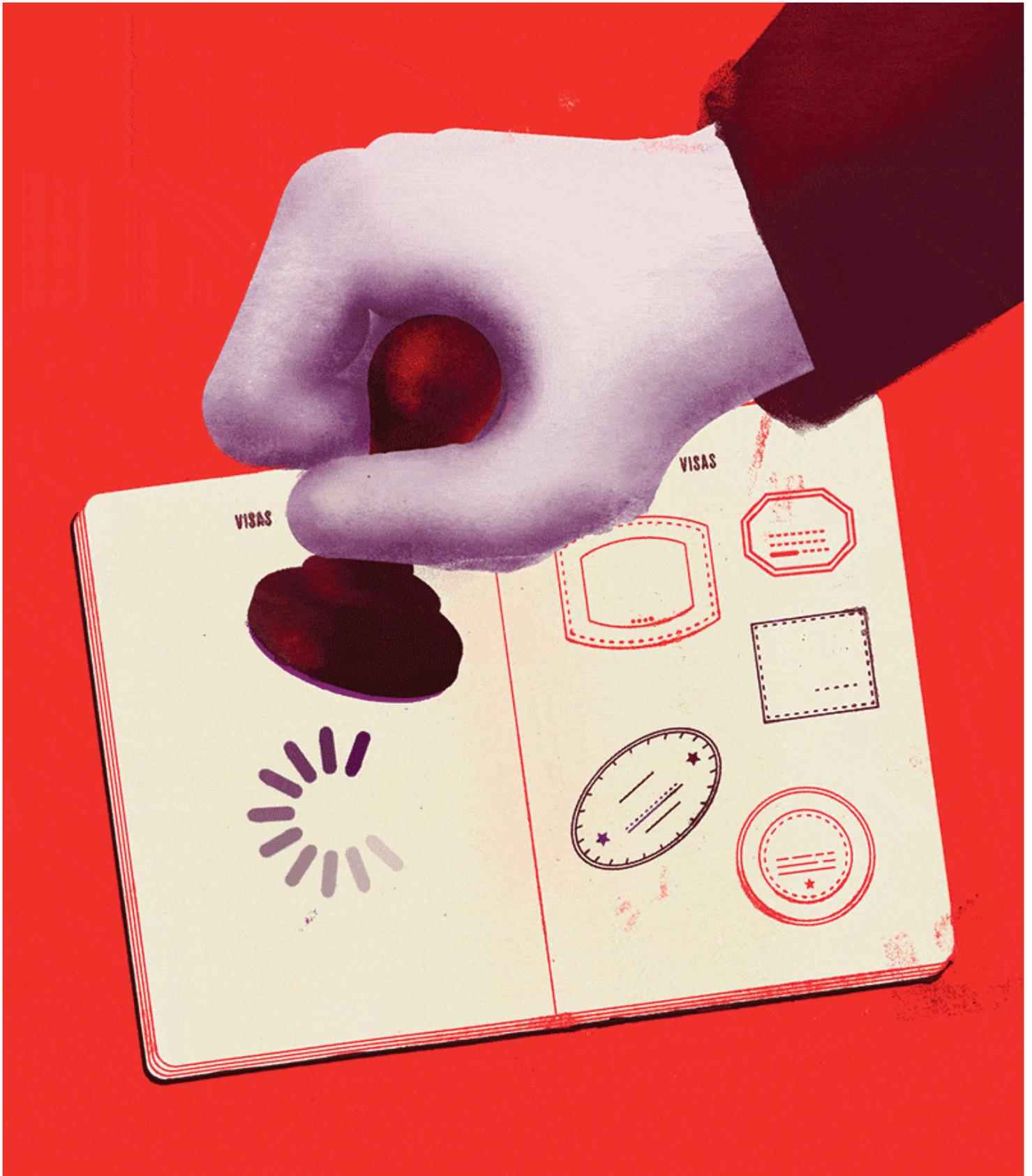
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Changes to the Express Entry program ordered by Minister of Immigration John McCallum will benefit international students and workers in Canada under NAFTA
(Adrian Wyld/CP)

Canada's government today announced major changes to Express Entry, the system under which most immigrants obtain permanent residence here.

The instructions from Minister of Citizenship and Immigration John McCallum, published in today's gazette and set to take effect on November 19, award additional points to applicants whose degrees were obtained in Canada, and make significant changes to the weighting of job offers.



