

OP 26 – Federal Skilled Trades Class

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1. What this chapter is about

This chapter describes the processing of applications for permanent residence submitted by applicants in the Federal Skilled Trades Class, and received by the Centralized Intake Office (CIO) in Sydney, Nova Scotia on or after January 2, 2013.

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

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 Trades 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;
 - to enrich and strengthen the cultural and social fabric of Canadian society, while respecting the federal, bilingual and multicultural character of Canada; and
 - to work in cooperation with the provinces to secure better recognition of the foreign credentials of permanent residents and their more rapid integration into society.
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3. The Act and Regulations

Provision	Act and Regulations
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
Skilled trade occupation	R87.2(1)
Federal skilled trades class and membership	R87.2(2) and (3)
Substitution of officer's evaluation	R87.2(4)
Requirement for settlement funds	R87.2(5)

3.1. Forms required

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

Form title	Form number	Completed by
<i>Generic Application Form to Canada</i>	IMM 0008	Principal applicant
<i>Schedule A – Background/Declaration</i>	IMM 5669	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>	IMM 5406	Principal applicant and, if applicable, spouse or common-law partner, and each dependent child 18 years of age or over
<i>Schedule 11 – Economic Classes – Federal Skilled Trades</i>	IMM 0008 – Schedule 11	Principal applicant
<i>Supplementary Information: Your Travels</i>	IMM 5562	Principal applicant
<i>Fee Payment Form – Application for Permanent Residence</i>	IMM 5620	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 Trades Class is prescribed as a class of persons who may become permanent residents on the basis of their ability to become economically established in Canada as workers in a skilled trade occupation, and who:

- intend to reside in a province other than the province of Quebec;
- meet or exceed the minimum language proficiency threshold set by the Minister for proficiency in English or French for each of the four language skill areas;
- have acquired at least two years of full-time work experience (or the equivalent in part-time work experience) in the skilled trade occupation specified in the permanent resident visa application during the five years preceding the date of the application. This work experience must have been acquired after becoming qualified to independently practise that occupation, according to the regulations in place where the work was performed;
- have met the relevant employment requirements of that skilled trade occupation as set out in the *National Occupation Classification (NOC)*, except for the requirement to obtain a certificate of qualification issued by a competent provincial authority; and
- have an offer of employment for continuous full-time work for a total period of at least one year from up to two employers in that skilled trade occupation OR hold a certificate of qualification in that skilled trade from a Canadian provincial or territorial authority.

5.2. Ministerial Instructions

On June 18, 2008, the *Immigration and Refugee Protection Act* was amended to give the Minister of Citizenship and Immigration 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 are to be processed pursuant to the Ministerial Instructions, if any, in effect at the time of application.

5.3. Fees

Applicants in the Federal Skilled Trades 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. An applicant may withdraw an application and receive a refund of the cost recovery fee at 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 an application for permanent residence. 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 initial evaluation has started. 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 specifies 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.

Applicants may make their RPRF payment at any time during the immigration process. Most offices encourage payment of the RPRF only once 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 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.

In the case of files transferred from one office to another, the office that finalizes the case is responsible for processing any RPRF refund.

5.4. Procedural fairness

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

6. Definitions

6.1. Family members

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

The age of accompanying dependent children is locked in on the date the application is made ([Section 5.24, OP 1 – Procedures](#)), but dependency is not. If a child is under the age of 22 on the date the application is made, but 22 years of age or older when the permanent resident visa is issued, they may still be included as part of the parent’s application as an accompanying dependant if they are not married or not in a common-law relationship, or if they are financially dependent 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 to be 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 as a dependent child. For more information on who qualifies as a dependent child, refer to [Section 5.23, OP 2 – Processing Members of the Family Class](#).

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, whether accompanying or not, are required to be examined during the processing of an application for permanent residence unless a properly delegated officer has determined that they are not required under IRPA to be examined. Normally, an inadmissible family member, whether accompanying or not, would render the principal applicant inadmissible [A42, R23]. However, there are two exceptions described in R23. The first is a separated spouse of the principal applicant. The second is a child of the principal 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). For more information about non-accompanying family members, refer to [Sections 5.10, 5.11 and 5.12, OP 2 – Processing Members of the Family Class](#).

