

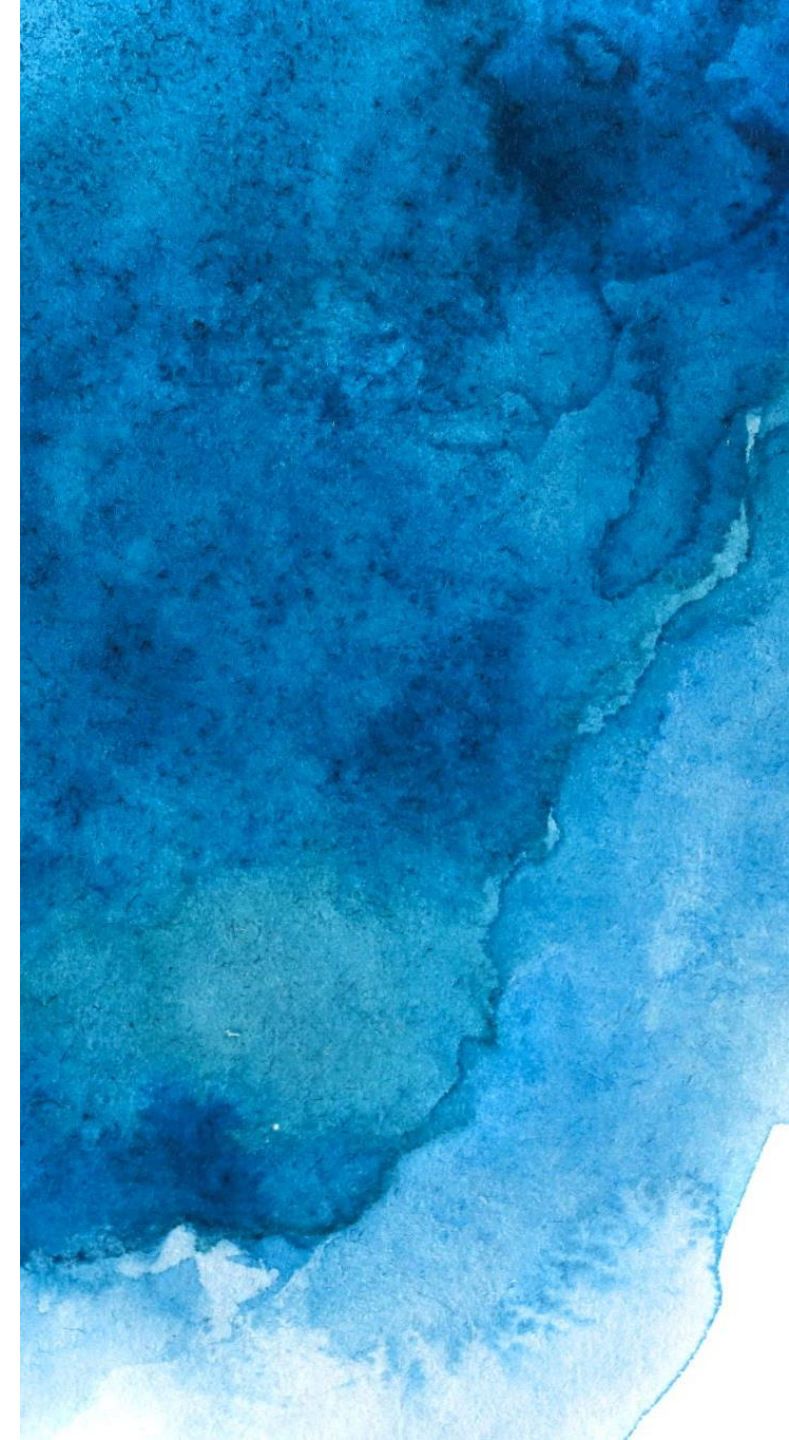


PATHWAYS TO PR AND WORK PERMITS FOR SKILLED TRADES WORKERS

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Agenda

1. Labour Market Impact Assessments for skilled trades
2. Ontario Immigrant Nominee Program for skilled trades
3. Federal Skilled Trades Program

LABOUR MARKET IMPACT ASSESSMENTS – Overview

- Finding NOC code
- Determining wage
- Advertising requirements
- Special considerations

Finding NOC code

- Search through NOCs and confirm TEER category: <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry/eligibility/find-national-occupation-code.html>
- Review each NOC at: <https://noc.esdc.gc.ca/Home/Welcome/4d655901c5a8499d8af705bb2a3aee03?GoCTemplateCulture=en-CA>
- Check employment requirements, including education and trade certification
- Explore different NOCs