How Canada's immigration policy is failing high-tech startups

Previously, applicants who obtained a Labour Market Impact Assessment (LMIA)—a document showing an employer couldn't find a qualified Canadian to do the job—received an additional 600 points, almost guaranteeing an invitation to apply for permanent residence.

Under the new rules, that number has been reduced considerably. Applicants set to take certain managerial-level jobs will now get 200 points, while other positions are worth 50. “I think we’re going to see a drastic reduction in LMIA’s, which will be nice because they’re so swamped in the LMIA office right now that processing times have tripled,” says Tamara Mosher-Kuczer, an associate at Ottawa immigration law firm [Capelle Kane](#), speaking after an initial study of the changes.

An additional category of applicant will now also qualify to these additional points: Foreign workers with employer-specific permits under a trade deal like NAFTA or GAT. Mosher-Kuczer uses the example of someone who has been in Canada for 10 years under the terms of a free trade agreement, and who wants to obtain permanent residence. To obtain an LMIA, the employer would have to “do a fictional advertising and recruitment process for a job that is already filled and they have no intention of recruiting somebody else for.” Educational institutions in particular are likely to benefit. “It’s a big issue here for the American professors who are here under NAFTA,” Mosher-Kuczer says.

Last week, the government [announced](#) a new program called the Global Skills Strategy designed to help qualifying companies in high-growth sectors (read: tech) recruit global talent. Though the announcement did not lay out many details beyond a promised two-week application processing standard, people within the tech industry familiar with the process suggested it would include an LMIA exemption. But the matter of keeping those workers in the country permanently remained unaddressed, since sans an LMIA they would not have been competitive Express Entry applicants. Today’s changes may smooth that process. “If you’ve already brought somebody in under the Global Skills Strategy and proven that you needed them, then it makes perfect sense that they have a pathway to permanent residence,” notes Mosher-Kuczer.

The changes also contained welcome news for international students looking to stay in the country long-term. Previously, applicants could earn up to 150 points for their educational qualifications; the only advantage afforded those who had studied in Canada was not having to prove the equivalency of their degrees. Under the new system, applicants with a Canadian educational credential will get up to 30 additional points. (For context, achieving the highest level of proficiency in a second official language is worth just 22). “It’s going to be a boon to international students who have studied here—it’s going to give them a big leg up,” says Mosher-Kuczer.



Why kicking me out of the country would be bad for Canada's economy

The introduction of Express Entry at the beginning of 2015 under the then-Conservative government had made it extremely difficult for international students to stay. The changes rolled a separate program commonly used by this group of people into the new system, pitting them against applicants from all over the world. Obtaining an LMIA was suddenly crucial to international students' chances of remaining the country, but almost impossible for anyone not working in the most specialized, in-demand fields.

(Full disclosure: [I am a former international student currently in the Express Entry pool](#)).

Not wanting to deal with the hassle of proving they couldn't find a Canadian for the job, or seeking to avoid the negative publicity associated with hiring foreign workers, many employers were not willing to go through the LMIA process at all. The combination of the additional points for a Canadian education and the reduced weighting for a job offer will significantly reduce international students' need to find such an organization. "It's definitely not going to make as much of a difference, because it's only 50 points [instead of 600]," says Mosher-Kuczer.

The increased points for Canadian education will boost the total of international students, but whether that will translate to more such applicants obtaining PR remains to be seen. Draws from the Express Entry pool are made every two weeks, and the number of invitations issued and how they are allocated among the various programs determines the minimum number of points necessary to receive one. "[The increased points] will obviously help [international students], but we don't know to what extent, because we don't know what the invitation number is going to be," says Stephen Green, a partner at Toronto firm Green and Spiegel. A further change that would have benefited international students—counting jobs obtained on a Post-Graduate Work Permit, a temporary license to stay for degree holders, as "arranged employment"—was not made, he notes.

The changes also extend the deadline to apply for permanent residence once an invitation is issued from 60 to 90 days, allowing applicants more time to gather the necessary documents. “To get an FBI police clearance, which if you’ve been living in the [U.S.] is required, currently takes between 12 to 14 weeks,” Mosher-Kuczer points out. Getting it all right the first time is key. “If you submit an application that is not complete, they throw it out.”

Updated November 14 with comment from Stephen Green.

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