Family members can be added to an application for permanent residence at any time during processing, including after the visa is issued, but prior to obtaining permanent resident status. Applicants should be counselled to inform the office responsible for processing their application immediately if their family composition has changed. For more information about adding a family member during processing, refer to [Section 7.7, OP 2 – Processing Members of the Family Class](#).

To include adopted children, spouses, or common-law partners as family members, the relationship with the principal applicant must be *bona fide*. Pursuant to R4(1), the principal applicant may not include a spouse or common-law partner in their application for permanent residence if their relationship was entered into primarily to acquire any status or privilege under the *Act* or is not genuine. Similarly, in accordance with R4(2), 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. For further information about assessing the relationship between the sponsor and a spouse or common-law partner, refer to [Section 12, OP 2 – Processing Members of the Family Class](#). For further information about assessing the relationship between adoptive parents and an adopted child, refer to [Section 5.8, OP 3 – Adoptions](#).

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

6.2. 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.

The NOC is available on the Human Resources and Skills Development Canada (HRSDC) website at: <http://www5.hrsdc.gc.ca/NOC>.

6.3. Skilled trade occupation

Pursuant to R87.2(1), a "skilled trade occupation" is defined as an occupation in one of the following categories belonging to Skill Level B of the NOC, unless the occupation has been designated a restricted occupation by the Minister:

- Major Group 72, industrial, electrical and construction trades;

- Major Group 73, maintenance and equipment operation trades;
- Major Group 82, supervisors and technical occupations in natural resources, agriculture and related production;
- Major Group 92, processing, manufacturing and utilities supervisors and central control operators;
- Minor Group 632, chefs and cooks; and
- Minor Group 633, butchers and bakers.

Note: At the time of publication, no occupations were designated as restricted. However, for current information, refer to the CIC website at: <http://www.cic.gc.ca/english/immigrate/trades/apply-who.asp>.

Note: On January 31, 2012, HRSDC and Statistics Canada replaced the 2006 edition of the NOC with the 2011 edition. Applications received in the Federal Skilled Trades Class are to be assessed against the NOC 2011 edition, as prescribed in the IRPR. 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 NOC 2006 edition, and work permits based on these LMOs, provided the NOC 2006 code can be correlated to an eligible NOC 2011 skilled trade occupation code at the time of application to CIC.

6.4. 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 Trades 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 two years of full-time work).

Work experience can be calculated by adding up the number of weeks of full-time (or equivalent in part-time) paid work in a skilled trade occupation as defined in Section 6.3 above (e.g. 30 hours per week in one job over a two-year period, 15 hours per week in one job over a four-year period, or a total of at least 30 combined hours per week in more than one job over a two-year period).

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

6.5. Language skill area

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

7. Processing

Processing applications for permanent residence in the Federal Skilled Trades Class involves a series of procedural steps, including an assessment against eligibility criteria (pass/fail test). These procedures are described in greater detail in the following sections of this chapter:

- Receiving the application, Section 8;
- Assessing the application against selection criteria, Section 9;
- Determining membership in the class – pass/fail test, Section 10;
- Determining admissibility, Section 11;
- Rendering a final decision on the application, Section 12.

8. Procedure: Receiving the application

8.1. Completeness check at the CIO

All applications for permanent residence in the Federal Skilled Trades Class 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 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);
- the results of the principal applicant's English or French language proficiency test, for all four language skill areas, from a designated testing agency, **demonstrating that they meet or exceed the language proficiency threshold set by the Minister in all four language abilities;**
- a provincial/territorial certificate of qualification in a qualifying skilled trade OR an offer of continuous full-time employment in Canada for a total period of at least one year from up to two employers in a skilled trade occupation as defined in R87.2(1);
- 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 11 – Economic Class – Federal Skilled Trades* [IMM 0008 – Schedule 11] for the principal applicant;
- a properly completed *Supplementary Information – Your Travels* [IMM 5562] for the principal applicant and, if applicable, his or her spouse or common-law partner;
- 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*. This includes proof of official language proficiency in the form of the results of a language test by a designated testing agency, and proof of work experience.

