

## OP 6-C – Federal Skilled Worker Class – Applications received on or after May 4, 2013

1.	What this chapter is about.....	3
2.	Program objectives .....	3
3.	The <i>Act</i> and <i>Regulations</i> .....	3
3.1.	Forms required.....	4
4.	Instrument of designation and delegation .....	4
5.	Departmental policy .....	4
5.1.	Requirements for membership in the class.....	4
5.2.	Ministerial Instructions .....	5
5.3.	Fees .....	5
5.4.	Procedural fairness .....	6
6.	Definitions.....	6
6.1.	National Occupational Classification .....	6
6.2.	Restricted occupations.....	7
6.3.	Full-time work .....	7
6.4.	Arranged employment.....	7
6.5.	Canadian educational credential .....	7
6.6.	Equivalency assessment.....	8
6.7.	Language skill area .....	8
6.8.	Family members.....	8
7.	Processing .....	8
8.	Procedure: Receiving the application .....	8
8.1.	Completeness check upon receipt.....	8
9.	Procedure: Assessing the application against Ministerial Instructions .....	10
9.1.	Putting an application into process at the CIO .....	11
10.	Procedure: Assessing the application against minimum requirements .....	11
10.1.	Determining whether minimum requirements have been met .....	11
	Minimum work experience requirement.....	12
	Minimum language proficiency requirement .....	12
	Minimum education requirement .....	12
10.2.	Minimum requirements and ministerial instructions.....	13
11.	Procedure: Assessing the application against selection criteria.....	13
11.1.	Education .....	14
	Designated assessment organizations.....	15

Concerns with respect to the authenticity of foreign educational credentials .....	16
11.2. Official language proficiency .....	16
Designated language testing organizations .....	17
Language equivalency charts .....	17
Integrity concerns with respect to language test results .....	19
11.3. Work experience .....	20
11.4. Age .....	20
11.5. Arranged employment .....	21
Bridging open work permit .....	22
Role of HRSDC in assessing offers of employment .....	23
Validity of the HRSDC assessment .....	23
Licensing and certification .....	24
Suspected fraud .....	24
11.6. Adaptability .....	25
12. Procedure: Making the final selection decision .....	26
12.1. Settlement funds .....	27
12.2. Substituted evaluation .....	27
12.3. Use of interviews .....	29
12.4. Detecting and deterring fraud .....	29
13. Procedure: Determining admissibility .....	29
14. Procedure: Rendering a final decision on the application .....	30
14.1. Approving the application .....	30
14.2. Refusing the application .....	30
Appendix A – Sample refusal letter – Negative final determination of eligibility for processing .....	31
Appendix B – Sample refusal letter – Minimum requirements .....	33
Appendix C – Sample refusal letter – Insufficient points .....	35
Appendix D – Sample refusal letter – Substituted evaluation .....	37
Appendix E – Crosswalk – Equivalency assessment outcomes and education points grid .....	39

---

## 1. What this chapter is about

This chapter describes the processing of applications for permanent residence submitted by applicants in the Federal Skilled Worker Class, and received by the Centralized Intake Office (CIO) in Sydney, Nova Scotia on or after May 4, 2013.

**Note:** Information on processing applications for permanent residence under the Federal Skilled Worker Class received before May 4, 2013 is provided in [OP 6](#), [OP 6-A](#) and [OP 6-B](#).

---

## 2. Program objectives

Section 3 of the *Immigration and Refugee Protection Act* (IRPA) lists several objectives with respect to immigration. Among those related to the Federal Skilled Worker Class are:

- to permit Canada to pursue the maximum social, cultural and economic benefits of immigration;
- to support the development of a strong and prosperous Canadian economy, in which the benefits of immigration are shared across all regions of Canada;
- to support, by means of consistent standards and prompt processing, the attainment of immigration goals established by the Government of Canada in consultation with the provinces; and
- to enrich and strengthen the cultural and social fabric of Canadian society, while respecting the federal, bilingual and multicultural character of Canada.

---

## 3. The Act and Regulations

<b>Provision</b>	<b>Act and Regulations</b>
Attainment of immigration goals	A3(1)
Application, form and content	A11, R10
Place of application for visa	R11
Return of an application	R12
Production of supporting documents	R13
Visa issuance by officer	R70(1)
Economic class	A12(2)
Inadmissibility	A33 to A43
Definitions	R73
Language proficiency thresholds and designation for evaluating language proficiency	R74
Federal skilled worker class and minimum requirements	R75(1), R75(2), R75(3)
Selection criteria – skilled workers	R76(1)
Minimum number of points required – skilled workers	R76(2)
Substituted evaluation	R76(3), R76(4)
Selection grid – skilled workers: <ul style="list-style-type: none"><li>• Education</li><li>• Proficiency in English and French</li><li>• Work experience</li><li>• Age</li></ul>	<ul style="list-style-type: none"><li>• R78</li><li>• R79</li><li>• R80</li><li>• R81</li></ul>

<ul style="list-style-type: none"> <li>• Arranged employment</li> <li>• Adaptability</li> </ul>	<ul style="list-style-type: none"> <li>• R82</li> <li>• R83</li> </ul>
Permanent resident status – accompanying family member of a skilled worker	R85
Transitional federal skilled workers	R85.1 to R85.6

### 3.1. Forms required

The forms required for applicants in the Federal Skilled Worker Class are summarized in the following table:

Form title	Form number	Completed by
<i>Generic Application Form to Canada</i>	<a href="#">IMM 0008</a>	Principal applicant
<i>Schedule A – Background/Declaration</i>	<a href="#">IMM 5669</a>	Principal applicant and, if applicable, spouse or common-law partner, and each dependent child 18 years of age or over
<i>Additional Family Information</i>	<a href="#">IMM 5406</a>	Principal applicant and, if applicable, spouse or common-law partner, and each dependent child 18 years of age or over
<i>Schedule 3 – Economic Classes – Federal Skilled Workers</i>	<a href="#">IMM 0008 – Schedule 3</a>	Principal applicant
<i>Supplementary Information: Your Travels</i>	<a href="#">IMM 5562</a>	Principal applicant
<i>Fee Payment Form – Application for Permanent Residence</i>	<a href="#">IMM 5620</a>	Principal applicant

## 4. Instrument of designation and delegation

Refer to the appropriate annexes in the [IL 3 – Designation of Officers and Delegation of Authority](#) manual chapter.

## 5. Departmental policy

### 5.1. Requirements for membership in the class

The Federal Skilled Worker Class is prescribed as a class of persons who are skilled workers and who may become permanent residents on the basis of their ability to become economically established in Canada and who intend to reside in a province other than the province of Quebec. A foreign national is a skilled worker if:

- within the 10 years before the date on which their application for a permanent resident visa is made, they have accumulated, over a continuous period, at least one year of full-time work experience, or the equivalent in part-time work, in the occupation identified by the foreign national in their application as their primary occupation, other than a restricted occupation, that is listed in Skill Type 0 or Skill Level A or B of the *National Occupational Classification* (NOC);

- during that period of employment they performed the actions described in the lead statement for the occupation as set out in the occupational descriptions of the NOC;
- during that period of employment they performed a substantial number of the main duties of the occupation as set out in the occupational descriptions of the NOC, including all of the essential duties; and
- they have submitted the results of an evaluation of their proficiency in either English or French indicating that they have met or exceeded the language proficiency threshold set by the Minister for each of the four language skill areas. The evaluation results must have been issued by an organization or institution designated under R74(3) and must be less than two years old on the date on which their application is made; and
- they have submitted one of the following:
  - ◆ their completed Canadian educational credential, or
  - ◆ their completed foreign diploma, certificate or credential and its equivalency assessment, which must have been issued by an organization or institution designated under R75(4) and must be less than five years old on the date on which their application is made.

---

**Note:** If a professional body has been designated in respect of the occupation identified by the foreign national in their application as their primary occupation, the completed foreign diploma, certificate or credential submitted by the foreign national must be relevant to that occupation. The equivalency assessment will establish that the completed foreign diploma, certificate or credential is equivalent to the completed Canadian educational credential required to practise that occupation in at least one of the provinces in which the equivalency assessments issued by that professional body are recognized. The equivalency assessment must be issued by the designated professional body and must be less than five years old on the date on which the application is made.

---

## 5.2. Ministerial Instructions

On June 18, 2008, the *Immigration and Refugee Protection Act* was amended to give the Minister of Citizenship, Immigration and Multiculturalism the authority to issue instructions that would ensure the processing of applications and requests be conducted in a manner that, in the opinion of the Minister, will best support the attainment of immigration goals set by the Government of Canada.

Applications under the Federal Skilled Worker Class are to be processed pursuant to the Ministerial Instructions, if any, applicable to that class and in effect at the time of application.

## 5.3. Fees

Applicants in the Federal Skilled Worker Class are required to pay two fees:

- the cost recovery fee; and
- the Right of Permanent Residence Fee.

### Cost recovery fee

The *Immigration and Refugee Protection Regulations* (IRPR) prescribe the fees payable for processing an application for a permanent resident visa. Section 295 of the IRPR specifies who must pay the cost recovery fee, and the amount of those fees.

The cost recovery fee must be paid for all persons who intend to immigrate to Canada. This includes the principal applicant, and any accompanying family members.

The cost recovery fee is payable at the time the application is made to the CIO. An applicant may withdraw an application and receive a refund of the cost recovery fee at any time before processing of the application begins at the CIO. This rule also applies to applications that are not eligible for processing according to the Ministerial Instructions. Once processing has begun at the CIO, the cost recovery fee is not refundable.

---

**Note:** For the Federal Skilled Worker Class, processing starts with a positive determination of eligibility for processing at the CIO following assessment against the criteria of applicable Ministerial Instructions. In order to be eligible to receive a refund of the cost recovery fee, an applicant must request a withdrawal of their application before this determination of eligibility for processing has been made. If an applicant requests a change in immigration class at any time, a new application and new cost recovery fee must be submitted. An applicant may have more than one application in process at a given time, but only one application can be finalized with visa issuance. Any additional applications must therefore be finalized as withdrawn or refused.

---

### **Right of Permanent Residence Fee**

Section 303 of the IRPR specify that the Right of Permanent Residence Fee (RPRF) is payable for the principal applicant and, if applicable, their spouse or common-law partner.

Payment of the RPRF is required before issuance of permanent resident visas, if applicable.

