



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

OP 25

Canadian Experience Class

OP 25 – Canadian Experience Class

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Updates to chapter

Listing by date:

Date: 2009-12-04

- Section 3 updated to include reference to the Canadian Experience Class in paragraph 87.1 of the Immigration and Refugee Protection Regulations (IRPR)
- Section 5.1 updated this section on requirements of the class
- Section 5.2 renamed and updated this section called Fees
- Section 6.2 updated the definition of family members
- Section 6.4 updated the definition of full-time work experience
- Section 8.1 updated this section on receiving the application
- Section 8.2 updated on putting an application into process
- Section 8.3 updated on acknowledgement of receipt of applications in Buffalo
- Section 9.2 updated this section and the term to temporary resident status
- Section 9.3 updated the title of this section to official language proficiency

- Section 9.6 renamed this section Designated testing organizations and included in the note that both the General and Academic IELTS test results for reading and writing are acceptable
- Section 9.10 updated the table to include note on authority of IPM to make a determination under A40(1)(a) of the IRPA
- Section 10 updated the title of this section to Procedure: Membership in the class
- Section 10.1 updated the pass/fail table in this section
- Section 11 updated this section on approving the application
- Appendix A updated to include reference to A11(1) of the IRPA

Date: 2009-03-25

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

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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 Canadian Experience Class. This includes:

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

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

2. Program objectives

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

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

3. The Act and Regulations

Provision	Act and Regulations
Application, form and content	A11, R10
Place of application for visa	R11
Return of an application	R12
Production of supporting documents	R13
Visa issuance by officer	A11, R70(1)
Economic Class	A12(2)
Canadian Experience Class	R87.1

3.1. Forms

The forms required are shown in the following table.

Form title	Form number	Completed by
Application for Permanent Residence in Canada	IMM 0008EGEN	Principal applicant
Schedule 1 - Background/Declaration	IMM 0008E – Schedule 1	Principal applicant, spouse or common-

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

4. Instruments and delegations

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

5. Departmental policy

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

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

5.1. Canadian Experience Class requirements

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

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

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

There are two streams available:

Temporary Foreign Worker Stream

Under this stream an applicant must have acquired in Canada within the 36 months before the date the application is made, at least 24 months of full-time work experience, or the equivalent in part-time work experience, in a NOC type 0, or level A or B occupation (i.e., managerial, professional, or skilled and technical), (see [Section 9.12](#) for more details).

Post-Graduation Stream

Under this stream the applicant must have:

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- completed a required program of study in Canada and obtained a Canadian educational credential (e.g., degree, diploma, or certificate);
- been enrolled full-time in this program of study or training for two years (see [sections 6.3](#) and [9.12](#) for more details);
- acquired in Canada at least 12 months of full-time work experience, or the equivalent in part-time work experience in a NOC type 0, or level A or B occupation, within the 24 months before the date the application is made. (see [Section 9.12](#) for more details).

Both streams require applicants to demonstrate that they have met the minimum language requirements. They must provide evidence that their proficiency in English or French has been assessed by a designated language testing agency for their abilities to speak, listen, read and write, or they must submit written evidence of their proficiency in English or French. The minimum-required language levels must correspond to benchmarks in *Canadian Language Benchmarks 2000* (for English) or *Niveaux de compétence linguistique canadiens 2006* (for French). See [sections 9.3–9.10](#) for details.

5.2. Fees

Applicants are required to pay two fees:

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

Cost recovery fee

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

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

The cost recovery fee is payable at the time the application is made. An applicant may withdraw an application and receive a refund of the cost recovery fee any time before processing of the application begins. Once processing has begun, the cost recovery fee is not refundable.

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

Right of Permanent Residence Fee (RPRF)

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

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

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

RPRF refunds

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

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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 should be given an approximate time frame for its receipt.

In the case of files transferred from one visa office to another, the visa office that finalizes the case is responsible for processing any RPRF refund (see [Section 8.2](#)).

5.3. Procedural fairness

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

6. Definitions

6.1. National Occupation Classification (NOC)

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

The NOC 2006 can also be accessed on-line at: <http://www5.hrsdc.gc.ca/NOC/>

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

6.2. Family members

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

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

The principal applicant and all the persons described above must be determined to be admissible, even if they have no intention of accompanying the principal applicant, in order for visas to be issued to the principal applicant and any accompanying family members.

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

If an applicant's separated spouse or an applicant's children in the custody of someone else are inadmissible, this would not render the applicant inadmissible. Because separated spouses can reconcile and custody arrangements for children may change, examination is required in order to safeguard the future right to sponsor them in the

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Family Class. If these family members are not examined, they are excluded from the Family Class in the future pursuant to [R117\(9\)\(d\)](#), (see OP2 sections 5.10 and 5.11).