Determining wage

- Search wage by NOC: <https://www.jobbank.gc.ca/trend-analysis/search-wages>
- Median wages (occupation vs provincial/territorial)
 - Job Bank median wage for occupation must be offered (updated in fall, usually November)
 - Provincial/territorial median wage determines LMIA stream:
<https://www.canada.ca/en/employment-social-development/services/foreign-workers/median-wage.html> (updated in spring, usually April)

Advertising requirements

- Different requirements for low-wage and high-wage LMIA's:
 - High-wage: <https://www.canada.ca/en/employment-social-development/services/foreign-workers/median-wage/high/requirements.html>
 - Low-wage: <https://www.canada.ca/en/employment-social-development/services/foreign-workers/median-wage/low/requirements.html>
- Requirements for PR-support LMIA follow high-wage / low-wage

Special considerations

- Licencing requirements (check NOC) – if trade certification is compulsory, worker(s) must have it
- Unionized positions
 - collective agreement prevails over median wage
 - submit copy of collective agreement
 - Include letter of no objection from union if possible



ONTARIO IMMIGRANT NOMINEE PROGRAM:

EE Skilled Trades & Employer Job Offer Targeted Skilled Trades Draws

Overview

- Ontario Immigrant Nominee Program: Express Entry – Skilled Trades
 - Program overview
 - Eligibility requirements
 - Application process

- Ontario Immigrant Nominee Program: Employer Job Offer – Foreign Worker (Skilled Trades Targeted Draws)
 - Program overview
 - Eligibility requirements
 - Application process

- Tips & Best Practices
 - NOC codes
 - Portals
 - Retainers



OINP: EXPRESS ENTRY – SKILLED TRADES

Program Overview

- The OINP EE Skilled Trades program is one of three Express Entry streams under the OINP that allows eligible foreign nationals to apply for permanent residence
- Applicants must have a valid profile in the Immigration, Refugees and Citizenship Canada's (IRCC's) Express Entry system **and** receive a Notification of Interest from Ontario before they can apply for a nomination certificate from the Ontario government

Eligibility Criteria

1. An active profile in the Express Entry pool of candidates
 - i. All prospective applicants under the OINP Skilled Trades stream must have an active profile in the Express Entry pool of candidates and will therefore need to be eligible under one of the Express Entry categories: Canadian Experience Class, the Federal Skilled Worker program, or the Federal Skilled Trades program
2. A Notification of Interest from the government of Ontario
 - i. The government of Ontario regularly conducts draws through their Express Entry streams and will send a notification of interest to candidates they wish to apply for a nomination certificate. This notification of interest will be received as a message through the candidate's Express Entry profile

SAMPLE NOTIFICATION OF INTEREST

Express Entry - Provincial/Territorial Interest Letter

Ontario would like to consider you under their Provincial Nominee Program (PNP)

Dear [REDACTED]

The Government of Ontario is interested in considering you for nomination under its Provincial Nominee Program (PNP) through Express Entry.

If you want Ontario to consider you for nomination under its PNP, **you must visit the website of Ontario after receiving this notification of interest. Note that this notification of interest is not a guarantee that you will be nominated by Ontario. You will first have to satisfy Ontario that you meet the requirements of their program.**

You can find general information about each province or territory's PNP program on the [IRCC website](#). You will also find a link to Ontario's PNP requirements and contact information.

What you should know before using this Notification of Interest to apply to a PNP through Express Entry:

- Your Notification of Interest (NOI) may be valid for a specific period of time. Check the website of the province or territory to confirm if there is a deadline to apply before your NOI expires;
- Some provinces and territories may post the date and details of the issuance of NOIs on their website. You may be able to confirm the stream under which you were invited by checking the NOI date;
- Some provinces and territories may have more than one Express Entry program or stream. Each program or stream has mandatory requirements that you must meet. Please check the applicable PNP website and application guides to ensure you meet the requirements of the program or stream under which you are being considered.
- Your NOI alone may not be sufficient to apply to all provinces and territories PNPs. You may be required to submit an initial expression of interest to the province or territory before you are formally invited to submit an application for a nomination. Please check the requirements of the specific province or territory;
- You must maintain an active Express Entry profile when applying to a PNP Express Entry program. You must also maintain an active profile while your application is being processed. Please ensure that you update your Express Entry profile if there are any changes (for example, language test results, employment history, etc.);
- If you choose to apply to the province or territory for nomination under the PNP program, make sure your application is complete, and all mandatory documents are provided.