Applicants may make their RPRF payment at any time during the immigration process before permanent resident visas are issued. Most visa offices encourage payment of the RPRF only once a determination is made that all statutory requirements have been met.

### **RPRF refunds**

Successful applicants who decide not to use their permanent resident visas must return them to the issuing visa office in order to obtain an RPRF refund.

Unsuccessful applicants who have paid the RPRF should be informed, as part of the refusal letter, that they are entitled to a refund and should be given an approximate timeframe for its receipt.

The processing office that receives the RPRF is responsible for issuing the refund to unsuccessful applicants. In the case of files transferred from one visa office to another, the visa office that finalizes the case is responsible for processing any RPRF refund.

---

**Note:** Refer to Operational Bulletin [376](#) for cost recovery and refund procedures at the CIO and at visa offices.

---

## **5.4. Procedural fairness**

For information on the principles of procedural fairness, refer to [Section 8, OP 1 – Procedures](#).

---

## **6. Definitions**

### **6.1. National Occupational Classification**

The *National Occupational Classification* (NOC) is the official governmental classification and description of occupations in the Canadian economy. The NOC identifies and groups occupations in the Canadian economy by skill type and level based on the tasks, duties and responsibilities of the occupation.

---

**Note:** On January 31, 2012, Human Resources and Skills Development Canada (HRSDC) and Statistics Canada replaced the 2006 edition of the NOC with the 2011 edition. Applications received in the Federal Skilled Worker Class on or after May 4, 2013 are to be assessed against the 2011 edition of the NOC. However, in order to facilitate processing of applications

in this class, CIC will continue to accept positive/neutral Labour Market Opinions (LMOs) assessed and issued by HRSDC against the 2006 edition of the NOC, and work permits based on these LMOs, provided the NOC 2006 occupation code can be correlated to an eligible NOC 2011 Skill Type 0, Skill Level A or B occupation code at the time of application to CIC. Applicants will be assessed considering the current NOC version (i.e. issued in 2012).

---

NOC 2011 is available on the HRSDC website at: <http://www5.hrsdc.gc.ca/NOC>.

---

## **6.2. Restricted occupations**

R73 defines restricted occupations as those so designated by the Minister following a review of labour market activity and consultations with other stakeholders.

R75(2)(a) stipulates that experience in a restricted occupation cannot be used to satisfy the minimum work experience requirements of a skilled worker.

R80(2) stipulates that no points can be given under the experience factor of the skilled worker selection criteria for experience in a restricted occupation.

---

**Note:** At the time of publication, no occupations were designated as restricted. However, for current information, refer to the CIC website at:  
[www.cic.gc.ca/english/immigrate/skilled/index.asp](http://www.cic.gc.ca/english/immigrate/skilled/index.asp).

---

## **6.3. Full-time work**

Pursuant to R73(1), “full-time work” means at least 30 hours of work over a period of one week, and pursuant to R73(2), “work” means an activity for which wages are paid or commission is earned.

The full-time work experience requirement for applicants in the Federal Skilled Worker Class may be met by the equivalent in part-time paid work experience (e.g. more than one part-time job held simultaneously or one or more part-time jobs held over the equivalent of at least one year of full-time work). However, the part-time work experience must have been accumulated over a continuous period pursuant to R75(2)(a).

Work experience can be calculated by adding up the number of continuous weeks of full-time (or equivalent in part-time) paid work (i.e. 30 hours per week in one full-time job, a combined total of at least 30 hours per week in more than one part-time job, 15 hours per week in one part-time job over a period of two years, etc) in one or more skilled occupations at Skill Type 0 (Managerial occupations), Skill Level A (Professional occupations) or B (Technical occupations and skilled trades) of NOC 2011.

---

**Note:** Work in excess of 30 hours of paid work over a period of one week cannot compensate for less than one year of full-time work experience.

---

## **6.4. Arranged employment**

Pursuant to R82(1), “arranged employment” means an offer of employment, in an occupation listed in Skill Type 0, Skill Level A or B of the NOC, that is made by an employer other than an embassy, high commission or consulate in Canada or an employer that appears on the list referred to in R203(6), for full-time work in Canada that is non-seasonal and indeterminate.

---

## **6.5. Canadian educational credential**

Pursuant to R73(1), “Canadian educational credential” means any diploma, certificate or credential, issued on the completion of a Canadian program of study or training at an educational or training institution that is recognized by the provincial authorities responsible for registering, accrediting, supervising and regulating such institutions.

---

## 6.6. Equivalency assessment

Pursuant to R73(1), “equivalency assessment” means a determination, issued by an organization or institution designated under R75(4), that a completed foreign diploma, certificate or credential is equivalent to a completed Canadian educational credential as defined above.

The equivalency assessment will also include an assessment by the organization or institution of the authenticity of the completed foreign diploma, certificate or credential.

---

## 6.7. Language skill area

Pursuant to R73(1), “language skill area” means speaking, oral comprehension (listening), reading and writing.

---

## 6.8. Family members

Refer to R1(3) for the definition of “family member.”

For information about who qualifies as a dependent child, examination of non-accompanying family members, and adding a family member during processing, refer to [OP 2 – Processing Members of the Family Class](#).

For information about assessing the relationship between adoptive parents and an adopted child, refer to [Section 5.8, OP 3 – Adoptions](#).

---

# 7. Processing

Processing applications for permanent residence in the Federal Skilled Worker Class involves a series of procedural steps, including an assessment of eligibility for processing by the CIO. These procedures are described in greater detail in the following sections of this chapter:

- Receiving the application, Section 8;
- Assessing the application against Ministerial Instructions, Section 9;
- Assessing the application against minimum requirements, Section 10;
- Assessing the application against selection criteria, Section 11;
- Making the selection decision, Section 12;
- Determining admissibility, Section 13;
- Rendering a final decision on the application, Section 14.

---

# 8. Procedure: Receiving the application

---

## 8.1. Completeness check upon receipt

All applications for permanent residence in the Federal Skilled Worker Class must be submitted to the CIO in Sydney, Nova Scotia.

Applications received at the CIO will first be reviewed for completeness pursuant to R10 and the application kit requirements in place at the time of application receipt, including the following forms, fees, information and supporting documents:



- a signed and completed *Generic Application Form for Canada* [IMM 0008], including the name, date of birth, nationality, current marital status, and current immigration status of the principal applicant and all family members (whether accompanying or not);
- results of the principal applicant's language proficiency test from a designated testing agency, which are less than two years old on the date on which the application is made, demonstrating that they meet or exceed the language proficiency threshold set by the Minister in all four skill areas in the first official language identified in their application;
- evidence that the principal applicant has accumulated at least one year of continuous full-time paid work experience, or the equivalent in continuous paid part-time work experience, in the NOC 2011 O, A or B occupation identified in their application for permanent residence as their primary occupation. This work experience must have been obtained within the 10 years preceding the date of their application, and the applicant must have:
  - ◆ performed the actions described in the lead statement for the occupation as set out in the occupational description of the NOC 2011; and
  - ◆ performed a substantial number of the main duties, including all of the essential duties, of the occupation as set out in the occupational description of the NOC 2011.
- a completed Canadian educational credential **OR** a completed foreign educational credential and its equivalency assessment (Educational Credential Assessment – ECA report) issued by a designated organization or institution. If a professional body has been designated for the occupation specified by the applicant as their primary occupation, the ECA report must have been issued by the designated professional body. The ECA report must be less than five years old on the date on which the application is made;
- a properly completed *Schedule A – Background/Declaration* [IMM 5669] for the principal applicant and, if applicable, his or her spouse or common-law partner, and all dependent children 18 years of age or older listed in the IMM 0008;
- a properly completed *Schedule 3 – Economic Class – Federal Skilled Workers* [IMM 0008 – Schedule 3] for the principal applicant;
- a properly completed *Supplementary Information – Your Travels* [IMM 5562] for the principal applicant;
- a properly completed *Fee Payment Form – Application for Permanent Residence* [IMM 5620] and evidence of payment of the applicable fees;
- clear identification of the visa, permit or authorization for which the application is being made;
- clear identification of the class in which the application is being made;
- a signed declaration to the effect that the information provided is complete and accurate; and
- any additional documents and information required by the IRPR, as well as any other evidence required by the *Act*.

---

**Note:** Applications that are incomplete or received after any global or sub-cap specified through Ministerial Instructions has been reached will be returned to the applicant along with processing fees.

---

<b>If it is determined that...</b>	<b>Then the CIO will...</b>
the application <b>meets</b> the requirements pursuant to R10, including the application kit requirements in place at the time of application receipt	<b>proceed to assess</b> the application against ministerial instructions (Section 9).
the application <b>does not meet</b> the requirements pursuant to R10, including the application kit requirements in place at the time of application receipt	<b>return the application</b> to the applicant as incomplete.  The CIO will record in GCMS that an application was received and returned to the applicant, and will take no further action unless a complete application, as outlined above, is made.

---

**Note:** Applications are date stamped upon receipt at the CIO and then checked for completeness in order by date of receipt. The “application received” date at the CIO is the lock-in date. Processing offices should therefore maintain the application received date from the time of the applicant’s initial submission to the CIO, and process the application to conclusion.

---

## 9. Procedure: Assessing the application against Ministerial Instructions

The CIO will assess the applicant’s submission as-is and make a final determination of eligibility for processing under the applicable Ministerial Instructions.

To be eligible for processing, the applicant must have submitted a complete application as per the kit requirements in place at the time of application and meet **all** the criteria described in the applicable Ministerial Instructions in place on the date of application receipt.

If the application is determined to be eligible for processing, the applicant will be informed. Once the CIO has made a positive eligibility determination, processing has begun and processing fees are no longer refundable.

If the application is determined to be ineligible for processing, the applicant will be informed and will receive a refund of processing fees. The application will not be returned to the applicant.

Refer to the *Canada Gazette* for the current Ministerial Instructions applicable to this class:  
<http://www.gazette.gc.ca/rp-pr/p1/index-eng.html>.

---

**Note:** Missing admissibility documents (i.e. police certificates) should not delay the final determination of eligibility for processing. Applicants have been strongly encouraged to include police certificates with their application. However, if applicants cannot obtain police certificates, they may still submit the application to the CIO without them. The CIO will not reject these applications provided they are complete in all other respects. If the application is placed into processing, the applicant must be ready to submit the police certificates to the processing office when requested.

