



Citizenship and  
Immigration Canada

Citoyenneté et  
Immigration Canada

# OP 6

## Federal Skilled Workers

## OP 6 Federal Skilled Workers

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### Updates to chapter

#### Listing by date:

#### Date: 2010-01-04

Section 9.2 – Settlement funds: The content with respect to the LICO amounts has been updated. The amounts reflected in the table are valid from January 1<sup>st</sup> to December 31<sup>st</sup>, 2010.

#### 2009-04-28

Section 10.12 – Clarifications were made to how the full-time work experience requirement may be met.

#### 2009-03-25

[Section 5.1](#) – Updated section on Ministerial Instructions and requests for Humanitarian and Compassionate (H&C) considerations.

[Section 5.2](#) – Updated the cost recovery fee and Right of Permanent Residence Fee (RPRF).

[Section 6.4](#) – Added information on non-accompanying family members.

[Section 7.2](#) – Updated information on assessing applications against Ministerial Instructions.

[Section 8.1](#) – Added information on receiving the application at the visa office.

[Section 8.2](#) – Added this section on assessing eligibility under the Ministerial Instructions and included information from OB 101, question 7.

[Section 14](#) – Added this section on CAIPS coding instructions.

[Appendices A, B and C](#) – Section added to template letters concerning RPRF refunds issued by CIO in cases of transferred files.

Updates throughout this chapter reflect the centralized intake of **all** Federal Skilled Worker (FSW) applications going to the Centralized Intake Office in Sydney, NS effective April 1, 2009. Application forms and guides are also updated to reflect this change.

#### 2009-02-02

[Section 9.2](#) – Updated minimum settlement fund requirements.

#### 2008-11-28

[Section 5.1](#) – Added section on Ministerial Instructions.

[Section 5.2](#) – Updated information on cost recovery fees.

[Section 5.3](#) – Added information on NOC codes.

[Section 6.1](#) – Updated reference to 2006 NOC codes.

[Section 6.2](#) – Added information on family members.

[Sections 7-7.3](#) – Added sections on Centralized Intake Office procedures.

[Section 8](#) – Added section on visa office procedures.

[Section 8.3](#) – Added section on procedures for Ministerial Instructions.

[Section 9.2](#) – Updated minimum settlement fund requirements.

[Section 10.6](#) – Added an English language testing organization.

[Section 10.7](#) – Added section on CELPIP scores.

[Section 10.8](#) – Added another chart and updated IELTS test score equivalencies.

[Appendix D](#) – Added sample letter for refusals based on Ministerial Instructions.

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**2008-04-24**

### **Section 9.2 – Settlement Funds**

- The table on minimum settlement funds has been updated to reflect Statistics Canada's publication of the most recent low income cutoffs (LICO).

### **Appendix C – Refusal on points**

- Minimum points have been updated to reflect the correct minimum of 67 points.

**2008-03-27**

### **Section 10.8 – Canadian English Language Proficiency Index Program**

- This section has been removed along with any references to it, as this program is no longer in existence.

### **All sections**

- Replaced references to the web address [www.cic.gc.ca/skilled](http://www.cic.gc.ca/skilled) with the correct functioning URL: <http://www.cic.gc.ca/english/immigrate/skilled/index.asp>

**2006-07-17**

### **Section 9.2–Settlement funds:**

- The table on minimum settlement funds has been updated to reflect Statistics Canada's publication of the most recent low income cutoffs (LICO).

Section 10.11–Experience

- This section has been amended to clarify what is meant by “one year continuous full-time work experience”, which is the basic qualification needed to be eligible to apply for points.

**2005-08-31**

Section 9.2–Settlement Funds:

- The table on minimum settlement funds has been updated to reflect Statistics Canada's publication of the most recent low income cutoffs (LICO).

Section 10.4—Evidence of language proficiency:

- The note at the end of this section has been amended to clarify that the most recent group of designated language tests submitted are used to allocate points. Visa officers will not select the highest score for each ability from different test score submissions.

**2004-10-28**

This chapter has been updated to reflect changes to the federal skilled worker provisions as per the recent regulatory amendment package. The following sections have been revised:

Section 6.2—Family members of skilled workers:

Clarifications have been made in keeping with procedures outlined in OP 2, Processing members of the family class:

- age of accompanying dependent children is locked in on date of application, but dependence is not. At the time of application, children over the age of 22 who are deemed dependent due to full-time study or mental/physical condition must still meet these requirements at the time of visa issuance;
- advice to the applicant that non-accompanying children in the legal custody of the spouse, ex-spouse or common-law partner should be examined if the applicant wants to sponsor them in the future, otherwise they will be excluded from the family class.

Section 9—Minimum requirements of a skilled worker:

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As with full-time work experience, part-time work experience must be continuous for the one-year eligibility requirement of the class [R75(2)]

Section 9.2—Settlement funds:

- funds required include both accompanying and non-accompanying dependants;
- LICO levels updated.

Section 10.2—Education:

- guidance is provided on how medical degrees should be considered; essentially medical doctor degrees are generally considered first-level degrees in the same way as a Bachelor of Law or a Bachelor in Pharmacology. Officers should be guided by how the local authorities responsible for educational or training institutions recognize the credential.

Sections 10.4 to 10.10—Language:

- relevant sections have been updated to reflect RIM messages 04-002 and 04-016 sent to visa offices earlier this year regarding clarifications on "Language Proficiency Guidelines."

Section 10.6—Approved testing organizations:

- test results must not be older than one year on the date of application;
- test results from a testing organization that has not been designated by the Department are not "conclusive evidence" of language ability and may only be considered as part of an overall written submission.

Section 10.10—Integrity concerns on language proficiency during an interview:

This is a new section which outlines instructions presented in RIM message 04-016.

Section 10.13—Arranged employment

- arranged employment must be in National Occupational Classification (NOC) Skill Type 0 or Skill Level A or B [R82(2)];
- in the case of applicants holding a work permit for a job for which they have a permanent offer, the work permit must be valid on the date of application and at the time the visa is issued. This replaces the requirement that the work permit be valid for 12 months from date of application [R82(2)(a)(iii)];
- temporary work permit holders under R205(c)(ii), such as post-graduates and spouses/common-law partners of temporary skilled workers/foreign students, are now eligible to apply for arranged employment points under R82(2)(b);
- eligible temporary work permit holders not currently covered may now apply for arranged employment with an arranged employment opinion (AEO) from HRSDC [new R82(2)(d)].
- instructions are provided on how to process applications with arranged employment under R82(2)(c) in keeping with RIM message 04-033 on "Post resumption protocol AEO guidelines."

Section 11.3—Substituted evaluation

- this section has been updated to reflect instructions outlined in RIM message 04-011 "Substituted Evaluation for the Federal Skilled Worker Class."

### 2003-07-09

Skilled Worker applicants are awarded points for language ability based on either language test results from a designated organization, or other evidence provided in a written submission. The Paris Chamber of Commerce has been designated as a Third Party Language Testing (TPLT) organization, and offers the Test d'Évaluation de Français (TEF). There are test score equivalency charts for the alignment of TEF scores for all four abilities (reading, listening, writing

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and speaking) to the Canadian Language Benchmarks (CLB)/Standards Linguistiques Canadiens (SLC) in [Section 10.8](#) of the OP 6, as well as on the website and in the Skilled Worker application guide.

The number of points required to attain a certain level on the TEF test has changed. The Paris Chamber of Commerce has made small changes to the number of points required for each level in reading and listening in order to ensure the reliability of their results. Points equivalencies for writing and speaking have also been added. In the previous version of the OP 6, writing and speaking equivalencies for the TEF were given as levels only. This change in points could affect the number of points some applicants are awarded for language. Visa officers should ensure that they use the new, updated grid on the website when determining the equivalent Benchmark/Standard for a given TEF points score.

### **2003-04-11**

Clarifications/changes have been made to Manual chapter OP 6 (Federal Skilled Workers) regarding the following:

- proof of language ability, see [Section 8.1](#);
- substituted evaluation, see [Section 9.1](#) and [Section 11.3](#);
- revised figures for settlement funds regarding Low Income Cut-off (LICO), see [Section 9.2](#); and
- distance learning credentials for “Education” points, see [Section 10.2](#).

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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 Worker (FSW) Class.

**Note:** Information on processing Quebec Skilled Workers and Provincial Nominees is provided in [OP 7a](#) and [OP 7b](#) respectively. Information on processing Canadian experience class (CEC) applications is provided in [OP 25](#).

