

Nesrallah.Joseph

From: Lemire.Robyn
Sent: April 23, 2015 1:53 PM
To: ImmigrationRepresentatives
Cc: Kennedy.Elizabeth; Acheson.John; Imonikhe.Solomon; Kates.Adam
Subject: Approved Response - Urgent Inquiry on Definition of Primary occupation in e-CEC Application - REP-2015-2027

Categories: cc

Following is the approved response to the below query:

Dear |

Thank you for your email correspondence to Citizenship and Immigration Canada's Immigration Representatives mailbox.

As indicated in the below response, if an applicant has work experience in both NOC 0, A or NOC B occupations, the applicant must satisfy the officer that they meet the minimum language proficiency threshold for the skill type/level in which they have obtained most (i.e., more than half) of their qualifying work experience in accordance with paragraph 87.1(2)(e) of the *Immigration and Refugee Protection Regulations*. If your client has acquired a greater amount of work experience in NOC B, then the minimum level is CLB 5.

If an application for permanent residency is refused for failing to meet the minimum entry requirements or the specific program requirements, the applicant will **not** be banned from re-applying for any period. Only applicants that are found to be inadmissible for misrepresentation are banned from applying for permanent resident status for a period of five years, in the case of a determination outside Canada, or, in the case of a determination in Canada, the date the removal order is enforced.

We hope this information will assist you. Once again, thank you for your email and for your interest in Express Entry.

Sincerely,

Immigration Representatives Inbox

From: Kennedy.Elizabeth
Sent: April 23, 2015 11:01 AM
To: Lemire.Robyn; Acheson.John
Cc: Imonikhe.Solomon; Kates.Adam
Subject: RE: Urgent Inquiry on Definition of Primary occupation in e-CEC Application - REP-2015-2027

Robyn,
Could you please draft a reply to this follow-up question?

Elizabeth Kennedy
NHQ - Operational Management and Coordination | AC - Gestion opérationnelle et coordination
Citizenship and Immigration Canada | Citoyenneté et Immigration Canada
360 Laurier Avenue West Ottawa ON K1A 1L1 | 360 avenue Laurier Ouest Ottawa ON K1A 1L1
Office | Bureau NAR D982
Elizabeth.Kennedy@cic.gc.ca
Telephone | Téléphone 613-437-7137
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Government of Canada | Gouvernement du Canada

From: ImmigrationRepresentatives
Sent: April 23, 2015 9:14 AM

To: Acheson.John; Kennedy.Elizabeth
Cc: ImmigrationRepresentatives; Imonikhe.Solomon; Kates.Adam
Subject: FW: Urgent Inquiry on Definition of Primary occupation in e-CEC Application - REP-2015-2027

Good morning,

A follow-up query for action please.

Thanks,

Miriam Katz
NHQ - Operational Management and Coordination | AC - Gestion opérationnelle et coordination
Citizenship and Immigration Canada | Citoyenneté et Immigration Canada
365 Laurier Avenue West Ottawa ON K1A 1L1 | 365, avenue Laurier Ouest Ottawa ON K1A 1L1
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Telephone | Téléphone 613-437-7177
Facsimile | Télécopieur 613-957-1317
Government of Canada | Gouvernement du Canada

From:
Sent: April 22, 2015 9:09 PM
To: ImmigrationRepresentatives
Subject: RE: Urgent Inquiry on Definition of Primary occupation in e-CEC Application - REP-2015-2027

Dear Sir/Madam:

I sincerely thank your prompt and substantial response. I wish to ask a follow-up question as the client have worked more as an NOC-B occupation (more than half of the entire Canadian skilled work experience) than as an NOC-0 occupation, at the time of submission.

If the client submits a CEC application, his NOC-0 occupation's work experience will exceed the NOC-B occupation's work experience while the application is being processed. The client fears possible refusal on the basis of not meeting minimum language proficiency requirement if a program officer determines that CLB 7 is required, contrary to the information you have provided and the client's claim on length of each work experience.

CIC indicates that refused CEC applicants due to misrepresentation, may be barred from applying PR for five years; however I have not been able to find information on refused CEC application for failing to meet program eligibility and requirements and length of the ban on the applicants.