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, they must be examined, not be inadmissible and meet the requirements of the Act, before the principal applicant can become a permanent resident.

6.3. Full-time studies (education requirement)

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

6.4 Full-time work

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

The full-time work experience requirement may be met by the equivalent in part-time paid work experience, e.g. more than one part-time job held simultaneously or one or more part-time jobs held over the equivalent of one year of full-time work. Experience can be calculated by adding up the number of weeks of full-time work, i.e. 37.5 hours per week in one job or a total of at least 37.5 hours per week in more than one job, in one or more of the NOC categories.

7. Processing

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

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

8. Procedure: Receiving the application

8.1. Receiving the application

All applications for permanent residence under the CEC are processed at the visa office in Buffalo. However, in cases where applicants have left Canada, they may no longer be

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eligible to submit their applications in Buffalo, pursuant to [section 11](#) of the *Immigration and Refugee Protection Regulations* (IRPR). As a result, they will submit their applications to another visa office.

Applications received at a visa office will first be reviewed for completeness pursuant to R10, including the following required forms, fees, information and documents:

- a signed and completed [IMM 0008EGEN](#), containing the name, date of birth, nationality, current marital status, and current immigration status of the principal applicant and all family members (whether accompanying or not);
- properly completed Schedule 1's for the principal applicant, his or her spouse or common-law partner and all dependent children aged 18 and older listed on the IMM 0008
- a properly completed Schedule 8 for the principal applicant;
- evidence of payment of the applicable fees;
- the visa, permit or authorization being applied for;
- the class in which the application is being made;
- a signed declaration to the effect that the information provided is complete and accurate;
- any information and documents required by the Regulations, as well as any other evidence required by the Act. This includes proof of official language proficiency either in the form of the results of a language test by a designated organization or institution or other evidence in writing (see [Section 9.3](#)); proof of work experience, and proof of a qualifying Canadian educational credential where applicable (see [Section 9.12](#) [link]).

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

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

8.2. Putting an application into process

All applications for permanent residence under the CEC are processed at the visa office in Buffalo regardless of where the application was submitted.

After a positive completeness check at visa offices other than Buffalo the visa office staff will:

- date stamp the application;
- create a miscellaneous (MISC) file in CAIPS;
- enter CEC in the STATUS field;

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- cost recover the processing fee and enter this in CAIPS notes;
- write the MISC file number on the paper file;
- print out and attach the MISC file and notes to the paper file;
- send an acknowledgment of receipt letter to the applicant informing them that their file has been transferred to Buffalo and placed into processing;
- transfer the paper file to Buffalo by courier, in line with existing file transfer policies (diplomatic bag may take a significant amount of time to reach Buffalo).

Note: On receiving the transferred file, the visa office in Buffalo will create a B-file number, maintaining the application received date from the initial visa office and process to conclusion. The application received date at a visa office is also the lock-in date.

After a positive completeness check at the visa office in Buffalo the visa office staff will:

- date stamp the application
- create a B-file in CAIPS
- cost recover the processing fee and enter this in CAIPS notes

8.3. Acknowledging receipt – procedures at Buffalo visa office

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

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

9. Procedure: Assessing the application

9.1. Selection criteria

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

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

9.2. Temporary resident status

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

Note: A temporary resident permit (TRP) confers temporary resident status and as such, applicants who obtained their qualifying work experience or post-secondary credentials while

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in Canada on a TRP are eligible to apply for CEC. These applicants are eligible as long as their work and/or studies were authorized. Applicants who are inadmissible cannot be granted permanent residence as members of the CEC class.

9.3. Official language proficiency

The applicant must demonstrate that they have met the minimum language requirements by providing evidence of their proficiency in English or French (speaking, reading, listening and writing) that corresponds to the benchmarks set out below; using the *Canadian Language Benchmarks 2000* (for English) or *Niveaux de compétence linguistique canadiens 2006* (for French):

- For applicants with qualifying Canadian work experience at **Skill Type 0 or Skill Level A** of NOC [[R87.1\(2\)\(b\)\(i\)](#)], they must obtain a benchmark of:
 - ◆ 7 or higher for each of those abilities; or
 - ◆ 6 for any one of those abilities, 7 or higher for any other two of those abilities and 8 or higher for the remaining ability.
- For applicants with qualifying Canadian work experience at **Skill Level B** of NOC [[R87.1\(2\)\(b\)\(ii\)](#)], they must obtain a benchmark of:
 - ◆ 5 or higher for each of those abilities; or
 - ◆ 4 for any one of those abilities, 5 or higher for any other two of those abilities and 6 or higher for the remaining ability.

