

# Changes to Canada's Economic Immigration Policy Under the New Liberal Government

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Canadians went to polls on October 19, 2015 and elected the Liberals to a majority government. There was much criticism of the Federal Conservative government's policies on Citizenship and Immigration. However, to be fair some of the policies enacted by the Conservatives were necessary or of a positive nature.

For example there was an 800,000 backlog in Skilled Workers applications. The Conservatives took the tough decision to return most of the applications and eliminate the back log. Now a quota is set each year and applications that exceed the quota are returned and the quota resets to zero for the next year.

The Conservatives also implemented the In-Canada Experience Immigration category which allows individuals who have education and work experience in Canada to apply for Immigration to Canada with increased points given for Canadian Education and Work Experience. This In-Canada Experience initiative is an excellent program that greatly benefits Canada.

On November 4, 2015 the Liberals appointed the Honourable John McCallum as their first Minister of Immigration, Refugees and Citizenship (IRCC). The name was changed from Citizenship and Immigration Canada (CIC). McCallum was a senior Liberal with extensive experience in the economic area. However, in January 2017 McCallum was appointed to be Canada's Ambassador to China which is one of the most important diplomatic positions in Canada's Foreign Affairs Department.

Prime Minister Trudeau then appointed Ahmed D. Hussen as Minister for Immigration, Refugees and Citizenship Canada (IRCC). He was a Refugee from Somalia and also worked as an Immigration and Refugee lawyer.

When in opposition the Liberals strongly criticized a number of Citizenship and Immigration policies of the Conservatives. This article will briefly review the changes made in Canada's economic Immigration policy by the current government.

The Federal Liberals have continued the "temporary pause" on the Federal Immigrant Investor Program (IIP) and also the temporary moratorium on Entrepreneur applications. The Quebec Immigration program which is separate from the Federal Immigration programs is still accepting Investors and Entrepreneurs who have an expressed interest to immigrate to Quebec.

The main category for Economic Immigration to Canada was the Skilled Worker Program. The Conservatives created what they called "Express Entry" for Skilled Workers to apply to Canada. The program was ambitious and the government hoped to set up a pre-selection process that would pick only the best possible candidates and in particular those who had an approved job offer before immigrating to Canada.

The program called for obtaining a job offer and approval from Service Canada before a candidate would be issued an invitation to apply to immigrate to Canada. Upon obtaining an approval by going through the Labour Market Impact Assessment (LMIA) process the applicant would receive an additional 600 points on top of their points for education, work experience and language skills.

The problem was that the LMIA approval process required a payment of a \$1,000 fee and that the employer had to be preapproved to be able to apply. There was also a required disclosure of financial statements. There was also no guarantee that the application would be approved. Most employers were not prepared to go through this exercise.

Accordingly, very few Applicants were given the 600 points and the Express Entry Applicants who were being approved had far fewer points than 600. The "Express Entry" program was not working as the Canadian government had hoped. The government had expected that applicants would be achieving points in excess of 1000. This goal was not being achieved.

The Liberal's promised to make changes to Canada's Immigration process.

ENTRY CRITERIA AND THE COMPREHENSIVE RANKING SYSTEM (CRS)

Between January 2015 and April 2017 59,020 Admissions were approved under Express Entry: 2015 (9,795); 2016 (53,410) and in 2017 (15,815). These number were well below the quota set for Skilled Worker Applications.

On November 19, 2016 the Liberals announced their first set of changes for "Express Entry" Program.

- Applicants can earn a total of 50 points if they have a valid job offer in a [NOC 0, A or B occupation](#)
- Applicants can earn a total of 200 points if they have a valid job offer in a [NOC 00 occupation](#).

The addition of an extra 200 points under the CRS calculations under National Occupation Category (NOC) Management Experience category helps off-set the low age limit of 29 years for qualified Applicants. Under the Conservative government Applicants who were older than 29 lost points under the age category. By awarding 200 points for Management Experience the new government was trying to offset the lost points under the Age Category by recognizing the value of experience.

