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Caceres.Lucy

From: Immigration Representatives / Représentants immigration (IRCC)
Sent: February 16, 2018 4:30 PM
To:
Cc: Immigration Representatives / Représentants immigration (IRCC)
Subject: FW: Express Entry - Arranged Employment points - REP-2018-0098

Good afternoon,

Two hypothetical situations:

- 1) Candidate on an open work permit for a Canadian employer in a NOC 0, A or B position and has worked for one year for the employer. Switched over to an LMIA work permit in the same position and same employer. Is the candidate eligible for the 50-200 points immediately upon switching to the closed work permit or must the candidate wait for 1 year of work on that closed work permit before being eligible for the 50 points?

Provided that the candidate is able to demonstrate that they meet the definition of section 29(2)(a)(i) of the Ministerial Instructions (MIs) respecting to the Express Entry System that the offer is supported by a valid LMIA assessment AND that the requirements set out in subsection 203(1) of the Regulations with respect to the offer have been met, the candidate would be assigned the points for having a qualifying offer of arranged employment. There does not exist a requirement that the applicant must wait for 1 year of work on the closed work permit as long as he meets the 1 year. An applicant with a valid job offer by an employer with a new positive LMIA may receive the 200 additional points for arranged employment in a NOC 00 or 50 points in NOC A or B .

- 2) Candidate on an LMIA-exempt, employer specific work permit in NOC 0 for one year. Employer signs an offer letter for the candidate offering him/her a position in a NOC 00 level upon receipt of Permanent Residence status. Without having worked in the NOC 00 position for one year for the same employer, is the candidate eligible to receive 200 points for arranged employment? Assuming they meet the qualifications for the NOC 00 job offer and have the relevant experience, can they get 200 points based on a job offer for a NOC 00 position, while currently working in a closed work permit in a NOC 0?

The LMIA exemption as noted in the MIs, only states that the applicant must have a job offer for the same employer for which they were previously employed while under the LMIA-exempt work permit. There does not exist a requirement that the applicant must be working in the same occupation for their future job offer. Provided that there was no break in between employment authorization while the foreign national worked with this same employer, an applicant may receive the 200 additional points for arranged employment without having acquired previous work experience in a NOC 00, and also without having to work one year in the new NOC.

The officer will assess all supported documentation provided in the application. However, the onus remains on the applicant to satisfy the officer that the job offer is reasonable and they possess the appropriate qualifications to be able to undertake a higher skilled position.

We trust this information will assist you.

Sincerely,