



**Applications Finalized and their Approval & Refusal Rate by Lines of Business and Final Assessment Office in 2019 (in Persons)**

Lines of Business	Visa Office	Application Received	Finalized	Approval Rate	Refusal Rate
TRV	Bangalore	82,475	70,015	64%	36%
	Chandigarh	27,050	27,102	34%	66%
	New Delhi	457,750	282,995	36%	64%
SP	Bangalore	11,230	11,472	60%	40%
	Chandigarh	1,395	1,173	67%	33%
	New Delhi	90,742	35,864	50%	50%
WP	Bangalore	4,071	3,733	82%	18%
	Chandigarh	115	229	44%	56%
	New Delhi	25,623	25,621	47%	53%

Requestor: Isabelle Schmidt

Data source: COGNOS (MBR) extracted as of March 10, 2020

Data compiled by: OPP-DART-2020-7872

**Please note that data more recent than January 31, 2020 have not been publicly released.**

## Concerns about the genuineness of the job offer R203(1)(a) / R200(5):

If I have concerns regarding the genuineness of the employment offer in Canada (for the intended work itself), I request the following from the employer:

To assess this application, you are required to provide the following within 20 days:

1. Please identify the recruiters you have engaged in India to recruit the applicant(s) and provide a detailed description of the recruitment steps you have followed to identify the applicant(s) as suitable for the employment offered. Please also state your reasons for having been reasonably satisfied the applicant(s) is/are able to perform the job duties and is/are sincerely motivated to report for work and fulfill the terms of their employment contract. Also include any due diligence you have exercised to satisfy yourself the applicant(s) can be relied upon to fulfill the terms of their visa status as a temporary foreign worker and any precautionary steps followed by you to promote and encourage visa compliance.
2. Provide a description of your business, including but not limited to, the size of your current business and a brief history of operations, the address(es) where business operations take place **including a description of the physical facilities located at the farm including but not limited to the building and/or office**, the goods or services produced by your business, the type of business ownership with the names of the owners, and include the number of temporary foreign workers you have employed annually over the last three years in comparison to non-foreign workers for the same period.
3. Your business registration.
4. Your most recent unaudited financial statement.
5. Your business notices of assessment from Revenue Canada for the last 3 years.
6. An organizational chart of your business including job titles and the names of the individuals occupying each position. If you have employees who hold temporary resident status in Canada on staff, provide their full names and dates of birth.
7. Evidence the employer contribution to the employment insurance (EI) plan has been made for each employee.
8. A list of your major customers including supporting materials such as sales contracts and accounts receivable.
9. A list of your major suppliers including supporting materials such as purchase contracts and accounts payable.

**For C41 applicant applying to join their farm supervisor spouse in Canada. Assess the husband's UCI (immigration history to Canada, declared employment history) and the documents provided by the spouse showing her husband's employment in a NOC 0, A or B position. If there are credibility concerns, send a PFL for the following:**

- All your spouse's T4s received since entry
- All your spouse's Notices of Assessment received since entry
- All your spouse's Records of Employment received since entry
- All your spouse's paystubs received since entry
- All your spouse's bank statements showing all withdrawals and deposits since entry

- *Copy of all CRA remittances for his/her employment at \_\_\_\_\_ since the start of his/her employment*

## **WORK PERMITS: NOC 7511 Truck Drivers**

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Clients applying for Work Permits in the profession of NOC 7511 Truck Drivers generally apply for LMIA based Work Permits to work for a particular company. However, T13 Work Permit applications for the same profession are also received before a client obtains Permanent Residence under the Provincial Nominee Program.

The main concern in this category is that the job offer may not be genuine.

### **KEY RESOURCES**

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## WORK PERMITS: NOC 7511 Truck Drivers

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### GCMS QUERY FOR CASES FOR OFFICER REVIEW