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### 2. Program objectives

Section 3 of the *Immigration and Refugee Protection Act* lists several objectives with respect to foreign nationals. Among those related to the skilled worker program 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.
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### 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 an officer	R70(1)
Economic class	A12(2)
Inadmissibility	A33 to A43
Obtaining status (skilled worker)	R71.1
Minimum requirements of a skilled worker	R75(2)
Minimum number of points required	R76(2)
Selection grid:	
• Education	R78
• Language proficiency	R79
• Work experience	R80
• Age	R81

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• Arranged employment	R82
• Adaptability	R83
Settlement funds requirement	R76(1)(b)(i)
Substituted evaluation	R76(3) and (4)
Inclusion of family members	R84
Transition rules	R361

### 3.1. Forms

The forms required are shown in the following table.

Form title	Form number
Application for Permanent Residence in Canada	IMM 0008EGEN
Schedule 1 - Background/Declaration	IMM 0008Esch1 Schedule 1
Schedule 3 - Economic Classes - Federal Skilled Workers	IMM 0008Esch3 Schedule 3
Additional Family Information	IMM 5406E

IMM 0008EGEN Completed by principal applicant

Schedule 1: Completed by principal applicant, spouse or common-law partner, and each dependent child over the age of 18

Schedule 3: Completed by principal applicant

IMM 5406E: Completed by principal applicant, spouse or common-law partner, and each dependent child over the age of 18

### 4. Instruments and delegations

Nil.

### 5. Departmental policy

#### 5.1. Ministerial Instructions

On November 28, 2008, the Minister of Citizenship, Immigration and Multiculturalism issued Ministerial Instructions which apply only to applications or requests made on or after February 27, 2008. The Instructions provide for the following Federal Skilled Worker applications to be placed into processing immediately upon receipt:

- Federal Skilled Workers with an Arranged Employment Offer (AEO);
- Federal Skilled Workers residing legally in Canada for at least one year as temporary foreign workers or international students; or
- Federal Skilled Workers with one year of continuous full-time (or equivalent part-time) paid work experience in the last ten years in one or more of the occupations listed at the following Web site:  
<http://www.cic.gc.ca/english/immigrate/skilled/apply-who-instructions.asp>.

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### Applying the Ministerial Instructions

#### Applications received before February 27, 2008

All applications received prior to February 27, 2008, are to be processed pursuant to legislation in effect at the time of application. For information on processing applications received prior to February 27, 2008, please see Section 8.

#### Applications received on or after February 27, 2008

Federal Skilled Worker applications received on or after February 27, 2008, must meet the requirements in the Ministerial Instructions in order to be eligible for processing.

**All Federal Skilled Worker applications** are to be submitted directly to the Centralized Intake Office (CIO) in CPC-Sydney, where the application will be assessed to determine whether it corresponds to the Ministerial Instructions. The CIO will assess whether the application should be placed into processing at a visa office. For CIO procedures, please see Section 7.

**NOTE:** Any applications received by the CIO which are not Federal Skilled Worker applications are to be returned to the applicant.

#### Requests for humanitarian and compassionate consideration – Ministerial Instructions

- **The Ministerial Instructions state**, “Requests made on the basis of Humanitarian and Compassionate grounds that accompany a Federal Skilled Worker application made overseas that is not identified for processing under Ministerial Instructions will **not** be processed.”

The Ministerial Instructions allow examination of Humanitarian and Compassionate (H&C) considerations within the Federal Skilled Worker class only if a FSW class application is eligible for processing at a visa office.

The Instructions prevent the use of requests for H&C considerations to overcome the eligibility requirements for processing under the FSW class.

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### 5.2. Cost recovery fees and Right of Permanent Resident Fee (RPRF)

Applicants are required to pay two fees:

- the cost recovery fee;
- the right of permanent residence fee (RPRF).

#### Cost recovery fee

R295 specifies who must pay the cost-recovery fees and what the payable fees are for processing an application for a permanent resident visa. The cost recovery fee is payable at the time the application is made.

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.

An applicant may withdraw an application and receive a refund of the cost recovery fee any time before processing of the application begins. A refund is also due if the applicant does not meet the Ministerial Instructions. Once processing has begun, the cost recovery fee is not refundable.

#### 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 right of permanent residence fee (RPRF) is required before issuance of permanent resident visas.

Applicants may make their RPRF payment at any time during the immigration process.

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

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

In the case of transferred files, the visa office that finalizes the case is responsible for processing any RPRF refund. This instruction does not apply to applications received by or transferred to the CIO. In these cases, the CIO is responsible for the RPRF refund.

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### 5.3. Self-assessment tools

The Department's Web site (<http://www.cic.gc.ca/english/immigrate/skilled/index.asp>) contains links to a number of on-line self-assessment tools, which enable prospective applicants to:

- obtain all necessary information regarding the skilled worker selection system;
- obtain information about their NOC category and skill level; and
- make an informal assessment of their own ability to qualify before expending the money and the effort on the submission of a formal application.

Visa offices with their own Web sites are encouraged to construct direct links to the departmental Skilled Worker page, which includes the on-line self-assessment tool.

Wherever possible, prospective applicants should be instructed to take their own initiative to access and download the instruction guide [IMM EG7000]. The Department thereby not only reduces its printing and postage costs but can put to better use the staff time expended in handing out or mailing paper copies.

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### 5.4. Procedural fairness

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

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## 6. Definitions

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### 6.1. National Occupation Classification (NOC)

The NOC is the official governmental classification system of occupations in the Canadian economy. It describes duties, skills, aptitudes, and work settings for occupations in the Canadian labour market.

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**Note:** For the purposes of skilled worker applications, the "Employment Requirements" listed in the description of each occupation are not applicable.

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Missions should have paper copies of the NOC 2006. The NOC 2006 can also be accessed on-line at <http://www23.hrdc-drhc.gc.ca>.

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### 6.2. Restricted occupations

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

- R75(2)(a) stipulates that experience in a restricted occupation cannot be used to satisfy the minimum requirements of a skilled worker.
- R80(2) stipulates that no points can be given under the experience factor of the skilled worker selection criteria for experience in a restricted occupation.

At the time of printing, there were no occupations designated as restricted. However, for the most up-to-date listing, refer to the skilled worker Web site at <http://www.cic.gc.ca/english/immigrate/skilled/index.asp>.

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### 6.3. Education

- "Educational credential" is defined in R73 as any diploma, degree or trade or apprenticeship credential issued on the completion of a program of study or training at an educational or

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training institution recognized by the authorities responsible for registering, accrediting, supervising and regulating such institutions in the country of issue.

- “Full-time” is defined in R78(1) as requiring at least 15 hours of instruction per week during the academic year, including any period of training in the workplace that forms part of the course of instruction.
- “Full-time equivalent” means, in respect of part-time or accelerated studies, the period of time that would have been required to complete those studies on a full-time basis.

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### 6.4. Family members of skilled workers

Please refer to OP 2, section 6 for the definition of family members.

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**Note:** The age of accompanying dependent children is locked in on the date of application, but dependence is not. If a child is under the age of 22 on the date of application 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 dependent pursuant to R2(b)(ii)**. A child who is 22 years of age or older and who is considered a dependant child on the date of application by virtue of R2(b)(ii) or (iii), i.e. financially dependent due to full-time study or physical or mental condition, 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, Processing Members of the Family Class, for more information on who qualifies as a dependent child.

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All family members, accompanying or not, are required to be examined unless an officer decides otherwise. Normally, any inadmissible family member would render the principal applicant inadmissible as well [A42; R23]. There are, however, two exceptions to this rule. The first is the separated spouse of the applicant. The second is when the applicant or an accompanying family member does not have legal custody of their dependent child or when they are not 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 the applicant's children who are in the custody of someone else are inadmissible, their inadmissibility would not render the applicant inadmissible. Because separated spouses can reconcile and custody arrangements for children can 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 cannot be sponsored in the Family Class in the future under R117(9)(d), unless R117(10) applies. Please see OP 2 section 5.11 for more information on examination of 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 accompanying family members, R4 requires that the relationship must be genuine and not one entered into primarily for immigration purposes.

If family members are added to the application during processing, they must be screened for inadmissibility before any permanent resident visa is issued.

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## 7. Procedure: Applications made at the Centralized Intake Office (CIO)

All Federal Skilled Worker applications must be sent by applicants to the CIO.

This section provides guidance on CIO procedures for assessing whether applications should be placed into processing at the visa office. Please see the following areas for specific procedural instructions:

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- Receiving the application at the CIO – [Section 7.1](#)
- Assessing applications against the Ministerial Instructions - [Section 7.2](#)
- Applications that meet the Ministerial Instructions - [Section 7.3](#)

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**Note:** Applications received prior to February 27, 2008, are to be processed pursuant to legislation in effect at the time of application. For information on visa office procedures for processing Federal Skilled Worker applications, please see Section 8.

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### 7.1. Receiving the application at the CIO

Applicants must complete and sign IMM 0008, Application for Permanent Residence in Canada, as well as Schedules 1 and 3 of this form and then submit the applicable fees in Canadian funds to the CIO.