---

<b>If the application...</b>	<b>Then the CIO...</b>
<b>meets all</b> the criteria of applicable Ministerial Instructions	<b>will make a final positive determination of eligibility for processing and:</b> <ul style="list-style-type: none"> <li>• put the application into process and inform the applicant (Section 9.1); and</li> <li>• proceed with assessing the application against minimum requirements (Section 10).</li> </ul>

	The processing fees are no longer refundable.
<b>does not meet all</b> the criteria of applicable Ministerial Instructions	<p><b>will make a final negative determination of eligibility for processing and:</b></p> <ul style="list-style-type: none"> <li>• record the outcome and reasons in GCMS;</li> <li>• initiate a refund of processing fees; and</li> <li>• inform the applicant (see Appendix A for sample letter).</li> </ul> <p>The application will not be returned to the applicant.</p>

---

**Note:** In making a final negative determination of eligibility for processing determination, officers should clearly state the reasons for their determination in GCMS.

---

### 9.1. Putting an application into process at the CIO

Following a positive completeness check and final determination of eligibility for processing under Ministerial Instructions, if any, in place at the time of application, the CIO will:

- create a file in GCMS;
- enter “SW1-FED” in the Category field in GCMS;
- cost recover the applicable processing fees and enter confirmation in GCMS;
- record the GCMS file number on the paper file;
- send an acknowledgement of receipt letter to the applicant informing them that their file has been placed into processing and, if applicable, transferred to another office;
- transfer the paper file to the processing office in accordance with existing file transfer policies; and
- transfer the electronic file to the processing office in GCMS by making that office the primary office for processing.

---

## 10. Procedure: Assessing the application against minimum requirements

Applications that have been determined to be eligible for processing will be assessed by the CIO against the minimum requirements for skilled workers set forth in R75.

### 10.1. Determining whether minimum requirements have been met

The CIO will review the application in detail, considering all the information and documentation provided with respect to the applicant’s work experience, official language proficiency and education to determine if the applicant meets the minimum requirements for skilled workers.

---

**Note:** Substituted evaluation cannot be used by the CIO to overcome an applicant’s failure to meet the minimum requirements.

---

### Minimum work experience requirement

Pursuant to R75(2)(a), the applicant must have accumulated at least one year of continuous full-time paid work experience, or the equivalent in continuous paid part-time work experience, in the occupation identified in their application for permanent residence as their primary occupation, that is listed in Skill Type 0 (Managerial occupations), Skill Level A (Professional occupations) or B (Technical occupations and skilled trades) of NOC 2011.

In order to meet the minimum requirements, the applicant's skilled work experience must:

- have occurred within the 10 years preceding the date of their application for permanent residence; and
- not be in an occupation that has been designated as a restricted occupation.

---

**Note:** At the time of publication, no occupations were designated as restricted. However, current information, refer to the CIC website at:  
[www.cic.gc.ca/english/immigrate/skilled/index.asp](http://www.cic.gc.ca/english/immigrate/skilled/index.asp).

---

In addition, during that period of employment, the applicant must have:

- performed the actions described in the lead statement for the occupation as set out in the occupational description of the NOC [R75(2)(b)]; and
- performed a substantial number of the main duties, including all of the essential duties, of the occupation as set out in the occupational description of the NOC [R75(2)(c)].

---

**Note:** The "Employment Requirements" listed in the NOC description for each occupation are not applicable.

---

### Minimum language proficiency requirement

Pursuant to R75(2)(d), the applicant must demonstrate that they meet or exceed the threshold(s) set by the Minister for proficiency in either English or French for each of the four language skill areas: reading, writing, speaking and listening.

The current language proficiency threshold set by the Minister is available at:  
<http://www.cic.gc.ca/english/immigrate/skilled/factor-language.asp>.

Applicants must demonstrate that they meet the required level of language proficiency in all four language skill areas by submitting the results of an English or French language test from a designated testing organization with their application to the CIO.

Language test results must not be more than two years old at the time of application receipt, and will be used as conclusive evidence of an applicant's language proficiency pursuant to R74(7). Other written evidence will not be considered.

### Minimum education requirement

Pursuant to R75(2)(e), the applicant must submit their completed Canadian educational credential **OR** their completed foreign educational credential and the equivalency assessment (ECA report) issued by a designated assessment organization or institution with their application to the CIO. The equivalency assessment must be less than five years old on the date on which the application is received at the CIO.

---

**Note:** Applicants may submit evidence of more than one completed Canadian educational credential and/or completed foreign educational credential and its equivalency assessment for the purpose of obtaining maximum points for their education. However, the applicant must submit at least a completed Canadian secondary educational credential or its equivalent in order to meet the minimum education requirement.

---

Pursuant to R75(2.1), if a professional body has been designated for the primary occupation specified in the application, the applicant must submit a completed foreign diploma, certificate or credential relevant to that occupation and the equivalency assessment (ECA report) issued by the designated professional body establishing that the completed foreign diploma, certificate or credential is equivalent to the completed Canadian educational credential required to practise that occupation in at least one of the provinces in which the equivalency assessments issued by this professional body are recognized. The equivalency assessment must be issued by the designated professional body and must be less than five years old on the date on which the application is made.

Pursuant to R75(8), equivalency assessments (ECA reports) will be used as conclusive evidence that the applicant's completed foreign diplomas, certificates or credentials are equivalent to completed Canadian educational credentials for the purposes of R75(2)(e), R75(2.1) and R78.

The ECA report will also include an assessment by the organization or institution of the authenticity of the completed foreign diploma, certificate or credential. Refer to section 11.1 regarding concerns with respect to the authenticity of foreign educational credentials.

---

**Note:** Only reports issued by a designated organization or institution which meet the format and content requirements specified by CIC, and issued while the organization or institution is designated by CIC, will be accepted by the CIO as an equivalency assessment for the purpose of an Federal Skilled Worker Class application.

---

## 10.2. Minimum requirements and ministerial instructions

Applicants who were determined to meet MI because they had accumulated at least one year of continuous full-time paid work experience, or the equivalent in continuous paid part-time work experience, in the occupation identified in their application for permanent residence as their primary occupation, that is listed in Skill Type 0, Skill Level A or B of NOC 2011 should automatically meet the minimum work experience requirement pursuant to R75(2)(a).

Applicants who were determined to meet MI because they demonstrated through official language test results that they met or exceeded the threshold(s) set by the Minister for proficiency in either English or French for each of the four language skill areas should automatically meet the minimum language proficiency requirement pursuant to R75(2)(d).

If the applicant...	Then the CIO will...
<b>meets all</b> of the minimum requirements	assess the application against selection criteria (Section 11).
<b>does not meet all</b> of the minimum requirements	will not assess the application against selection criteria, and will refuse the application pursuant to R75(3). (See Appendix B for sample letter).

---

## 11. Procedure: Assessing the application against selection criteria

For the purposes of determining whether a skilled worker, as a member of the Federal Skilled Worker Class, has the ability to become economically established in Canada, officers will assess the applicant against the selection criteria set forth in R76(1).

Based on the information and documents provided in the application, officers will award the applicant points against the following six selection factors:

- Education (Section 11.1);
- Official language proficiency (Section 11.2);

- Work experience (Section 11.3);
- Age (Section 11.4);
- Arranged employment (Section 11.5); and
- Adaptability (Section 11.6).

The CIO will only assess applications that have met all the minimum requirements against the selection criteria, and will award points against each of the six selection factors.

If the applicant's total score is...	Then the CIO will...
<b>equal to or greater than</b> the pass mark set by the Minister	<b>forward the entire application</b> , including the result of their initial assessment against the selection criteria, to the office identified by the applicant for processing on the IMM 0008 for a final decision.
<b>less than</b> the pass mark set by the Minister	<b>make a negative selection decision</b> , record the outcome and reasons in GCMS, and send a letter to inform the applicant that their application has been refused (see Appendix C sample letter).

---

**Note:** The CIO will only make negative selection decisions. Only the responsible processing office will make positive selection decisions, taking into account, but not limited to, the initial assessment against selection criteria made by the CIO. In making a negative selection decision, officers should clearly state the reasons for their decision in GCMS.

---

### 11.1. Education

To be awarded points for education, the applicant must provide evidence that they have earned a Canadian secondary or post-secondary educational credential **AND/OR** submit their completed foreign educational credential and the equivalency assessment (ECA report) issued by a designated organization or institution. The ECA report must indicate an equivalency to a completed Canadian secondary or post-secondary educational credential.

In order to obtain maximum points for education, applicants may submit evidence of more than one completed educational credential. However, any completed foreign educational credential submitted must be accompanied by an ECA report. For example, an applicant may have completed a Canadian post-secondary program and the equivalent of a Canadian post-secondary program of three years or longer at an educational institution outside of Canada. In this case, the applicant would submit proof of the completed Canadian educational credential, the completed foreign educational credential, and the ECA report demonstrating its equivalency to a completed Canadian post-secondary program credential.

R78(2)(b) provides that points shall be awarded on the basis of the completed Canadian educational credentials or equivalency assessments (ECA reports) submitted in support of the application for permanent residence that result in the highest number of points.

---

**Note:** Once the minimum education requirement has been met, should applicants wish to claim additional points for education, they must submit an equivalency assessment (ECA report) for those completed foreign educational credentials for which they wish to be awarded points.

---

Pursuant to R78(1), officers should assess the application and award the applicant up to a maximum of 25 points for education as follows:

<b>Educational credential</b>	<b>Points</b>
University-level credential at the Doctoral level [R78(1)(g)]	25
University-level credential at the Master's level OR an entry-to-practice professional degree. CIC only accepts as an entry-to-practice professional degree, those degrees issued in relation to an occupation listed at NOC Skill level A and for which licensing by a provincial regulatory body is required, in one of the following fields of study: Medicine, Veterinary Medicine; Dentistry; Podiatry; Optometry; Law; Chiropractic Medicine; and Pharmacy.	23
Two or more post-secondary program credentials AND at least one of these credentials was issued on completion of a post-secondary program of three years or longer [R78(1)(e)]	22
Post-secondary program credential of three years or longer [R78(1)(d)]	21
Two-year post-secondary program credential [R78(1)(c)]	19
One-year post-secondary program credential [R78(1)(b)]	15
Secondary school (high school) credential [R78(1)(a)]	5

---

**Note:** R78(2)(a) provides that, except as set out in R78(1)(e) where points are awarded for two or more post-secondary educational credentials, points shall not be awarded cumulatively on the basis of more than one educational credential.