Note: Applications that are not complete or over any global or sub-cap specified through Ministerial Instructions will be returned to the applicant.

If it is determined that...	Then the CIO will...
the application meets the requirements pursuant to R10, including the application kit requirements in place at the time of application receipt	date stamp the application with the "application received" date, and proceed to Section 8.2.
the application does not meet the requirements pursuant to R10, including the application kit requirements in place at the time of application receipt	return the application to the applicant, and neither create a file nor keep a record until a complete application, as outlined above, has been made.

8.2. Assessing applications against Ministerial Instructions

The CIO will assess the applicant's submission as-is and make a final determination of eligibility for processing under the Ministerial Instructions, if any, in place at the time the application was received.

To be eligible for processing, the applicant must 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 applicant's submission 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/p1/2012/2012-12-29/html/notice-avis-eng.html#d116>.

Note: Missing admissibility documents (i.e. police certificates) should not hold up 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.

If the application...	Then the CIO...
meets all the criteria of applicable Ministerial Instructions	will make a final positive determination of eligibility for processing and proceed to put the application into process (Section 8.3). The processing fees are no longer refundable. A final selection decision and admissibility determination will be made by the processing office.
does not meet all the criteria of applicable Ministerial Instructions	will make a final negative determination of eligibility for processing and: <ul style="list-style-type: none">• record the outcome and reasons;• inform the applicant; and• initiate a refund of processing fees. The application will not be returned to the applicant.

8.3. 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:

- date stamp the application with the "application received" date;
- create a file in GCMS;
- enter "MST-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.

Note: 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.

8.4. Acknowledgement of receipt at the CIO

When an application has been put into process at the CIO, the CIO will send an acknowledgement of receipt letter to the applicant to:

- inform them that their application has been placed into processing;
- set out basic instructions for contacting the office responsible for processing their application;
- provide them with a brief outline of future processing steps; and
- inform them that they may follow the progress of their application via the “e-Client Application Status” on-line service available through the CIC website.

9. Procedure: Assessing the application against selection criteria

Requirements for membership in the Federal Skilled Trades Class are set forth in R87.2(3).

Offices will assess applicants against each of the selection criteria (pass/fail test) outlined below, based on the information and documents provided in the application.

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.

9.1. Required level of language proficiency

9.2. Language test designation process

9.3. Designated language testing organizations

9.4. Language test equivalency charts

9.5. Integrity concerns with respect to language test results

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

If the officer...	Then the officer will...
has verified the test scores and the integrity 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	accept the test scores.
is satisfied that there is sufficient evidence to establish fraud or malfeasance with respect to testing procedures or results	refuse the application for misrepresentation. Note: Refer to IL 3 – Designation of Officers and Delegation of Authority to determine the delegated authority to make a determination under A40(1)(a) of the IRPA.

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 (RIC) at Nat-Operational-Coordination-Selection-RIM@cic.gc.ca, Immigration Branch, Economic Immigration Policy and Programs Division (SSE) at Selection@cic.gc.ca, and Operational Management and Coordination (PID) at 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.

9.6. Required work experience in a skilled trade occupation

Pursuant to R87.2(3)(b), the applicant must have acquired at least two years (24 months) of full-time work experience, or the equivalent in part-time work, in the skilled trade occupation specified in their permanent resident visa application during the five years (60 months) preceding the date of application.

Note: Due to the project-based nature of the trades, the work experience does not need to have been obtained over a continuous period.

The applicant does not have to be employed at the time of application.

The applicant must have performed the actions described in the lead statement for the occupation and a substantial number of the main duties listed in the description of the skilled trade occupation as set out in the NOC, including all of the essential duties, **after** becoming qualified to independently practise the skilled trade occupation in the jurisdiction where the work was performed.

The applicant must identify the requirements to practice independently in their country/region, and provide evidence of how they met those requirements before gaining the qualifying work experience.

Example: a plumber who did her certification in Poland and had three years of work experience in Poland (after becoming certified) would meet this requirement. Some jurisdictions may not require certification to practice independently in certain trades (carpentry in Ontario, for example), in which case the applicant would also qualify, as long as they had the required two years of full-time work experience. The plumber from Poland would have to provide her certification from Poland, but the carpenter from Ontario would only need to provide evidence that there are no certification requirements for that trade in that jurisdiction.

