

Canadian Experience Class

Express Entry Processing

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Canadian Experience Class

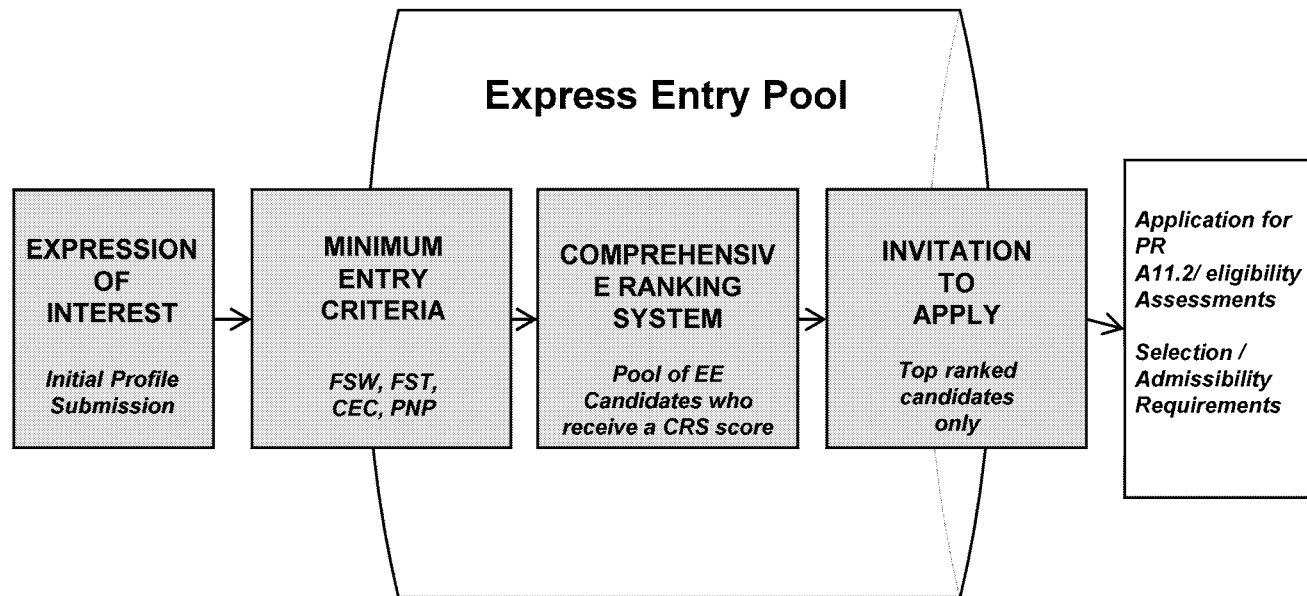
History & Objectives

Launched in September 2008, the Canadian Experience Class (CEC) aims to facilitate the transition from temporary to permanent residence for certain temporary foreign workers and foreign nationals who studied in Canada. Specifically, it aims to:

- Attract more temporary foreign workers and international students to Canada and retain them as permanent residents
- Improve immigrant outcomes by selecting individuals best positioned for successful labour market integration
 - Immigrants with good language skills, and with Canadian study and work experience integrate more successfully into the labour market
- Encourage more dispersed settlement patterns, thereby better meeting regional labour market needs
- International students and temporary foreign workers are more geographically dispersed than other immigrants

Express Entry launched 1 January 2015

Express Entry Flow Chart



RELEVANT LEGISLATION FOR CANADIAN EXPERIENCE CLASS

IRPA:

- Regulation 87.1

MINISTERIAL INSTRUCTIONS:

- <http://www.cic.gc.ca/english/department/mi/express-entry.asp>
- Express Entry: Assessing an electronic application on section A11.2 (ci.gc.ca)

CIO review

CIO Notes

- Languages – third party verification
- Education – third party verification
- Police certificates
- Age – if between the time of submission and time of review, points for age can drop and making him ineligible for that round – Officer can apply A25.2(1) to exempt the client of meeting this requirement
- Flag any concerns

Canadian Experience Class Eligibility Requirements

Member of the Class

87.1 (1) For the purposes of subsection 12(2) of the Act, the Canadian experience class is prescribed as a class of persons who may become permanent residents on the basis of their **ability to become economically established in Canada, their experience in Canada, and their intention to reside in a province other than the Province of Quebec.**

- *A12(2) 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.*
- Based on jurisprudence (Dhaliwal, 2016 FC 131), it is an error in law for the Officer to require the Applicant to immediately live outside Quebec. The Court cites that this is not a requirement that has been articulated in the Act or the Regs or any program guidelines and therefore, the Applicant need only have the intention to do so.

