

OP 25 – Canadian Experience Class

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Updates to chapter

Listing by date:

Date: 2013-01-02

Section 1- Updated this section to clarify that this chapter describes the processing of applications for permanent residence submitted by applicants in the CEC received before January 2, 2013.

Date: 2011-12-22

Section 3.1- Updated this section to include the new IMM 008 form.

Section 8.1- Updated this section to state that all applications must be submitted directly to the Centralized Intake Office in Sydney, N.S.

Section 8.2- Updated this section to include GCMS procedures.

Section 8.3- Updated this section to remove Buffalo as the office receiving all CEC applications.

Section 9.5- Updated this section to reflect that only the most recent language test results submitted will be considered.

Section 9.7- Clarified the section on meeting Canadian Language Benchmarks for IELTS reading scores.

Section 9.11- Updated note in this section on unauthorized work experience.

Section 11- Updated this section with respect to the elimination of issuing counterfoils to applicants from visa exempt countries.

Date: 2011-06-22

Section 5.1 – Updated this section to include Ministerial Instructions.

Section 6.2 – Updated this section on Family Members.

Section 9.5 – Updated the text in this section with respect to availability of language tests; updated note in this section to reflect that language test results must not be older than two years at time of application.

Section 9.9 – Updated text in this section to reflect that language test results must not be older than two years at time of application.

Date: 2010-08-20

Section 5.1 – Updated this section on Canadian Experience Class requirements.

Section 8.1 – Updated this section and added requirement of the results of the principal applicant's English or French language test from a designated testing agency.

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Section 9.3 – Updated this section to include requirement to submit English or French language test results from a designated testing agency.

Section 9.4 – Updated this section to include requirement to submit English or French language test results from a designated testing agency.

Section 9.4 – Updated the note in this section to state that test results will be used as conclusive evidence of language proficiency and that other written evidence will not be considered.

Section 9.5 – Added note to this section to state that language test results must not be more than one year old at the time of application.

Section 9.6 – Updated the note in this section to state that only General Training test results are accepted for CIC purposes.

Section 9.8 – Amended to English acronym CLB instead of NCLC.

Section 9.9 – Updated this section to state that applications received on or after June 26, 2010, **must** be accompanied by the principal applicant's English or French language test results. Test results will be used as conclusive evidence of language proficiency. Other written submissions will not be accepted.

Section 9.9 – Updated the table in this section.

Section 9.10 – Updated the table in this section.

Date: 2010-04-09

Section 9.9 – updated to reflect administrative change in language assessment.

Date: 2009-12-04

- Section 3 – updated to include reference to the Canadian Experience Class in paragraph 87.1 of the Immigration and Refugee Protection Regulations (IRPR).
- Section 5.1 – updated this section on requirements of the class.
- Section 5.2 – renamed and updated this section called Fees.
- Section 6.2 – updated the definition of family members.
- Section 6.4 – updated the definition of full-time work experience.
- Section 8.1 – updated this section on receiving the application.
- Section 8.2 – updated on putting an application into process.
- Section 8.3 – updated on acknowledgement of receipt of applications in Buffalo.
- Section 9.2 – updated this section and the term to temporary resident status.
- Section 9.3 – updated the title of this section to official language proficiency.
- Section 9.6 – renamed this section Designated testing organizations and included in the note that both the General and Academic IELTS test results for reading and writing are acceptable.

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- Section 9.10 – updated the table to include note on authority of IPM to make a determination under A40(1)(a) of the IRPA.
- Section 10 – updated the title of this section to Procedure: Membership in the class.
- Section 10.1 – updated the pass/fail table in this section.
- Section 11 – updated this section on approving the application.
- Appendix A – updated to include reference to A11(1) of the IRPA.

Date: 2009-05-04

- Section 9.7 was updated to reflect changes to the test score equivalency for the International English Language Testing System (IELTS) and Canadian Language Benchmarks effective February 15, 2009.

1. What this chapter is about

This chapter describes the processing of applications for permanent residence submitted by applicants in the Canadian Experience Class (CEC) received before January 2, 2013. This includes:

- how to process permanent residence applications;
- what criteria must be met by applicants;
- how to handle refusals.

Note: Information on processing federal skilled workers, Quebec skilled workers and provincial nominees is provided in [OP 6](#), [OP 7a](#) and [OP 7b](#), respectively.