Applications received at the CIO will first be reviewed for completeness, including:

- required forms;
- evidence of payment of the applicable fees (please see Section 5.1 for more information on fees).
- the Use of a Representative form, if appropriate.

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**Note:** Applications which are not Federal Skilled Worker applications submitted to the CIO are to be sent back to applicants in their entirety (including payment) with instructions to submit the application to the appropriate visa office.

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### 7.2. Assessing applications against the Ministerial Instructions

The CIO will assess whether the applicant has an arranged employment offer (AEO), has resided legally in Canada for at least one year as a temporary foreign worker or international student, or has one year of continuous full-time (or equivalent part-time) paid work experience in the last 10 years in one of the occupations listed in the Ministerial Instructions.

If ...	Then ...
the application corresponds to the Instructions	<ul style="list-style-type: none"><li>• proceed to Section 7.3</li></ul>
the application does not correspond to the Instructions	<ul style="list-style-type: none"><li>• record outcome and reasons in CAIPS;</li><li>• send a letter to the client (see Appendix D for sample letter);</li><li>• initiate a refund.</li></ul>

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### 7.3 Applications that correspond to the Ministerial Instructions

Once it is found that the applicant satisfies the Ministerial Instructions, the CIO will record this assessment in CAIPS and the electronic file will be transferred to the visa office. The CIO will send a letter to the applicant to:

- notify them that their application is being placed into processing at a visa office;
- require them to submit a copy of their application and other forms, together with supporting documents to the visa office within 120 days;
- inform them how to contact the visa office.

For information on visa office procedures for Federal Skilled Worker applications, please see Section 8.

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### 8. Procedure: At the visa office

Federal Skilled Worker applications submitted before February 27, 2008, are to be processed by the visa office according to the legislation in effect at the time of application.

Federal Skilled Worker applications made on or after February 27, 2008, must first be checked to confirm that they meet the Ministerial Instructions. Applications meeting the Instructions are to be placed into processing at a visa office.

The following sections discuss in greater detail, the elements of assessing and processing Skilled Worker applications. These sections apply to all Federal Skilled Worker applications:

- Receiving the application, Section 8.1
- Applications made on or after February 27, 2008, Section 8.2
- Minimum requirements of Federal Skilled Workers, Section 9
- Assessing the application against the Federal Skilled Worker selection criteria, Section 10
- Determining eligibility, Section 11
- Approving the application, Section 12

#### 8.1. Receiving the application at the visa office

R10 prescribes what constitutes “an application” under the Regulations. An application includes, among other things, the following documents, information or declarations:

- 1) a signed and completed IMM 0008EGEN containing the name, birth date, nationality, matrimonial status and current immigration status of the applicant and all family members (whether accompanying or not), and identifying the principal applicant;
- 2) the visa, permit or authorization being applied for;
- 3) the class in which the application is made;
- 4) a signed statement to the effect that the information provided is complete and accurate;
- 5) evidence of payment of the applicable fees;
- 6) Any information and documents required by the Regulations. (For the Federal Skilled Workers Class, this includes proof of official language proficiency either in the form of the results of an approved language test or a written submission. See section 10 for more information on language requirements).

Visa offices should receive the application if all of the above requirements are met and submitted within the 120 day timeframe given by the CIO.

The application should be date stamped upon receipt. Please note however, the application received date in CAIPS will remain as entered at the CIO. This date will also serve as the lock-in date.

For the purpose of calculating processing times, processing only begins when the visa office determines the application is eligible for processing. The clearest indication of this is with the entry of “PSDEC 1” (eligible) at the visa office. Once PSDEC 1 is entered, processing time begins. Accordingly, processing times for Skilled Worker applications are measured from PSDEC 1 to either SELDEC 5, 6 or FINDEC 1, 2, 4.

If it is determined that ...	Then ...
the application meets the initial six requirements, as defined above	<ul style="list-style-type: none"> <li>• date-stamp the application with the application- received date;</li> </ul>

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	<ul style="list-style-type: none"> <li>• proceed to Section 8.2.</li> </ul>
the application does not meet the initial six requirements, as defined above	<ul style="list-style-type: none"> <li>• return the application to the applicant;</li> <li>• inform them that if they do not meet the requirements by a specific date, their application will be considered withdrawn.</li> </ul>

In addition to the six requirements above, R10(1)(c) stipulates the following requirement:

- 7) that the application “include all information and documents required by these Regulations, as well as any other evidence required by the Act.”

If it is determined that ...	Then ...
the application meets the seventh requirement	<ul style="list-style-type: none"> <li>• open a file for the application;</li> <li>• acknowledge receipt by notification letter including visa office file number, basic instructions on how to contact the visa office, future steps and information on e-Client Application Status Web page in order to follow progress of the file;</li> <li>• <b>for applications received on or after February 27, 2008, proceed to Section 8.2;</b></li> <li>• <b>for applications received before February 27, 2008, proceed to Section 9.</b></li> </ul>
the application does not meet the seventh requirement	<ul style="list-style-type: none"> <li>• send the applicant a letter outlining what documentation is required;</li> <li>• inform them that if they do not produce the required documents by a specific date their applications will be assessed as submitted;</li> <li>• create a file, but do not begin processing until all supporting documents, as defined above, have been submitted or the deadline has passed.</li> </ul>

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

### 8.2. Applications made on or after February 27, 2008 – Assessing eligibility under the Ministerial Instructions

Before placing an application into processing, review the complete application and supporting documents and determine whether it meets the criteria in the Ministerial Instructions. To be eligible for processing under these Instructions, the applicant must:

- have an Arranged Employment Offer; or
- be residing legally in Canada for at least one year as a temporary foreign worker or an international student; or
- have one year of continuous full-time (or equivalent part-time) paid work experience in the last ten years in one or more of the occupations listed at the following website:  
<http://www.cic.gc.ca/english/immigrate/skilled/apply-who-instructions.asp>.

**Note:** Eligibility as a temporary foreign worker or international student is not limited to holders of work or study permits. Applicants can meet the above eligibility requirement simply with evidence that their authorized period of stay has been at least one year, that throughout this period they have been temporary foreign workers or international students, and that they are still in Canada. For international

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students, it is sufficient to have studied for one academic year (i.e. two terms or semesters) during one year of legal residence.

Evidence of their authorized stay may include: an entry stamp in their passport, a temporary resident record, a work permit, or a study permit. Evidence of being a temporary foreign worker or international student may include: letters from employers or schools, records of pay, attendance, report cards, transcripts, etc. Evidence of being in Canada may include a residential address and correspondence sent to that address. These examples of evidence are neither exhaustive nor exclusive.

Persons in Canada who have been studying or working here throughout a one-year period, during which they were also subject to an unenforced removal order, are **not** legally residing in Canada. Their applications are **not eligible** for placement into processing under Ministerial Instructions.

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Applications that correspond to the Ministerial Instructions are eligible for processing and should be placed into processing immediately.

Applications that do not correspond to the Ministerial Instructions are not eligible for processing. In these cases, applicants will be sent a letter indicating that they are not eligible for processing and that a refund will be issued.

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**Note:** Exceptions apply to applications received between February 27, 2008, and November 28, 2008. Someone who meets the requirements of the Ministerial Instructions today, but did not meet them on the application received date, should be assessed in relation to today's date and not the application received date. For someone who met the requirements as of the application received date, but no longer meets them, the reference point should be the application received date. The rule of thumb is to apply the requirements in a manner that favors the client. Applicants could not self screen before the Ministerial Instructions were made public.

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Substituted evaluation cannot be used to overcome failure to meet the Ministerial Instructions.

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### 9. Procedure: Minimum requirements of a Federal Skilled Worker

Officers will review the application in detail, considering all the information and documentation provided, and assess it against the following minimum requirements and selection criteria for skilled workers.

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#### 9.1. Minimum requirements

The officer reviews the applicant's work experience to determine if the applicant meets the minimum requirements to apply as a skilled worker, as stipulated in R75.

The applicant must have at least one year of continuous full-time paid work experience, or the continuous part-time equivalent, in the category of Skill Type 0, or Skill Level A or B, according to the Canadian National Occupational Classification (NOC).

The work experience which will be assessed for all skilled worker applicants must:

- have occurred within the 10 years preceding the date of application;
- not be in an occupation that is considered a restricted occupation. At the time of printing, there were no occupations designated as restricted. However, for the most up-to-date listing, refer to the Skilled Workers and Professionals Web page at <http://www.cic.gc.ca/english/immigrate/skilled/index.asp>.