Note: 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.

9.7. Employment requirements in a skilled trade occupation

Pursuant to R87.2(3)(c), all applicants in the Federal Skilled Trades Class must meet the relevant employment requirements of the skilled trade occupation specified in the permanent resident visa application as set out in the NOC, **except** for the requirement to obtain a certificate of qualification issued by a competent provincial/territorial authority.

Relevant employment requirements may include education, training, required work experience or other qualifications as set out in the NOC.

9.8. Offer of employment or certificate of qualification in a skilled trade occupation

Pursuant to R87.2(3)(d), applicants under the Federal Skilled Trades Class must meet at least one of the following requirements:

- they hold a certificate of qualification issued by a competent Canadian provincial/territorial authority (<http://www.red-seal.ca/c.4nt.1cts@-eng.jsp?#contact>) in the skilled trade occupation specified in their application;

OR

- they have an offer of employment from up to two employers for continuous, full-time work in Canada for a total period of at least one year in the skilled trade occupation specified in their application.

Depending on the foreign national's circumstances, the requirements for a valid offer of employment are different.

If the foreign national...	and...	Then the foreign national...
<p>is currently working in Canada on a work permit issued by CIC based on a positive labour market opinion from HRSDC [R87.2(3)(d)(ii)]</p>	<ul style="list-style-type: none"> • the applicant is working for any employer specified on the work permit; Note: if a Group of Employers (GOE) name is listed on the work permit, the applicant can be working for any of the employers included in the GOE (http://cicintranet/connexion/about-apos/propos/program/temporary-temporaire/tfw-ptet-eng.aspx). • the work permit is valid at the time of the application for permanent residence; • the applicant holds an offer of employment for continuous, full-time work in the skilled trade occupation specified on their application for a total period of at least one year that is the 	<p>has a valid offer of employment.</p> <p>Note: 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>same, or in the same minor NOC group (three-digit NOC), as the occupation specified on their work permit; and</p> <ul style="list-style-type: none"> the offer of employment is made by up to two employers, other than an embassy, consulate or high commission in Canada, neither of which appears on the list referred to in R203(6), and who are specified on the work permit. 	
<p>is currently working in Canada on a work permit in a job that is exempt from the HRSDC labour market opinion requirement under an international agreement pursuant to R204(a) or (c) [R87.2(3)(d)(iii)]</p>	<ul style="list-style-type: none"> the applicant is working for any employer specified on the work permit; the work permit is valid at the time of the application for permanent residence; the applicant holds an offer of employment for continuous, full-time work in the skilled trade occupation specified on their application for a total period of at least one year that is the same, or in the same minor NOC group (three-digit NOC), as the occupation specified on their work permit; and the offer of employment is made by up to two employers, other than an embassy, consulate or high commission in Canada, neither of which appears on the list referred to in R203(6), and who are specified on the work permit. 	<p>has a valid offer of employment.</p> <p>Note: 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>does not hold a valid work permit and is not authorized to work in Canada under R186 at</p>	<ul style="list-style-type: none"> up to two employers, other than an embassy, high commission or consulate in Canada, 	<p>has a valid offer of employment.</p>

<p>the time of the application for permanent residence [R87.2(3)(d)(iv)]</p>	<p>neither of which appears on the list referred to in R203(6), have made an offer of employment for continuous, full-time work for a total period of at least one year once a permanent resident visa (if any) is issued, and</p> <ul style="list-style-type: none"> an officer has approved the offer of employment for full-time work based on an opinion provided by HRSDC, on the same basis as an opinion provided for the issuance of a work permit, at the request of one or two employers, or an officer, with respect to employment in a skilled trade occupation as defined in R87.2(1). 	
<p>either holds a work permit or is authorized to work in Canada under R186 at the time of the application for permanent residence [R87.2(3)(d)(v)]</p>	<ul style="list-style-type: none"> the circumstances referred to in R87.2(3)(ii)(b) and (c) and R87.2(3)(iii) do not apply – for example, the applicant is not currently working for the employer specified on their LMO work permit, or does not hold an offer of employment in the same occupation, or occupation in the same minor NOC group (three-digit NOC) as the occupation specified on their work permit, and the circumstances referred to in R87.2(3)(iv)(a) and (b) do apply – for example, up to two employers, other than an embassy, high commission or consulate in Canada, that do not appear on the list referred to in R203(6), have made an offer of employment to the applicant for 	<p>has a valid offer of employment.</p> <p>Note: 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>continuous, full-time work for a total period of at least one year once a permanent resident visa (if any) is issued, and an officer has approved the offer of employment for full-time work based on an opinion provided by HRSDC at the request of one or two employers, or an officer, on the same basis as a labour market opinion for the issuance of a work permit with respect to employment in a skilled trade occupation as defined in R87.2(1).</p>	
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9.9. Settlement funds