2. Program objectives

Section 3 of the *Immigration and Refugee Protection Act* (IRPA) lists several objectives with respect to foreign nationals. Those related to workers with Canadian experience are:

- to permit Canada to pursue the maximum social, cultural and economic benefits of immigration;
- to enrich and strengthen the cultural and social fabric of Canadian society, while respecting the federal, bilingual and multicultural character of Canada;
- 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.

3. The Act and Regulations

Provision	Act and Regulations
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	A11, R70(1)
Economic Class	A12(2)
Canadian Experience Class	R87.1

3.1. Forms

The forms required are shown in the following table:

Form title	Form number	Completed by
Generic Application Form to Canada	IMM 0008E	Principal applicant
Schedule A - Background/Declaration	IMM 5669	Principal applicant,

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		spouse or common-law partner, and each dependent child over the age of 18
Schedule 8 - Economic Classes - Canadian Experience Class	Schedule 8	Principal applicant
Additional Family Information	IMM 5406E	Principal applicant, spouse or common-law partner, and each dependent child over the age of 18

4. Instruments and delegations

Refer to the appropriate annexes in Designation of Officers and Delegation of Authority ([IL 3](#)), listing the delegations.

5. Departmental policy

The Canadian Experience Class is a permanent resident category for individuals with experience in Canada. It was developed for temporary foreign workers or graduates with Canadian work experience who:

- are familiar with Canadian society and Canada's job market;
- have knowledge of English or French; and
- have additional abilities that assist them in making a successful transition from temporary to permanent residence in Canada.

5.1. Canadian Experience Class requirements

The CEC is prescribed as a class of persons who may become permanent residents on the basis of their Canadian experience and who:

- intend to reside in a province or territory other than Quebec;
- maintained temporary resident status during their qualifying period of work experience as well as during any period of full-time study or training in Canada.

Note: Work experience accumulated in Canada without valid temporary resident status does not qualify as Canadian work experience (i.e. foreign nationals such as refugee claimants in Canada and undocumented workers).

There are two streams available:

Temporary Foreign Worker Stream

Under this stream, an applicant must have acquired, in Canada, within the 36 months before the date the application is made, at least 24 months of full-time work experience, or the equivalent in part-time work experience, in a NOC type 0, or level A or B

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occupation (i.e., managerial, professional, or skilled and technical) (see [Section 9.11](#) for more details).

Post-Graduation Stream

Under this stream the applicant must have:

- completed a required program of study in Canada and obtained a Canadian educational credential (e.g., degree, diploma, or certificate);
- been enrolled full-time in this program of study or training for two years (see sections [6.3](#) and [9.11](#) for more details);
- acquired, in Canada, at least 12 months of full-time work experience, or the equivalent in part-time work experience in a NOC type 0, or level A or B occupation, within the 24 months before the date the application is made. (see [Section 9.11](#) for more details).

Both streams require applicants to demonstrate that they have met the minimum language requirements for their abilities to speak, listen, read and write. They must provide the results of their English or French language test from a designated language testing agency.

For applications received **before June 26, 2010**, applicants may also provide other evidence in writing of their official language proficiency. The minimum-required language levels must correspond to benchmarks in *Canadian Language Benchmarks 2000* (for English) or *Niveaux de compétence linguistique canadiens 2006* (for French). See [sections 9.3–9.10](#) for details.

5.2. Fees

Applicants are required to pay two fees:

- the cost recovery fee;
- the Right of Permanent Residence Fee (RPRF).

Cost recovery fee

Regulations prescribe fees payable for processing an application for a permanent resident visa (PRV). [R295](#) specifies who must pay the cost recovery fees and what the fees are.

The cost recovery fee must be paid only for 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. An applicant may withdraw an application and receive a refund of the cost recovery fee any time before processing of the application begins. Once processing has begun, the cost recovery fee is not refundable.

Note: Processing starts with the initial evaluation of the application. In order to receive a refund of the cost recovery fee, an applicant must request a withdrawal before this evaluation has started. If an applicant requests a change in category at any time, a new application and new fee must be submitted. An applicant may have more than one application in process, but only one application can be finalized with visa issuance. Any additional applications must be finalized as withdrawn or refused.