Eligibility Criteria

1. Work experience
 - i. at least one year of cumulative paid full-time work experience (or the equivalent in paid part-time work) in Ontario Major Groups 72 (excluding occupations under transportation officers), 73, 82, 83, 93 (excluding aircraft assemblers and aircraft assembly inspectors) or Minor Group 6320 (excluding cooks)
2. Valid certificate or licence (if applicable)
 - i. If claiming work experience in a **compulsory trade**, the applicant hold a valid licence or certificate both at the time of application and for the period of work experience that is being used to meet the minimum one year of work experience in an eligible skilled trades occupation.
3. Current residence in Ontario and legal status in Canada
 - i. The applicant must live in Ontario and hold a valid work permit (or be on maintained status) when they apply for their nomination certificate

Eligibility Criteria

4. Language

- i. Minimum CLB 5 in all four tested areas
- ii. Accepted language tests
 - English: IELTS (general), CELPIP (general) Pearson Core
 - French: TEF, TCF

5. Settlement funds

- You can meet this requirement through one or a combination of any of the following:
 - funds as demonstrated by the balance listed in bank statements, or statements of accounts showing other investments such as non-locked in, fixed term deposits, mutual funds, etcetera
 - annual earnings from ongoing employment in Ontario
 - a job offer in Ontario

6. Intention to live in Ontario

Application Process & Timelines

1. Express Entry Profile Creation

- i. All applicants must have a valid Express Entry profile
- ii. Work experience declared in the Express Entry profile must be in one of the eligible NOC codes

2. Notification of Interest

- i. The province of Ontario issues notifications of interest after conducting a draw; the last draw at the time of this presentation was on March 1, 2024. Selected candidates have **45 calendar days** from the day they receive the notification of interest to submit a complete application for nomination to the government of Ontario

3. Receipt of Nomination Certificate from the government of Ontario

Application Process & Timelines

5. Express Entry Profile Update

- i. Upon receipt of the nomination certificate the applicant's Express Entry profile must be updated to indicate that they have a nomination certificate from a province, this will allocate an additional 600 points to their profile

6. Receipt of Invitation to Apply

- i. With the additional 600 points the applicant will most likely be picked up in the next EE round of invitations and upon receipt of the Invitation to Apply will have 60 days to submit a complete application for permanent residence to IRCC

7. Landing

- i. Once the application is processed, the applicant will land as a PR (either inland through portal or have PR visa issued in their passport if they have travelled outside of Canada)

**OINP: EMPLOYER JOB
OFFER – TARGETED
SKILLED TRADES DRAWS**

Overview

- The government of Ontario also conducts draws that targets applicants who have submitted Expressions of Interest to Ontario in either the Foreign Worker or the International Student streams and who have a job offer in a skilled trade NOC code
- Both the Employer Job Offer: Foreign Worker and Employer Job Offer: International Student streams of the OINP are non-express entry streams

Eligibility Criteria

- To be selected in a targeted skilled trades draw, applicants must have a valid Expression of Interest that has been submitted under either the Employer Job Offer: Foreign Worker or the Employer Job Offer: International Student stream
- Each draw conducted by the government of Ontario will have its own score cutoff and specific eligibility criteria with respect to eligible NOC code
- The most recent targeted skilled trades draw was on April 23, 2024 under the Employer Job Offer: Foreign worker stream and the minimum score cutoff was 53 . The full list of eligible NOC codes under this draw be found here: <https://www.ontario.ca/page/2024-ontario-immigrant-nominee-program-updates#April23-0>
- Prior to this, a draw was held on March 12, 2024 under the Employer Job Offer: International Student stream with a minimum score cutoff of 72. The full list of eligible NOC codes under this draw can be found here: <https://www.ontario.ca/page/2024-ontario-immigrant-nominee-program-updates#March12-0>

Application Process & Timelines

1. Expression of Interest

- i. Eligible applicants can create an Expression of Interest through the Ontario e-Filing portal under either the Employer Job Offer: Foreign Worker or Employer Job Offer: International Student stream

2. Receipt of Notification of Interest

- i. Upon conducting a targeted skilled trades draw in one of the above streams, applicants with sufficiently high scores will be issued a notification of interest and will subsequently have **14 calendar days** to submit a complete application for nomination

