

Opening residency to foreign student grads

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On Sept. 5, 2008, Minister of Citizenship and Immigration Diane Finley announced that certain temporary foreign workers and students could apply for permanent residence under the newly created Canadian Experience Class (CEC) starting September 17, 2008.

The Canadian Experience Class is a new program of immigration for qualified temporary foreign workers and foreign student graduates with professional, managerial and skilled work experience in Canada.

Unlike other programs, the program allows an applicant's experience in Canada to be considered a key selection factor when immigrating to Canada.

WHO CAN APPLY?

To apply for permanent residence under the Canadian Experience Class the minimum requirements are as follows:

- plan to live outside the province of Quebec.
- be either a temporary foreign worker with at least two years of full-time (or equivalent) skilled work experience in Canada, or a foreign graduate from a Canadian post-secondary institution with at least one year of full-time (or equivalent) skilled work experience in Canada
- have gained their experience in Canada with the proper work or study authorization apply while working in Canada B or B within one year of leaving your job in Canada

There are two streams for the Canadian Experience Class:

TEMPORARY FOREIGN WORKER STREAM

Under this category an applicant must have two years of full-time equivalent, skilled-work experience at the National Occupational Classification (NOC) System O, A or B level. (i.e. managerial, professional, or skilled and technical) acquired in Canada within the three years preceding the date the application is submitted in a complete form.

Lower-skilled workers cannot apply under the Canadian Experience Class. However, Provincial Nominee Programs may be available to lower-skilled workers. These are workers in jobs classified at skill levels C and D under the NOC System.

Work experience gained in Canada while waiting for a decision on a refugee claim is not eligible for an application for permanent residence under the Canadian Experience Class

POST-GRADUATION STREAM

Requirements for graduates from a qualified Canadian educational institution.

There are two requirements specific to graduates:

- Work experience
- Education

WORK EXPERIENCE

As a graduate of a Canadian post-secondary educational institution, applicants must have one year of full-time (or equivalent) work experience in Canada after graduation. The work experience must be gained within two years of applying under the CEC program.

Co-op terms and apprenticeships completed before graduating do not count as skilled work experience as they are considered part of an educational program. Co-op terms and apprenticeships are counted as part of the minimum two-year educational program requirement.

Applicants can get qualified work experience by applying for the Post-Graduation Work Permit after graduation. Under this program Work Permits may be valid for up to three years with no restrictions on the type of work performed. However, to qualify under the Canadian Experience Class for permanent residence, at least one year of work experience under the permit must be at Skill Type 0, or Skill Level A or B under the National Occupation Classification or (NOC). The work experience must be gained within two years of the time the application is made.

EDUCATION

Education is only assessed if you are applying as a graduate of a Canadian post-secondary educational institution under the Post-Graduation stream.

To qualify the applicant must be either a full-time Canadian post-secondary educational program of at least two years or a one-year Master's program (certificates and diplomas cannot be counted) and an additional year of education, obtained in Canada, before admission into the one-year program (for a total of two years).

Applicants also must complete a required program of study in Canada and obtain a Canadian educational credential (e.g. a degree, diploma or certificate). Some categories of education are excluded from this program. These include English or French ESL studies; on-line programs completed outside Canada and studies in Canada taken under an award or scholarship program which stipulate return to their home country.

LANGUAGE REQUIREMENTS

All applicants are required to be able to communicate and work in one or both of Canada's official languages.

Applicants must prove their ability in English or French to qualify for permanent residence under the Canadian Experience Class.

The occupation category will determine the language abilities required to immigrate under the Canadian Experience Class. The requirements vary according to job classification under NOC.

The completed application will undergo a detailed review by a Visa Officer. The officer will consider all the information and documentation provided, and will assess it against current selection standards.

Unlike many other Canada Immigration programs there is no residency requirement for landing. If the applicant has temporary resident status when their application is approved, they can be landed in Canada at their local Citizenship and Immigration Canada Office. If the applicant is approved while outside of Canada they will present their visa at a Port of Entry and get landed through that office.

For more detailed information please consult an Immigration lawyer.

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