Right of Permanent Residence Fee (RPRF)

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[R303](#) specifies that RPRF fees are payable for the principal applicant and their spouse or common-law partner.

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

Applicants may make their RPRF payment at any time during the immigration process. Most visa offices encourage payment to be made after all statutory requirements have been met.

RPRF refunds

Successful applicants who decide not to use their 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 time frame for its receipt.

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 (see [Section 8.2](#)).

5.3. Procedural fairness

See [OP 1](#), Section 8, for details on procedural fairness.

6. Definitions

6.1. National Occupation Classification (NOC)

The National Occupation Classification is the official governmental system of classifying occupations in the Canadian economy. It describes duties, skills, aptitudes, and work settings for occupations in the Canadian labour market. Occupations that meet the minimum requirements for workers with Canadian experience are those at Skill Type 0 or at Skill Level A or B of the NOC.

The NOC 2006 can also be accessed on-line at:

<http://www5.hrsdc.gc.ca/NOC/>

Note: For the purpose of Canadian Experience Class applications, the "Employment Requirements" listed in the description of each NOC occupation are not applicable

6.2. Family members

Please refer to R1(3) for the definition of family members.

Note: The age of accompanying dependent children is locked in on the date the application is made ([OP 1, Section 5.24](#)), but dependence is not. If a child is under the age of 22 on that date, but 22 years of age or older when the visa is issued, they may still be included as part of the parent's application as an accompanying dependent if they are still not married or not in a common-law relationship, or if they are financially dependant due to full-time studies [R2(b)(ii)], or due to a physical or mental condition [R2(b)(iii)]. If a child over the age of 22 is considered a dependant on the date of application by virtue of [R2\(b\)\(ii\)](#) or [R2\(b\)\(iii\)](#), then the child must still meet the requirements of these provisions at the time of visa issuance in order to be included in the parent's application. See OP 2 section 5.23 for more information on who qualifies as a dependent child.

The principal applicant and all the persons described above must be determined to be admissible, even if they have no intention of accompanying the principal applicant, in

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order for visas to be issued to the principal applicant and any accompanying family members.

All family members, accompanying or not, are required to be examined during the processing of an application unless a properly delegated officer has determined that they were not required by the Act or the former Act, as applicable, to be examined. Normally, an inadmissible family member, whether accompanying or not, would render the principal applicant inadmissible [A42, R23]. There are, however, two exceptions described in R23. The first is the separated spouse of the applicant. The second is a child of the applicant in the legal custody of someone other than the applicant, or an accompanying family member of the applicant (or where someone other than the applicant, or accompanying family member of the applicant, is empowered to act on behalf of that child by virtue of a court order or written agreement, or by operation of *Law*).

If an applicant's separated spouse or an applicant's children in the custody of someone else are inadmissible, this would not render the applicant inadmissible. However, as separated spouses can reconcile and custody arrangements for children may change, examination is required in order to safeguard the future right to sponsor them in the Family Class. If these family members are not examined, they are excluded from the Family Class in the future pursuant to R117(9)(d). See OP2 sections 5.10, 5.11 and 5.12 for more information on non-accompanying family members.

Family members can be added to the application at any time during the process, including after the visa is issued but prior to obtaining permanent resident status. Applicants should be counselled to inform the visa office immediately if their family composition has changed. Please see [OP 2 Section 7.7](#) for more information on adding a family member during processing.

To include adopted children, spouses, or common-law partners as family members, the relationship with the principal applicant must be *bona fide*. Pursuant to subsection 4(1) of the *Regulations*, the principal applicant may not include a spouse or common-law partner in their application if their relationship was entered into primarily to acquire any status or privilege under the Act or is not genuine. Similarly, in accordance with subsection 4(2) of the *Regulations*, the principal applicant may not include an adopted child if the adoption was entered into primarily to obtain any status or privilege under the Act or it did not create a genuine parent-child relationship. Refer to section 12, 12.1 and 12.2 of OP 2 for further information on assessing the relationship between the sponsor and a spouse or common-law partner and section 5.8 of OP 3 on assessing the relationship between adoptive parents and an adopted child.

If family members are added to the application, they must be examined, not be inadmissible and meet the requirements of the Act, before the principal applicant can become a permanent resident.

