

# Mobility: immigration alert

April 2021

## Canada

### Canada announces new pathway to permanent residence for essential services workers and international graduates

#### Executive summary

On 14 April 2021, Canada announced that it will grant permanent residence status to over 90,000 essential services workers and international graduates who are already in Canada, through a temporary accelerated pathway.

#### Background and analysis

The new pathway has three streams for temporary workers who have at least one-year of Canadian work experience in the health care or other selected essential occupations (including a number of low skilled occupations), and international students who have graduated from a Canadian post-secondary institution within the last four years. Further, there will also be a specific category, under the three streams, for French-speaking and bilingual candidates residing outside of Quebec.

With the exception of the French-speaking/bilingual categories, all three streams have an established quota: 20,000 for health care occupations, 30,000 for other selected essential occupations, and 40,000 for the International Students' stream. Canada will be accepting applications under the respective streams from 6 May 2021 up until 5 November 2021 or until the quotas have been reached.

The program also allows eligible accompanying family members (e.g., spouse, children) to be included in an application.

#### Eligibility requirements

Temporary workers in health care (specific occupations can be found here: [Annex A](#)):

- ▶ Hold at least one-year work experience in Canada in health care, in the three years preceding the application, and held valid work authorization
- ▶ Be presently employed in Canada in any occupation at the time of the application
- ▶ Meet language benchmark of at least CLB 4 in all four areas of either of the official language tests. Specifically, for the French-speaking/bilingual category, it must be the French test
- ▶ Be presently residing in Canada and hold valid status (or eligible to restore status) when application is submitted and approved
- ▶ Intend to reside in a province/territory outside of Quebec
- ▶ Not be medically or criminally inadmissible to Canada

Temporary workers in other selected essential occupations (specific occupations can be found here: [Annex B](#)):

- ▶ Hold at least one-year work experience in Canada in an occupation or combination of occupations listed in Annex B, OR a combination of Annex A and B, in the three years preceding the application, and held valid work authorization
- ▶ Be presently employed in Canada in any occupation at the time of the application
- ▶ Meet language benchmark of at least CLB 4 in all four areas of either of the official language tests. Specifically, for the French-speaking/bilingual category, it must be the French test
- ▶ Be presently residing in Canada and hold valid status (or eligible to restore status) when application is received and approved
- ▶ Intend to reside in a province/territory outside of Quebec
- ▶ Not be medically or criminally inadmissible to Canada

International graduates

- ▶ Completed a post-secondary program of study from a Designated Learning Institution in Canada and conferred: a degree (e.g., Associate, Bachelor's, Master's, or Doctorate) of at least eight months in duration; OR a degree, diploma, certificate or attestation for a program of any length, but which lead to an occupation listed in Annex A; OR one or more diploma, certificate or attestation for a program of at least eight months duration, where there is a combined length of program(s) equivalent to a two-year (16-months) credential
- ▶ Be presently employed in Canada with authorization to work and not self-employed (unless working as a medical doctor)
- ▶ Meet language benchmark of at least CLB 5 in all four areas of either of the official language tests. Specifically, for the French-speaking/bilingual category it must be the French test
- ▶ Be presently residing in Canada and hold valid status (or eligible to restore status) when application is received and approved
- ▶ Intend to reside in a province/territory outside of Quebec
- ▶ Not be medically or criminally inadmissible to Canada

#### **Implications and considerations**

This pathway offers generally lower eligibility requirements than traditional permanent residence programs such as Express Entry or Provincial Nominee Programs (PNP), and as a non-points-based pathway would allow a better chance for many foreign nationals in Canada to obtain permanent residence status.

Further, this pathway will be of great benefit for individuals with lower language proficiency, and/or who have worked in lower NOC occupations (e.g., level C and below) and/or who may not have been competitive under other programs like Express Entry or PNP. As education is not a general requirement for the worker streams, individuals who do not have post-secondary education can still be eligible to apply for permanent residence.

Once an application is submitted and before a decision is made, applicants should ensure that they remain in Canada and are physically present in Canada at the time the application is approved.

Should you have any questions with respect to these new measures, please do not hesitate to contact your EY Law professional.

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EYG no. 003306-21GbI

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