The applicant must have:

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

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If ...	Then the officer will ...
the applicant meets the minimum requirements	<ul style="list-style-type: none"> <li>proceed to <a href="#">Section 9.2</a>.</li> </ul>
the applicant does not meet the minimum requirements	<ul style="list-style-type: none"> <li>refuse the application (R75(3)); and</li> <li>not assess the application against the selection criteria.</li> </ul> <p>Note: Substituted evaluation (<a href="#">Section 11.3</a>), <b>cannot</b> be used to overcome a failure to meet the minimum requirements.</p>

### 9.2. Settlement funds

Pursuant to R76(1)(b), the officer will determine if the applicant has sufficient funds available for settlement in Canada.

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

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

The LICO amounts are published in June of each year by Statistics Canada and are valid for the calendar year (January 1<sup>st</sup> to December 31<sup>st</sup>) following publication. Although the amount may change yearly, the required funds will always be equal to or greater than the amount listed below for each family size:

Number of family members	Funds required
1	\$11,086
2	\$13,801
3	\$16,967
4	\$20,599
5	\$23,364
6	\$26,350
7 or more	\$29,337

**Note:** The amounts listed in this table are valid for January 1<sup>st</sup> to December 31<sup>st</sup>, 2010.

#### Exception:

If the applicant has arranged employment as defined in R82, they do **not** have to meet these financial requirements.

The funds must be:

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

If ...	Then the officer will ...
the applicant clearly	<ul style="list-style-type: none"> <li>proceed to <a href="#">Section 11</a>.</li> </ul>

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demonstrates that they have sufficient available funds to meet the requirements or the applicant has arranged employment as defined in R82	
the applicant does not initially demonstrate that they have sufficient available funds to meet the requirements at time of application	<ul style="list-style-type: none"> <li>inform the applicant of the officer's specific settlement funds concerns and give the applicant the opportunity to address this problem.</li> </ul>
the applicant is unable to demonstrate that they have sufficient available funds to meet the requirements	<ul style="list-style-type: none"> <li>refuse the application.</li> </ul> <p><b>Note:</b> Pursuant to R76(3), substituted evaluation (<a href="#">Section 11.3</a>) cannot be used to override a refusal due to insufficient funds.</p>

### 10. Procedure: Assessing the application against the Federal Skilled Worker selection criteria

#### 10.1. Selection criteria

Six selection factors are set forth in R76(1)(a). Officers will assess the applicant's points in each of the following areas, based on the information and documents provided in the application:

- education ([Section 10.2](#));
- language proficiency (knowledge of official languages) ([Section 10.3](#));
- experience ([Section 10.12](#));
- age ([Section 10.13](#));
- arranged employment ([Section 10.14](#));
- adaptability ([Section 10.15](#))

#### Conformity

Pursuant to R77, these requirements and criteria must be met at the time the application is made, as well as at the time the visa is issued.

#### 10.2. Education

For definition of terms, see [Section 6.3](#).

Officers should assess programs of study and award points based on the standards that exist in the country of study. The Regulations do not provide for comparisons to Canadian educational standards;

If the applicant has an educational credential referred to in a particular paragraph in R78(2) but not the total number of years of study required by that paragraph, officers should award the number of points set out in the paragraph that refers to the number of years of study completed by the applicant [R78(4)].

**Example: 1.** If an applicant has a master's degree, but only 16 years of education, an officer would go down to the category for which the applicant meets the total number of years and, using this example, award 22 points;

**Example: 2.** If an applicant has a four-year bachelor's degree and 16 years of education, an officer would award 20 points, as a single two, three, or four-year university credential at the bachelor's level, combined with at least 14 years of full-time study, is worth 20 points;

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**Note:** Medical doctor degrees are generally first-level university credentials, in the same way that a Bachelor of Law or a Bachelor of Science in Pharmacology is a first level, albeit “professional” degree and should be awarded 20 points. If it is a second-level degree and if, for example, it belongs to a Faculty of Graduate Studies, 25 points may be awarded. If a bachelor’s credential is a prerequisite to the credential, but the credential itself is still considered a first-level degree, then 22 points would be appropriate. It is important to refer to how the local authority responsible for educational institutions recognizes the credential: i.e., as a first-level or second-level or higher university credential.

Pursuant to R77, officers should award points for the credential and years of study that the applicant has completed at the time the application is made. If further study is completed and documentation submitted between application and assessment, officers must award the points for the highest educational credential obtained at the time of assessment.

A distance learning credential is eligible for points as long as it meets the definition of a credential as outlined in R73. If the credential is not described in terms of number of years duration (i.e., three-year bachelor’s degree), officers should apply the definition of full-time equivalent study and knowledge that the visa office has acquired on local education institutions and credentials.

There is a high incidence of fraud in this area. Verification checks should be conducted with issuing institutions to ensure that program integrity standards are respected.

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

<b>Credential and number of years of education</b>	<b>Points</b>
Secondary school has not been completed (i.e., no diploma obtained) and the applicant has no trade or apprenticeship educational credentials	0
Secondary school educational credential	5
One year post-secondary educational credential, other than a university credential, and at least 12 years of completed full-time or full-time equivalent studies	12
One year post-secondary educational credential, other than a university educational credential, and at least 13 years of completed full-time or full-time equivalent studies	15
One year university educational credential at the bachelor’s level, and at least 13 years of completed full-time or full-time equivalent studies	15
Two year post-secondary educational credential, other than a university educational credential, and at least 14 years of completed full-time or full-time equivalent studies	20
A university educational credential of two years or more at the bachelor’s level, and at least 14 years of completed full-time or full-time equivalent studies	20
Three year post-secondary educational credential, other than a university educational credential, and at least 15 years of completed full-time or full-time equivalent studies	22
Two or more university educational credentials at the bachelor’s level and at least 15 years of completed full-time or full-time equivalent studies	22
University educational credential at the master’s or doctoral level and at least 17 years of completed full-time or full-time equivalent studies	25

### 10.3. Knowledge of official languages

Pursuant to R79, a maximum of 24 points should be awarded for proficiency in English and French as follows:

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- a maximum of 16 points for proficiency in the “first” official language (that identified by the principal applicant on the application form);
- a maximum of 8 points for proficiency in the “second” official language.

### Calculating language points:

First official language	Read	Write	Listen to	Speak
High proficiency	4	4	4	4
Moderate proficiency	2	2	2	2
Basic proficiency *to a maximum of 2 points	1	1	1	1
No proficiency	0	0	0	0
Second official language	Read	Write	Listen to	Speak
High proficiency	2	2	2	2
Moderate proficiency	2	2	2	2
Basic proficiency *to a maximum of 2 points	1	1	1	1
No proficiency	0	0	0	0

### 10.4. Evidence of language proficiency

For more information, see:

- Language test results, [Section 10.5](#);
- Approved testing organizations, [Section 10.6](#);
- Canadian English Language Proficiency Index Program, [Section 10.7](#)
- International English Language Testing System, [Section 10.8](#);
- Test d'évaluation de français, [Section 10.9](#);
- Other written evidence, [Section 10.10](#).
- Integrity concerns on language proficiency during an interview, [Section 10.11](#)

Pursuant to R79(1), the points indicated above are awarded for proficiency in English and French based on either:

- a) language test results, submitted at time of application from an approved organization or institution;
- b) other evidence in writing, submitted at time of application, of the applicant's proficiency in one or both official languages.

Officers may no longer assess language proficiency at interview; rather, they must either:

- a) rely on the results of a test done by an approved testing organization as conclusive evidence of an applicant's level of language proficiency (R79(1)(a)) (refer to [Section 10.5](#)); or

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b) evaluate written evidence of proficiency submitted by the applicant against the *Canadian Language Benchmarks 2000 / Standards linguistiques canadiens 2006* (R79(1)(b)) (refer to [Section 10.10](#)).

Kit and Web site instructions make it clear that it is the responsibility of the applicant to choose which of these two options to follow, and outline the consequences of this decision. The instructions in the kit:

- strongly advise taking a test from an approved organization if English and/or French is not the applicant's native language;
- strongly advise prospective applicants that, unless they believe they can clearly establish the proficiency levels they claim through the means of a written explanation detailing training in and usage of the language and supported by written proof of education and/or employment using the language, they should undertake an approved test and provide results;
- provide Web site links to the test equivalencies tables, so prospective applicants can determine how many points for language their test scores will earn them;
- provide Web site links to the *Canadian Language Benchmarks 2000 / Standards linguistiques canadiens 2006* so those applicants providing written submissions will be able to review the standards against which their submissions will be weighed;
- inform applicants that the results of any language tests by non-approved testing organizations will not be considered as evidence of language proficiency.

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**Note:** Points for the applicant's language proficiency are generally awarded according to evidence provided at the time the application is made. However, if further study, training, or testing is completed and documentation submitted between the time of application and the time of assessment, officers will use the most current results to determine point allocations. In terms of designated language test results, officers will NOT select the highest score for each language ability from a variety of test score submissions. It is always the most recent group of tests that will be considered by officer as it is the most current assessment of the applicant's four language abilities.

