

Permanent Resident Status



Each year over a million permanent resident applications are received by Canadian Visa offices around the world. As Canada has been consistently ranked as one of the best countries in the world to live, it is not surprising that it would be such a desirable destination for people looking for opportunities and a high quality of life. Canada offers newcomers a strong, stable economy, skilled, satisfying careers and employment, excellent business and investment opportunities, artistic, creative and educational endeavors, a democratic, non-discriminatory, peaceful and fair-minded society, vibrant, cosmopolitan, cultural cities and a natural environment breathtaking in its beauty and majesty.

Thus, the issuance of permanent resident status in Canada is for many a dream come true. Unfortunately, although many apply, not all are successful. Dale & Lessmann LLP's Immigration Practice Group, with its extensive expertise and success rate in assisting clients in obtaining permanent resident and temporary resident status, can be of significant assistance to you in presenting your application for Canadian permanent residence while minimizing the inconveniences, delays and uncertainties generally associated with the immigration process.

Below, we outline, in general terms, several permanent resident categories under which foreign nationals may apply under in order to become permanent residents of Canada.

1. THE CANADIAN EXPERIENCE CLASS

Effective September of 2008, the Canadian government introduced a new type of application for permanent residence called the Canadian Experience Class ("CEC"). The CEC was established in a bid to retain top talent from abroad and overcome the longer processing delays many applicants experience when applying for permanent residence status under the Federal Skilled Worker Program. This class of application allows temporary foreign workers with **at least two years of work experience** in Canada to apply for permanent resident status on a fast-tracked basis (8-12 months) without having to leave Canada during the application process.

While the CEC offers many distinct advantages to foreign nationals who have experience working or studying in Canada, it is important to note that many factors must be taken into consideration when applying under this immigration category. Factors such as education, skill-level, language ability and current immigration status are some of the considerations you must be aware of before undertaking an application under the CEC. Therefore, it is advisable to have your current

circumstances and relevant history assessed by a qualified advisor before filing an application for permanent residence under the CEC.

2. FEDERAL SKILLED WORKERS

Under the Federal Skilled Worker Program, skilled workers are selected as permanent residents based on their education, work experience, knowledge of English and/or French, and other criteria that have been shown to help them become economically established in Canada. The eligibility of applicants is assessed on the basis of six selection factors: education; language ability; work experience; age; arranged employment; and adaptability. The applicant may be awarded points in each category referenced above and has to reach a minimum of 67 points to meet the requirements of a skilled worker. It is important to note that obtaining or exceeding 67 points does not necessarily guarantee the granting of permanent residence as the final decision is still up to the discretion of the reviewing officer and is contingent on police clearances and a medical examination.

While processing times under the Federal Skilled Worker Program are generally longer than that of the CEC, the program is beneficial to applicants who lack the prerequisite work or study experience necessary to apply under the CEC. The Federal Skilled Worker Category is one of the longest running programs under Canadian Immigration Law and facilitates the entry of thousands of foreign workers to Canada every year. However, due to the ever-changing economic landscape, the Federal Skilled Worker program has undergone, and continues to undergo, many important changes to its framework, changes that may affect an applicant's ability to qualify under the program. Therefore, it is extremely important that you familiarize yourself with the requirements of the Federal Skilled Worker Program in order to ensure that you are eligible to apply.

3. THE BUSINESS IMMIGRATION PROGRAM – SELF-EMPLOYED, ENTREPRENEUR AND INVESTOR PROGRAMS

The Business Immigration Program, which is comprised of self-employed persons, entrepreneurs and investors, was created in order to (i) promote economic development and employment by attracting people with capital, business acumen and entrepreneurial skills; (ii) develop new commercial opportunities and to improve access to growing foreign markets by "importing" people who are familiar with those markets and their special requirements and customs; and (iii) to support provincial and territorial economic objectives.

The Business Immigration Program is ideal for those applicants that wish to pursue business objectives and opportunities in the Canadian marketplace. The Business Immigration Program has become increasingly more popular amongst foreign nationals immigrating to Canada due to Canada's tremendous renewable energy resources and growing renewable energy sector industry. Furthermore, applications under the Business Immigration Program receive priority processing, resulting in significantly shorter wait times of approximately 6-8 months.

4. FAMILY CLASS AND SPOUSAL SPONSORSHIP

A sponsor must enter into a written agreement with the Canadian government to support their spouse or common-law partner for a period of three years, and dependent children or members of the family class (mother, father, grandparents) for ten years upon the issuance of permanent resident status. Furthermore, you and your family must also comply with all other applicable requirements required for permanent residence in Canada.

Given Canada's objectives with respect to family reunification, the sponsorship category is among the most popular and well-known categories of Canadian Immigration Law. Canadian citizens or permanent residents may sponsor certain family members who are citizens of other countries to immigrate to Canada as permanent residents. Within the framework of the sponsorship category, two classes exist, those that wish to sponsor a member of the family class (parents, grandparents, and adopted children) and those that wish to sponsor a spouse, common-law partner or dependent child. Eligible sponsors must enter into a written agreement with the Canadian government indicating that they will provide financial support to their spouse or common-law partner for a period of three years, and dependent children or members of the family class for ten years upon the issuance of permanent resident status.

Generally speaking, processing times under the Spousal class are quicker than those applications filed under the Family Class; although, processing times can be affected by geographic location. One should take great care when considering filing a sponsorship application as incomplete or improper applications can have a detrimental effect on you, your family and your future in Canada.

5. PROVINCIAL NOMINEE PROGRAM

In order to apply under the Provincial Nominee Program ("PNP"), applicants must be nominated by a Canadian province or territory and must demonstrate their ability to make an immediate economic contribution to the Province they wish to immigrate to. Furthermore, selection and qualification criteria vary from province to province so it is important to familiarize yourself with the requirements mandated by the Province you wish to reside in. Ontario, for example, requires the employer to initiate the application process by submitting a pre-screening application to Ontario PNP, whereas Saskatchewan processes PNP applicants based on an applicant's individual merit. Also note that not every Province of Canada participates in the PNP. Upon selection by a Province, the applicant must still file a permanent resident application based on Canadian immigration regulations; however, Provincial Nominee applications are processed at a much quicker rate than most other permanent resident categories, approximately 6-8 months.

Due to the many advantages offered by the PNP to those interested in working and living in a specific province of Canada, it is estimated that provincial nominations will double in number over the next few years.

6. CONCLUSION

The preparation and filing of an application for permanent residence under any of the aforementioned categories should be undertaken carefully in order to avoid excessive processing times and impairing your future goals within Canada. Each situation should be understood and carefully assessed to ensure that the most appropriate immigration strategy is adopted based on your skill-set, purpose of entry and any long-term goals you may have in Canada.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

Article by [Sven Walker](#) and [Garth B. Dingwall](#)
[Dale & Lessmann LLP](#)