

OP 25-A – Canadian Experience Class

| | | |
|----------|---|----|
| 1. | What this chapter is about | 2 |
| 2. | Program objectives | 2 |
| 3. | The <i>Act</i> and <i>Regulations</i> | 2 |
| 3.1. | Forms | 2 |
| 4. | Instrument of designation and delegation | 3 |
| 5. | Departmental policy | 3 |
| 5.1. | Canadian Experience Class requirements | 3 |
| 5.2. | Fees | 4 |
| 5.3. | Procedural fairness | 5 |
| 6. | Definitions | 5 |
| 6.1. | National Occupational Classification (NOC)..... | 5 |
| 6.2. | Family members..... | 5 |
| 6.3. | Full-time work | 6 |
| 6.4. | Language skill area | 7 |
| 7. | Processing | 7 |
| 8. | Procedure: Receiving the application | 7 |
| 8.1. | Receiving the application..... | 7 |
| 8.2. | Putting an application into process | 8 |
| 8.3. | Acknowledging receipt | 8 |
| 9. | Procedure: Assessing the application..... | 9 |
| 9.1. | Selection criteria | 9 |
| 9.2. | Temporary resident status | 9 |
| 9.3. | Official language proficiency..... | 9 |
| 9.4. | Evidence of language proficiency | 9 |
| 9.5. | Language test results..... | 9 |
| 9.6. | Designated testing organizations..... | 9 |
| 9.7. | Canadian English Language Proficiency Index Program (CELPIP)..... | 9 |
| 9.8. | International English Language Testing System (IELTS) | 10 |
| 9.9. | Test d'évaluation de français (TEF)..... | 10 |
| 9.10. | Integrity concerns with respect to language test results | 10 |
| 9.11. | Qualifying work experience | 10 |
| 10. | Procedure: Membership in the class | 10 |
| 10.1. | Pass/Fail test | 10 |
| 10.2. | Use of interviews | 11 |
| 11. | Procedure: Determining admissibility | 11 |
| 12. | Procedure: Approving the application..... | 12 |
| 13. | Procedure: Refusing the application..... | 12 |
| Appendix | A – Sample refusal letter | 13 |

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) and received by the Centralized Intake Office (CIO) on or after January 2, 2013.

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

2. Program objectives

Section 3 of the *Immigration and Refugee Protection Act* (IRPA) lists several objectives with respect to foreign nationals. Among 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; and
- 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 as part of an application in the CEC are summarized in the following table:

| Form title | Form number | Completed by |
|-------------------------------------|--------------------------|---|
| Generic Application Form to Canada | IMM 0008 | Principal applicant |
| Schedule A - Background/Declaration | IMM 5669 | Principal applicant, spouse or common-law partner, and each dependent child over the age of |

OP 25-A – Canadian Experience Class

| | | |
|---|---------------------------------------|--|
| | | 18 |
| Supplementary information – Your travels | IMM 5562 | Principal applicant |
| Schedule 8 - Economic Classes - Canadian Experience Class | IMM 0008 – Schedule 8 | Principal applicant |
| Additional Family Information | IMM 5406 | Principal applicant, spouse or common-law partner, and each dependent child over the age of 18 |

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

The CEC is a permanent resident category for individuals with skilled work experience in Canada. It was developed for temporary foreign workers and foreign graduates with qualifying 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 ability to become economically established in Canada and their Canadian experience, and who:

- intend to reside in a province or territory other than Quebec; and
- maintained temporary resident status during their qualifying period of work experience in Canada.

To be a member of the CEC, the applicant must also:

- have acquired, in Canada, within the 36 months before the date on which their application is received, at least 12 months of full-time work experience, or the equivalent in part-time work experience, in one or more occupations listed in Skill Type 0 or Skill Level A or B of the *National Occupational Classification* (NOC) matrix, exclusive of restricted occupations (see [Section 9.11](#) for more details); and

OP 25-A – Canadian Experience Class

- demonstrate that they have met the minimum language proficiency threshold set by the Minister (<http://www.cic.gc.ca/english/immigrate/cec/language.asp>) for each of their abilities to speak, listen, read and write. They must include the results of their English or French language test from a designated language testing agency with their application.

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 unauthorized workers). Applicants must provide documentation with their application establishing that they had legal temporary status in Canada (e.g. a visitor record).

Note: Any period of employment during which the applicant was engaged in full-time study will not be included in calculating the period of qualifying work experience (e.g. work experience gained through co-op work permits, off-campus work permits while a full-time student, and on-campus work permits).

Note: The minimum-required language levels must correspond to benchmarks in *Canadian Language Benchmarks* (for English) or *Niveaux de compétence linguistique canadiens* (for French). See [sections 9.3–9.9](#) for details.

5.2. Fees

Applicants are required to pay two fees:

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

Cost recovery fee

Regulations prescribe fees payable for processing an application for a permanent resident visa. [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 assessment of the application. In order to receive a refund of the cost recovery fee, an applicant must request a withdrawal of their application before this assessment has started. If an applicant requests a change in immigration 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)

[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.

OP 25-A – Canadian Experience Class

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.

5.3. Procedural fairness

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

6. Definitions

6.1. National Occupational Classification (NOC)

The *National Occupational Classification* 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.

The NOC is available on the Human Resources and Skills Development Canada (HRSDC) website at:

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

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 received ([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 their family members as described in R1(3) must be determined to be admissible, even if they have no intention of accompanying the principal applicant, in 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,

OP 25-A – Canadian Experience Class

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 a principal 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 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 CEC 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).