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### 10.5. Language test results

Pursuant to R79(3), officers will award points based on the results of a language test from an approved organization. Testing organizations are approved by the Minister's delegate: the Director of Permanent Resident Policy and Programs Development Division (SSE). Testing organizations will only be approved if they meet the following criteria:

- **Validity:** A test must be appropriate for CIC purposes by evaluating proficiency in the four skill areas (i.e., reading, writing, listening, and speaking) in functional English or French at all levels from basic to high proficiency.
- **Reliability:** A test must produce consistently similar scores among candidates with similar language proficiency. The different versions of a test must be at the same level of difficulty each time the test is written.
- **Integrity/security:** An approved testing organization must meet security standards with respect to the logistics of preparing test sites, registering of candidates, test writing, test marking, sending out results, etc. Sufficient anti-fraud mechanisms must be in place for a test to be approved.
- **Availability:** An approved organization must make tests available to applicants in areas of the world where there is a demand for third-party language testing.

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### 10.6. Approved testing organizations

At the time of printing, approved testing organizations included:

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### English language testing organizations

- Applied Research and Evaluation Services (ARES), University of British Columbia administers the Canadian English Language Proficiency Index Program (CELPIP)
- The University of Cambridge Local Examination Syndicate, Education Australia, and the British Council administer the International English Language Testing System (IELTS).

**Note:** For the IELTS reading and writing tests, there are ‘General Training’ and ‘Academic’ options. Only the ‘General Training’ tests are accepted for CIC purposes.

### French language testing organizations

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

**Note:** For CIC purposes, applicants must submit results for the following tests of the TEF modules: *compréhension écrite* (reading); *compréhension orale* (listening); *expression écrite* (writing); *expression orale* (speaking). The *lexique et structure* (grammar and structure) test is **not** required for Canadian immigration purposes. However, test candidates take it as part of the reading and listening module.

Language test results must not be older than **one year** at the time of application.

R79(4) establishes these test results as “conclusive evidence” of the applicant’s proficiency in that language. Officers cannot:

- consider any claim made by the applicant that the test results are an inaccurate reflection of their true abilities;
- override the test results and substitute their own evaluation of language abilities;
- award points based on the results of any language test that is not administered by an organization that has been approved by CIC. Non-designated test results may only be considered as one part of an overall written submission and are not “conclusive evidence” of an applicant’s official language proficiency.

Second-language experts established the equivalencies between the four levels of language proficiency indicated in the Regulations, and the results of the language tests listed above. Thus, officers should award points based on the appropriate equivalency chart.

**Note:** If the officer has reason to suspect the integrity of the designated test results, the visa office is responsible for contacting the local testing centre with their concerns and communicating the same to International Region—Operational Coordination (RIM) and Immigration Branch — Permanent Resident Policy and Programs Development Division (SSE). CIC Headquarters is in regular communication with the approved testing organizations’ head offices and will follow up on concerns that indicate widespread and/or systemic abuse.

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

### Test score equivalency chart

Level	Points (per ability)	Test results for each ability			
		Listening	Reading	Writing	Speaking
High (CLB/SLC 8-12)	First official language: 4	4H	4H	4H	4H
		5	5	5	5
		6	6	6	6
	Second official				

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	language: 2				
Moderate (CLB/SLC 6- 7)	First and second official language 2	3H 4L	3H 4L	3H 4L	3H 4L
Basic (CLB/SLC 4- 5)	First and second official language 1 (to a maximum of 2)	2H 3L	2H 3L	2H 3L	2H 3L
No proficiency (CLB/SLC 1- 3)	First and second official language 0	0 1 2L	0 1 2L	0 1 2L	0 1 2L

### 10.8. International English Language Testing System (IELTS)

Test score equivalency chart (applications received or test reports dated after November 28, 2008)

Level	Points (per ability)	Test results for each ability			
		Listening	Reading (General training)	Writing (General training)	Speaking
High (CLB/SLC 8- 12)	First official language: 4	7.5 - 9.0	6.5 - 9.0	6.5 - 9.0	6.5 - 9.0
	Second official language: 2				
Moderate (CLB/SLC 6- 7)	First and second official language 2	5.5 - 7.0	5.0 - 6.0	5.5 - 6.0	5.5 - 6.0
Basic (CLB/SLC 4- 5)	First and second official language 1 (to a maximum of 2)	4.5 - 5.0	3.5 - 4.5	4.0 - 5.0	4.0 - 5.0
No proficiency (CLB/SLC 1- 3)	First and second official language 0	Less than 4.5	Less than 3.5	Less than 4.0	Less than 4.0

**Note:** Visa officers should also assess applications and test reports which pre-date November 28, 2008, against the above correlation table if it is to the applicants advantage, i.e., resulting in more points for language proficiency.

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### Test score equivalency chart (Applications received and test reports dated before November 28)

Level	Points (per ability)	Test results for each ability			
		Listening	Reading (General training)	Writing (General training)	Speaking
High (CLB/SLC 8-12)	First official language: 4	7.0 - 9.0	7.0 - 9.0	7.0 - 9.0	7.0 - 9.0
	Second official language: 2				
Moderate (CLB/SLC 6-7)	First and second official language 2	5.0 – 6.9	5.0 – 6.9	5.0 - 6.9	5.0 - 6.9
Basic (CLB/SLC 4-5)	First and second official language 1 (to a maximum of 2)	4.0 – 4.9	4.0 – 4.9	4.0 – 4.9	4.0 – 4.9
No proficiency (CLB/SLC 1-3)	First and second official language 0	Less than 4.0	Less than 4.0	Less than 4.0	Less than 4.0

### 10.9. Test d'évaluation de français (TEF)

#### Test score equivalency chart

Level	Points (per ability)	Test results for each ability	
		Speaking (expression orale)	Listening (compréhension orale)
High (CLB/SLC 8-12)	First official language: 4	Level 5 Level 6 (349-450 points)	Level 5 Level 6 (280-360 points)
	Second official language: 2		
Moderate (CLB/SLC 6-7)	First and second official language 2	Level 4 (271-348 points)	Level 4 (217-279 points)
Basic	First and second official	Level 3	Level 3

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(CLB/SLC 4-5)	language 1 (to a maximum of 2)	(181-270 points)	(145-216 points)
No proficiency (CLB/SLC 0-3)	First and second official language 0	Level 0 Level 1 Level 2 (0-180 points)	Level 0 Level 1 Level 2 (0-144 points)

Level	Points (per ability)	Test results for each ability	
		Reading (compréhension écrite)	Writing (expression écrite)
High (CLB/SLC 8-12)	First official language: 4	Level 5 Level 6 (233-300 points)	Level 5 Level 6 (349-450 points)
	Second official language: 2		
Moderate (CLB/SLC 6-7)	First and second official language 2	Level 4 (181-232 points)	Level 4 (271-348 points)
Basic (CLB/SLC 4-5)	First and second official language 1 (to a maximum of 2)	Level 3 (121-180 points)	Level 3 (181-270 points)
No proficiency (CLB/SLC 1-3)	First and second official language 0	Level 0 Level 1 Level 2 (0-120 points)	Level 0 Level 1 Level 2 (0-180 points)

### 10.10. Other written evidence

If the applicant provides a written explanation and supporting documentation in lieu of test results, officers must assess it against the *Canadian Language Benchmarks 2000*, and/or the *Standards Linguistiques Canadiens 2006*. R79(2) establishes the following equivalencies between the four proficiency levels and the *Canadian Language Benchmarks*:

Proficiency level	Benchmark equivalencies
High	Benchmark 8 or higher
Moderate	Benchmark 6 or 7

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Basic	Benchmark 4 or 5
No proficiency	Benchmark 3 or lower

Thus, for purposes of assessment of proficiency levels, it is Benchmarks 4, 6, and 8 that are of key importance, as they are the thresholds of the three levels for which points can be awarded. Refer to the following quick reference chart to access the appropriate *Canadian Language Benchmarks*:

Proficiency level	Ability			
	Speaking	Listening	Reading	Writing
High	Benchmark 8: pages 68-71	Benchmark 8: pages 82-83	Benchmark 8: pages 94-95	Benchmark 8: pages 106-107
Moderate	Benchmark 6: pages 60-63	Benchmark 6: pages 78-79	Benchmark 6: pages 90-91	Benchmark 6: pages 102-103
Basic	Benchmark 4: pages 12-13	Benchmark 4: pages 24-25	Benchmark 4: pages 36-37	Benchmark 4: pages 48-49
No proficiency	Does not meet benchmark 4	Does not meet benchmark 4	Does not meet benchmark 4	Does not meet benchmark 4

**Note:** See [www.language.ca](http://www.language.ca) for *Canadian Language Benchmarks*.

For each proficiency level in each ability (i.e., speaking, listening, reading, and writing), the Benchmarks set out the following descriptions:

- global performance descriptors;
- performance conditions;
- what the person can do;
- examples of tasks and texts; and
- performance indicators.