---



---

**Note:** Refer to Appendix E for tables that cross reference equivalency assessment (ECA report) outcomes provided by designated organizations or institutions with the education points grid.

---

### **Designated assessment organizations**

Applicants who list “Specialist physician – NOC 3111 or General practitioners and family physicians – NOC 3112” as their primary occupation in their application **must** submit an ECA report issued by a designated professional body. At the time of publication, designated professional bodies for equivalency assessments are:

- Medical Council of Canada (MCC)

Applicants listing any other occupation as their primary occupation in their application are free to submit an ECA report from any one of the following designated assessment organizations:

- Comparative Education Service (CES), University of Toronto
- International Credential Assessment Service of Canada (ICAS)
- World Education Services (WES)

## Concerns with respect to the authenticity of foreign educational credentials

Pursuant to R75(8), an equivalency assessment (ECA report) is conclusive evidence that an applicant's completed foreign diplomas, certificates or credentials are equivalent to completed Canadian educational credentials as defined in section 6.5.

Equivalency assessments will include an assessment by the designated organization or institution of the authenticity of the completed foreign diploma, certificate or credential. This assessment provided by the designated organization or institution is not conclusive evidence of the authenticity of the foreign educational credential.

If an officer has concerns about the authenticity of the applicant's foreign educational credential(s), they must, in accordance with the principles of procedural fairness, communicate these concerns to the applicant and afford them an opportunity to respond to those concerns and provide additional information and/or documentation. Officers should first contact the CIO in order to obtain access to the online verification system of the designated organization or institution in order to validate the source documents assessed for the purposes of issuing the ECA report.

---

### 11.2. Official language proficiency

Pursuant to R79, the applicant must demonstrate that they meet or exceed the threshold set by the Minister for proficiency in English or French for each of the four language skill areas: reading, writing, listening and speaking. The applicant must identify in their application for permanent residence which language – English or French – is to be considered their first official language in Canada.

Applicants must demonstrate that they meet the required level of language proficiency in all four language skill areas by submitting original results of an English or French language test from a designated testing organization with their application to the CIO.

The current language proficiency threshold set by the Minister is available at:

<http://www.cic.gc.ca/english/immigrate/skilled/factor-language.asp>.

Language test results must not be more than two years old at the time of application receipt, and will be used as conclusive evidence of an applicant's language proficiency pursuant to R74(7). Other written evidence will not be considered.

Pursuant to R79(3), officers should assess the application and award the applicant up to a maximum of 28 points for official language proficiency as follows:

- a maximum of 24 points for proficiency in the “first” official language identified by the principal applicant in their application for permanent residence as follows:
  - 4 points per language skill area if their proficiency meets the threshold set by the Minister [R79(3)(a)(i)],
  - 5 points per language skill area if their proficiency exceeds the threshold fixed by the Minister for that language skill area by one benchmark level [R79(3)(a)(ii)], and
  - 6 points per language skill area if their proficiency exceeds the threshold set by the Minister for that language skill area by at least two benchmark levels [R79(3)(a)(iii)]; and
- a maximum of 4 points for proficiency in the “second” official language if the applicant's proficiency in that language meets or exceeds **CLB 5** in each of the four language skill areas pursuant to R79(3)(b). If the applicant does not meet CLB 5 in one or more of the language skill areas, they cannot be awarded points for second official language proficiency.

---

**Note:** Pursuant to R79(2), in order to claim points for proficiency in their second official language, the applicant must submit original language test results from a designated testing agency of their proficiency in that language with their application to the CIO. This requirement



is made clear in the application guide – applicants will not be afforded an opportunity to provide second official language test results at a later stage in the process.

### Designated language testing organizations

At the time of publication, designated language testing organizations are:

#### English language testing organizations

- Paragon Testing Enterprises Inc., University of British Columbia administers the Canadian English Language Proficiency Index Program (CELPIP).

**Note:** CELPIP has two tests: “CELPIP-General (CELPIP-G)” and “CELPIP-Academic (CELPIP-A).” Only the “CELPIP-G” test results are accepted by CIC for applicants in the Federal Skilled Worker Class.

- Cambridge ESOL, IDP Australia and the British Council administer the International English Language Testing System (IELTS).

**Note:** IELTS offers “General Training” and “Academic” test options. Only the “General Training” test results are accepted by CIC for applicants in the Federal Skilled Worker Class.

#### French language testing organizations

- The Paris Chamber of Commerce and Industry administers the *Test d'évaluation de français* (TEF).

**Note:** Applicants in the Federal Skilled Worker Class must submit results for the following TEF modules: *compréhension écrite* (reading), *compréhension orale* (listening), *expression écrite* (writing), and *expression orale* (speaking). The *lexique et structure* (grammar and structure) module **is not** required by CIC, though test candidates complete this module as part of the reading and listening modules.

### Language equivalency charts

Equivalencies between *Canadian Language Benchmarks* (for English) and *Niveaux de compétence linguistique canadiens* (for French), and the results of the language tests noted above, have been established. Officers should assess whether an applicant in the Federal Skilled Worker Class meets the language proficiency requirement and should award points based on the appropriate test score equivalency chart below.

#### Canadian English Language Proficiency Index Program (CELPIP)

##### FIRST OFFICIAL LANGUAGE (Maximum of 24 points)

CLB Level	CELPIP test results for each ability				Points (per ability)
	Speaking	Listening	Reading	Writing	
7	4L	4L	4L	4L	4
8	4H	4H	4H	4H	5
9 and above	5 – 6	5 – 6	5 – 6	5 – 6	6

Note: CELPIP test results for tests written on or after May 3, 2013 will feature the following scores for CLB levels 9 and 10 and above:

CLB Level	CELPIP test results for each ability	Points
-----------	--------------------------------------	--------

	Speaking	Listening	Reading	Writing	(per ability)
9	5L	5L	5L	5L	6
10 and above	5H – 6	5H – 6	5H – 6	5H – 6	6

**SECOND OFFICIAL LANGUAGE (Maximum of 4 points if the applicant obtains CLB 5 or higher in ALL FOUR language abilities)**

CLB Level	CELPPIP test results for each ability			
	Speaking	Listening	Reading	Writing
5	3L	3L	3L	3L
6 and above	3H	3H	3H	3H
	4L	4L	4L	4L
	4H	4H	4H	4H
	5 – 6	5 – 6	5 – 6	5 – 6

**International English Language Testing System (IELTS)**

**FIRST OFFICIAL LANGUAGE (Maximum of 24 points)**

CLB Level	IELTS test results for each ability				Points (per ability)
	Speaking	Listening	Reading	Writing	
7	6.0	6.0	6.0	6.0	4
8	6.5	7.5	6.5	6.5	5
9 and above	7.0 – 9.0	8.0 – 9.0	7.0 – 9.0	7.0 – 9.0	6

**SECOND OFFICIAL LANGUAGE (Maximum of 4 points if the applicant obtains CLB 5 or higher in ALL FOUR language abilities)**

CLB Level	IELTS test results for each ability			
	Speaking	Listening	Reading	Writing
5	5.0	5.0	4.0	5.0
6 and above	5.5 – 9.0	5.5 – 9.0	5.0 – 9.0	5.5 – 9.0

**Test d'évaluation de français (TEF)**

**FIRST OFFICIAL LANGUAGE (Maximum of 24 points)**

CLB Level	TEF test results for each ability				Points (per ability)
	Speaking	Listening	Reading	Writing	

	(expression orale)	(compréhension orale)	(compréhension écrite)	(expression écrite)	
7	309 – 348	248 – 279	206 – 232	309 – 348	4
8	349 – 371	280 – 297	233 – 247	349 – 371	5
9 and above	372+	298+	248+	372+	6

**SECOND OFFICIAL LANGUAGE (Maximum of 4 points if the applicant obtains CLB 5 or higher in ALL FOUR language abilities)**

CLB Level	TEF test results for each ability			
	Speaking (expression orale)	Listening (compréhension orale)	Reading (compréhension écrite)	Writing (expression écrite)
5	225 – 270	180 – 216	150 – 180	225 – 270
6 and above	271+	217+	181+	271+

**Integrity concerns with respect to language test results**

If an officer has concerns about the integrity of language test results, the following options are available:

If the officer...	Then the officer will...
has <b>verified the test scores and the integrity</b> of the testing procedures with the local testing centre for the case in question, and is satisfied that there is no fraud or malfeasance with respect to testing procedures or results	<b>accept</b> the test scores.
is satisfied that there is sufficient evidence to establish <b>fraud or malfeasance</b> with respect to testing procedures or results	<b>refuse</b> the application for misrepresentation. <b>Note:</b> Refer to <a href="#">IL 3 – Designation of Officers and Delegation of Authority</a> to determine the delegated authority to make a determination under A40(1)(a) of the IRPA.

**Note:** An interview cannot be used as a means of evaluating language proficiency as noted in section 12.3. Officers **cannot** change language point awards or make new language point assessments themselves based on what they have discovered at interview. However, if an applicant is interviewed for any other reason and significant discrepancies become evident between claimed and actual language proficiency, there may be an integrity issue. If the officer is not satisfied as to the applicant's language proficiency, then the officer will inform the applicant of their concerns and, in coordination with the testing agency, provide an opportunity for the applicant to take a second test at the testing agency's expense and with visa office supervision. If the applicant refuses the third-party language testing option, then

the officer can refuse the application for misrepresentation, given the discrepancy between the test scores and the actual language abilities.

**Note:** If an officer has reason to suspect the integrity of the designated language test results, the officer is responsible for expressing their concerns to the local testing centre, as well as to CIC Headquarters: International Region, Strategic Planning and Delivery at [Nat-Operational-Coordination-Selection-RIM@cic.gc.ca](mailto:Nat-Operational-Coordination-Selection-RIM@cic.gc.ca), Immigration Branch, Economic Immigration Policy and Programs Division at [Selection@cic.gc.ca](mailto:Selection@cic.gc.ca), and Operational Management and Coordination at [Program-Integrity@cic.gc.ca](mailto:Program-Integrity@cic.gc.ca). CIC Headquarters is in regular communication with the designated testing organizations' head offices, and will follow up on concerns raised by officers that indicate the possibility of widespread or systemic abuse or fraud in the context of language testing.