If an applicant has work experience in both NOC 0 or A and NOC B, the applicant must satisfy the officer that they meet the minimum language requirement for the skill type/level in which they have obtained most (i.e., more than half) of their work experience [[R87.1\(3\)\(g\)](#)].

9.4. Evidence of language proficiency

For more information, see:

- Language test results, [Section 9.5](#);
- Approved testing organizations, [Section 9.6](#);
- International English Language Testing System, [Section 9.7](#);
- Test d'évaluation de français, [Section 9.8](#);
- Other written evidence, [Section 9.9](#).
- Integrity concerns on language proficiency during an interview, [Section 9.10](#)

Pursuant to [R87.1\(2\)\(b\)](#), the applicant must demonstrate proficiency in English or French on the date the application is made based on either:

- language test results from a designated language testing agency; or
- evidence in writing of the applicant's proficiency in their first official language.

The application guide and website instructions make it clear that it is the responsibility of the applicant to choose which of these two options to follow and what the consequences of this decision will be. The instructions in the guide:

- strongly advise taking a test from a designated testing agency if English or French is not the applicant's first language;

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- strongly advise prospective applicants that, unless they believe they can clearly demonstrate the minimum requirement 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 test-equivalencies tables, so prospective applicants can determine what level of language proficiency their test scores will merit;
- provide Web site links to the *Canadian Language Benchmarks 2000/Niveaux de compétence linguistique canadien 2006*, so those applicants providing written submissions will be able to review the benchmarks against which their submissions will be compared; and
- inform applicants that the results of any language tests by non-designated testing agencies will not be considered as conclusive evidence of language proficiency.

Note: If the applicant chooses to submit updated language test results during application processing, the officer will use the most recent test results on file—not the highest scores—to determine whether minimum requirements are met.

9.5. Language test results

Pursuant to [R87.1\(2\)\(b\)](#), officers will make a pass or fail decision based on the results of a language test from a designated testing agency. Testing agencies are designated by the Director of Permanent Resident Policy and Programs Division (SSE), the Minister's delegate. Testing agencies will only be designated 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:** A designated testing agency must meet security standards with respect to the logistics of preparing test sites, registering candidates, test writing and marking, sending out results, etc. Sufficient anti-fraud mechanisms must be in place for a test to be approved.
- **Availability:** A designated testing agency for CEC purposes must make tests available to applicants in all parts of Canada where there is a demand for third-party language testing.

9.6. Designated testing organizations

At the time of publication, designated testing organizations include the following.

English language testing organizations

- The University of Cambridge, Local Examination Syndicate
- Education Australia; and
- The British Council

All administer the International English Language Testing System (IELTS).

Note: For the IELTS reading and writing tests, there are “General Training” and “Academic” options. CIC only requires applicants to have their proficiency assessed by the “General Training” test but will also accept the results of the “Academic” test.

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French language testing organizations

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

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

[R87.1\(5\)](#) 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; or
- assess language based on the results of any language test administered by an agency that has not been designated by CIC. Non-designated test results may only be considered as one part of an overall written submission and are not considered to be conclusive evidence.

Second-language experts established the equivalencies between *Canadian Language Benchmarks 2000/Niveaux de compétence linguistique canadien 2006* and the results of the language tests listed above. Thus, officers should assess language based on the appropriate equivalency chart.

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

9.7. International English Language Testing System (IELTS)

Test score equivalency chart (applications received or test reports dated after February 15, 2009)

NOC	CLB Level	Test results for each ability			
		Speaking	Listening	Reading	Writing
-	-				
0, A	8	6.5	7.5	6.5	6.5
0, A	7	6.0	6.0	6.0	6.0
0, A, B	6	5.5	5.5	5.0	5.5
B	5	5.0	5.0	4.0	5.0
B	4	4.0	4.5	3.5	4.0

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Note: Visa officers should also assess applications and test reports which pre-date the above correlation table if it is to the applicant's advantage, (i.e. resulting in more points for language proficiency).