Canadian Experience Class Eligibility Requirements

Member of the Class

R87.1(2) A foreign national is a member of the Canadian experience class if

(a) they have acquired **in Canada, within the three years** before the date on which their application for permanent residence is made, **at least one year of full-time work experience**, or the equivalent in part-time work experience, **in one or more occupations**, other than a restricted occupation, that are listed in TEER Category 0, 1, 2 or 3 of the National Occupational Classification;

- Qualifying period is three years before LOCK IN (Application received date)
- Employment does not need be continuous, nor acquired with the same employer
- Part-time equivalent is a total of at least 1560 hours.
- **NOC TEER 0** (management occupations such as rest. managers, fin. managers, etc.) or
- **NOC TEER 1** (professional jobs that usually need a degree from a university, such Software engineers, financial advisors) or
- **NOC TEER 2** (Occ. that usually require college diploma, apprenticeship training of 2+ years or supervisory occ., Medical lab technologists,)
- **NOC TEER 3** (Occ. that usually require college diploma, apprenticeship training of -2 years or more than 6 months on-the-job training, such as Bakers or dental assistants)

Employment letter

Dated letter

Signed by manager or HR – includes their contact info

Letter head, company logo, company address

Confirm declared work period

Salary and or pay slips

Full-time or part-time

Job description or job title to confirm the NOC

Other documents: contract, job offer, tax record...

What is Canadian Work?

- Canadian Work Experience is employment acquired in Canada
- Work overseas for a Canadian employer **does not** count
- Work for a foreign employer that occurs inside Canada **does** count
- Experience must be acquired via a third party employer in Canada
- Must be paid work including paid wages or earned commission. We don't count volunteer work or unpaid internships.
- For part-time work, you can work more or less than 15 hours/week as long as it adds up to 1,560 hours. You can work more than 1 part-time job to get the hours you need to apply.
- We don't count any hours you work above 30 hours/week.
- See Item 15 of Ministerial Instructions for full definition of Canadian Work Experience

What does not count as Canadian work experience

- you're a refugee claimant in Canada
- Unauthorized work includes any period where the applicant was without status, any period of status that was subject to restoration, or any period during which the applicant was subject to a Removal Order.
- Self-employment and work experience gained while you were a full-time student (even if you were on a co-op work term) **doesn't count** towards the minimum requirements for this program.
- A temporary resident permit (TRP) confers temporary resident status and as such, employment acquired while authorized on a TRP can be included in calculating a period of work experience.
 - Employment which occurs after applicant completed their program of study **can be included** in calculating a period of work experience pursuant to R186(w).
 - Employment which occurs during regular study breaks shall not be included.

Canadian Experience Class Eligibility Requirements

R87.1(2) A foreign national is a member of the Canadian experience class if

(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;

- If the Officer is not satisfied that applicant performed the **lead statement**, application may be refused.

Note: The “Employment Requirements” listed in the NOC occupational description are not applicable; however, **if the applicant does not meet any of the employment requirements**, it is reasonable for the officer to have doubts about the applicant’s ability to perform the actions described in the lead statement for that occupation.

Canadian Experience Class Eligibility Requirements

R87.1(2) A foreign national is a member of the Canadian experience class if

(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**;

- Officer must be satisfied that applicant performed skills consistent with the level and type of employment indicated (i.e., Restaurant Supervisors must have supervised other employees in a restaurant environment).
- When duties under the occupational description start with a “may”, this is not a mandatory duty of the NOC code.
- Wordings of the duties performed doesn't have to be the exact words from the NOC duties, what we need to ensure is that the duties performed translate into the duties indicated under the declared NOC
- It can be helpful to look at the applicant's wage and the prevailing wage listed on the job bank market report. If they are different, further verification of their employment could be required.