6.3. Full-time studies (education requirement)

For the purposes of CEC, and to allow for greater flexibility, full-time studies are not explicitly defined within the Regulations, and therefore the definition that will apply is the one used by the post-secondary institution which issued the educational credential.

6.4. Full-time work

"Full-time work" is defined in R87.1(3)(a) as requiring at least 37.5 hours of work per week. For the Canadian Experience Class full-time equivalence, or 1,950 hours of paid employment over a period at least of 12 months will also be considered.

The full-time work experience requirement 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 one year of full-time work. Experience can be calculated by adding up the number of weeks of full-time work, i.e. 37.5 hours per week in one job or a total of at least 37.5 hours per week in more than one job, in one or more of the NOC categories.

7. Processing

Processing Canadian Experience Class applications involves a series of steps, including an assessment against some proficiency criteria (pass/fail test). The elements of the process are discussed in greater detail in the following sections of this chapter:

- Receiving the application, [Section 8](#);
- Assessing the application, [Section 9](#);
- Determining eligibility – pass/fail test and interviews, [Section 10](#);
- Approving the application, [Section 11](#);
- Refusing the application, [Section 12](#).

8. Procedure: Receiving the application

8.1. Receiving the application

All applications for permanent residence under the CEC are sent to the Centralized Intake Office (CIO) in Sydney, N.S. Applications received at the CIO will first be reviewed for completeness pursuant to R10 and the kit requirements in place at that time, including the following required forms, fees, information and documents:

- a signed and completed [IMM 0008E](#), containing 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);
- the results of the principal applicant's English or French language test from a designated testing agency (see section 9.6);
- properly completed Schedule A's for the principal applicant, his or her spouse or common-law partner and all dependent children aged 18 and older listed on the IMM 0008
- a properly completed Schedule 8 for the principal applicant;
- evidence of payment of the applicable fees;
- the visa, permit or authorization being applied for;
- the class in which the application is being made;
- a signed declaration to the effect that the information provided is complete and accurate;
- any information and documents required by the Regulations, as well as any other evidence required by the Act. This includes proof of official language proficiency in the form of the results of a language test by a designated testing agency or for applications received **before June 26, 2010**, other evidence in writing (see [Section 9.3](#)); proof of work experience, and proof of a qualifying Canadian educational credential where applicable (see Section 9.12 [link]).

For more information on what constitutes a complete application, see [OP 1](#).

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If it is determined that...	Then the CIO will...
The application meets the requirements of section R10, as outlined above	<ul style="list-style-type: none">• Date-stamp the application with the application-received date• Proceed to Section 8.2
The application does not meet the requirements of section R10, as outlined above	<ul style="list-style-type: none">• Return the application to the applicant• Neither create a file, nor keep a record until a complete application, as outlined above, has been made

8.2. Putting an application into process

After a positive completeness check at the CIO the office staff will:

- date stamp the application;
- create a file in GCMS;
- enter CEC in the Category field;
- cost recover the processing fee and enter this in GCMS;
- write the GCMS file number on the paper file;
- send an acknowledgment of receipt letter to the applicant informing them that their file has been transferred to an appropriate office and placed into processing;
- transfer the paper file to an appropriate office, in line with existing file transfer policies (diplomatic bag may take a significant amount of time to reach many offices);
- transfer the electronic file to appropriate office in GCMS by making that office the primary office for processing .

Note: , Offices should maintain the application received date from the applicant's initial submission to the CIO and process to conclusion. The application received date at a visa office is also the lock-in date.

8.3. Acknowledging receipt

When an application is put into process by an appropriate office, the officer will send an acknowledgment of receipt letter to the applicant to:

- inform them that their file has been placed into processing;
- set out basic instructions for contact with their office;
- give them a brief outline as to future processing steps; and
- inform them that they can follow the progress of their file via CIC's e-Client Application Status web page.

9. Procedure: Assessing the application

9.1. Selection criteria

Selection factors are set forth in [R87.1](#). Officers will assess the applicant in each of the following areas, based on the information and documents provided in the application:

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- temporary resident status ([Section 9.2](#));
- English or French language proficiency ([Section 9.3](#));
- work experience for Temporary Foreign Worker Stream or Post-Graduation Stream (Section 9.11);
- education requirement, for Post-Graduation Stream only (Section 9.12).