- 1) Navigate to the IMM>TR screen.
- 2) Press Query.
- 3) Enter the following fields:
  - Primary Office = **New Delhi**
  - ☐ App Status = **Open**
  - ☐ Rec'd Via: **On-line**
  - ☐ Category = **WP**
  - ☐ NOC = **7511**
  - ☐ Eligibility = **Review Required**
  - Assigned To = **RC-6029**
- 4) Press Go.
- 5) Click on the Rec'd Date column title to sort the cases according date of receipt. Press ALT + Enter.
- 6) Highlight the first three applications in the list. Press CTRL+ALT+8. Then, enter the following information in the pop-up window and press OK:
  - a) Field = **Assigned To**
  - b) Value = **your GCMS ID**
- 7) Go to your GCMS homepage. Work off the applications listed in your "My Applications" section. This will ensure you do not work on any other person's file.
- 8) Assess the application.
- 9) Change the Eligibility decision.
- 10) Ensure you follow steps outlined in "GCMS Actions for Officers" any other actions you need to take on the file, including reassigning the file back to RC-6029.
- 11) At the end of each day, ensure that your "My Applications" list is blank – this means that you have reassigned all of your cases back to RC-6029.

# WORK PERMITS: NOC 7511 Truck Drivers

## HOW TO SAVE YOUR QUERY

- 1) At Step #4 above, press ALT + S to save your query. A dialogue box will appear. Name your query so you can easily identify it later. Then, press OK.
- 2) The next time you want to make this same query, navigate to the IMM>TR screen. On the top right corner of your screen, there is a white rectangular box (it looks like a text field). Click on the drop-down arrow on the right side of the field and select the query you have just named. This will automatically pull up a list of cases ready for officer review.

## ELIGIBILITY ASSESSMENT FLOW

- 1) First navigate to the Employment Details – LMIA tab and click refresh.

The screenshot shows the GCMS (Global Case Management System) interface. The top navigation bar includes 'Site Map' and 'Report(s)'. Below this is a search bar and a list of tabs: 'IMM Activities', 'IMM', 'Clients', 'Medicals - HB', 'Groups', 'Organizations & Entities', 'File Management', 'File Location Administration', 'Sponsor Tables', 'Biometrics', and 'LMIA Exempt'. The 'IMM' tab is selected. Under the 'IMM' tab, there are sub-tabs: 'All', 'PR', 'REF-CLM', 'TR', 'Other', 'ENF', and 'Alerts'. The 'TR' sub-tab is selected. Below the sub-tabs, there are more tabs: 'Clients & Parties', 'Eligibility', 'Admissibilities', 'Other Reqs', 'Correspondence', 'Notes', 'Finalize Application', 'Fees', 'Paper File', 'Associations', 'Employment Details', 'eDocs', and 'History'. The 'Employment Details' tab is selected. Below the tabs, there are buttons for 'Menu' and 'Refresh'. The main content area is divided into four sections: 'DETAILS', 'EMPLOYER', 'JOB DETAILS', and '3rd PARTY CONTACT INFO'. Each section contains various input fields for data entry. The 'DETAILS' section includes fields for File #, LMIA Receipt Date, NOC, LCP, Job Title, # of Positions, Decision, and Decision Date. The 'EMPLOYER' section includes fields for Name, ID, # of Locations, Employment Location, Address, City, Province/State, and Postal/Zip/Other Code. The 'JOB DETAILS' section includes fields for Type of Request, Duration, Hours of Work, Hours Per, Wage, Benefits, and Duties. The '3rd PARTY CONTACT INFO' section includes fields for Name, Company, Address, City, Province/State, Postal/Zip/Other Code, Country, and Phone #.

- 2) Check that the LMIA is valid, the number of positions, and the company details.

This screenshot is similar to the previous one, showing the GCMS interface with the 'Employment Details' tab selected. The layout and tabs are the same. However, the 'DETAILS' section now includes an additional field 'Valid To' and a 'Reason for Refusal' field. The 'JOB DETAILS' section now includes a 'Requirements' field. The '3rd PARTY CONTACT INFO' section now includes 'Fax #' and 'E-mail' fields. The 'EMPLOYER' section remains the same. The 'DETAILS' section also includes a 'Decision' field. The 'JOB DETAILS' section includes 'Type of Request', 'Duration', 'Hours of Work', 'Hours Per', 'Wage', 'Benefits', and 'Duties'. The '3rd PARTY CONTACT INFO' section includes 'Name', 'Company', 'Address', 'City', 'Province/State', 'Postal/Zip/Other Code', 'Country', 'Phone #', 'Fax #', and 'E-mail'.