Canadian Experience Class Eligibility Requirements

R87.1(2) A foreign national is a member of the Canadian experience class if

(d) they have had their proficiency in the **English or French language** evaluated by an organization or institution that is designated under subsection 74(3) using a language test that is approved under that subsection, the results of which must indicate that the **foreign national has met the applicable threshold** that is fixed by the Minister under subsection 74(1) for each of the four language skill areas; and

NOC TEER	Minimum level for all four language abilities (English)	Minimum level for all four language abilities (French)
TEER 0 or 1	CLB 7	NCLC 7
TEER 2 or 3	CLB 5	NCLC 5

Note: Test results reflected in the applicant's Express Entry profile **must not be more than two years old on the day they apply** for permanent residence.

Canadian Experience Class

Minimum Entry Criteria (MEC) Considerations

R87.1(3) For the purposes of subsection (2):

(b) any period of **self-employment** or unauthorized work shall not be included in calculating a period of work experience; and

- Canadian employers are responsible for deducting and remitting Canada Pension Plan (CPP) contributions, Employment Insurance (EI) premiums, and income tax. The T4 slip is therefore key documentary evidence for the vast majority of CEC applicants to demonstrate that they were in an employer-employee work relationship. Other documents to look for: record or letter of employment from the Canadian employer, work contracts and pay stubs, Notices of Assessment.

FOREIGN WORK EXPERIENCE

- (a) is acquired by a foreign national outside Canada in one or more occupations listed in TEER Category 0, 1, 2 or 3 of the National Occupational Classification;
- (b) consists of full-time work experience, or the full-time equivalent for part-time work experience, with one or more employers;
- (c) is acquired within the **10-year period** prior to lock in date
- (d) is remunerated by the payment of wages or a commission

Contrary to Canadian work experience foreign work experience under self employment and performed during full time studies can qualify

- Foreign work experience during full time studies can qualify but further documentation may be required if they're claiming they were studying and working full-time
- Additionally, further documentation may be required when the applicant is alleging they were a manager for their foreign work experience, but the applicant had only just completed their high school diploma and does not have previous work experience/education in relevant field, further verification may be needed when claiming work for a family run company
- Unlike Canadian work experience, we can't rely on wages for foreign work experience since each country has a different standard of living/minimum salary and payment in cash can be common

See Item 25 of the Ministerial Instructions for full definition

Comprehensive Ranking System

CORE POINTS/HUMAN CAPITAL (UP TO 600PTS)	ADDITIONAL POINTS (UP TO 600PTS)
<ol style="list-style-type: none"> 1. Skills & experience 2. Spouse or common-law partner factors 3. Skills transferability 	<ol style="list-style-type: none"> 1. Canadian educational certificates 2. Valid job offer 3. Provincial or territorial nomination 4. CC / PR brother or sister living in Canada 5. Strong French language skills

CRS points are automatically calculated under the EE eligibility tab in GCMS and therefore do not need to be memorized and no calculation is required by Officers however it is important to understand how the applicant can lose 5 points.

CRS SCORE BREAKDOWN

Example of an Invitation to Apply – based on a single 31 year old citizen of UK who came to Canada on a SP, obtained their Masters Degree and then worked for 2 years in Canada on a Post Graduate Work Permit

Express Entry Criteria

CRS – Human Capital – Age	99/110	31 years old
CRS – Human Capital – Level of Education	135/150	
CRS – Human Capital – First Official Language	136/160	CELPIP level 11
CRS – Human Capital – Second Official Language	0/24	
CRS – Human Capital – Canadian Work Experience	53/ 80	2 years Cdn work exp
CRS – Spouse – Level of Education	0/10	
CRS – Spouse – First Official Language Proficiency	0/20	
CRS – Spouse – Canadian Work Experience	0/10	
CRS – Skill Transferability – Education	50/50	Language score plus masters
CRS – Skill Transferability – Foreign Work Experience	50/50	
CRS – Skill Transferability – Certificate of Qualification	0/50	
CRS – Additional – French Proficiency or Bilingualism	0/50	
CRS – Additional – PR or Canadian Sibling	0/15	
CRS – Additional – Canadian Education	30/30	Masters Degree in Canada
CRS – Additional – Arranged Employment	0/200	
CRS – Additional – Provincial/Territorial Nomination	0/600	

Overall points score 503

<https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry/eligibility/criteria-comprehensive-ranking-system/grid.html>

Comprehensive Ranking System

When reviewing an application, processing offices must determine if

- the applicant possesses the qualifications that they declared in their e-APR, as corroborated by the applicant's supporting documentation; and
- when the applicant submits their e-APR, the information provided in their Express Entry profile has not materially changed to the degree that the applicant would not have been issued an ITA in that round of invitations.