9.2. Temporary resident status

To be eligible for CEC, the applicant must have had temporary resident status during the period of work which qualifies them for CEC, as well as during any period of full-time studies or training [[R87.1\(3\)\(c\)](#)]. Foreign nationals such as refugee claimants in Canada and undocumented workers, whose work experience would be accumulated while they have no temporary resident status in Canada, are not eligible for CEC.

Note: A temporary resident permit (TRP) confers temporary resident status and as such, applicants who obtained their qualifying work experience or post-secondary credentials while in Canada on a TRP are eligible to apply for CEC. These applicants are eligible as long as their work and/or studies were authorized. Applicants who are inadmissible cannot be granted permanent residence as members of the CEC class.

The content of the following sections has been moved as part of our efforts to modernize operational guidance to staff. It can now be found in the [Language requirements](#) section.

9.3. Official language proficiency

9.4. Evidence of language proficiency

9.5. Language test results

9.6. Designated testing organizations

9.7. International English Language Testing System (IELTS)

9.8. Test d'évaluation de français (TEF)

9.9. Written evidence

9.10. Integrity concerns on language proficiency during an interview

9.11. Work experience

For the **Temporary Foreign Worker Stream**, the applicant must have **24 months** of full-time equivalent Canadian skilled-work experience at NOC 0, A or B acquired in Canada, within the 36 months preceding the date their application is made.

For the **Post-Graduation Stream**, the applicant must have obtained **12 months** of full-time equivalent Canadian skilled-work experience within the 24 months preceding the date of application [R87.1(2)(a)(i)-(ii)]. This experience must be acquired after they have completed the required program of study and obtained a Canadian educational credential. (Work performed under the Off-Campus Work Permit Program or on a co-op work term does not count).

The applicant does not have to be employed at the time of application, but they must have temporary status during the period of work experience [R87.1(3)(b)].

Any periods of self-employment or unauthorized work will not be included in calculating the period of work experience [R87.1(3)(b)]. A person who has worked in Canada without authorization has failed to comply with A30(1), and on that basis could be found inadmissible under A41.

9.12. Education requirement for Post-Graduation Stream

Definitions for “full-time studies” can be found in [Section 6.3](#).

Note: The minimum requirement for the education criterion is obtaining a qualifying Canadian educational credential.

To qualify the applicant must have:

- been enrolled full-time in a program of study or training with a duration of at least two years (i.e., two academic years of at least eight months excluding scheduled breaks, such as summer holidays);
- studied at a Canadian institution located in Canada and must have been physically present in Canada for at least two academic years [R87.1(3)(d)];
- obtained one or more of the following educational credentials:
 - ◆ A diploma, degree, or trade/apprenticeship credential from a public, provincially recognized Canadian university, community college, CEGEP, or trade/technical school, or
 - ◆ A diploma or trade/apprenticeship credential from a private Quebec post-secondary institution, that operates under the same rules and regulations as public institutions and receives at least 50% of its financing for overall operations from government grants, subsidies or other assistance—at this time, only private CEGEPs qualify, or
 - ◆ A degree from a Canadian private provincially recognized post-secondary institution.

Exception: Applicants whose length of study in Canada is less than two academic years may be eligible if their credentials are for a graduate program (at least eight months) **and** a previous qualifying post-secondary educational credential (at least eight months), within the two years preceding the completion of the graduate program [R87.1(2)(a)(i)(D)]. See the example below.

Excluded studies

- Any full-time program of study or training where the study of English or French as a Second Language amounted to more than half of the program [R87.1(3)(e)];
- Studies in Canada taken under an award which stipulates that the recipient return to their home country to apply their knowledge and skills [R87.1(3)(f)], including:

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- ◆ All awards from the Canadian International Development Agency (CIDA); and
- ◆ The following awards from the Department of Foreign Affairs and International Trade (DFAIT):
 - ◆ Canadian Commonwealth Scholarship Program – Student Exchange Program (only);
 - ◆ Government of Canada Awards Program – Student Exchange Program (only);
 - ◆ Canada-China Scholars Exchange Program;
 - ◆ Equal Opportunities Scholarship Program, Canada-Chile;
 - ◆ Organization of American States Fellowships Program.
- Distance learning, including on-line programs, completed outside Canada.