### 11.3. Work experience

To be eligible for points, the applicant's work experience must:

- have occurred during the 10 years immediately preceding the date of application;
- have been acquired in occupations listed at Skill Type 0 (Managerial occupations), Skill Level A (Professional occupations) or B (Technical occupations and skilled trades) of NOC 2011;
- not be in an occupation that has been designated by the Minister as a restricted occupation; and
- have been full-time paid work (or the equivalent in paid part-time work).

Pursuant to R80, officers should assess the application and award the applicant up to a maximum of 15 points for work experience as follows:

Number of years of work experience	1 year	2 – 3 years	4 – 5 years	6 or more years
Points	9	11	13	15

### 11.4. Age

Pursuant to R81, officers should award the applicant up to a maximum of 12 points for their age on the date their application is received at the CIO as follows:

Age	Points
18 to 35 years of age	12
36 years of age	11
37 years of age	10
38 years of age	9
39 years of age	8
40 years of age	7
41 years of age	6
42 years of age	5
43 years of age	4
44 years of age	3
45 years of age	2
46 years of age	1
Under 18 years of age or 47 years of age or older	0

## 11.5. Arranged employment

Pursuant to R82(2), up to 10 points will be awarded to an applicant for arranged employment if they are able to perform and are likely to accept and carry out the employment and meet the requirements for a valid offer of employment. The requirements to be awarded points for a valid offer of employment depend on the applicant's circumstances, and are summarized in the table below.

The applicant must submit the necessary documentation specified in the application kit to substantiate that they have a valid offer of employment. If employment is arranged and the required documentation is submitted between the date of application receipt at the CIO and assessment at the visa office, officers will award points for arranged employment.

**Note:** No points shall be awarded for arranged employment if the employer making the offer is an embassy, high commission or consulate in Canada or appears on the list of employers referred to in R203(6).

If the applicant...	And...	Points
<p>is currently working in Canada on a work permit that was issued based on a positive HRSDC Labour Market Opinion (LMO) with respect to employment in an occupation listed in Skill Type 0, Skill Level A or B of the NOC</p> <p><b>(R82(2)(a))</b></p>	<ul style="list-style-type: none"> <li>• the work permit is valid at the time the application for permanent residence is made;</li> <li>• the applicant is currently working for an employer specified on the work permit; and</li> <li>• the current employer has made an offer to employ the applicant on a full-time, non-seasonal, indeterminate basis in a NOC 2011 Skill Type 0, Skill Level A or B occupation in Canada once a permanent resident visa, if any, is issued.</li> </ul> <p><b>Note:</b> the applicant must hold a valid work permit or be authorized to work in Canada under R186, at the time the permanent resident visa (if any) is issued.</p>	<p><b>10</b></p>
<p>is currently working in Canada on a work permit that was issued:</p> <ul style="list-style-type: none"> <li>• in an HRSDC-LMO exempt category under the North America Free Trade Agreement, the General Agreement on Trade and Services, or the Canada-Chile Free Trade Agreement (i.e. pursuant to R204(a)); or</li> <li>• in respect of a Canada-Provincial/Territorial agreement (i.e. pursuant to R204(c)).</li> </ul>	<ul style="list-style-type: none"> <li>• the work permit is valid at the time the application for permanent residence is made;</li> <li>• the applicant is currently working for an employer specified on the work permit; and</li> <li>• the current employer has made an offer to employ the applicant on a full-time, non-seasonal, indeterminate basis in a NOC 2011 Skill Type 0, Skill Level A or B occupation in Canada once a permanent resident visa, if any, is issued.</li> </ul> <p><b>Note:</b> the applicant must hold a valid work permit or be authorized to work in</p>	<p><b>10</b></p>

<b>(R82(2)(b))</b>	Canada under R186, at the time the permanent resident visa (if any) is issued.	
does not hold a valid work permit and is not authorized to work in Canada under R186 on the date the application for permanent residence is made  <b>(R82(2)(c))</b>	<ul style="list-style-type: none"> <li>• a prospective employer has made an offer to employ the applicant on a full-time, non-seasonal, indeterminate basis in a NOC 2011 Skill Type 0, Skill Level A or B occupation in Canada if the permanent resident visa, if any, is issued; and</li> <li>• the offer of employment has been approved by an officer based on a positive HRSDC LMO.</li> </ul>	<b>10</b>
holds a valid work permit or is authorized to work in Canada under R186 and: <ul style="list-style-type: none"> <li>• the circumstances referred to in R82(2)(a)(ii) and (iii) and R82(2)(b) do not apply – for example, the applicant has an offer of employment from an employer other than the one for whom they are currently working, or they are currently working in a job in an HRSDC-confirmation exempt category other than those outlined in R82(2)(b) – for example, the applicant currently holds an open work permit.</li> </ul> <b>(R82(2)(d))</b>	<ul style="list-style-type: none"> <li>• the work permit or authorization to work under R186 is valid at the time the application for permanent residence is made;</li> <li>• a prospective employer has made an offer to employ the applicant on a full-time, non-seasonal, indeterminate basis in a NOC 2011 Skill Type 0, Skill Level A or B occupation in Canada if the permanent resident visa, if any, is issued;</li> <li>• the offer of employment has been approved by an officer based on a positive HRSDC LMO.</li> </ul> <p><b>Note:</b> the applicant must hold a valid work permit or be authorized to work in Canada under R186, at the time the permanent resident visa (if any) is issued.</p>	<b>10</b>

### **Bridging open work permit**

Foreign nationals in Canada who have received a positive determination of eligibility decision under the Federal Skilled Worker Class, and whose current temporary resident work permit is due to expire, may require facilitation that enables them to maintain their status and continue working in Canada while they await a final decision on their application for permanent residence in the Federal Skilled Worker Class.

To be eligible for a bridging open work permit, an applicant under the Federal Skilled Worker Class must meet the following requirements:

- they are currently in Canada;

- they have valid status on a work permit that is due to expire within four months;
- they have received a positive determination of eligibility decision on their application (i.e. the “Ministerial Instructions” status has been set to “Met” or a positive final determination of eligibility for processing letter has been sent); and
- they have made an application for an open work permit.

If they are found eligible by the processing office, and there are no medical, criminal or security concerns, the foreign national will be issued an open work permit for a duration of one year from the date of issuance.

---

**Note:** Taking advantage of the bridging open work permit option has no impact on a skilled worker’s eligibility to earn points for arranged employment at the time of visa issuance. An applicant in the Federal Skilled Worker Class who has received a positive eligibility decision with an offer of arranged employment will not be found ineligible for points under R2(2) or permanent residence should they meet the criteria specified above and be issued a bridging open work permit.

---

### **Role of HRSDC in assessing offers of employment**

HRSDC is legislatively mandated to provide an opinion, on the same basis as an opinion provided for the issuance of a work permit, that the requirements set out in R203(1) with respect to an offer of employment in an occupation listed in Skill Type 0 (Managerial occupations), Skill Level A (Professional occupations) or B (Technical occupations and skilled trades) of the NOC have been met.

In assessing the offer of employment, HRSDC verifies the following:

- the genuineness of the offer of employment and the history of the employer;
- that the job offer is for permanent, full-time, non-seasonal work;
- whether the employment is likely to have a neutral or positive effect on the Canadian labour market; and
- for employers that have received an LMO in the previous two years, the assessment considers employer compliance with respect to the terms and conditions approved by HRSDC in relation to wages, working conditions and occupation.

HRSDC requires employers to submit certain supporting documentation with their LMO application. This documentation is listed on the LMO application form available on the HRSDC website at:

[http://www.hrsdc.gc.ca/eng/jobs/foreign\\_workers/higher\\_skilled/arranged\\_offer/index.shtml](http://www.hrsdc.gc.ca/eng/jobs/foreign_workers/higher_skilled/arranged_offer/index.shtml).

### **Validity of the HRSDC assessment**

Prior to visa issuance, officers must verify in GCMS that the positive LMO relating to the offer of employment has not been revoked or cancelled. Officers should also ensure that no adverse information on the employer has since come to light by referring to the “List of Ineligible Employers” on the CIC website (<http://www.cic.gc.ca/english/work/list.asp>) before visa issuance.

To verify the positive LMO decision relating to an offer of employment, visa offices must ensure that the HRSDC system file number is entered in the “HRSDC File #” field under the Economic Column in the IMM screen. Officers should click on the “HRSDC view” tab, and then click on “Refresh” in order to obtain the most current HRSDC information. Alternatively, if the HRSDC file number is not available, the visa office can conduct a search in the “SEARCH>Employment Validation” screen by entering the applicant’s name and date of birth. Officers should review the “HRSDC Comments” field for any information entered by an HRSDC/Service Canada officer during the assessment.

In all cases, officers may contact employers to verify that the offer of permanent (indeterminate) employment is still valid. Should officers see the need to confirm certain details about the job offer and documentation provided in support of a recent HRSDC assessment, they should first review the "HRSDC Comments." If more information is still required, officers may contact HRSDC at: [nc-cic\\_exchange-gd@hrsdc.rhdcc.gc.ca](mailto:nc-cic_exchange-gd@hrsdc.rhdcc.gc.ca). This will help eliminate any duplication of effort between CIC and HRSDC as there may be information not found in GCMS that was acquired by HRSDC during their assessment of the employer's LMO application.

Following consultation with HRSDC, officers may contact the applicant and/or employer for further information or clarification regarding details of the job offer, including addressing any concerns about the genuineness of the job offer.

---

**Note:** Officers should be satisfied that the offer of employment is still valid. There may be instances where an LMO issued by HRSDC has expired while the application for permanent residence was in process. In such cases, officers may still issue a permanent resident visa, if required, if they are satisfied that the offer of employment is still valid and if HRSDC has not cancelled the LMO.

---

### **Licensing and certification**

The majority of licensing and certification requirements for certain occupations in Canada cannot be satisfied from outside of Canada. As such, visa officers should not penalize applicants for not meeting Canadian licensing or certification requirements.

However, officers must be satisfied that the applicant is likely to accept and capable of performing the employment being offered to them, and can with reasonable probability be expected to qualify for licensing/certification once in Canada. In making this determination, visa officers may take into account the applicant's education and training, background, and prior work experience.

If officers should have any concerns with respect to the applicant's ability to perform or likelihood to accept and carry out the employment being offered to them, the officer should communicate these concerns to the applicant and provide them with an opportunity to respond.

### **Suspected fraud**

In cases of suspected fraud or concerns of bona fides in relation to an offer of employment, officers should contact applicants and employers for clarification or information.