With these detailed descriptors, officers will assess whether or not the applicant's evidence in writing satisfies them that they possess their claimed proficiency levels in English and/or French.

If ...	Then the officer will ...
the material submitted satisfies the officer that the applicant has the proficiency levels claimed	<ul style="list-style-type: none"> <li>• award language points for the proficiency levels claimed, according to the chart provided in <a href="#">Section 10.3</a>;</li> </ul>
the material submitted satisfies the officer that the applicant has demonstrated language proficiency of at least Benchmark level "4" but not the proficiency levels claimed	<ul style="list-style-type: none"> <li>• inform the applicant in writing that they have not demonstrated compliance with the Benchmarks at the levels claimed.</li> <li>• offer the applicant the opportunity to undergo and submit the results of a designated language test within a certain time period.</li> </ul> <p>If the designated test option is not pursued by the applicant:</p> <ul style="list-style-type: none"> <li>• inform the applicant that they have satisfied the officer of some language proficiency but have not demonstrated compliance with the Benchmarks for the levels they have claimed and award the maximum points that are appropriate for the submission.</li> </ul>

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the evidence provided does not demonstrate a Benchmark level of at least "4"	<ul style="list-style-type: none"> <li>award 0 points.</li> </ul>
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The onus is on the applicant to satisfy the officer of claimed language proficiency.

- Given the detailed nature of the *Canadian Language Benchmarks 2000* and the *Standards linguistiques canadiens 2006* it should be clear that, in most cases where language proficiency is not patently obvious from the applicant's background, self-serving declarations, third-party testimonials and/or other claims not supported by detailed and objective evidence will be of little probative value in establishing high or moderate proficiency.

### 10.11. Integrity concerns on language proficiency during an interview

The interview is NOT intended to be a means of evaluating language proficiency. Officers CANNOT change language point awards or make new language point assessments themselves based on what they have discovered at interview. However, if an applicant is interviewed for any other reason and significant discrepancies become evident between claimed and actual language proficiency, there may be an integrity issue. The following options are available to officers:

If ...	Then the officer will ...
<p>designated results have been submitted, the officer will verify test scores and integrity of testing procedures for the case in question with the local testing agency.</p> <ul style="list-style-type: none"> <li>If the officer is satisfied that there is no fraud or malfeasance in the testing procedures for the case in question</li> <li>If the officer is not satisfied, but there is insufficient evidence to establish fraud or malfeasance in the testing procedures for the case in question and to substantiate a refusal for misrepresentation</li> <li>If the officer is satisfied that there is sufficient evidence to establish fraud or malfeasance in the testing procedures for the case in question</li> </ul>	<ul style="list-style-type: none"> <li>accept the test score;</li> <li>inform the applicant of their concerns and, in coordination with the testing agency, provide an opportunity to take a second test at testing agency's expense and with visa office supervision.</li> <li>If the applicant refuses the third-party language testing option, then the officer will refuse the application for misrepresentation, given the discrepancy between the test scores and the actual language abilities.</li> <li>refuse the case for misrepresentation.</li> </ul>
<p>If a written submission has been provided, the officer will offer the applicant an opportunity to take a designated test;</p> <ul style="list-style-type: none"> <li>If the applicant takes a designated test</li> </ul>	<ul style="list-style-type: none"> <li>accept test scores submitted;</li> <li>refuse the application for misrepresentation, given the</li> </ul>

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<ul style="list-style-type: none"> <li>If the applicant does not take a designated test</li> </ul>	discrepancy between the documents submitted and the actual language abilities
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### 10.12. Experience

Pursuant to R80, officers will assess and award up to 21 units of assessment for paid work experience, as follows:

Number of years	Less than 1	At least 1	At least 2	At least 3	4 or more
Points	0	15	17	19	21

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

- have occurred during the 10 years immediately preceding the date of application;
- be in occupations listed in the National Occupational Classification (NOC) under Skill Type 0 or Skill Level A and B;
- not be in an occupation that has been designated by the Minister as a restricted occupation. At the time of printing, there were no occupations designated as restricted. However, for the most up-to-date listing, officers should refer to the Department's website at <http://www.cic.gc.ca/english/immigrate/skilled/index.asp>;
- be full-time work, which, according to R80(7), is equivalent to at least 37.5 hours of paid work per week. Full-time work experience requirement may be met by the equivalent in part-time paid work experience, e.g. two part-time jobs held simultaneously. 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. Periods of work of less than 12 months during the 10 years immediately preceding the date of the application may be added together and divided by 12 to calculate the number of years.

Officers must:

- consider only those occupations which the applicant has specified and for which the applicant has provided the four-digit NOC code on their application form (R80(6));

**Note:** While the Regulations clearly place responsibility on applicants to undertake research of the NOC and provide the NOC coding for the occupations in which they claim qualifying experience, officers are expected to exercise discretion where applicants may have made minor errors or omissions in correlating work experience and NOC coding.

- not** take into account whether the applicant meets the "Employment requirements" description set forth in the NOC for the occupation(s) listed;
- award points only if the applicant has performed the actions described in the lead statement of the particular NOC description and has performed at least a substantial number of the duties described in the "Main Duties" summary – including all the essential duties (R80(3));

**Note:** Neither the NOC nor the Regulations distinguish between "essential" and "non-essential" duties or provide guidance as to what constitutes a "substantial number". This is left as a matter for assessment on a case-by-case basis. If officers have concerns about whether or not the applicant has carried out "a substantial number of the main duties...including all of the essential duties," they should give the applicant an opportunity to respond to these concerns.

- take into account any years of experience that occur between application and assessment, and for which the applicant has submitted the necessary documentation (R77).

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### 10.13. Age

Pursuant to R81, up to 10 points are awarded to an applicant who is at least 21 and less than 50 years of age at the time the application is made. Two points are subtracted, to a maximum of 10 points, for each year the applicant is less than 21 or over the age of 49.

**Points awarded:**

Age	Points
21 or 49 years of age	10
20 or 50 years of age	8
19 or 51 years of age	6
18 or 52 years of age	4
17 or 53 years of age	2
Less than 17 or greater than 53 years of age	0

### 10.14. Arranged employment

Pursuant to R82, 10 points will be awarded if the applicant is in one of the situations described in the following table, and the applicant:

- has submitted the necessary documentation (note that in the third and fourth instances of arranged employment described below, Human Resources and Social Development Canada—HRSDC will communicate the approved job offer to the visa office electronically);
- is able to perform and is likely to accept and carry out the employment. Officers may take into account the applicant's education and training, background, and prior work experience to determine if the applicant meets this requirement. If they have any concerns about the applicant's ability or likelihood to accept and carry out the employment, they will communicate these to the applicant and provide the opportunity to respond.

**Note:** Arranged employment points are only awarded for occupations listed in Skill Type 0 or Skill Level A or B of the NOC. **If employment is arranged and the required documentation submitted between application and assessment, officers will award the points for arranged employment.**

If ...	And ...	Points
(1) the applicant is currently working in Canada on an HRSDC- confirmed temporary work permit (including sectoral confirmations), pursuant to R82(2)(a)	<ul style="list-style-type: none"> <li>• the work permit is valid at the time of the permanent resident visa application and at the time the visa is issued; and</li> <li>• the employer has made an offer to employ the applicant on an indeterminate basis if the permanent resident visa is issued.</li> </ul>	10
(2) the applicant is currently working in Canada pursuant to R82(2)(b): <ul style="list-style-type: none"> <li>• in a confirmation-exempt category under the North America Free Trade Agreement, the General Agreement on Trade and Services, or the Canada-Chile Free Trade Agreement;</li> <li>• in a significant-benefit category,</li> </ul>	<ul style="list-style-type: none"> <li>• the work permit is valid at the time of the permanent resident visa application and at the time the visa is issued; and</li> <li>• the employer has made an offer to employ the applicant on an indeterminate basis if the permanent resident visa is issued.</li> </ul>	10