Examples of acceptable study

Generally, an applicant would meet the education requirement for CEC in the following situations:

- A student gets any qualifying educational credential of at least two years (e.g., university diploma, technical diploma from a qualifying college, general CEGEP diploma).
- A student gets a one-year qualifying credential (e.g., college diploma), and then gets another one-year graduate credential (e.g., master's, MBA or post-baccalaureate), no more than two years after graduating with the first credential. Note that the student may leave Canada between both graduations, as long as no more than two years separate the graduations.

Note: Please refer to [Appendix B](#) for examples of who would and would not qualify under CEC based on education and work requirements.

10. Procedure: Membership in the class

10.1. Pass/Fail test

Membership in the class will be based on a pass/fail system where applicants must meet the minimum qualifying requirements for each criterion to be approved.

For all applicants:

- proficiency in English or French;
- maintainance of temporary resident status during periods of work experience used to qualify for CEC as well as any period of full-time study or training in Canada.

For Temporary Foreign Worker Stream:

- qualifying Canadian skilled-work experience.

For Post-Graduation Stream:

- qualifying Canadian skilled work experience;
- qualifying Canadian educational credential.

If...	Then the officer will...
the applicant passes all of the requirements needed (i.e., those required by all applicants)	approve the application (Section 11)

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and those required for their stream)	
the applicant fails to meet any one of the requirements needed	refuse the application (Section 12)
the officer is unable to make a decision , due to lack of information or documentation, or there are serious doubts as to the legitimacy of the documents submitted	<ul style="list-style-type: none">• request, in writing, specific information or documentation to clarify; or• refuse the application; or• Consider a personal interview (Section 10.2).

10.2. Use of interviews

Membership in the class is clearly defined, and eligibility can easily be assessed in straightforward cases. In most cases, officers should be able to determine membership — either to approve or refuse applications — from the documentation provided. However, in some cases, an interview may be necessary.

Any concerns officers 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 other means. Concerns can be communicated to the applicant in writing or at the interview.

Officers may conduct interviews with applicants to:

- ensure that information submitted on the application is truthful and complete;
- detect and deter fraudulent information and documents;
- clarify specific information; and
- conduct quality control.

Officers may not conduct interviews to assess language abilities.

Note: Offices, other than the one where the application is being processed, may be called upon to conduct interviews should the need arise. These interviews may be required to confirm aspects of the client's eligibility, including the need to interview family members as part of the application process.

Note: Offices will be expected to undertake both targeted and random verifications to detect and deter fraud. The number and percentage of cases subject to verification should be high enough to act as a meaningful disincentive to those who would attempt such practices. [A40](#) makes material misrepresentation grounds for inadmissibility in its own right and prescribes a two-year ban on those, directly or indirectly, involved in such practices.

Interviews, site visits, and telephone checks have proven to be the most effective ways to detect and combat fraud. The information gained at interviews where fraud is detected will help officers to identify current trends and patterns and to refine their profiles for ongoing use.

11. Procedure: Approving the application

If officers approve an applicant who is living outside of Canada, they should send the Confirmation of Permanent Residence (COPR) and permanent resident visa (if applicable) to that address.

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Officers should not issue a permanent resident visa to applicants whose passport was issued by the United States of America or a country identified in the *Immigration and Refugee Protection Regulations* 190(1)(a) or (b) or 190(2)(b), (c), (d), (e) or (f), or 190(2.1). Officers may still request to see the original passport if needed. Please see OB 348 for more information.

All approved applicants should be directed to present their COPR and permanent resident visa (if applicable) to an officer at a Canadian port of entry [\[R71.1\(1\)\]](#).

Pursuant to [R71.1\(2\)](#), if officers approve 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 their COPR and permanent resident visa (if applicable) to their address in Canada;

12. inform the applicant that in order to become a permanent resident they have the option of presenting the COPR and permanent resident visa (if applicable) to an officer at a Canadian port of entry or contacting the Call Centre to request an appointment at a local CIC office, with their family members if applicable. Procedure: Refusing the application

All refused CEC applicants, including those refused for non-compliance with processing requirements, must be sent or otherwise provided a formal refusal letter. The letter must:

- inform the applicant of the categories or circumstances under which the application was considered;
- fully inform the applicant why the application has been refused.

Note: The refusal letter should not indicate that the applicant has been made a member of an inadmissible class as a result of their failure to qualify as a worker with Canadian experience.

Refer to sample refusal letter in [Appendix A](#).