After contacting the applicant and/or employer directly, officers should contact HRSDC ([nc-cic\\_exchange-gd@hrsdc-rhdcc.gc.ca](mailto:nc-cic_exchange-gd@hrsdc-rhdcc.gc.ca)), Operational Management and Coordination, Program Integrity Division ([Program-Integrity@cic.gc.ca](mailto:Program-Integrity@cic.gc.ca)) and Immigration Branch, Economic Immigration Policy and Programs Division ([Selection@cic.gc.ca](mailto:Selection@cic.gc.ca)) to help National Headquarters identify and address program integrity issues.

Officers should include the following information in their e-mail:

- the CIC immigration file number;
- the HRSDC system file number;
- name of the applicant;
- name of the employer;
- identity of any third parties (if known);
- the reason(s) for the concerns and suspected fraud; and
- any additional information about the applicant and/or employer that is considered relevant in the context of the suspected fraud.



## 11.6. Adaptability

Pursuant to R83, officers should assess the application and award the applicant up to a maximum of 10 points for adaptability as follows:

Adaptability criteria	Points
<p><b>R83(1)(a): Language proficiency (accompanying spouse or common-law partner)</b></p> <ul style="list-style-type: none"> <li>Award five points if the accompanying spouse or common-law partner, other than a permanent resident residing in Canada or a Canadian citizen, has a level of proficiency in either official language at <b>CLB 4</b> level or higher in all four language skill areas (speaking, listening, reading and writing).</li> </ul> <p>To be eligible for points, the principal applicant must provide original language test results for their accompanying spouse or common-law partner from a designated testing agency that are no more than two years old at the time of application to the CIO.</p> <p><b>CLB 4 test results for each designated testing agency are as follows:</b></p> <p>CELPPIP = 2H for each language ability</p> <p>IELTS = 4.0 (Speaking), 4.5 (Listening), 3.5 (Reading), 4.0 (Writing)</p> <p>TEF = 181 (Speaking – expression orale), 145 (Listening – compréhension orale), 121 (Reading – compréhension écrite), 181 (Writing – expression écrite)</p>	5
<p><b>R83(1)(b): Previous study in Canada (principal applicant)</b></p> <ul style="list-style-type: none"> <li>Award five points if the principal applicant completed at least two academic years of full-time study (in a program of at least two years in duration) at a secondary or post-secondary institution in Canada.</li> </ul> <p>To be eligible for points, the principal applicant must have remained in good academic standing (as defined by the institution) during the period of full-time study in Canada. The applicant is not required to have obtained an educational credential for completing a program in Canada; they simply must have completed at least two years of study in a program of at least two years in duration.</p>	5
<p><b>R83(1)(b.1): Previous study in Canada (accompanying spouse or common-law partner)</b></p> <ul style="list-style-type: none"> <li>Award five points if the accompanying spouse or common-law partner, other than a permanent resident residing in Canada or a Canadian citizen, completed at least two academic years of full-time study (in a program of at least two years in duration) at a secondary or post-secondary institution in Canada.</li> </ul> <p>To be eligible for points, the accompanying spouse or common-law partner must have remained in good academic standing (as defined by the institution) during the period of full-time study in Canada. The spouse or common-law partner is not required to have obtained an educational credential for completing a program in Canada; they simply must have</p>	5

completed at least two years of study in a program of at least two years in duration.	
<p><b>R83(1)(c): Previous work in Canada (principal applicant)</b></p> <ul style="list-style-type: none"> <li>Award ten points if the principal applicant completed at least one year of full-time work in Canada authorized under a work permit or under R186 in an occupation that is listed in Skill Type 0 (Managerial occupations), Skill Level A (Professional occupations) or B (Technical occupations and skilled trades) of the NOC.</li> </ul>	10
<p><b>R83(1)(c.1): Previous work in Canada (accompanying spouse or common-law partner)</b></p> <ul style="list-style-type: none"> <li>Award five points if the accompanying spouse or common-law partner, other than a Canadian citizen or permanent resident residing in Canada, completed at least one year of full-time work in Canada authorized under a work permit or under R186.</li> </ul>	5
<p><b>R83(1)(d): Relatives in Canada</b></p> <ul style="list-style-type: none"> <li>Award five points if the principal applicant or accompanying spouse or common-law partner has a relative (parent, grandparent, child, grandchild, sibling, aunt/uncle, or niece/nephew) who is 18 years of age or older as of the date of application and who is a Canadian citizen or permanent resident residing in Canada.</li> </ul> <p><b>Note:</b> points for relatives in Canada may be awarded only once – either to the principal applicant or the accompanying spouse or common-law partner, but not to both.</p>	5
<p><b>R83(1)(e): Arranged employment (principal applicant only)</b></p> <ul style="list-style-type: none"> <li>Award five points if the principal applicant has been awarded points for arranged employment in Canada under R82(2).</li> </ul>	5

## 12. Procedure: Making the final selection decision

R76(2) empowers the Minister to set the “minimum number of points required of a skilled worker” – or, as it is commonly known, the “pass mark.”

To determine the most up-to-date pass mark, consult that CIC website at:

<http://www.cic.gc.ca/english/immigrate/skilled/index.asp>.

Visa officers will make a final selection decision for applications that are assessed by the CIO as meeting the pass mark set by the Minister. The visa office will review the application in detail, along with the case analysis provided by the CIO, and will make the final selection decision based on the total points earned by the applicant for the selection factors described in Section 11.

<b>If the applicant's total score is...</b>	<b>Then the visa officer will...</b>
<b>equal to or greater than</b> the pass mark set by the Minister	<b>make a positive selection decision</b> , and proceed to determining admissibility (Section 13).
<b>less than</b> the pass mark set by the Minister	<b>make a negative selection decision</b> , record the outcome and reasons in GCMS, and send a letter

	to inform the applicant that their application has been refused for insufficient points (see Appendix C for sample letter).
--	---

---

**Note:** Officers may choose to exercise their authority for substituted evaluation in respect of the points assessment and the final selection decision. For more information, refer to section 12.2.

---

### 12.1. Settlement funds

In addition to the selection criteria set forth in R76(1), the applicant must also have sufficient funds available to support their settlement in Canada pursuant to R76(1)(b)(i).

Pursuant to R76(1)(b)(ii), applicants are not required to have settlement funds if the applicant is authorized to work in Canada and has been awarded points for arranged employment in Canada, as defined in R82(1), under R82(2)(a), (b) or (d).

The funds must be:

- available and transferable; and
- unencumbered by debts or other obligations.

Officers must be satisfied that the applicant has at their disposal, with sufficient liquidity, and with the ability to transfer those assets, the necessary threshold of funds to support their establishment in Canada on arrival.

The amount of funds is assessed according to the applicant's family size, using 50% of the current Low-Income Cut-off (LICO) from Statistics Canada for urban areas with populations of 500,000 or more.

---

**Note:** In terms of the funds required, the number of the applicant's family members includes both accompanying and non-accompanying dependants.

**Note:** Refer to the CIC website for the current settlement funds requirement at: <http://www.cic.gc.ca/english/immigrate/skilled/funds.asp>.

---

Pursuant to R77, the requirements and criteria set forth in R76 must be met at the time the application is made, as well as when the permanent resident visa is issued. If the applicant is unable to demonstrate that they have sufficient funds available to meet the requirements, the officer should refuse the application and proceed to section 14.2.

### 12.2. Substituted evaluation

R76(3) makes possible the substitution of an officer's evaluation for the requirements set forth in R76(1)(a) in respect of an application for permanent residence in the Federal Skilled Worker Class.

If the requirements set forth in R76(1)(a), whether or not they are met and the skilled worker has been awarded the minimum number of points referred to in R76(2), are not sufficient indicators of whether the foreign national will become economically established in Canada, an officer may substitute for the criteria set out in R76(1)(a) their evaluation of the likelihood of the ability for the skilled worker to become economically established in Canada.

Pursuant to 76(4), substituted evaluation requires the concurrence of a second designated officer.

---

**Note:** Substitution of evaluation can only be used to overcome the points assessment against selection criteria. It cannot be used to overcome an applicant's failure to meet eligibility

criteria under Ministerial Instructions, minimum requirements or the requirement for settlement funds.

Substituted evaluation is to be considered on a case-by-case basis. The scope of what an officer may consider as relevant cannot be limited by a prescribed set of factors in support of exercising their authority for substituted evaluation.

The frequency with which substituted evaluation authority is exercised, whether negative or positive, will depend on the merits of each individual case. The fact that an applicant “almost met” the requirements set forth for the Federal Skilled Worker Class is not, in itself, sufficient grounds to recommend the use of positive substituted evaluation.

For the sake of clarity, officers should employ the terms used in the legislation, such as “substituted evaluation” or “ability to become economically established in Canada.”

Substituted evaluation is not to be confused with **humanitarian and compassionate authority**, which enables the Minister or his/her delegates to grant permanent residence or an exemption from any applicable criteria or obligation of the *Act* if justified by humanitarian and compassionate considerations relating to the foreign national.

Federal Court case law indicates that if an applicant or their representative requests orally or in writing that the officer consider exercising their substituted evaluation powers in the applicant’s favour, officers must examine the circumstances. There is no requirement that an interview be conducted in cases when the applicant did not make a compelling case for substituted evaluation. If the officer does not consider substituted evaluation appropriate under the circumstances, they should clearly indicate this in the file notes and in the formal refusal letter, along with a brief summary of their reasons for refusing to exercise/use positive substituted evaluation.

If an officer decides to use substituted evaluation when...	Then the officer will...
<p>the applicant <b>did meet all the requirements</b> to become a member of the Federal Skilled Worker Class (i.e. negative substituted evaluation)</p>	<ul style="list-style-type: none"> <li>• communicate their concerns to the applicant in writing and provide sufficient opportunity for the applicant to respond to those concerns, through correspondence/documentation and/or an interview;</li> <li>• if the applicant still fails to satisfy an officer as to their ability to become economically established, obtain written concurrence from a second designated officer; and</li> <li>• provide reasons for the use of negative substituted evaluation in the formal refusal letter sent to the applicant (see Appendix D for sample letter) and in GCMS.</li> </ul>
<p>the applicant <b>did not obtain the minimum number of points</b> required to become a member of the Federal Skilled Worker Class (i.e. positive substituted evaluation)</p>	<ul style="list-style-type: none"> <li>• obtain written concurrence from a second designated officer; and</li> <li>• add a note in GCMS providing reasons for the use of positive substituted evaluation.</li> </ul>

---

### 12.3. Use of interviews

In most cases, officers should be able to determine membership in the class and whether the skilled worker can become economically established in Canada – either to approve or refuse an application – based on the information and documentation provided by the applicant. However, in some cases, an interview may be necessary in order to determine membership in the class and/or ability to economically establish.