Test score equivalency chart (applications received and test reports dated before February 15, 2009)

NOC	CLB Level	Test results for each ability			
		Speaking	Listening	Reading	Writing
-	-				
0,A	8	7.0	7.0	7.0	7.0
0, A	7	6.0	6.0	6.0	6.0
0, A, B	6	5.0	5.0	5.0	5.0
B	5	4.5	4.5	4.5	4.5
B	4	4.0	4.0	4.0	4.0

For applicants with qualifying Canadian work experience of **Skill Type 0 or of Skill Level A** of the NOC [[R87.1\(2\)\(b\)\(i\)](#)]:

If CLB levels...	Then...
<ul style="list-style-type: none"> are all 7 or higher, or are 6 for any one ability, 7 or higher for any other two, and 8 or higher for the remaining ability 	the applicant passes minimum required language levels
<ul style="list-style-type: none"> do not meet this requirement 	the applicant fails minimum required language levels

For applicants with qualifying Canadian work experience of **Skill Level B** of the NOC [[R87.1\(2\)\(b\)\(ii\)](#)]:

If CLB levels...	Then...
<ul style="list-style-type: none"> are all 5 or higher, or are 4 for any one ability, 5 or higher for any other two, and 6 or higher for the remaining ability 	the applicant passes minimum required language levels
<ul style="list-style-type: none"> do not meet this requirement 	the applicant fails minimum required language levels

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9.8. Test d'évaluation de français (TEF)

Test score equivalency

NOC	NCLC Level	Test results for each ability			
		Speaking (<i>expression orale</i>)	Listening (<i>compréhension orale</i>)	Reading (<i>compréhension écrite</i>)	Writing (<i>expression écrite</i>)
-	-				
0,A	8	349	280	233	349
0, A	7	309	248	206	309
0, A, B	6	271	217	181	271
B	5	225	180	150	225
B	4	181	145	121	181

For applicants with qualifying Canadian work experience of **Skill Type 0 or of Skill Level A** of the NOC [[R87.1\(2\)\(b\)\(i\)](#)]:

If NCLC levels...	Then...
<ul style="list-style-type: none"> are all 7 or higher, or are 6 for any one ability, 7 or higher for any other two, and 8 or higher for the remaining ability 	the applicant passes minimum required language levels
<ul style="list-style-type: none"> do not meet this requirement 	the applicant fails minimum required language levels

For applicants with qualifying Canadian work experience of **Skill Level B** of the NOC [[R87.1\(2\)\(b\)\(ii\)](#)]:

If NCLC levels...	Then...
<ul style="list-style-type: none"> are all 5 or higher, or are 4 for any one ability, 5 or higher for any other two, and 6 or higher for the remaining ability 	the applicant passes minimum required language levels
<ul style="list-style-type: none"> do not meet this requirement 	the applicant fails minimum required language levels

9.9. 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* or *Niveaux de compétence linguistique canadiens 2006* (see [sections 9.7–9.8](#) above).

Note: See also www.language.ca for Canadian language benchmarks.

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

- global performance descriptors;

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- performance conditions;
- abilities of the applicant;
- 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 the minimum requirements in English or French.

If the material submitted...	Then the officer will...
satisfies the officer that the applicant has met the minimum required language levels set out in Section 9.3	<ul style="list-style-type: none"> • pass the applicant on the language criteria
satisfies the officer that the applicant has demonstrated some language proficiency but has not met the minimum required language levels	<ul style="list-style-type: none"> • inform the applicant in writing that they have not demonstrated compliance with the benchmarks at the levels required; and • offer the applicant the opportunity to take a designated language test and submit the results within a certain time period; or • fail the applicant on the language criteria, should they choose not to take the test
demonstrates that the applicant has not met the minimum required language levels	<ul style="list-style-type: none"> • fail the applicant on the language criteria

The onus is on the applicant to satisfy the officer that they meet the required language proficiency.

Given the detailed nature of the *Canadian Language Benchmarks 2000* and *Niveaux de compétence linguistique canadiens 2006*, it should be clear in most cases, that the following types of evidence are not conclusive:

- self-serving declarations;
- third-party testimonials; or
- other claims not supported by detailed and objective evidence.

9.10. Integrity concerns on language proficiency during an interview

The interview is **not** intended to be a means of evaluating language proficiency. 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. See [Section 10.2](#) for information on the fairness requirements for officers during interviews.

The following options are available after designated test results have been submitted:

If...	Then the officer will...
<ul style="list-style-type: none"> • the officer has verified test scores and integrity of testing procedures for the 	<ul style="list-style-type: none"> • accept the test score

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case in question with the local testing agency	
<ul style="list-style-type: none"> the officer is satisfied that there is no fraud or malfeasance in the testing procedures 	<ul style="list-style-type: none"> advise the applicant of their concerns and, in coordination with the testing agency, provide an opportunity for a retest at the testing agency's expense and with visa office supervision
<ul style="list-style-type: none"> the officer is not satisfied, but there is insufficient evidence to establish fraud or malfeasance or to substantiate a refusal for misrepresentation 	<ul style="list-style-type: none"> refuse the application given the discrepancy between the test scores and the actual language abilities, if the applicant refuses the third-party language testing option
<ul style="list-style-type: none"> the officer is satisfied that there is sufficient evidence to establish fraud or malfeasance in the testing procedures 	<ul style="list-style-type: none"> refuse the case for misrepresentation <p>Note: Only the Immigration Program Manager (IPM) has the delegated authority to make a determination under A40(1)(a) of the IRPA.</p>

9.11. Work experience

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

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

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

Any periods of self-employment or unauthorized work will not be included in calculating the period of work experience [[R87.1\(3\)\(b\)](#)].