Work experience can be calculated by adding up the number of weeks of full-time (or equivalent) paid work (i.e. 30 hours per week in one job, or a total of at least 30 hours per week in more than one job) 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 the NOC. Work experience must be acquired over a period of at least one year; work in excess of 30 hours per week over a shorter period cannot compensate for any shorter overall period of experience.

OP 25-A – Canadian Experience Class

For a student who had graduated from a Canadian post-secondary institution, only work experience gained after graduation will count towards meeting the work experience requirement (e.g. post-graduate work permit).

6.4. Language skill area

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

7. Processing

Processing CEC applications involves a series of steps, including an assessment against program eligibility requirements (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;
- Membership in the class, Section 10;
- Determining admissibility, Section 11;
- Approving the application, Section 12; and
- Refusing the application, Section 13.

8. Procedure: Receiving the application

8.1. Receiving the application

All applications for permanent residence under the CEC must be submitted to the Centralized Intake Office (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 that time, including the following required forms, fees, information and documents:

- a signed and completed IMM 0008, 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 IMM 0008 - 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; and
- any information and documents required by the Regulations, as well as any other evidence required by the Act. This includes proof of qualifying Canadian work

OP 25-A – Canadian Experience Class

experience and proof of official language proficiency in the form of the results of a language test by a designated testing agency.

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

| If it is determined that... | Then the CIO will... |
|--|--|
| The application meets the requirements of section R10, including the application kit requirements in place at the time of application receipt | <ul style="list-style-type: none">• Date-stamp the application with the application-received date, and• Proceed to Section 8.2. |
| The application does not meet the requirements of section R10, including the application kit requirements in place at the time of application receipt | <ul style="list-style-type: none">• Return the application to the applicant with a letter explaining why the application is being returned, and• Neither create a file, nor keep a record until a complete application, as outlined above, has been received. |

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 a visa office and placed into processing;
- transfer the paper file to a visa office, in line with existing file transfer policies (diplomatic bag may take a significant amount of time to reach many offices); and
- transfer the electronic file to a visa office in GCMS by making that office the primary office for processing.

Note: Visa offices should maintain the application received date from the applicant’s initial submission to the CIO and process the application to a final decision. The application received date at the CIO is also the lock-in date.

8.3. Acknowledging receipt

When an application is put into process by an 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

OP 25-A – Canadian Experience Class

- inform them that they can follow the progress of their file via CIC's Client Application Status online service.

9. Procedure: Assessing the application

9.1. Selection criteria

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

- temporary resident status (Section 9.2);
- English or French language proficiency (Section 9.3); and
- qualifying skilled work experience in Canada (Section 9.11).

9.2. Temporary resident status

The applicant must have had temporary resident status during the period of work which qualifies them for CEC [R87.1(3)(c)].

Foreign nationals such as refugee claimants in Canada and unauthorized workers, whose work experience would be accumulated while they have no temporary resident status in Canada, are not eligible for the CEC.

Note: An applicant under the CEC does not need to hold a work permit. Applicants who are authorized to work in Canada under R186 are eligible to apply under the CEC, but must provide documentation with their application establishing that they had legal temporary status in Canada (e.g. a visitor record).

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

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. Canadian English Language Proficiency Index Program (CELPIP)

9.8. International English Language Testing System (IELTS)

9.9. Test d'évaluation de français (TEF)

9.10. Integrity concerns with respect to language test results

9.11. Qualifying work experience

Applicants must have **12 months** of full-time, Canadian skilled work experience (or the equivalent in part-time work experience) in one or more NOC 0, A or B occupations within the 36 months preceding the date on which their application is received.

Any period of employment during which the applicant was engaged in full-time study will not be included in calculating the period of qualifying work experience (e.g. work experience gained through co-op work permits, off-campus work permits while a full-time student and on-campus work permits). [R87.1(3)(a)]. Officers should verify the work permit information in GCMS.

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.

The applicant does not have to be employed at the time of application, but they must have held temporary resident status during the period of qualifying work experience acquired in Canada [\[R87.1\(3\)\(c\)\]](#).

Note: An applicant under the CEC does not need to hold a work permit. Applicants who are authorized to work in Canada under R186 are eligible to apply under the CEC, but must provide documentation with their application establishing that they had legal temporary status in Canada (e.g. a visitor record).

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 all criteria to be approved.

All applicants must:

- meet at least the minimum proficiency levels in English or French;
- have maintained temporary resident status during any periods of work experience used to qualify for CEC; and
- have qualifying Canadian skilled work experience.

| If... | Then the officer will... |
|--|--|
| the applicant passes all of the requirements | approve the application (Section 12). |
| the applicant fails to meet any one of the requirements | refuse the application (Section 13). |

| | |
|--|---|
| <p>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</p> | <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.

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.

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.

Note: Officers may not conduct interviews to assess language abilities.

11. Procedure: Determining admissibility

Once the visa office has determined that an applicant is a member of the CEC pursuant to [R87.1\(2\)](#), the principal applicant and their family members, whether accompanying or not, must complete medical examinations, and pass criminal and security checks.

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

12. 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.

Officers should not issue a permanent resident visa counterfoil to an applicant 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.

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 [[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 counterfoil (if applicable) to their 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 Call Centre to request an appointment at a local CIC office, with their family members if applicable.

13. Procedure: Refusing the application

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

- inform the applicant of the immigration categories or circumstances under which the application was considered; and
- fully inform the applicant why their 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 member of the CEC.

Refer to the refusal letter sample 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:

- eligible temporary resident status during the qualifying period of work in Canada,
- meeting the minimum language proficiency threshold in either English or French, and
- qualifying Canadian skilled work experience.

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 0, 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] 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 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 (including requirements of the Regulations made under the Act).

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.

Thank you for the interest you have shown in Canada.

Yours sincerely,
Officer

cc: fee_____