In accordance with principles of procedural fairness, concerns that a visa officer may have regarding the accuracy or authenticity of information or documentation should be communicated to the applicant, whether these concerns are raised as the result of site visits, telephone checks, or through other means. Concerns can be communicated to the applicant in writing or at an interview.

Officers may choose to conduct interviews with applicants to:

- ensure that information or documentation submitted as part of the application is truthful and complete;
- detect and deter fraudulent information and documents;
- clarify specific information or details; and
- conduct quality control.

---

**Note:** In convoking an applicant for an interview, officers should provide appropriate context as to the reason for the interview so that the applicant is aware of the general purpose in advance of attending.

---

Offices other than the one responsible for application processing may be called upon to conduct interviews should the need arise. For example, applicants may be convoked for an interview at a non-processing office to accurately assess the applicant's eligibility or admissibility, including the need to interview family members as part of the application process.

---

**Note:** Officers may not conduct interviews to assess an applicant's language proficiency.

---

### 12.4. Detecting and deterring fraud

Interviews, site visits, and telephone checks have proven to be the most effective ways to detect and combat fraud. The information gained through interviews where fraud is detected will help officers to identify current trends and patterns, and refine their approach to fraud deterrence on an ongoing basis.

Visa offices will be expected to undertake both targeted and random verifications to detect and deter fraud. The volume and percentage of cases subject to verification should be high enough to act as a meaningful disincentive to those who would engage in fraudulent practices.

Pursuant to A40, material misrepresentation is grounds for inadmissibility in its own right with a prescribed two-year period of inadmissibility for those who are, directly or indirectly, involved in such fraudulent practices.

---

## 13. Procedure: Determining admissibility

Once the processing office has determined that an applicant is a member of the Federal Skilled Worker Class pursuant to R75, the principal applicant and their family members, whether accompanying or not, must complete medical examinations if required, and pass criminal and security checks.

For detailed information about determining admissibility, refer to [ENF 2 / OP 18 – Evaluating Inadmissibility](#).

---

## **14. Procedure: Rendering a final decision on the application**

---

### **14.1. Approving the application**

For approved applicants in the Federal Skilled Worker Class who are living outside of Canada, the processing office should send the Confirmation of Permanent Residence (CoPR) and permanent resident visa (if applicable) to the applicant's address outside of Canada.

Visa officers will not issue a permanent resident visa counterfoil to applicants whose passport was issued by a visa-exempt country identified in R190(1)(a) or (b), 190(2)(b) – (f), or R190(2.1). However, officers may still request to see the applicant's original passport in these cases.

Pursuant to R71.1(1), all approved applicants should be directed to present their CoPR and permanent resident visa counterfoil (if applicable) to an officer at a Canadian port of entry.

Pursuant to R71.1(2), if an officer approves an application from a temporary resident in Canada who is a member of a class referred to in R70(2)(a) or (b), they will:

- send the CoPR and permanent resident visa counterfoil (if applicable) to the applicant's address in Canada; and
- inform the applicant that, in order to become a permanent resident, they have the option of presenting the CoPR and permanent resident visa counterfoil (if applicable) to an officer at a Canadian port of entry, or contacting the CIC Call Centre to request an appointment at a local CIC office, with their family members, if applicable.

---

### **14.2. Refusing the application**

All refused applicants in the Federal Skilled Worker Class must be sent or otherwise provided with a formal refusal letter by the processing office. The refusal letter must:

- inform the applicant of the immigration class in which their application was considered;
- fully explain to the applicant why their application in that class has been refused; and
- inform applicants who have paid the RPRF that they are entitled to a refund and provide an approximate timeframe for its receipt.

Refer to the appendices for sample refusal letters.

## Appendix A – Sample refusal letter – Negative final determination of eligibility for processing

INSERT LETTERHEAD

Our Reference:

INSERT ADDRESS

Dear XX:

This refers to your application for permanent residence in Canada under the Federal Skilled Worker Class. I have now completed the assessment of your application and have determined that you are not eligible for processing in this class for the following reason(s).

The Minister of Citizenship, Immigration and Multiculturalism issued instructions which were published in the *Canada Gazette* and came into force on May 4, 2013. Only applicants who meet the criteria specified in these Ministerial Instructions are eligible to be processed in the Federal Skilled Worker Class.

### **IF GLOBAL CAP OR NOC SUB-CAP IS REACHED:**

A maximum of 5,000 complete Federal Skilled Worker (FSW) applications, without an offer or arranged employment, a maximum of 300 completed FSW applications per *National Occupational Classification* (NOC) code, or a maximum of 1,000 complete FSW-PhD applications will be considered for processing each year. Your application was received after this cap was reached.

### **IF APPLYING UNDER THE ARRANGED EMPLOYMENT STREAM:**

Although you have indicated that you have an offer of arranged employment, **[you have not provided proof of your arranged employment OR your offer of arranged employment is not valid OR other reasons]**.

### **IF APPLYING UNDER THE NOC OCCUPATION LIST STREAM:**

We have assessed your declared primary occupation against the list of occupations identified by the Minister of Citizenship, Immigration and Multiculturalism and published in the *Canada Gazette* on May 4, 2013. Your declared primary occupation does not correspond to any of the eligible occupations.

OR

You have indicated that you have work experience in an occupation with the following NOC code: **[specify NOC code and occupation title]**. Although the NOC code corresponds to an occupation identified by the Minister of Citizenship, Immigration and Multiculturalism and published in the *Canada Gazette* on May 4, 2013, you do not have at minimum of one year of continuous full-time, or equivalent part-time, paid work experience in the occupation in the last ten years.

### **IF APPLYING UNDER THE PhD STREAM:**

Although you have indicated that you have a PhD or are currently in good standing, **[you have not provided proof of this OR you do not meet minimum requirements OR other reasons]**.

### **FOR ALL:**

Since you did not provide evidence that you **[have an offer of arranged employment OR have work experience in the listed occupations]**, you do not meet the requirements of the Ministerial Instructions and your application is not eligible for processing.

Subsections 87.3(2)-(3) are the pertinent sections of the *Immigration and Refugee Protection Act*:

*The processing of applications and requests is to be conducted in a manner that, in the opinion of the Minister, will best support the attainment of the immigration goals established by the Government of Canada.*

*...the Minister may give instructions with respect to the processing of applications and requests, including instructions*

establishing categories of applications or requests to which the instructions apply;

establishing conditions, by category or otherwise, that must be met before or during the processing of an application or request;

establishing an order, by category or otherwise, for the processing of applications or requests;

setting the number of applications or requests, by category or otherwise, to be processed in any year; and

providing for the disposition of applications and requests, including those made subsequent to the first application or request.

**IF APPLICATION CONTAINS H & C REQUEST:**

You had also requested that your application be considered on humanitarian and compassionate grounds. However, requests made on the basis of humanitarian and compassionate grounds accompanying a Federal Skilled Worker Class application cannot be processed unless the application is otherwise eligible for processing under the Ministerial Instructions.

Any original documents you submitted with your application are being returned to you.

**IF ONLY PROCESSING FEE WAS SUBMITTED:**

The processing fee that you have paid is refundable. You will receive a cheque within four to six weeks.

**IF PROCESSING FEE AND RPRF WAS SUBMITTED:**

The processing fee and the Right of Permanent Residence Fee that you paid are refundable. You will receive a cheque within four to six weeks.

There are many ways to immigrate to Canada. Although you have not satisfied the requirements to apply under the Federal Skilled Worker Class, you may qualify under another category. To learn more about your options, visit: [www.cic.gc.ca/english/immigrate/index.asp](http://www.cic.gc.ca/english/immigrate/index.asp).

Thank you for the interest you have shown in Canada.

Yours sincerely,

Officer



## Appendix B – Sample refusal letter – Minimum requirements

INSERT LETTERHEAD

Our Reference:

INSERT ADDRESS

Dear XX:

I have now completed the assessment of your application for a permanent resident visa as a skilled worker. I have determined that you do not meet the requirements for immigration to Canada.

Subsection 75(2) of the *Immigration and Refugee Protection Regulations* states that a foreign national is a skilled worker if:

- within the 10 years preceding the date of their application for a permanent resident visa, they have at least one year of continuous full-time (30 hours/week) employment experience, as described in subsection 73(1), or the equivalent in continuous part-time employment in the occupation identified in their application as their primary occupation, other than a restricted occupation, that are listed in Skill Type 0 or Skill Level A or B of the *National Occupational Classification* matrix;
- during that period of employment they performed the actions described in the lead statement for the occupation as set out in the occupational descriptions of the *National Occupational Classification*;
- during that period of employment they performed a substantial number of the main duties of the occupation as set out in the occupational descriptions of the *National Occupational Classification*, including all of the essential duties;
- they submitted the results of an English or French language test issued by a designated testing agency indicating that they met or exceeded the applicable language proficiency threshold set by the Minister for each of the four language skill areas; and
- they submitted their completed Canadian educational credential or their completed foreign educational credential and the equivalency assessment from a designated organization or institution that is less than five years on the date of application.

I am not satisfied that you meet the **(choose one or more from the above bullet list)** part of these requirements because **(provide reasons)**.

Subsection 75(3) states that if a foreign national fails to meet these requirements, the application shall be refused and no further assessment is required. I am not satisfied that you meet these requirements.

### **For all cases, add:**

Subsection 11(1) of the *Act* states that a foreign national must, before entering Canada, apply to an officer for a visa or for any other document required by the regulations. The visa or document may be issued if, following an examination, the officer is satisfied that the foreign national is not inadmissible and meets the requirements of this *Act*. Subsection 2(2) specifies that unless otherwise indicated, references in the Act to “this Act” included regulations made under it.

Following an examination of your application, I am not satisfied that you meet the requirements of the *Act* and the regulations for the reasons explained above. I am therefore refusing your application.

