

Mobility: immigration alert

April 2022

Canada

Program changes targeted to help talent attraction and retention

Executive summary

Canada continues to face a tight labor market and employers are continuing to find innovative ways to attract skilled talent to Canada. In its ongoing effort to support growth in the Canadian labor market, the Minister of Immigration announced on Friday April 22, 2022, some major operational and policy changes which should be of benefit to Canadian employers looking to recruit and retain foreign talent, as well as to the foreign nationals who are looking to make Canada their permanent residence.

To best understand the impact of this announcement, it is important to understand the current context. That is, in terms of permanent residence processing, Immigration, Refugees and Citizenship Canada (IRCC) has had a pause in place for accepting PR applications under the Skilled Worker, Skilled Trades and Canada Experience Class for many months now. That pause has resulted in many international graduates of Canadian schools being unable to obtain permanent residence status in Canada, and instead being forced to leave Canada at the end of their post-graduate work permit. This results in a great loss of talent for the Canadian labor market.

Program Changes

The Minister announced the following changes which will be implemented in the coming months:

1. Post-graduate work permit (PGWP) holders who are in Canada and whose work permits will be

expiring in 2022 or have expired from 1 January 2022 - 31 December 2022 will be eligible for a one-time only 18-month extension.

2. Invitations to apply for Permanent Residence under the Canada Experience Class, Federal Skilled Worker, and Federal Skilled Trades programs under Express Entry should re-start, around July.

Aside from the clear benefit of re-starting the Express Entry invites for these long-paused PR programs, those who currently have post-graduate work permits expiring in the coming months should be able to obtain an extension of the work permit, thereby allowing them to remain in Canada longer, and have a much-improved opportunity to eventually adjust to permanent residence under Express Entry. This is expected to better achieve the goal of retaining foreign skilled talent in Canada on a long-term basis, given that the path from foreign student to temporary worker to permanent resident will be more achievable.

The Minister also announced an extension of a temporary policy recently introduced to allow visitors in Canada to apply for an employer specific work permit without having to leave the country.

The second component of today's announcement is specifically targeted at a new class of permanent residence processing that opened (and closed) in 2021, namely the Temporary Resident to Permanent Resident (TR to PR)



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In an effort to take advantage of all the temporary foreign workers in Canada at the time, IRCC announced a one-time program and invited a very large pool of work permit holders to apply for Permanent Residence. As IRCC is working through this large backlog of PR applications, they have announced some additional measures to ease the rules for those who have pending applications through this program. Those changes are:

1. Those with a pending TR to PR application will now qualify for the issuance of an “open” work permit, valid to 2024. This should give IRCC sufficient time to process and finalize pending TR to PR applications, without requiring these applicants to sit out of the labor market
2. Additionally, accompanying dependents outside of Canada (with ongoing TR to PR applications) will be able to apply for open work permits

The announcements today, when implemented over the coming months, will be of good value to both employers of foreign talent and to qualifying foreign nationals themselves. In particular, those with post-graduate work permits will again have a clearer and hopefully more stable path to gaining Canadian permanent residence status. According to Canadian government data, almost 90,000 people completed the foreign student to temporary worker to permanent resident journey in 2021, and are now settled as permanent residents in Canada, and the ability re-start this flow will benefit Canada’s labour market.

This announcement is a positive step to meeting the talent needs for businesses operating in Canada. Details of implementation and specific requirements to qualify are still to follow and are anticipated to be released in the coming months.

We will continue to monitor and review future developments. Should you have any questions, please do not hesitate to contact your EY Law LLP professional.

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