Example: An applicant may claim points for 2 years of Canadian Work Experience and be awarded 53 points as per Ministerial Instructions (MI) Item 15(a)(iii) but the documents submitted only confirm 1 year of Canadian work experience. Therefore they are only eligible for 40 points as per MI15(a)(iii), this loss on 13 points could be integral to meeting the minimum entry score for their round in invitation.

Changes can occur between ITA and APR, for example: at the time of ITA, the applicant had 1 year of foreign experience however by the time they submitted the application, their experience was 9 months (less than a year) and they did not have sufficient points to be eligible to apply under that round.

Refusals on eligibility can be on R87- not meeting minimum eligibility requirements or on under A11.2 as the applicant's CRS score dropping below minimum entry criteria for their round of invitation, i.e. rejection of foreign employment

Arranged Employment (50 or 200 points)

- A valid job offer has to be:
- made by one employer
- continuous
- paid
- full-time (at least 30 hours a week)
- not seasonal
- for at least one year after we issue your permanent resident visa
- in a job that is listed in TEER category 0,1,2 or 3.

Note: 200 CRS points for an offer of employment in a **Major Group 00 NOC**.

Jurisprudence on arranged employment:

- <https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/417861/index.do?q=ministerial+instructions+26>
- <https://decisions.fct-cf.gc.ca/fc-cf/decisions/en/item/223928/index.do?q=ministerial+instructions+certificate+of+qualification>

Arranged employment

- It also must be made :
- by an employer with a new positive LMIA that approves the offer and names you and your position **OR**
- if you're currently working in Canada in an occupation that is listed in TEER Category 0, 1, 2 or 3, on a work permit that was issued based on an LMIA, and:
 - you're working for an employer listed on your work permit
 - you're authorized to work in Canada on the day you apply for a permanent resident visa, and when the visa is issued
 - your current employer made you an offer to give you a full-time job for at least one year if you're accepted as a permanent resident **OR**
- if you have a valid work permit in an occupation listed in TEER category 0,1, 2 or 3 and is exempt from needing an LMIA, and you:
 - are currently working for an employer specified on the work permit
 - have one year of full-time work experience (or an equal amount of part-time work) for that employer
 - have a valid job offer from that employer for at least one year after we issue your permanent resident visa
- See Item 29 of Ministerial Instructions and IRPA 82(1)

Certificate of qualification- 50 points

- Certificate of qualifications are province specific
<https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry/eligibility/skilled-trades.html#provinces>
- Ministerial Instructions state that it must be a “trade occupation issued by a competent provincial or federal authority” [MI 26 (1)] so you’ll have to go to every province’s website and cross-reference with the list.

Examples:

- BC’s trade occupation list: <https://www.itabc.ca/discover-apprenticeship-programs/search-programs>
- Alberta’s trade occupation list: <https://tradesecrets.alberta.ca/trades-occupations/trades-occupations-list/>
- Manitoba’s trade occupation list:
<https://www.gov.mb.ca/wd/apprenticeship/discover/mbtrades/index.html>

Adaptability points

Adaptability			
Client Age:	110	110	
Client is Bilingual or is Proficient in French:	0	0	
Relative is a Sibling in Canada:	0	0	

Relatives in Canada You, or your spouse or common-law partner, have a relative who is:

- living in Canada
- 18 years or older and
- a Canadian citizen or permanent resident

This relative must be a:

- parent
- grandparent
- child
- grandchild
- your or your spouse's sibling (child of your or your spouse's parent)
- your or your spouse's aunt or uncle (by blood or marriage)
- your or your spouse's niece or nephew (grandchild of your or your spouse's parent)