**If the applicant has paid the RPRF to the visa office, add:**

The Right of Permanent Residence Fee that you have paid is refundable. **(Add as appropriate)** You will receive a cheque from the **(choose as appropriate)** Embassy/High Commission/Consulate within a few weeks. **(or)** Please contact the Canadian **(choose as appropriate)** Embassy/High Commission/Consulate in \_\_\_\_\_ for information concerning the method of reimbursement and the date at which you can obtain the refund.

**If the applicant paid RPRF to the CIO, add:**

The Right of Permanent Residence Fee that you have paid at the Centralized Intake Office (CIO) in Sydney, Nova Scotia, is refundable. You will receive a cheque from the CIO within 8-12 weeks.

Thank you for the interest you have shown in Canada.

Yours sincerely,

Officer

## Appendix C – Sample refusal letter – Insufficient points

INSERT LETTERHEAD

Our Reference:

INSERT ADDRESS

Dear XX:

I have now completed the assessment of your application for a permanent resident visa as a skilled worker and have determined that you do not meet the requirements for immigration to Canada.

Subsection 12(2) of the *Immigration and Refugee Protection Act* states that a foreign national may be selected as a member of the economic class on the basis of their ability to become economically established in Canada. Subsection 75(1) of the Regulations prescribes the Federal Skilled Worker Class as a class of persons who are skilled workers and who may become permanent residents on the basis of their ability to become economically established in Canada.

Pursuant to the *Immigration and Refugee Protection Regulations*, skilled worker applicants are assessed on the basis of the requirements set out in subsection 75(2) and the criteria set out in subsection 76(1). The assessment of these requirements determines whether a skilled worker will be able to become economically established in Canada. The criteria are age, education, knowledge of Canada's official languages, experience, arranged employment and adaptability.

Your application was assessed based on the primary occupation in which you requested assessment (**add title of the occupation and NOC 2011 code for the primary occupation the applicant identified in their application**). The table below sets out the points assessed for each of the selection criteria:

	Points assessed	Maximum possible
Age		12
Education		25
Official language proficiency		28
Experience		15
Arranged employment		10
Adaptability		10
<b>Total</b>		<b>100</b>

You have obtained insufficient points to qualify for immigration to Canada, the minimum requirement being 67 points. (**Add reasons why applicant was unable to obtain sufficient points**). You have not obtained sufficient points to satisfy me that you will be able to become economically established in Canada.

Subsection 11(1) of the Act states that a foreign national must, before entering Canada, apply to an officer for a visa or for any other document required by the regulations. The visa or document may be issued if, following an examination, the officer is satisfied that the foreign national is not

inadmissible and meets the requirements of this Act. Subsection 2(2) specifies that unless otherwise indicated, references in the Act to "this Act" include regulations made under it.

Following an examination of your application, I am not satisfied that you meet the requirements of the Act and the Regulations for the reasons explained above. I am therefore refusing your application.

**If the applicant has paid the RPRF, add:**

The Right of Permanent Residence Fee that you have paid is refundable. **(Add as appropriate)** You will receive a cheque from the **(choose as appropriate)** Embassy/High Commission/Consulate within a few weeks. **(or)** Please contact the Canadian **(choose as appropriate)** Embassy/High Commission/Consulate in \_\_\_\_\_ for information concerning the method of reimbursement and the date at which you can obtain the refund.

**In the cases of transferred files from the CIO where RPRF was paid, add:**

The Right of Permanent Residence Fee that you have paid at the Centralized Intake Office (CIO) in Sydney, Nova Scotia, is refundable. You will receive a cheque from the CIO within several weeks.

Thank you for the interest you have shown in Canada.

Yours sincerely,

Officer

## Appendix D – Sample refusal letter – Substituted evaluation

INSERT LETTERHEAD

Our Reference:

INSERT ADDRESS

Dear XX:

I have now completed the assessment of your application for a permanent resident visa as a skilled worker and have determined that you do not meet the requirements for immigration to Canada.

Subsection 12(2) of the *Immigration and Refugee Protection Act* states that a foreign national may be selected as a member of the economic class on the basis of their ability to become economically established in Canada. Subsection 75(1) of the Regulations prescribes the Federal Skilled Worker Class as a class of persons who are skilled workers and who may become permanent residents on the basis of their ability to become economically established in Canada.

Pursuant to the *Immigration and Refugee Protection Regulations*, skilled worker applicants are assessed on the basis of the definition set out in subsection 75(2) and the criteria set out in subsection 76(1). The assessment of these criteria determines whether a skilled worker will be able to become economically established in Canada. The criteria are age, education, knowledge of Canada's official languages, experience, arranged employment and adaptability.

Your application was assessed based on the primary occupation in which you requested assessment (**add title of the occupation and NOC 2011 code for the primary occupation the applicant identified in their application**). The table below sets out the points assessed for each of the selection criteria:

	Points assessed	Maximum possible
Age		12
Education		25
Official language proficiency		28
Experience		15
Arranged employment		10
Adaptability		10
<b>Total</b>		<b>100</b>

Subsection 76(3) of the Regulations permit an officer to substitute their evaluation of the likelihood to become economically established in Canada if the number of points awarded are not a sufficient indicator of whether the skilled worker may become economically established in Canada.

As I advised you, I am not satisfied that the points that you have been awarded are an accurate reflection of the likelihood of your ability to become economically established in Canada. I have made this evaluation because (**provide reasons**). You were given an opportunity to address these concerns. The information you have given me and your explanations have not satisfied me

that you will be able to become economically established in Canada. A senior officer concurred in this evaluation.

Subsection 11(1) of the Act states that a foreign national must, before entering Canada, apply to an officer for a visa or for any other document required by the Regulations. The visa or document may be issued if, following an examination, the officer is satisfied that the foreign national is not inadmissible and meets the requirements of this Act. Subsection 2(2) specifies that unless otherwise indicated, references in the Act to "this Act" include regulations made under it.

Following an examination of your application, I am not satisfied that you meet the requirements of the Act and the Regulations for the reasons explained above. I am therefore refusing your application.

**If the applicant has paid the RPRF, add:**

The Right of Permanent Residence Fee that you have paid is refundable. **(Add as appropriate)** You will receive a cheque from the **(choose as appropriate)** Embassy/High Commission/Consulate within a few weeks. **(or)** Please contact the Canadian **(choose as appropriate)** Embassy/High Commission/Consulate in \_\_\_\_\_ for information concerning the method of reimbursement and the date at which you can obtain the refund.

**In the cases of transferred files from the CIO where RPRF was paid, add:**

The Right of Permanent Residence Fee that you have paid at the Centralized Intake Office (CIO) in Sydney, Nova Scotia, is refundable. You will receive a cheque from the CIO within several weeks.

Thank you for the interest you have shown in Canada.

Yours sincerely,

Officer

**Appendix E – Crosswalk – Equivalency assessment outcomes and education points grid**

<b>EDUCATIONAL CREDENTIAL ASSESSMENT CONVERSION TABLE</b>		
<b>Designated Organizations Assessment Outcomes</b>	<b>FSWP Education Selection Factor</b>	<b>Points</b>
Earned Doctorate Degree	Doctoral level	25
Earned Doctorate (Ph.D.)		
Professional Doctorate Degree		
Doctor of [name of discipline, such as Business Administration, Law, Psychology]		
Master's Degree	University-level credential at the Master's level OR an entry-to-practice professional degree.  CIC only accepts as an entry-to-practice professional degree, those degrees issued in relation to an occupation listed at NOC Skill level A and for which licensing by a provincial regulatory body is required.	23
Master's Degree (Taught)		
Master of [name of discipline]		
Master's degree, specializing in [name of discipline]		
<b><u>Entry-to-practice Professional Degrees</u></b>		
<u>Medicine</u> First professional degree in medicine (Doctor of Medicine)		
First professional degree in Medicine		
Doctor of Medicine degree		
<u>Veterinary Medicine</u> Four to seven years of professional study in veterinary medicine		
First Professional Degree in Veterinary Medicine		
Doctor of Veterinary Medicine degree		
<u>Dentistry</u> Four to seven years of professional study in dentistry		
Five or more years of professional university study in dentistry		
First Professional Degree in Dentistry		
Doctor of Dental Surgery degree		
<u>Podiatry</u> Four to five years of professional study in podiatry	University-level credential at the Master's level OR an entry-to-practice professional degree.  CIC only accepts as an entry-to-	23
Five or more years of professional university study in podiatry		
Doctor of Podiatry degree		

<u>Optometry</u> Three to six years of professional study in optometry	practice professional degree, those degrees issued in relation to an occupation listed at NOC Skill level A and for which licensing by a provincial regulatory body is required.	
Five or more years of professional university study in optometry		
Doctor of Optometry degree		
<u>Law</u>		
Bachelor of Laws		
Juris Doctor		
<u>Chiropractic Medicine</u>		
Five or more years of professional university study in chiropractic medicine		
Doctor of Chiropractic degree		
<u>Pharmacy</u>		
Five or more years of professional university study in pharmacy		
Bachelor of Science in Pharmacy degree		
A 3 year or more post-secondary credential in combination with any of the post-secondary educational credentials** listed below. This excludes secondary school credentials.	2 or more post-secondary credentials (3 year or longer post-secondary credential required)	22
College Diploma (three years)	Three-year or longer post-secondary credential	21
Diploma (three years)		
Three-year diploma in [name of discipline]		
Bachelor's Degree		
Applied Bachelor's Degree		
Bachelor's degree (three years)		
Three-year Bachelor's degree, specializing in [name of discipline]		
Bachelor's degree (four years)		
Four-year Bachelor's degree, specializing in [name of discipline]		
College Diploma	Two-year post-secondary credential	19
College Diploma (two years)		



Diploma (two years)		
Two-year diploma in [name of discipline]		
Secondary school diploma and diploma (two years)		
Associate Degree		
Associate of [Arts/Science] degree		
College Certificate	One-year post-secondary credential	15
Completion of College-level certificate		
University Certificate		
University Diploma		
One-year certificate in [name of discipline]		
Secondary School Graduation	Secondary School	5
Secondary School Diploma		
High School Equivalency Certificate		

\*\*Note: Post-secondary educational credentials could also include Post-Bachelor's or Post-Graduate Credentials as follows: Post-Bachelor's Certificate; Post-Bachelor's Diploma; Graduate Certificate; Postgraduate certificate; Postgraduate Diploma; a two-year Postgraduate Diploma, specializing in [name of discipline]; a one-year Postgraduate Certificate in [name of discipline]; and, Study Toward a Master's Degree.