

**Archived:** December 22, 2021 11:36:23 AM  
**From:** Immigration Representatives / Représentants immigration (IRCC)  
**Mail received time:** Thu, 8 Jul 2021 14:21:52  
**Sent:** Thu, 8 Jul 2021 14:21:52  
**To:**  
**Cc:** Immigration Representatives / Représentants immigration (IRCC)  
**Subject:** FW: General Queries -- REP-2021-0368  
**Sensitivity:** Normal

---

Good Day,

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

Question:

My name is \_\_\_\_\_ registered in good standing with ICCRC.

My client has two years of Canadian work experience as a Religious Worker (NOC 4217) on an employer-specific work permit. There are employment periods when he did not receive any direct payment from the employer. According to Buddhist precepts, direct payment is not allowed. Instead, the employer had paid all necessary expenses including international and local transportation, meals, accommodation, medical expenses, and any other expenses.

My questions are as follows:

1. Will my client's Canadian work experience be qualified work experience under Express Entry- Canadian Experience Class (CEC), in terms of the fact that he has received no direct payment from the employer?

Answer: No. For the purposes of Skilled Workers under Economic Classes (Division 1 of Part 6 of the *Immigration and Refugee Protection Regulations*), the definition of work which applies is that defined in subsection 73(2) of the Regulations (included below).

**Definition of work for the Division 1 Skilled Workers of the *Immigration and Refugee Protection Regulations***

**73(2)** For the purposes of this Division, **work** means an activity for which wages are paid or commission is earned.

2. Are there any specific requirements for forms of payment regarding qualifying work experience under CEC? Will indirectly paid work experience be regarded as paid work experience under CEC?

Answer: Applicants applying through the Express Entry application management system must meet the requirements of one of the Federal Economic Classes managed through Express Entry. Work experience in all three classes must meet the definition of subsection 73(2) of the Immigration and Refugee Protection Regulations (IRPR), which states that work means an activity for which wages are paid or commission is earned. The deliberate phrasing of 73(2) and the use of "wages or commissions" generally **excludes** grants, stipends, and in-kind remuneration.

Wages and commissions are commonly understood to be monetary compensation, from an employer to an employee, for performing an activity. The onus is on the applicant to demonstrate that they were paid wages or commissions for that activity.

3. If my client is ineligible under CEC while he still wants to apply to CEC using his current work experience, will he be

eligible to apply for H&C exemption?

Answer: The foreign national cannot request Humanitarian and compassionate considerations to overcome the eligibility requirements for one of the Federal Economic Classes managed through Express Entry as a result of Section 25(1.2)(a.1) of the Immigration and Refugee Protection Act which states the Minister may not examine the request if the request is for an exemption from any of the criteria or obligations of Division 0.1. Experience which does not meet the definition of skilled work, including the requirement that it be paid, should not be included in your client's Express Entry profile. We trust that this information will assist you.

Sincerely,

Immigration Representatives Mailbox

**From:**

**Sent:** March 30, 2021 3:48 PM

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

**Subject:** General Queries

Dear Sir or Madam,

My name is  
with ICCRC.

registered in good standing

My client has two years of Canadian work experience as a Religious Worker (NOC 4217) on an employer-specific work permit. There are employment periods when he did not receive any direct payment from the employer. According to precepts, direct payment is not allowed. Instead, the employer had paid all necessary expenses including international and local transportation, meals, accommodation, medical expenses, and any other expenses.

My questions are as follows:

1. Will my client's Canadian work experience be qualified work experience under Express Entry- Canadian Experience Class (CEC), in terms of the fact that he has received no direct payment from the employer?
2. Are there any specific requirements for forms of payment regarding qualifying work experience under CEC? Will indirectly paid work experience be regarded as paid work experience under CEC?
3. If my client is ineligible under CEC while he still wants to apply to CEC using his current work experience, will he be eligible to apply for H&C exemption?

Kind regards,