Changes to applicant family status during process

- When an applicant submits an e-APR, the information in their application is locked, and their CRS score at the time of their application is recorded in GCMS.
- If spouses are listed as non accompanying, PA receives points as if they are single. If, however, an applicant changes their mind and chooses to have their spouse accompany them after they submit their e-APR, then informs IRCC, the change in circumstance cannot be taken into account as part of the section A11.2 assessment.
- An applicant may have a birthday after they receive an ITA but before they submit their e-APR. Age is locked in at ITA, therefore if the birthday causes a lower CRS, this is not a concern for refusal. Officer applies A25.
- Applicants may add on spouses or newborn children during the processing of their application, if marriage occurs after ITA and before APR, Officers do re-calculate the CRS score
- If marriage date is after APR submissions but before landing, CRS points are not re-calculated.

Canadian Experience Class

Making a Decision – Express Entry

CEC is a category with clear up-front requirements

- Onus is on the applicant to provide sufficient evidence to satisfy the officer that their claimed employment is true. There are no specific requirements for what information must be submitted.
 - Examples of supporting evidence include: Detailed reference letters, Income tax documents, Educational or Professional transcripts
- Eligibility should be Passed:
 - When the officer is satisfied on balance of probabilities that the applicant meets the Minimum Entry Criteria, and has maintained their invitation CRS score.
- Refusal:
 - Application should be refused when the officer is NOT satisfied on balance of probabilities that the applicant meets the Minimum Entry Criteria.

Note that generally H&C requests are not considered as part of the eligibility assessments of Express Entry applications

As per A25(1) exceptions

(1.2) The Minister may not examine the request if

(a) the foreign national has already made such a request and the request is pending;

(a.1) the request is for an exemption from any of the criteria or obligations of Division 0.1; Division 0.1 applies to categories where an invitation to apply is given, thus including CECs.

Applicant may request H&C against admissibility requirements
(having a valid passport, medical, criminality, etc.)

Canadian Experience Class: Minimum Entry Criteria

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Canadian Experience Class: Minimum Entry Criteria

To complete an assessment under A11.2 of IRPA, you must assess the principal applicant against each of the following requirements to determine whether they meet the Minimum Entry Criteria (MEC) for the CEC program:

- **Qualifying skilled work experience in Canada (1 year within the last 3)**
- **Temporary resident status**
- Official language proficiency (determined by the NOC level)
- Intending to live outside the province of Quebec*

*Intent to reside: Applicants will indicate within their Express Entry application where they intend to reside when they become a permanent resident. If you have concerns about the applicant's intention to reside in a province other than Quebec, the file should be referred to an officer for review. Keep in mind that an applicant's experience (either prior or current) in a province does not necessarily denote an intention to live there in the future.

Language ability

Applicants must show that they meet the requirements in English or French by including the test results when they complete their Express Entry profile. Test results **must not be more than two years old on the day they apply** for permanent residence or they will need to retake the test.

If the skilled work experience in Canada is in a:

- ***NOC 0 or A job**, the minimum level is **CLB 7 (English)** or **NCLC 7 (French)**.
- ***NOC B job**, the minimum level is **CLB 5 (English)** or **NCLC 5 (French)**.

Language test equivalency charts:

- <http://cicintranet.ci.gc.ca/connexion/tools-outils/language-langage/charts-tableaux-eng.aspx>

Qualifying Work Experience

The remainder of this document will focus on requirements for qualifying work experience use to meet minimum entry criteria (MEC) for the Canadian Experience Class, including determining whether work experience is authorized, and whether the applicant has the required TR status.

Note: The A11.2 assessment also includes an evaluation and calculation of CRS points, as with all applications submitted via Express Entry. Points are also awarded on the CRS point grid for work experience both in Canada and foreign work (MI, S. 15, 22, 23, & 24). Requirements for work eligible for CRS points are included in the Appendix. Foreign work experience cannot be included for to meet MEC for the CEC program, but may be awarded CRS points. See [Appendix B](#) for a summary of CRS points awarded for work experience.