In case the client's CEC application is refused for failing to meet minimum language proficiency requirement, will the person be subject to a ban from applying?, If yes how long would it be valid for?

Out of desperation, I again seek your informed guidance as the client has only handful days left to make a decision; submission or decline of ITA. In the time of increasing inquiries to CIC, I respectfully email this question.

Kind Regards,

----- Original Message -----

Subject: RE: Urgent Inquiry on Definition of Primary occupation in e-CEC
Applicaition - REP-2015-2027

From:

Date: Wed, April 22, 2015 2:16 pm

To: "ImmigrationRepresentatives" <ImmigrationRepresentatives@cic.gc.ca>

My sincere appreciation to your prompt and definite response.

Many RCICs had wondered about having different skilled experience in Canada and minimum language skill requirements. I will share this response with them, and advise my client accordingly as well.

Thank you,

----- Original Message -----

Subject: Urgent Inquiry on Definition of Primary occupation in e-CEC
Applicaition - REP-2015-2027

From: ImmigrationRepresentatives <ImmigrationRepresentatives@cic.gc.ca>

Date: Wed, April 22, 2015 1:56 pm

To: "

Cc: ImmigrationRepresentatives <ImmigrationRepresentatives@cic.gc.ca>

Dear

Thank you for your email correspondence to Citizenship and Immigration Canada's Immigration Representatives mailbox.

When completing an Express Entry profile, all candidates are asked to identify a "primary occupation", as this information is used to assess whether a candidate's work experience meets the minimum entry criteria for the Federal Skilled Worker Program and the Federal Skilled Trades Program, both of which require a minimum period of qualifying work experience in the primary skilled occupation/trade declared by the candidate.

For the CEC Program, however, the work experience chosen as the "primary occupation" has no impact on meeting the minimum entry criteria. Candidates will receive the maximum number of points in the Comprehensive Ranking System for which they are entitled for all declared skilled work experience in NOC 0, A or B occupations.

But please keep in mind that the candidate must demonstrate that they meet the minimum language proficiency requirements for the occupational skill type/level for which they have obtained most (i.e., more than half) of their qualifying work experience. For NOC 0 or A, the minimum level is CLB 7, and for NOC B, the minimum level is CLB 5. The candidate's language test results must be submitted with their application for permanent residence, and the results cannot be more than two years old from the date of application.

We hope this information will assist you. Once again, thank you for your email and for your interest in Express Entry.

Sincerely,
Immigration Representatives Inbox

Government of Canada | Gouvernement du Canada

From: [REDACTED]
Sent: April 20, 2015 9:52 PM
To: ImmigrationRepresentatives
Subject: Urgent Inquiry on Definition of Primary occupation in e-CEC Application - REP-2015-2027 - Due by May 18

Dear Sir/Madam:

My name is [REDACTED] representing a CEC application under Express Entry.

I submit an urgent and critical question in regard to this CEC application. Please respond to this inquiry as soon as possible, within a few days, as there are less than 7 days remaining to submit the application or decline the ITA.

The following is the brief introduction of the client containing the relevant information to the inquiry:

- 1) Worked as an NOC-B occupation for over a year between 2013 and 2014 with an LMO based work permit
- 2) Worked as an NOC-0 occupation for over a year since early 2014 with an LMO based work permit
- 3) Received a CELPIP score higher than CLB 5 but lower than CLB 7
- 4) Declared the NOC-B level occupation as the primary occupation in the profile and the e-CEC application
- 5) The valid job offer is based on the NOC-0 occupation as it is the current job of the client

Having declared NOC-B occupation as the primary occupation, the client received an ITA with CELPIP score less than CLB 7 but higher than CLB 5. If the primary occupation must be the NOC-0 occupation, then this application will be refused on the basis of failing to meet the minimum eligibility criteria (MEC).

Uncertain about the definition of the primary occupation in a CEC application, I have searched CIC's website, the Act, and the Regulation, the OP manual. Out of desperation, I seek clear guidance from CIC, as it will have profound impact on my client's application.

Having represented PR applications previously, I am aware of the overwhelming administrative burden CIC experiences frequently. This is especially true after launch of the Express Entry early this year. I would greatly appreciate your prompt response on this specific inquiry. Please contact me

Best Regards,