Appendix A – Sample refusal letter

INSERT LETTERHEAD

Our Ref.:

INSERT ADDRESS

Dear XX:

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

According to the *Immigration and Refugee Protection Regulations*, applicants in the Canadian Experience Class are assessed on the basis of the pass/fail requirements set out in subsection R87.1(2). The assessment of these criteria determines whether a worker with Canadian experience will be able to become economically established in Canada. The criteria are:

- knowledge of English or French,
- Canadian skilled work experience,
- Canadian educational credentials (for the Post-Graduation Stream only).

Your application was assessed based on the occupation(s) which you identified as part of your skilled work experience in Canada: [ADD TITLE OF THE OCCUPATION AND NOC CODE FOR EACH OCCUPATION IN NOC O, A OR B WHICH THE APPLICANT HAS DECLARED].

I am not satisfied that you meet the [CHOOSE ONE OR MORE: temporary resident status, official language proficiency, skilled work experience, Canadian educational credentials] requirement(s) because [PROVIDE REASONS].

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 shall 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(1) 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 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 CIC within a few weeks.

[OR] Please contact the Canadian [CHOOSE APPROPRIATE] Embassy/High Commission/ Consulate in for information concerning the method of reimbursement and the date on which you can obtain the refund.

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Thank you for the interest you have shown in Canada.

Yours sincerely,

Officer

cc: fee_____

Appendix B – Sample scenarios – Who would and would not qualify under CEC

Persons who *would* qualify for CEC

Note: It is assumed that all cases below meet the minimum language requirement.

	Group	Fictional cases	Eligibility for CEC
1.	<p>Temporary foreign workers with 2 years of work experience* (in the 3 years immediately preceding application)</p> <p><i>* Work experience can be part-time and non-continuous</i></p>	<p>Pedro is a cabinetmaker (NOC B) from Portugal. He came to Canada as a temporary foreign worker and worked for 1 year. He returned to Portugal for 9 months before coming back to Canada. He worked part-time for 6 months before his employer moved him up to full-time status. He has been working full-time for the past 10 months.</p>	<p>The sum of Pedro’s work experience in Canada over the last 3 years equals 25 months; therefore, he meets the minimum requirement of 24 months.</p>
2.	<p>Foreign graduates of a Canadian post-secondary educational institution with at least 1 year of qualifying Canadian work experience</p>	<p>Maria earned a two-year diploma in Hotel and Restaurant Management from Assiniboine Community College. She then obtained a Post-Graduation Work Permit and worked as a guest services agent (NOC C) at a hotel in Whistler. Within a year she was promoted to guest services manager (NOC 0) and has been in that position for 1 year.</p>	<p>Maria meets all the education and work experience requirements of the Graduate stream of the CEC: 2 years of study leading to a Canadian educational credential, and 1 year of work experience (at NOC 0, A, or B).</p>
3.	<p>Cases where a 1-year* post-graduate program does count towards the CEC graduate stream requirement for a minimum of 2 academic years of study**</p> <p><i>* An academic year is defined as 8 months of full-time study</i></p> <p><i>** For a period of study to count towards the CEC, that period of study must always lead to a Canadian educational credential</i></p>	<p>Aleksi earned a Certificate in Event Management at Ryerson University. This certificate took 8 months to complete. He then decided to go on and complete the 12-month MBA at Ryerson University. Aleksi has been working at a Toronto public relations firm for the past year on a Post-Graduation Work Permit.</p>	<p>The sum of Aleksi’s study time leading to a Canadian educational credential totals 20 months; therefore, he meets the education requirement of the CEC post-graduation stream.</p> <p>Critical factors in the case of a 1-year graduate degree: Certificate Program was at least 8 months in duration and was completed prior to the 12-month graduate degree.</p>

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Persons who *would not* qualify for CEC

Note: These scenarios do not include examples of refusals on language. It is assumed that all cases below meet the minimum language requirement.