In addition to the selection criteria stated in R87.2(3), the applicant must also have sufficient funds available for settlement in Canada pursuant to R87.2(5). This requirement is waived if the applicant has an offer of employment as defined in R87.2(3)(d)(ii), (iii) and (v).

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.

Although the amount may change yearly, at time of publication, the required funds are equal to or greater than the amount listed below for each family size:

Number of family members	Funds required
1	\$11,115
2	\$13,837
3	\$17,011
4	\$20,654
5	\$23,425
6	\$26,419
7 or more	\$29,414

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

Exception: If the applicant has arranged employment as defined in R87.2(3)(d)(ii), (iii) and (v), they do **not** have to meet these financial requirements pursuant to R87.2(5).

If the applicant is unable to demonstrate that they have sufficient available funds to meet the requirements, the officer should refuse the application and proceed to section 12.2.

10. Procedure: Determining membership in the class

10.1. Pass/fail test

Membership in the Federal Skilled Trades Class is based on a pass/fail system in which applicants must meet **all** of the requirements set forth in R87.2(3).

All applicants must:

- demonstrate that they meet or exceed the minimum language proficiency threshold set by the Minister for proficiency in English or French (Section 9.1);
- have acquired at least two years of full-time work experience (or the equivalent in part-time work experience) in the skilled trade occupation specified in the permanent resident visa application during the five years preceding the date of the application. This work experience must have been acquired **after** becoming qualified to independently practice that occupation, in the jurisdiction where the work was performed (Section 9.4);
- meet the relevant employment requirements of that skilled trade occupation as set out in the NOC, except for the requirement to obtain a certificate of qualification issued by a competent provincial authority (Section 9.5); and
- have an offer of employment from up to two employers for continuous, full-time work for a total period of at least one year in that skilled trade occupation OR hold a certificate of qualification in that skilled trade from a Canadian provincial or territorial apprenticeship authority (Section 9.6).

If...	Then the officer will...
the applicant meets all of the requirements to become a member of the Federal Skilled Trades Class	<ul style="list-style-type: none"> • approve the application (Section 12.1); or • consider the use of substituted evaluation if warranted by circumstances (Section 10.2).
the applicant fails to meet any one of the requirements to become a member of the Federal Skilled Trades Class	<ul style="list-style-type: none"> • refuse the application (Section 12.2); or • consider the use of substituted evaluation if warranted by circumstances (Section 10.2).
the officer is unable to make a decision as to whether the applicant meets the requirements to become a member of the Federal Skilled Trades Class, due to lack of information or documentation, or there are serious doubts as to the accuracy or legitimacy of the documents submitted	<ul style="list-style-type: none"> • 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 (Section 10.3); or • refuse the application.

10.2. Substituted evaluation

R87.2(4) makes possible the substitution of an officer's evaluation for the requirements set forth in R87.2(3) in respect of an application for permanent residence in the Federal Skilled Trades Class.

If the requirements set forth in R87.2(3), whether or not they are met, are not sufficient indicators of whether the foreign national will become economically established in Canada, an officer may substitute their evaluation for the requirements.

Pursuant to 87.2(4), substituted evaluation requires the concurrence of a second officer.

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 list 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 Trades 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 consider positive substituted evaluation.