Work Experience Requirements: CEC MEC (R87.1):

- Work experience must be gained within Canada
- 1 year in the 3 years prior to APR
- Full-time work* (or equivalent in part time)
- Any occupation, or combination of one or more occupations – NOC 0, A and B levels
- Actions in the lead statement of the NOC; Substantial number of the main duties of the NOC
- Periods of self-employment may NOT be counted
- Periods of work during full-time study (including co-op program) may NOT be counted
- Work must be authorized under a work permit or other regulatory authority
- Applicant must maintain valid TR status during the period(s) of work experience

R87.1 Canadian Experience Class

(2) A foreign national is a member of the Canadian experience class if

(a) they have acquired in Canada, within the three years before the date on which their application for permanent residence is made, at least one year of full-time work experience, or the equivalent in part-time work experience, in one or more occupations that are listed in Skill Type 0 Management Occupations or Skill Level A or B of the National Occupational Classification matrix, exclusive of restricted occupations; and

(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;

(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;

(d) they have had their proficiency in the English or French language evaluated by an organization or institution that is designated, using an approved language test, the results of which must indicate that the foreign national has met the applicable threshold that is fixed by the Minister under subsection 74(1) for each of the four language skill areas; and

(e) in the case where they have acquired the work experience referred to in paragraph (a) in more than one occupation, they meet the threshold for proficiency in the English or French language, fixed by the Minister under subsection 74(1), for the occupation in which they have acquired the greater amount of work experience in the three years referred to in paragraph (a).

(3) For the purposes of subsection (2),

(a) any period of employment during which the foreign national was engaged in full-time study shall not be included in calculating a period of work experience;

(b) any period of self-employment or unauthorized work shall not be included in calculating a period of work experience; and

(c) the foreign national must have had temporary resident status during their period of work experience.

Qualifying Work Experience

“Status” and “authorization” are separate in the Immigration and Refugee Protection Act (IRPA). Work included to meet the MEC for CEC must be authorized work, and it must be performed while the applicant has valid TR status. A foreign national may be authorized to work and not have TR status.

Definition of “work” [R2]

“Work” is defined in the Regulations as an activity for which wages are paid or commission is earned, or that competes directly with activities of Canadian citizens or permanent residents in the Canadian labour market [R2].

Authorized Work

Work may be authorized for foreign nationals in Canada either with a work permit, or through another regulatory authority. Work permits may be issued to either visa-required or visa-exempt foreign nationals. Work permits may be employer-driven, based on a Labour Market Impact Assessment (LMIA), or they may be LMIA-exempt. Some temporary residents may be authorized to work without a work permit in certain situations. Keep in mind that work experience gained through co-op work permits, off-campus work permits while a full-time student and on-campus work permits, does not meet the requirements for CEC. Whether work is performed with or without a work permit, you must ensure both that the work period was authorized AND that the foreign national held temporary resident status at the time.

Employee vs. self-employed

In determining whether an applicant under the CEC was an employee or a self-employed individual during their period of qualifying work experience in Canada, you should consider factors such as:

- the degree of the worker’s control or autonomy in terms of how and when work is performed, and the method(s) used to do the work;
- whether the worker owns and/or provides tools and equipment to accomplish the work;
- the degree to which the worker has to perform the work personally and whether the worker has the option of subcontracting work or hiring others to help and assist with completing the work;
- the degree of financial risk assumed by the worker, including whether the worker is required to make any investment in order to complete the work or provide the service and whether the worker is free to make business decisions that affect his/her ability to realize a profit or incur a loss (as opposed to the opportunity to earn commissions or other productivity bonuses); and
- any other relevant factors, such as written contracts.

Additional details regarding each of the above factors, and indicators that can be used when determining whether an individual is an employee or self-employed, are available in the *Employee or Self-employed?* CRA guide.

Determination of the degree of control can be difficult when examining the employment of professionals such as engineers, physicians and information technology consultants. Given their expertise and specialized training, they may need little or no specific direction in their daily activities. When examining the factor of control, it is necessary to focus on both the payer's control over the worker's daily activities, and the payer's influence over the worker. There are also certain occupations in which individuals may be either self-employed or in an employer-employee relationship depending on the specific circumstances of their employment. More information on the determination of a worker's employment status for a number of specific employment categories is available on the CRA website.

Generally speaking, consultants/contractors are considered to be self-employed individuals in a "contract for services" business relationship. For example, independent contractors in the financial, real estate and business service industries. Similarly, individuals who hold substantial ownership and/or exercise management control of a business for which they are also employed are generally considered to be self-employed.