9.12. Education requirement for Post-Graduation Stream

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

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

To qualify the applicant must have:

- been enrolled full-time in a program of study or training with a duration of at least two years (i.e., two academic years of at least eight months excluding scheduled breaks, such as summer holidays);

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

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

Excluded studies

- Any full-time program of study or training where the study of English or French as a Second Language amounted to more than half of the program [\[R87.1\(3\)\(e\)\]](#);
- Studies in Canada taken under an award which stipulates that the recipient return to their home country to apply their knowledge and skills [\[R87.1\(3\)\(f\)\]](#), including:
 - ◆ All awards from the Canadian International Development Agency (CIDA); and
 - ◆ The following awards from the Department of Foreign Affairs and International Trade (DFAIT):
 - ◆ Canadian Commonwealth Scholarship Program – Student Exchange Program (only)
 - ◆ Government of Canada Awards Program – Student Exchange Program (only)
 - ◆ Canada-China Scholars Exchange Program
 - ◆ Equal Opportunities Scholarship Program, Canada-Chile
 - ◆ Organization of American States Fellowships Program;
- Distance learning, including on-line programs, completed outside Canada.

Examples of acceptable study

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

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

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

10. Procedure: Membership in the class

10.1. Pass/Fail test

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

For all applicants:

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

For Temporary Foreign Worker Stream:

- qualifying Canadian skilled-work experience

For Post-Graduation Stream:

- qualifying Canadian skilled work experience
- qualifying Canadian educational credential

If...	Then the officer will...
the applicant passes all of the requirements needed (i.e., those required by all applicants and those required for their stream)	approve the application (Section 11)
the applicant fails to meet any one of the requirements needed	refuse the application (Section 12)
the officer is unable to make a decision , due to lack of information or documentation, or there are serious doubts as to the legitimacy of the documents submitted	<ul style="list-style-type: none">• request, in writing, specific information or documentation to clarify; or• refuse the application; or• Consider a personal interview (Section 10.2).

10.2. Use of interviews

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

Any concerns officers have regarding the accuracy or authenticity of information or documentation should be communicated to the applicant, whether these concerns are raised as the result of site visits, telephone checks, or other means. Concerns can be communicated to the applicant in writing or at the interview.

Officers may conduct interviews with applicants to:

- ensure that information submitted on the application is truthful and complete;
- detect and deter fraudulent information and documents;

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- clarify specific information; and
- conduct quality control.

Officers may not conduct interviews to assess language abilities.

Note: Other visa offices may be called upon to conduct interviews for the Buffalo visa office should the need arise. These interviews may be required to confirm aspects of the client's eligibility, including the need to interview family members as part of the application process.

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

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

11. Procedure: Approving the application

If officers approve an applicant who is living outside of Canada, they should send the permanent resident visa and Confirmation of Permanent Residence (COPR) to that address and direct them to present these to an officer at a Canadian port of entry [[R71.1\(1\)](#)].

Pursuant to [R71.1\(2\)](#), if officers approve an application from a temporary resident in Canada who is a member of a class referred to in R70(2)(a) or (b), they will:

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

12. Procedure: Refusing the application

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

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

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

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

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Appendix A – Sample refusal letter

INSERT LETTERHEAD

Our Ref.:

INSERT ADDRESS

Dear XX:

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

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

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

Your application was assessed based on the occupation(s) which you identified as part of your skilled work experience in Canada: [ADD TITLE OF THE OCCUPATION AND NOC CODE FOR EACH OCCUPATION IN NOC 0, A OR B WHICH THE APPLICANT HAS DECLARED].

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

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

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

[IF THE APPLICANT HAS PAID THE RPRF, ADD]

The Right of Permanent Residence Fee that you have paid is refundable.

[ADD AS APPROPRIATE] You will receive a cheque from the [CHOOSE APPROPRIATE] Embassy/High Commission/Consulate within a few weeks.

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

Thank you for the interest you have shown in Canada.

Yours sincerely,

Officer

cc: fee_____

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

Persons who *would* qualify for CEC

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

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

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Persons who *would not* qualify for CEC

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

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

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

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