3. Receipt of Nomination Certificate from the government of Ontario

4. Application for Permanent Residence

- i. Once the nomination certificate is received, applicants will have six (6) months to submit an application for permanent residence

Tips & Best Practices

Portals: The Authorized Paid Representative Portal (APR), the OINP e-Filing Portal

- Choice of Web Browser: Chrome (for me) has been the most reliable but try every browser if experiencing issues on the first
- Stored Data in Browser: Clear cache/history regularly
- Time of day when attempting to use the Portals: some portals seem to work better either very early in the morning or after regular working hours
- Refresh the page: Hit the refresh button when an error message appears
- Screenshots: Take a screenshot of every page of online applications in the portals, this can be done by printing to pdf, or using the “Snip” tool, or saving to a Word or PDF document
- Time of Submission: Give yourself as much time as possible to prepare and file your application in the portal to accommodate for technical issues, also remember some application deadlines use Coordinated Universal Time

Tips & Best Practices

Managing client expectations/timelines

- Set clear documentation requirements from the beginning
- Begin document collection as early as possible
- Communicate realistic timelines – the OINP's stated timelines are often not accurate and they can take much longer to process nomination applications than what is posted online

FEDERAL SKILLED TRADES PROGRAM

Requirements:

- Experience (2 years in last 5 years)
- Job offer OR certificate of qualification
- Language ability

IRCC summary of FSTP: <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry/eligibility/skilled-trades.html>

FSTP: Skilled Trades NOC Groups

Work experience must be in one of the following:

- Major Group 72, technical trades and transportation officers and controllers
- excluding Sub-Major Group 726, transportation officers and controllers
- Major Group 73, general trades
- Major Group 82, supervisors in natural resources, agriculture and related production
- Major Group 83, occupations in natural resources and related production
- Major Group 92, processing, manufacturing and utilities supervisors, and utilities operators and controllers
- Major Group 93, central control and process operators and aircraft assembly assemblers and inspectors, excluding Sub-Major Group 932, aircraft assemblers and aircraft assembly inspectors
- Minor Group 6320, cooks, butchers and bakers
- Unit Group 62200, chefs

FSTP: Job offer

- Made by up to 2 employers (LMIA-based or LMIA-exempt if currently working on employer-specific work permit and have one year of work experience for that employer)
- Continuous, paid, full-time (at least 30 hours per week)
- For at least 1 year
- In skilled trade occupation

FSTP: Certificate of qualification

- Provincial/territorial or federal, depending on occupation
- Ontario has 23 compulsory trades (list on next slide)
- Resources for Ontario
 - <https://www.ontario.ca/page/work-your-profession-or-trade>
 - <https://www.skilledtradesontario.ca/>

Ontario compulsory trades

1. Alignment and Brakes Technician
2. Auto Body and Collision Damage Repairer
3. Auto Body Repairer
4. Automotive Electronic Accessory Technician
5. Automotive Service Technician
6. Electrician - Construction and Maintenance
7. Electrician - Domestic and Rural
8. Fuel and Electrical Systems Technician
9. Hairstylist
10. Hoisting Engineer - Mobile Crane Operator 1
11. Hoisting Engineer - Mobile Crane Operator 2
12. Hoisting Engineer - Tower Crane Operator
13. Motorcycle Technician
14. Plumbers
15. Refrigeration and Air Conditioning Systems Mechanics
16. Residential (Low Rise) Sheet Metal Installer
17. Residential Air Conditioning Systems Mechanic
18. Sheet Metal Worker
19. Sprinkler and Fire Protection Installer
20. Steamfitter
21. Transmission Technician
22. Truck and Coach Technician
23. Truck-Trailer Service Technician

Multiple employers

- Under Federal Skilled Trades Program, employment offer can be made by up to 2 employers
- 2 employers can apply for LMIA for skilled tradesperson – first employer completes LMIA application, second employer completes Schedule D

Retainer agreements

- How to structure retainers (one for employer, one for worker vs one for both employer and worker)
- Fee structure
 - Employer must pay for LMIA legal and processing fees
 - Employer can, but does not have to, pay for work permit / PR legal and processing fees (worker can pay)
 - Retainer(s) should specify who is paying for what
- Who is your client?
 - Joint retainers should address conflicts of interest and each party should sign joint retainer consent and acknowledgement
 - LSO resources: <https://lso.ca/lawyers/practice-supports-and-resources/topics/the-lawyer-client-relationship/joint-retainers>