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From: Immigration Representatives / Représentants immigration (IRCC)

Mail received time: Thu, 25 Feb 2021 13:28:34

Sent: Thu, 25 Feb 2021 13:28:34

To:

Cc: Immigration Representatives / Représentants immigration (IRCC)

Subject: FW: Express Entry FSW - MEC - "Continuous" Work and Teachers -- REP-2020-2921

Sensitivity: Normal

Good Day,

Thank you for your email correspondence to Immigration, Refugees and Citizenship Canada's Immigration Representatives mailbox. We appreciate your patience.

Question: To meet the MEC under the Express Entry FSW category, one must have accumulated, over a continuous period, at least 1 year of paid, full-time work experience (or the equivalent in part time work) in their primary occupation that is skill type O, A or B within the last 10 years.

It is well known that primary teachers work for 9-10 months of the year and then are off work for scheduled summer breaks. I believe that these scheduled summer breaks can make it difficult for teachers to prove the minimum 1 year continuous paid requirement to qualify for FSW.

Where an American teacher does not have a formal contract clearly stating the term of employment, would providing a letter from the school stating that he/she was employed on a year-round basis with scheduled breaks for the summer (or that his/her term of employment was considered 1 entire year) plus evidence of pay stubs issued continuously all year (including throughout the scheduled summer break) be sufficient to prove the 1 year continuous paid requirement to qualify for FSW?

Presumably the law was not written with the intent to automatically disqualify teachers from ever qualifying under FSW because of the fact that they have scheduled summer breaks.

Answer: To meet the minimum work experience criteria for the Federal Skilled Worker (FSW) program, the applicant must have accumulated at least one year of continuous full-time (or the equivalent in part-time) paid work experience in a skilled occupation listed in Skill Type O, or Skill Level A or B of the National Occupational Classification (NOC), as per R75(2)(a) of the Immigration and Refugee Protection Act. To answer your question, if a teacher is able to demonstrate that they are a permanent full-time teacher, where summer and winter breaks were considered paid vacation with full pay or income averaging, work experience should be entered continuously for the number of years worked. Please be advised that the assessment of an application is based on a case-by-case basis, considering the particular circumstances in conjunction with the supporting documentation available to the officer. The onus is always on the applicant to provide sufficient documentation to satisfy an officer that they meet the requirements.

We trust that this information will assist you.

Sincerely,

Immigration Representatives Mailbox

From:

Sent: February 9, 2021 1:27 PM

To: Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC@cic.gc.ca>

Subject: Express Entry FSW - MEC - "Continuous" Work and Teachers

Dear ImmReps,

I am a lawyer in Ontario - # Thank you in advance for your assistance.

To meet the MEC under the Express Entry FSW category, one must have accumulated, **over a continuous period**, at least 1 year of paid, full-time work experience (or the equivalent in part time work) in their primary occupation that is skill type O, A or B within the last 10 years.

It is well known that primary teachers work for 9-10 months of the year and then are off work for scheduled summer breaks. I believe that these scheduled summer breaks can make it difficult for teachers to prove the minimum 1 year **continuous** paid requirement to qualify for FSW.

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Presumably the law was not written with the intent to automatically disqualify teachers from ever qualifying under FSW because of the fact that they have scheduled summer breaks.

Thank you very much,