## **WORK PERMITS: NOC 7511 Truck Drivers**

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- 7) Clients will almost always submit IELTS test results as evidence of their English language ability. Please be sure to verify the test results online as IELTS fraud, including the substitution of test taker photo and use of an imposter is relatively common. That said, if results are valid, high IELTS scores are not required for this profession. As reference, the language benchmark for the BC Provincial Nominee program under Entry Level and Semi-Skilled (ELSS) category, which includes long-haul truck drivers, is a minimum score equal to or greater than a benchmark 4 under the Canadian Language Benchmark in all four competencies. The conversion chart for IELTS is:

## WORK PERMITS: NOC 7511 Truck Drivers

International English Language Testing System (IELTS) – General Training – Test score equivalency chart

CLB Level	Reading	Writing	Listening	Speaking
10	8.0	7.5	8.5	7.5
9	7.0	7.0	8.0	7.0
8	6.5	6.5	7.5	6.5
7	6.0	6.0	6.0	6.0
6	5.0	5.5	5.5	5.5
5	4.0	5.0	5.0	5.0
4	3.5	4.0	4.5	4.0

### OTHER CONSIDERATIONS/TRENDS

### DOCUMENTS REQUIRED

- ✓ **LMIA:** Valid LMIA that lists client's name and date of birth.
- ✓ **T13:** provincial nomination certificate.

**Both types of applications should also include:**

- ✓ **Offer of Employment:** Offer of employment should list employment location, duties to be performed, wage, and hours of work.



## WORK PERMITS: NOC 7511 Truck Drivers

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- ✓ **Employment reference letter and other evidence of previous employment.**
- ✓ **Valid Medicals**
- ✓ **Educational documents/IELTS**

### **A40 PFLs for Concerns Regarding Genuineness of Job Offer**

Enter concerns in GCMS notes regarding size of employer/genuineness of job offer and request company documents.

*Sample note:*

Concerns offer of employment may not be genuine.

For PFL:

I have concerns that your employment offer may not be genuine due to the company size of your potential employer. Specifically, I have concerns that your potential employer may not have the capacity to hire XX (number of positions on LMIA) additional temporary foreign workers as truck drivers.

To assess this application, you are required to provide the following documents pertaining to your potential employer. Please request these documents and information from your employer:

1. Please indicate the total number of trucks owned and operated by your company.
2. Please indicate the total number of truck drivers employed full-time with your company and the reasons for seeking an additional XX (number of positions on LMIA) temporary foreign workers as truck drivers.
3. Please identify the recruiters you have engaged in India to recruit the applicant(s) and provide a detailed description of the recruitment steps you have followed to identify the applicant(s) as suitable for the employment offered. Please also state your reasons for having been reasonably satisfied the applicant(s) is/are able to perform the job duties and is/are sincerely motivated to report for work and fulfill the terms of their employment contract. Also include any due diligence you have exercised to satisfy yourself the applicant(s) can be relied upon to fulfill the terms of

## WORK PERMITS: NOC 7511 Truck Drivers

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their visa status as a temporary foreign worker and any precautionary steps followed by you to promote and encourage visa compliance.

4. Provide a description of your business, including but not limited to, the size of your current business and a brief history of operations, the address(es) where business operations take place, the goods or services produced by your business, the type of business ownership with the names of the owners, and include the number of temporary foreign workers you have employed annually over the last three years in comparison to non-foreign workers for the same period.

5. Your business registration.

6. Your most recent unaudited financial statement.

7. Your business notices of assessment from Revenue Canada for the last 3 years (include T4 Summary of Remuneration Paid and T2 Schedule 100/125).

8. An organizational chart of your business including job titles and the names of the individuals occupying each position.

9. Evidence the employer contribution to the employment insurance (EI) plan has been made for each employee as well as Workers' Compensation Clearance Letter.

10. A list of your major customers including supporting materials such as sales contracts and accounts receivable.

11. A list of your major suppliers including supporting materials such as purchase contracts and accounts payable.

30 days to reply

Once response to PFL is received:

- 1)
- 2) If satisfied with response to PFL, move towards an approval.
- 3) If not satisfied with response, you may recommend misrep.

## WORK PERMITS: NOC 7511 Truck Drivers

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### APPROVALS

*Sample note:*

PA seeking LMIA based WP to work for

PA's previous refusal for same purpose noted.

Satisfied LMIA/Eligibility requirements met. Approved.

