



# Immigration Law News

Robert Young

## *Canada's Bondo Buggy*

**A**s a teenager, I owned a car that was a horrible rust bucket. Every few months I would “bondo” over the holes in the chassis. My car became caked with layer upon layer of this gray sealer. I should have either bought the proper replacement parts or scrapped the car and bought another one, but I was too cheap and too lazy to do the job properly.

On November 28, 2008, the Minister of Citizenship and Immigration finally announced the changes to the Skilled Worker Program first dropped on our laps in mid-March. All Skilled Worker applications submitted after February 27, 2008 were frozen pending the issuance of the new rules. I don't understand the Minister's thinking. The new rules were supposed to speed up processing. There are apparently over 600,000 skilled worker applications waiting worldwide to be processed. I don't understand how freezing processing for ten months while the Minister figures out what the new rules are going to be helps with processing speeds. I thought that if you are going to announce changes, you would have the new rules ready.

The new rules add a new layer of procedures to skilled worker applica-

tions. Up until February 27, 2008 successful skilled worker applicants had to aggregate a certain number of points when their personal attributes were assessed on a grid. This was called the “points system”. The main items on the grid were “education”, “language skills”, “work experience”, “age” and whether or not the applicant had a job “arranged” in Canada. It was a complicated process. I am understating things when I say that these applications contain many traps for the unwary.

Unless the person is already studying or working here under the appropriate permits, all skilled worker applications are now sent to Sydney, Nova Scotia for preliminary processing. There, the application is assessed to see whether or not the applicant:

1. has an offer of “arranged employment” (that means that a Canadian employer has petitioned the federal government for permission to hire the person);
2. is from someone living legally in Canada for one year as a foreign worker or international student; or
3. has at least one year of work experience under one of thirty-eight listed occupations (there are two other positive categories but they don't affect people coming to Ontario).

If the applicant meets one of these

criteria the application is allowed to proceed further and is sent to the Canadian visa post dealing with their home country for processing under the “points system”. The new procedures are designed solely to screen out applications.

The choice of occupations on the “occupations list” is interesting. The list is heavily weighted towards occupations in health care, heavy construction and mineral extraction. This is an indication of the “timeliness” of the new rules. The federal government is about three months behind the worldwide collapse in mineral and metal prices. I would be very surprised if the federal government updated this list very often.

The secret to coming to Canada now therefore appears to be first to either find an employer in Canada who is willing to apply for permission to hire you, or to study here for one or two years before applying. Only then can a person access the skilled worker program and/or new Canadian Experience Class. ■

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