A job offer now only need to be for a minimum of one year from the time the Applicant becomes a Permanent Resident of Canada.

Applicants can now earn more Comprehensive Ranking System (CRS) points for post-secondary studies in Canada.

- 15 points for a one- or two-year diploma or certificate
- 30 points for a degree, diploma or certificate of three years or longer, or for a Master's, professional or doctoral degree of at least one academic year.

Applicants' now have more time to complete an application for permanent residence if they get an invitation to apply.

- Applicants will now have 90 days to apply for permanent residence, instead of 60 days.

An LMIA will also no longer be needed for certain qualifying job offers to receive CRS points as well as points for arranged employment under the Federal Skilled Worker Class. Many people in Canada on an LMIA exempt work permit will be able to carry that LMIA exemption under Express Entry, including those:

- under the North America Free Trade Agreement (NAFTA)
- under a federal-provincial agreement
- under Mobilité Francophone or
- are an intra-company transferee

As long as the Applicants' meet certain criteria, such as at least one year of work experience from the same employer who is providing their job offer they are exempt from the LMIA process. This provision is a great benefit to Applicants working in Canada on a Post-Graduate Work Permit, the North America Free Trade Agreement or the In-Canada Experience Immigration category.

In the Ministerial Instructions issued on May 31, 2017 the Minister approved the following:

Foreign nationals who, on **May 31, 2017, at 12:13:35 UTC**, have been assigned a total of **413** points or more under the Comprehensive Ranking System that is set out in the *Ministerial Instructions Respecting the Express Entry System*, as published in the Canada Gazette, Part I, on December 1, 2014, and as amended from time to time, occupy the rank required to be invited to make an application for permanent residence.

In the Invitations issued on May 26, 2017 the lowest score on the Comprehensive Ranking System (CRS) was 199. Not sure how that was arrived at. Most of the other invitations issued the score was in the low 400s. However, there also was an Invitation also issued on May 26, 2017 where the low score was 775. This list of 143 invitations appears to be an invitation for a Provincial Nomination Program (PNP) where 600 points were being awarded to an Applicant by a Province under their Immigration programs.

On June 6, 2017 the Minister of IRCC made the following announcements and made further changes to the Express Entry program.

- 15 additional points for at least one sibling (brother or sister) living in Canada who is a citizen or permanent resident if they are 18 years old or older and are related to you by blood, marriage, common-law partnership or adoption and have a parent in common with the applicant.
- There are additional points awarded if the Applicant scored NCLC 7 or higher on all four French language skills.
- 15 additional points if you scored CLB 4 or lower in English (or if you didn't take an English test)
- 30 additional points if you scored CLB 5 or higher on all four English skills
- it is no longer mandatory to create a Job Match account with Job Bank if the Applicant does not have a job offer or nomination from a province or territory.

#### DEPENDENTS AGE LIMIT CHANGED

On May 3, 2017 the Government of Canada also announced changes to increase the maximum age of a dependent child from 18 to under 22. The new age limit of "under 22" will come into effect on October 24, 2017, raising it from the current "under 19" requirement. The increased age will apply to new applications for all immigration programs under Immigration, Refugees and Citizenship Canada, including economic Immigration polices. Children who are 22 years of age or older and who rely on their parents due to a physical or mental health condition will continue to be considered dependent children. The Liberals did not re-introduce the exemption for children who are over the age of 21 but are full time students.

As the Honourable Ahmed Hussen, Minister of Immigration, Refugees and Citizenship Minister stated in his Press Release, "Raising the age of dependants lets more families stay together. This will bring economic and social gains to our country as it enhances our attractiveness as a destination of choice for immigrants and refugees." The 18 year cut off also discouraged many potential immigrants to Canada because they were not prepared to leave their children who were 19 years or older behind.

This summary is a quick overview issues dealing with Economic Immigration to Canada, for a more detailed analysis and legal opinion one should consult a qualified Immigration lawyer.

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