

Now You Can Hire Foreign Workers Through Express Entry



Recently we updated you on changes to the Canadian immigration system that targets bringing foreign workers seeking to become Permanent Residents of Canada. This new system called “Express Entry” launched on January 1, 2015 and the first round of immigrants available through this program will be getting an Invitation to Apply (ITA) for a Permanent Residency (PR) by the end of January.

What Remains the Same?

Express Entry is the system that now exists to facilitate entry to Canada under three existing economic class permanent resident categories:

- Federal Skills Workers (FSW)
- Federal Skilled Trades Program (FSTP)
- Canadian Experience Class (CEC)

These categories remain essentially intact but with some changes.

The Provincial Nominee Programs (and the Quebec Selection Program) remain intact and are separate from these programs.

What is Changing?

One of the changes to note is that Express Entry does not utilize job category lists and/or admissions caps. For example under the previous FSW system specific jobs were designated as eligible for entry to Canada and immigrant applicants were required to have experience in these specific occupations. Additionally caps or quotas were placed on certain occupations and once those caps were reached no more immigrants could apply under those categories. A key change to the system is that the lists and the caps/quotas have been eliminated. For FSW all applicants under the NOC code 0, A or B categories will be eligible.

No More FIFO

Under the previous economic immigrant application system a process of first in-first out (FIFO) was applied to entry and acceptance of immigrants. Under the Express Entry program interested immigrants apply to Express Entry and remain in the database for one year. Every few weeks, beginning at the end of January, the government will select applicants from this pool based on their points and send those immigrants an 'invitation to apply'. These immigrants may or may not have a job offer. Their points are determined by an applicants 'Human Capital' factors and a job offer. A job offer will not be required before receiving the invitation to apply but having a job offer and satisfying other criterion (such as an English language assessment) will guarantee an Invitation To Apply (ITA).

No More Minimum Ranking

The new Express Entry CRS (Comprehensive Ranking System) is a fluid ranking system. This means that applicants are not ranked against a certain points score (as was the case in the old system) but ranked relative to others in the applicant pool. As a result there is no threshold for a minimum ranking (although there remain clear requirements to obtain a PR such as a criminal background screening and health screening). This means that some applicants who score poorly may sit in the database for sometime unless they find a way to obtain additional points.

Employers Take Note of the LMIA

A key change that employers need to take note of is the strengthening of the requirement for the LMIA (Labour Market Impact Assessment). Previously it could be possible for an individual who was working with an organization already on a non-LMIA work permit to get credit for "arranged employment" (this could include an intra-company transfer or NAFTA professional). This is no longer an option without the LMIA. The result of this is essentially that the government is forcing employers to demonstrate that they have first tried to locate a Canadian worker before filling the position with a foreign worker. This reduces the opportunities for non-LMIA based candidates to secure jobs unless the organization can prove there are no qualified and interested Canadian's available and includes if the person is currently doing the job.

One of the primary goals of Express Entry is to speed up the process for bringing a qualified Immigrant into Canada to join the labour force and become a Permanent Resident.

Key Take-Aways for Employers

- The LMIA has become a key component of bringing workers into your organization. Your current foreign employees (for example intra-company transfers) will no longer directly qualify based on a secured offer of employment unless the job has an LMIA
- Although speed of this process is a goal of Express Entry potential employees still need to complete several time consuming processes such as completing a language assessment and obtaining their ECA (education credentials assessments) to facilitate the Express Entry process. Once a potential employee has a job offer and is in Express entry they only have 60 days to accept the invitation to apply. The Language assessment and ECA may be completed within 60 days but due to backlogs this may not always be

feasible.

- Include the Express Entry database and LMIA as components of your recruitment programs and if you identify potential employees point the in the direction of the Express Entry database.
- Both Manitoba and Nova Scotia have announced that they will harmonize their Provincial Nominee Programs with the new Express Entry program.
- Organizations like Skills International and Actyl Group are opening services to provide services to Canadian employers seeking to source employees and seeking assistance to navigate the Express Entry process.

Express Entry may change the way many Canadian employers meet their hiring need moving ahead. The Canadian government has recognized the need to attract and bring in permanently skills foreign workers and is attempting to do this by focussing on the needs of employers to make this process happen quickly and to enable the needs of Canadian employers to drive the hiring agenda. Time will tell how well and how quickly Canadian employers embrace the potential to hire skilled employees through the Express Entry program.

For more information visit Hire Permanent Workers on the Government of Canada Website or join the governments Employer Liaison Network (ELN)