## OP 6 Federal Skilled Workers

<p>such as an intra- company transferee</p> <ul style="list-style-type: none"> <li>in the category where limited access to the labour market is granted for public policy reasons (i.e., post-graduate work, spouse/common-law partner of temporary skilled worker/foreign student, etc.).</li> </ul>		
<p>(3) the applicant does not intend to work in Canada before being issued a permanent resident visa and does not hold a work permit [R82(2)(c)].</p>	<ul style="list-style-type: none"> <li>the applicant has a full-time job offer that has been approved by HRSDC, pursuant to an arranged employment opinion outlined in R82(2)(c)</li> <li>the applicant meets any required Canadian licensing or regulatory standards associated with the job;</li> <li>the employer has made an offer to employ the applicant on an indeterminate basis if the permanent resident visa is issued.</li> </ul>	10
<p>(4) the applicant holds a work permit pursuant to R82(2)(d):</p> <ul style="list-style-type: none"> <li>the circumstances referred to in R82(2)(a) or (b) do not apply—for example the applicant has a job offer from an employer other than the one for whom they are currently working; or</li> <li>the applicant's job is in a confirmation-exempt category other than those outlined in R82(2)(b).</li> </ul>	<ul style="list-style-type: none"> <li>the applicant has a full-time job offer that has been approved by HRSDC, pursuant to an arranged employment opinion outlined in R82(2)(c)</li> <li>the applicant meets any required Canadian licensing or regulatory standards associated with the job;</li> <li>the employer has made an offer to employ the applicant on an indeterminate basis if the permanent resident visa is issued</li> </ul>	10

- If significant time has lapsed since the date of application, officers may want to contact the employer to verify that the offer of permanent employment still exists.
- If the case is being convoked for interview, the officer should check CAIPS/FOSS about eight weeks in advance of the interview date to confirm that the AEO has not been withdrawn or cancelled..
- Arranged employment opinion decisions can be revoked at any time by HRSDC. Before issuing a visa, the officer should confirm in FOSS/CAIPS that the opinion has not been cancelled or withdrawn.

### 10.15. Adaptability

Pursuant to R83, the officer will assess the application and award a maximum of 10 adaptability points, as follows:

Adaptability criteria	Points
<p>a) Educational credentials of the accompanying spouse or common-law partner: Evaluate credentials as if the spouse or common-law partner were the principal applicant then award points as follows:</p> <ul style="list-style-type: none"> <li>Where the award under R78 would be 25 points - five points</li> </ul>	3, 4 or 5

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<ul style="list-style-type: none"> <li>• Where the award under R78 would be 20 or 22 points - four points</li> <li>• Where the award under R78 would be 12 or 15 points - three points</li> </ul>	
<p>b) Previous study in Canada:</p> <ul style="list-style-type: none"> <li>• Award five points if the applicant or accompanying spouse or common-law partner completed a program of full-time study of at least two years' duration at a post-secondary institution in Canada, if this occurred after the age of seventeen and with valid study permits.</li> </ul> <p>(The person is not required to have obtained an educational credential for these two years of study in Canada to earn the points, but simply to have completed at least two years of study.)</p>	5
<p>c) Previous work in Canada:</p> <ul style="list-style-type: none"> <li>• Award five points for a minimum of one year of full-time work in Canada on a valid work permit for an applicant or accompanying spouse or common-law partner.</li> </ul>	5
<p>d) Relatives in Canada:</p> <ul style="list-style-type: none"> <li>• Award five points if the applicant or accompanying spouse or common-law partner has a relative (parent, grandparent, child, grandchild, child of a parent, child of a grandparent, or grandchild of a parent) who is residing in Canada and is a Canadian citizen or permanent resident.</li> </ul>	5
<p>e) Arranged employment:</p> <ul style="list-style-type: none"> <li>• Award five points if the applicant has earned points under the Arranged Employment in Canada factor (Factor 5) (R76(1)(a)).</li> </ul>	5

Points for previous study in Canada, previous work in Canada, and relatives in Canada are awarded only once - either to the principal applicant or the spouse or common-law partner, but not to both.

Pursuant to R77, these requirements and criteria must be met at the time the application is made, as well as at the time the visa is issued. Therefore:

- if an applicant's spouse or common-law partner is no longer accompanying them, then any points that they may have received for their adaptability cannot be counted;
- if an applicant adds a spouse or common-law partner to their application between application and assessment, and submits the necessary documentation, points must be counted, if applicable, for that person under the adaptability criteria;
- if the applicant or their spouse or common-law partner completes further study, works in Canada, arranges employment in Canada, or gains relatives in Canada between application and assessment, and submits the necessary documentation, points must be awarded accordingly.

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### 11. Procedure: Determining eligibility

#### 11.1. The pass mark

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

The pass mark was last set on September 18, 2003 at 67 points.

To determine the most up-to-date pass mark, consult the Web site at <http://www.cic.gc.ca/english/immigrate/skilled/index.asp>.

Total the applicant's points in the six selection factors.

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If ...	Then the officer will ...
The applicant's total score is equal to or greater than the pass mark	<ul style="list-style-type: none"> <li>• approve the application; or</li> <li>• consider substituted evaluation (<a href="#">Section 11.3</a>).</li> </ul>
The applicant's total score is less than the pass mark	<ul style="list-style-type: none"> <li>• refuse the application; or</li> <li>• consider substituted evaluation (<a href="#">Section 11.3</a>).</li> </ul>
The officer is unable to make a decision due to lack of information or documentation, or there are doubts as to the legitimacy of the documents submitted	<ul style="list-style-type: none"> <li>• request in writing specific information or documentation to clarify; or</li> <li>• consider a personal interview (<a href="#">Section 11.2</a>).</li> </ul>

### 11.2. Use of interviews

Selection standards are objective and clearly defined, and eligibility can be assessed in straightforward cases through the information provided on the application for permanent residence forms and the accompanying supporting documentation.

In most cases, officers should be able to make selection decisions—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 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;
- conduct quality control.

Officers may not conduct interviews to:

- assess language abilities;
- determine personal suitability (as this factor no longer exists).

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

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Interviews, site visits and telephone checks have proven to be the most effective ways to detect and to 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.

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### 11.3. Substituted evaluation

R76(3) makes possible substituted evaluation by an officer. This authority may be used if an officer believes the point total is not a sufficient indicator of whether or not the applicant may become economically established in Canada.

Substituted evaluation is to be considered on a case-by-case basis. The scope of what an officer might consider as relevant cannot be limited by a prescribed list of factors to be used in support of

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exercising substituted evaluation. There are any number and combination of considerations that an officer might cite as being pertinent to assessing, as per the wording of R76(3): “. . . the likelihood of the ability of the skilled worker to become economically established in Canada. . . .” Frequency of use will vary from visa office to visa office, as some will find in their caseloads more situations of disconnect between the point total and establishment prospects than will others. The fact that the applicant “almost attained” a pass mark is not, in itself, grounds to recommend the use of substituted evaluation. Rather, the officer needs to identify and document the facts demonstrating that the points awarded are not a sufficient indicator of the applicant’s ability to become economically established in Canada.

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

If an officer decides to use substituted evaluation when ...	Then the officer will ...
the applicant did meet the pass mark (i.e., negative substituted evaluation)	<ul style="list-style-type: none"> <li>• communicate their concerns to the applicant and provide sufficient opportunity to the applicant to respond to these concerns, through correspondence or an interview;</li> <li>• obtain written concurrence from a designated officer.</li> </ul>
the applicant did not meet the pass mark (i.e., positive substituted evaluation)	<ul style="list-style-type: none"> <li>• obtain written concurrence from a designated officer.</li> </ul>

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 IRPA in a range of situations involving sufficiently compelling circumstances.

Substituted evaluation cannot be used to override:

- a refusal due to insufficient funds [R76(3)]
- a failure to meet the definition of a skilled worker as outlined in R75. R75(3) clearly states that a failure to meet the requirements of a skilled worker as outlined in R75(2) will result in an application being refused
- a failure to meet the Ministerial Instructions

Federal Court case law indicates that if an applicant or their representative requests orally or in writing that the officer consider exercising these powers in the applicant’s favour, officers must examine the circumstances. There is no requirement that an interview be conducted in all cases when the applicant did not make a compelling case for substituted evaluation. If officers do not consider substituted evaluation appropriate in the circumstances, they should indicate this in file notes and in the refusal letter. Officers do not need the concurrence of the designated officer to deny requests for the use of positive substituted evaluation.

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### 12. Procedure: Approving the application

If officers approve an applicant who is living outside of Canada, they should

- send the permanent resident visa and Confirmation of Permanent Residence to their address; and
- direct the applicant to present these to an officer at a Canadian port of entry.

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:

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- send the permanent resident visa and Confirmation of Permanent Residence to their address in Canada; and
- direct the applicant to contact a Call Centre to find the location of the closest CIC, and to make an appointment for them and their family members, if applicable, to be granted Permanent Resident status at that CIC location.

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### 13. Procedure: Refusing the application

All refused skilled worker 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;
- provide a listing of the points awarded in respect of each selection factor;
- fully inform the applicant why the application has been refused.

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**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 skilled worker.

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Refer to sample refusal letters for examples in Appendix A, B, C and D.