	Group	Fictional cases	Eligibility for CEC
1.	<i>Applicants whose work experience in Canada is not classified as 0, A, or B under the Canadian National Occupation Classification (NOC) Code</i>	Ingrid graduated from the University of Ottawa with a BA in Psychology. She applied for and received a Post-Graduation Work Permit; however, she has only been able to find clerical work (NOC C) over the last 2 years.	Although Ingrid has earned a Canadian degree and has worked in Canada in the 2 years prior to applying for CEC, she would not be eligible because the work experience was a NOC level C.
		Luis is a temporary foreign worker in Canada. For two years he worked in the kitchen of a Calgary hotel (NOC C), and then he returned to Mexico. But his employer decided to bring him back, this time as a shift manager (NOC 0). Luis has been back in Canada for 6 months working as a manager for the same Calgary hotel.	Although Luis has the minimum 2 years work experience (in the past 3 years), he would not qualify because only 6 months of that work experience is at NOC 0. Luis would need to work for an additional 18 months as manager to qualify for the CEC.
2.	<i>Graduates whose work experience in Canada after graduation is less than 1 year</i>	David graduated from Dalhousie University with a BSc in Biology. David applied for and received a Post-Graduation Work Permit after graduation. He has worked in his field as a medical technologist (NOC B) periodically, on 5 2-month contracts over the last 2 years. In the interim periods he has been working in retail (NOC D).	David would not be eligible for CEC because his work experience at NOC Level B only totals 10 months, not the required 12 months.
		Asha earned a 2-year MSc from the University of Toronto. During her studies she worked part-time at a private laboratory on an Off-Campus Work Permit. Upon graduation she applied for and received a Post-Graduation Work Permit and has been working at the same laboratory full-time for the past 6 months.	Eligible work experience under the Post-Graduation Stream of the CEC must occur after graduation. Work performed on an Off-Campus Work Permit (during studies) does not count under the CEC. Asha would need to work full-time for another 6 months before she will qualify for the CEC.
3.	<i>Graduates whose work</i>	François graduated from Simon	Although François does

	<p><i>experience in Canada took place more than 2 years prior to the application for CEC</i></p>	<p>Fraser University with a BSc in Systems Engineering. Following graduation, he worked as an engineer in B.C. for 1 year. He returned to France but decided after 3 years that he preferred to pursue opportunities in B.C. He has now been working for a private engineering firm in Victoria for 6 months on a temporary work permit.</p>	<p>have a Canadian educational credential and 1 year of work experience, he would not be eligible under the Post-Graduation Stream since his post-graduation work experience occurred more than 3 years ago—not in the 2 years immediately preceding his application for CEC.</p> <p>To apply under the CEC through the Temporary Foreign Worker Stream, François would need to work for 18 more months to qualify.</p>
<p>4.</p>	<p><i>Graduates whose post-graduate programs of study* were shorter than 2 academic years (i.e., less than 16 months of full-time study).</i></p> <p><i>* For a period of study to count towards the CEC, that period of study must always lead to a Canadian educational credential and have occurred prior to the graduate degree.</i></p>	<p>Olga earned a Master of Public Administration from Queen’s University and has worked for a non-profit organization in Ottawa for 1 year.</p>	<p>Olga would not be eligible under the Post-Graduation Stream because her master’s program only required 10 months of full-time study.</p> <p>Olga would need 1 more year of work experience to qualify under the Temporary Foreign Worker Stream, where the applicant needs at least 2 years of work experience, in the 3 years immediately prior to the date of application.</p>
		<p>Deng earned an undergraduate Business degree from Peking University in Beijing. As part of this degree, Deng spent 1 year as an exchange student at York University. Following graduation Deng decided to complete a 12-month MBA at Ryerson University. He has been working in his field on a post-graduation work permit for the past year.</p>	<p>Deng would not be eligible because the length of study that led to his Canadian educational credential was only 12 months.</p> <p>The 1 year he studied in Canada at York does not count under the CEC because it did not result in a Canadian educational credential.</p>
<p>5.</p>	<p><i>Graduates who attended a Canadian university on an award from the Canadian International Development Agency (CIDA).</i></p>	<p>Lewis is from Ghana and has earned a BComm from the University of Alberta with the support of a CIDA award.</p>	<p>Any graduates who studied in Canada under an award from any one of a variety of programs offered by CIDA or DFAIT (where a central feature of the award is that</p>

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			the recipient returns to their home country to apply their knowledge and skills) is not eligible to apply to the CEC on the basis of that educational credential.
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Note: Some of these applicants may very well qualify under a PNP or as a Federal Skilled Worker, particularly those with post-secondary educational credentials or arranged employment.
