Immigration Update Changes to the Express Entry System and Electronic Travel Authorization Reminder

June 20, 2017

Immigration, Refugees and Citizenship Canada ("IRCC") implemented changes to the Express Entry system on November 19, 2016. These changes were part of the government's targeted improvements to support Canada's Global Skills Strategy. New Ministerial instructions were released that amended the Comprehensive Ranking System ("CRS") point allocation scheme. Although some of these allocations may be considered a welcome change by some applicants and increase their likelihood of receiving an Invitation to Apply ("ITA") for permanent residence, the changes can have adverse effects on other applicants.

Following criticism from the Canadian Chamber of Commerce and the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, the Express Entry system was changed in several ways. In particular, the Labour Market Impact Assessment ("LMIA") process was viewed as unusable for many employers and made it difficult to attract high-skilled workers. One of the problems identified was the fact that the system did not recognize newcomers who were already employed in Canada but without an LMIA. Some of the more significant changes included the following:

1. Eligible candidates in Canada on LMIA-exempt employer specific work permits who have accumulated at least 1 year of work experience with the same employer may be awarded more points. This includes candidates who are here under the North American Free Trade Agreement (NAFTA) or who are intra-company transferees.
2. The points awarded for having a qualifying job offer supported by an LMIA were reduced from 600 points. A total of 50 points are now awarded to candidates with a valid job offer in a National Occupational Classification (NOC) 0, A or B occupation, while a total of 200 points are now awarded to candidates with a valid job offer in a NOC 00 occupation (i.e., executive / senior management workers).
3. Additional points are awarded to international students who completed their studies in Canada above high school. The CRS now awards a foreign national 15 points for a one- or two-year post-secondary diploma or certificate and 30 points

for a post-secondary degree, diploma or certificate of three years or more, or for a Master's, entry-to-practice professional or doctoral degree.
4. Job offers now only need to be a minimum of 1 year in duration after a visa for permanent residence is issued.
5. Candidates will now have 90 days to submit their supporting documents after they receive an ITA for permanent residence, up from 60 days.

Please contact your BLG Business Immigration Lawyer for further details on how these amendments may impact your company's operations.

To review a full set of these changes, please visit: https://gazette.gc.ca/rp-pr/p1/2016/2016-11-12/html/notice-avis-eng.php#na1

Electronic Travel Authorization ("eTA")

This is a reminder that the leniency period is now over for the electronic Travel Authorization ("eTA") entry requirement. This leniency period, which was originally set to end on September 29, 2016, was extended to give travellers and airlines more time to prepare for the changes. Effective November 9, 2016, visa exempt foreign nationals (including British citizens) who fly to or transit through Canada are required to have an eTA. Exceptions from this requirement include U.S. citizens and travellers with a valid Canadian visa. Canadian permanent residents cannot apply for an eTA and must show their permanent resident card or permanent resident travel document when travelling to Canada. Canadian citizens, including dual citizens, cannot apply for an eTA and need a valid Canadian passport to board their flight.

If a foreign national was issued a work permit or study permit before August 1, 2015 and their permit is still valid, they will need an eTA if they wish to enter or return to Canada by air. If a foreign national was issued a work permit or study permit extension and their permit is still valid, they may still need an eTA if they wish to enter or return to Canada by air. IRCC has indicated that an eTA is not automatically issued or renewed when someone extends their permit. A foreign national can apply for an eTA online on the Government of Canada's website.

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