Each application under the CEC is to be considered on its own merits, with a final decision based on a review of all the information available to the officer at the time of decision. No one piece of evidence substantiating work experience is to be taken as "conclusive" evidence. The final decision as to the employment status of the applicant for the purposes of meeting CEC requirements rests with the officer at the time of assessment. If you have concerns that the applicant may be self-employed and you are unable to make a determination on your own, refer the file to program support.

Duration of Work: Calculation of One Year

You must ensure work experience is acquired **in Canada, through authorized employment by a third party**. To determine whether the applicant has the requisite work experience, the main duties listed in the letters from the employer are assessed and compared against the information in the **National Occupational Classification (NOC) website**. However, the work experience assessment is not based on the Letters of Employment exclusively; the entire file, including employment letters and supporting documents, must be reviewed to satisfy you that the applicant has performed the actions described in the lead statement, and a substantial number of the main duties of the occupation. Note: the applicant's educational and personal history background may also be a factor in making a **positive** assessment of work experience. However, deficiencies in education and personal background should not be used to disqualify work experience claimed.

Applicants must have at least **12 months** of full-time, Canadian skilled work experience (or the equivalent in part-time work experience) in one or more NOC O, A or B occupations within the 36 months before the date of application receipt [R87.1(2)(a)]. Full-time work experience means working at least 30 paid hours per week. Part-time work may be included as long as the applicant has gained the equivalent amount of experience as someone who worked full-time for at least one year (1560 hours).

Work experience does not need to be continuous to qualify, but the period of 12 months of required employment does not include any extended breaks in employment, periods of unemployment, prolonged sickness or parental leave. An allowance for a reasonable period of vacation time will generally be made in calculating the period of qualifying work experience (e.g., a two-week period of paid vacation leave within a given 52-week period in which the applicant was engaged in qualifying work

experience). An allowance for normal vacation time during a period of qualifying work experience cannot be used as a substitute or proxy for meeting the in-Canada element of the work experience requirement (i.e. work experience obtained outside Canada will not be considered as though the applicant had been on a period of vacation in order to be counted as part of the period of in-Canada work experience). While officers will account for a reasonable period of vacation time in calculating the period of qualifying work experience in Canada, each application is considered on its own merits with a final decision based on a review of all the information available to the officer at the time of decision.

During the period of employment, an officer must be satisfied that the applicant “performed the actions described in the lead statement for the occupation(s); and “performed a substantial number of the main duties of the occupation(s)”. Any period of employment when the applicant was engaged in full-time study will not be included in calculating the period of qualifying work experience (ie. work through co-op work permits, off-campus work permits while a full-time student and on-campus work permits). Officers should verify the work permit information in GCMS to ensure there are no concerns.

Principal applicants are requested to provide documentary evidence of their work experience in Canada through a combination of: a copy of their most recent work permit (unless they are work-permit exempt), copies of their most recent T4 tax information slips and Notice of Assessment (NOA) issued by the Canada Revenue Agency (CRA) or a sufficient combination of other supporting documentation, and employer letters of reference for all periods of qualifying work experience claimed in the application.

Canadian employers are responsible for deducting and remitting Canada Pension Plan (CPP) contributions, Employment Insurance (EI) premiums, and income tax from remuneration or other amounts they pay to their employees to the CRA. They must also provide employees with a record of their remuneration and deductions in the form of a T4 tax information slip. The T4 slip is therefore key documentary evidence for the vast majority of CEC applicants to demonstrate that they were in an employer-employee work relationship during their period of qualifying work experience in Canada.

However, there is no obligation under the regulations that CEC applicants provide a T4 tax information slip or NOA specifically with their application, and these particular documents cannot be considered conclusive evidence or the only evidence accepted for the purposes of substantiating whether an applicant has qualifying Canadian work experience. As such, in the absence of a T4 tax information slip or NOA, documents which may help substantiate the applicant’s work experience in Canada could include a record or letter of employment from the Canadian employer, work contracts and pay stubs.

In all cases, the onus is on the applicant to establish that they meet the CEC program criteria at the time of their application. All applicants are required to provide satisfactory evidence of their work experience in Canada, including the fact that they were in an employer-employee relationship during their period of qualifying work experience.