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### 14. Coding Instructions – Computer Assisted Immigration Processing System (CAIPS)

As of April 15, 2009, two additional immigrant categories are used for FSW applicants found eligible for processing. Please make the appropriate selection:

<b>SW1</b> – Skilled Worker	One year of continuous work experience in a NOC category listed in the Ministerial Instructions
<b>SW2</b> (new)	Arranged employment offer (AEO)
<b>SW3</b> (new)	Temporary foreign worker (TFW) or international student residing in Canada for one year and still in Canada

#### PSDEC (Paper Screening Decision Code) coding

Paper screening should only be used to capture decisions about eligibility for processing, not to input whether the applicant meets the selection criteria. Applications received before February 27, 2008, are eligible for processing. Applications received on or after February 27, 2008, must be eligible under Ministerial Instructions in order to be placed into processing. The following codes apply to all applications:

<b>PSDEC 1</b>	Eligible
<b>PSDEC 2</b>	Ineligible
<b>PSDEC 3</b>	Withdrawn (applicant withdraws or does not submit complete application within deadline)
<b>PSDEC 4</b>	Administrative Withdrawal (for the exclusive use of the CIO)

## OP 6 Federal Skilled Workers

### Appendix A Refusal on minimum requirements for skilled worker - Sample letter

INSERT LETTERHEAD

Our Ref.:

INSERT ADDRESS

Dear :

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

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

Your application was assessed based on the occupation(s) in which you requested assessment **(add title of the occupation and NOC code for each occupation in NOC skill type 0 or skill level A or B which the applicant has claimed experience)**. The table below sets out the points assessed for each of the selection criteria:

	Points assessed	Maximum possible
Age		10
Education		25
Official language proficiency		24
Experience		21
Arranged employment		10
Adaptability		10
Total		100

If the applicant has obtained zero points for the requirement of one year full-time employment experience within the ten years preceding the application, and therefore does not meet the skilled worker requirements, add:

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

- (a) within 10 years preceding the date of their application for a permanent resident visa, they have at least one year of continuous full-time employment experience, as described in subsection 80(7), or the equivalent in part-time employment in one or more occupations, other than a restricted occupation, that are listed in Skill Type 0 Management Occupations or Skill Level A or B of the *National Occupational Classification* matrix;
- (b) during that period of employment they performed the actions described in the lead statement for the occupation as set out in the occupational descriptions of the *National Occupational Classification*; and
- (c) during that period of employment they performed a substantial number of the main duties of the occupation as set out in the occupational descriptions of the *National Occupational Classification*, including all of the essential duties.

I am not satisfied that you meet the **(choose one or more: first, second, third)** part of these requirements because **(provide reasons.)**

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

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

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

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

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

Thank you for the interest you have shown in Canada.

Yours sincerely,

Officer

cc: fee\_\_\_\_\_

## OP 6 Federal Skilled Workers

### Appendix B Refusal on discretion - Sample letter

INSERT LETTERHEAD

Our Ref.:

INSERT ADDRESS

Dear :

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

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

Pursuant to the *Immigration and Refugee Protection Regulations, 2002*, skilled worker applicants are assessed on the basis of the definition set out in subsection 75(2) and the criteria set out in subsection 76(1). The assessment of these criteria determines whether a skilled worker will be able to become economically established in Canada. The criteria are age, education, knowledge of Canada's official languages, experience, arranged employment and adaptability.

Your application was assessed based on the occupation(s) in which you requested assessment (add title of the occupation and NOC code for each occupation in NOC skill type 0 or skill level A or B which the applicant has claimed experience). The table below sets out the points assessed for each of the selection criteria:

	Points assessed	Maximum possible
Age		10
Education		25
Official language proficiency		24
Experience		21
Arranged employment		10
Adaptability		10
Total		100

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

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

Subsection 11(1) of the Act states that a foreign national must, before entering Canada, apply to an officer for a visa or for any other document required by the Regulations. The visa or document 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 the Regulations for the reasons explained above. I am therefore refusing your application.

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

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

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

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

Thank you for the interest you have shown in Canada.

Yours sincerely,

Officer

cc: fee\_\_\_\_\_

## OP 6 Federal Skilled Workers

### Appendix C Refusal on points - Sample letter

INSERT LETTERHEAD

Our Ref.:

INSERT ADDRESS

Dear :

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

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

Pursuant to the *Immigration and Refugee Protection Regulations, 2002*, skilled worker applicants are assessed on the basis of the requirements set out in subsection 75(2) and the criteria set out in subsection 76(1). The assessment of these requirements determines whether a skilled worker will be able to become economically established in Canada. The criteria are age, education, knowledge of Canada's official languages, experience, arranged employment and adaptability.

Your application was assessed based on the occupation(s) in which you requested assessment (**add title of the occupation and NOC code for each occupation in NOC skill type 0 or skill level A or B which the applicant has claimed experience**). The table below sets out the points assessed for each of the selection criteria:

	Points assessed	Maximum possible
Age		10
Education		25
Official language proficiency		24
Experience		21
Arranged employment		10
Adaptability		10
Total		100

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

Subsection 11(1) of the Act states that a foreign national must, before entering Canada, apply to an officer for a visa or for any other document required by the regulations. The visa or document 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 the Regulations for the reasons explained above. I am therefore refusing your application.

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

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

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

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

Thank you for the interest you have shown in Canada.

Yours sincerely,

Officer

cc: fee\_\_\_\_\_

## OP 6 Federal Skilled Workers

### Appendix D Refusal on Ministerial Instructions – Sample letter

INSERT LETTERHEAD

Our Ref.:

INSERT ADDRESS

Dear :

Thank you for your application for permanent residence in Canada as a Federal Skilled Worker. I have now completed the assessment of your application and have determined that you are not eligible for processing in this category for the following reason(s).

The Minister of Citizenship and Immigration issued instructions which were published in the Canada Gazette on November 28, 2008. These instructions specify that only applicants who have an Arranged Employment Offer, who are legally residing in Canada for at least one year as a Temporary Foreign Worker or an International Student, or who have work experience in certain listed occupations are eligible to be processed in the Federal Skilled Worker class.

#### IF APPLYING UNDER AEO:

Although you have indicated that you have an Arranged Employment Offer, **CHOOSE** you have not provided proof of your Arranged Employment Offer **OR** your Arranged Employment Offer is not valid **OR OTHER REASONS**.

#### IF APPLYING AS STUDENT OR TFW IN CANADA:

Although you have indicated that you are a student **OR** temporary foreign worker, **CHOOSE** you have not provided proof of your legal status in Canada **OR** you have not been legally residing in Canada at least one year **OR** you are no longer residing in Canada **OR OTHER REASONS**.

#### IF APPLYING UNDER OCCUPATION LIST:

We have assessed your declared occupations against the list of occupations identified by the Minister of Citizenship and Immigration and published in the *Canada Gazette* on November 28, 2008. Your occupation(s) do(es) not correspond to any of the eligible occupations.

**OR**

You have indicated that you have work experience in (an) occupation(s) with the following NOC (National Occupational Classification) code(s): **LIST NOC CODES AND OCCUPATION TITLES**. Although the NOC code(s) correspond(s) to the occupations specified in the Instructions, the main duties that you listed do not indicate **EITHER** that you performed the actions described in the lead statement for the occupation, as set out in the occupational descriptions of the NOC **OR** that you performed all of the essential duties and a substantial number of the main duties, as set out in the occupational descriptions of the NOC. As such, I am not satisfied that you are a **OCCUPATION TITLE and NOC CODE**.

**OR**

You have indicated that you have work experience in (an) occupation(s) with the following NOC code(s): **LIST NOC CODES AND OCCUPATION TITLES**. Although the NOC code(s) correspond(s) to the occupations specified in the Instructions, you do not have a minimum of one year of continuous full-time, or equivalent part-time, paid work experience in the occupation(s) in the last ten years.

#### FOR ALL:

Since you did not provide evidence that you **CHOOSE APPROPRIATE** have an Arranged Employment Offer **AND/OR** are a Temporary Foreign Worker or an International Student **AND/OR** have work experience in the listed occupations, you do not meet the requirements of the Ministerial Instructions and your application is not eligible for processing.

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

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

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

- (a) establishing categories of applications or requests to which the instructions apply;*
- (b) establishing an order, by category or otherwise, for the processing of applications or requests;*
- (c) setting the number of applications or requests, by category or otherwise, to be processed in any year; and*
- (d) providing for the disposition of applications and requests, including those made subsequent to the first application or request.*

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

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

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

### **IF ONLY PROCESSING FEE WAS SUBMITTED:**

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

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

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

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

Thank you for your interest in Canada.

Immigration Section  
CPC-Sydney

cc: fee\_\_\_\_\_