If an officer decides to use substituted evaluation when...	Then the officer will...
the applicant did meet all the requirements to become a member of the Federal Skilled Trades Class (i.e. negative substituted evaluation)	<ul style="list-style-type: none"> • 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; • obtain written concurrence from a designated officer; and • provide reasons for the use of negative substituted evaluation in the formal refusal letter sent to the applicant.
the applicant did not meet any one or more of the requirements to become a member of the Federal Skilled Trades Class (i.e. positive substituted evaluation)	<ul style="list-style-type: none"> • obtain written concurrence from a designated officer; and • add a note in GCMS providing reasons for the use of positive substituted evaluation.

10.3. Use of interviews

Membership in the Federal Skilled Trades Class is clearly defined, and eligibility can easily be assessed in straightforward cases. In most cases, officers should be able to determine membership in the class – 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.

In accordance with principles of procedural fairness, any concerns that an 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.

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.

10.4. 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.

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.

11. Procedure: Determining admissibility

Once the office has determined that an applicant is a member of the Federal Skilled Trades Class pursuant to R87.2, 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 [ENF 2 / OP 18 – Evaluating Inadmissibility](#).

12. Procedure: Rendering a final decision on the application

12.1. Approving the application

For approved applicants in the Federal Skilled Trades Class who reside outside of Canada, the 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 should not issue a permanent resident visa counterfoil to applicants whose passport was issued by the United States of America or a 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.

12.2. Refusing the application

All refused applicants in the Federal Skilled Trades Class must be sent or otherwise provided with a formal refusal letter by the 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.

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 Federal Skilled Trades Class.

Refer to Appendix A for a sample refusal letter.

Appendix A – Sample refusal letter

INSERT LETTERHEAD

Our Reference:

INSERT ADDRESS

Dear XX:

I have now completed the assessment of your application for permanent residence as a member of the Federal Skilled Trades Class, and have determined that you do not meet the requirements for immigration to Canada in this class.

Pursuant to section 87.2(3) of the *Immigration and Refugee Protection Regulations*, applicants in the Federal Skilled Trades Class must meet the following requirements in order to become a member of the Federal Skilled Trades Class:

- demonstrate a mandatory level of proficiency in English or French in all four language abilities;
- provide evidence of at least two years of full-time work experience (or the equivalent in part-time work experience) in a skilled trade occupation within the five years preceding the date of application, after becoming qualified to independently practice that occupation;
- satisfy the employment requirements for that skilled trade occupation as described in the National Occupational Classification (NOC); and
- hold an offer of continuous full-time employment in Canada for a total period of at least one year **or** hold a valid certificate of qualification in that skilled trade issued by a Canadian provincial/territorial authority.

Your application for permanent residence in the Federal Skilled Trades Class was assessed against the requirements (pass/fail) noted above based on the following skilled trade occupation specified in your application: [*insert title and NOC code for the skilled trade occupation declared by the applicant in their application*].

I am not satisfied that you meet the [*choose one or more as applicable: official language proficiency requirement, skilled trade work experience requirement, employment requirements as described in the NOC, offer of employment or certificate of qualification requirement*] because [*provide reasons/explanation*].

IF USING NEGATIVE SUBSTITUED EVALUATION, ADD:

Subsection 87.2(4) of the *Regulations* permits an officer to substitute their evaluation of the likelihood that the applicant will become economically established in Canada if the requirements prescribed in R87.2(3), whether or not they are met, are not sufficient indicators of whether the foreign national will become economically established in Canada.

I am not satisfied that your ability to meet the minimum requirements for membership in the Federal Skilled Trades Class is 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 second officer has concurred with this evaluation.

Subsection 11(1) of the *Immigration and Refugee Protection 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* (this includes requirements of the regulations made under the *Act*).

Following an examination of your application for permanent residence in the Federal Skilled Trades Class, I am not satisfied that you meet the requirements of the *Act* and its 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 Canadian Embassy/High Commission/Consulate in [*enter appropriate office reference*] within a few weeks.

OR

Please contact the Canadian Embassy/High Commission/Consulate in [*enter appropriate office reference*] for information concerning the method of reimbursement and the date by which you can expect to receive a refund.

Thank you for the interest you have shown in immigrating to Canada.