### WP USER REMARKS

The following are remarks to be entered in the User Remarks field of the permit once the case has been finalized: *WP for two years.*

**Validity date of visa:** End date of employment contract, or validity of passport, whichever comes first.

**Control documents status:**

- Counterfoil = Generate
- Permit = Authorized

### REFUSALS

- Refusing on genuineness of job offer

If you have sufficient information about the potential employer either on file or in the § and are able to determine that the company would not be reasonably capable of fulfilling the terms listed in the Offer of Employment / Employment Contract, the application can be refused based on the genuineness of offer.

*Sample note for refusals based on genuineness of offer:*

- 1) Response to PFL reviewed.

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## WORK PERMITS: NOC 7511 Truck Drivers

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concerns regarding genuineness of job offer were outlined in PFL sent to PA. Business documents pertaining to potential employer were requested in order to assess size of company and necessity of hiring Temporary Foreign Workers.

Based on employment offer on file,

This does not appear to be a reasonable business expense increase.  
. I therefore conclude that the applicant's job

## WORK PERMITS: NOC 7511 Truck Drivers

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offer is inconsistent with the reasonable employment needs of the employer as described in R200(5)(b). I am not satisfied that this is a genuine job offer as per R200(1)(c)(ii.1)(A) as the potential employer does not appear to be reasonably capable of fulfilling the terms of the offer of employment. Application refused as per R200(5)(b)/R200(1)(c)(ii.1)(A).

## WORK PERMITS: NOC 7511 Truck Drivers

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Based on the documents on file, I am not satisfied that this is a genuine job offer as per R200(1)(c)(ii.1)(A) as the potential employer does not appear to be reasonably capable of fulfilling the terms of the offer of employment. Application refused.

- Refusing on R200(3)(a) – applicant's ability to fulfill duties

There have been mixed outcomes following Judicial Review of applications refused based on the applicant's language ability.

*Sample note for refusals based on language ability:*

IELTS noted. PA has overall band score of 5.0 (modest user), however IELTS reading band is 4.0. **According to the IELTS website, a band score of 4 indicates a "limited user" and further describes band 4:** Your basic competence is limited to familiar situations. You frequently show problems in understanding and expression. You are not able to use complex language. <https://takeielts.britishcouncil.org/teach-ielts/test-information/scores-explained>

I am not satisfied that PA has sufficient level of **English language** ability to perform the job adequately as PA would be required to read driving manuals, driving forms etc. while in Canada.

For applicants applying from Abu Dhabi or with truck driver experience in Abu Dhabi, the applicant should provide a UAE Traffic Clearance Certificate to prove that they were not responsible for any traffic violations.

*Sample note for refusals based on failure to provide UAE Traffic Clearance Certificate:*

The applicant has provided a Police Clearance certificate however he has not provided any evidence to show if he has had any traffic violations in the UAE during the course of his employment. I consider that being able to assess the applicant's level of adherence to the traffic rules and regulations of the UAE is an important factor in determining the likelihood of the applicant adhering to the traffic rules and regulations of Canada, and therefore whether he can perform the work sought and in a way which does not put the safety of Canadians at risk.

## WORK PERMITS: NOC 7511 Truck Drivers

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### RECOMMENDING MISREP

Following review of the applicant's response to the PFL, if you are not satisfied the job offer is genuine, you may recommend misrepresentation to the SWU Manager. Navigate to the Admissibilites – Misrepresentation tab and change the misrep activity status to Recommend Misrepresentation. Assign this activity to the SWU Manager. Enter your recommendation notes in GCMS.

*Sample note:*

Response to PFL reviewed.

therefore conclude that the applicant's job offer is inconsistent with the reasonable employment needs of the employer as described in R200(5)(b). I am not satisfied that this is a genuine job

## **WORK PERMITS: NOC 7511 Truck Drivers**

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offer as per R200(1)(c)(ii.1)(A) as the potential employer does not appear to be reasonably capable of fulfilling the terms of the offer of employment. Eligibility failed.

Furthermore, based on the information on file and the response to the PFL, I am of the opinion that the PA has submitted a non-genuine job offer in order to obtain status in Canada and that the misrepresentation of this material fact could have induced errors in the administration of the Act.

I am forwarding this application to the senior officer for further review of misrepresentation.