



## BACKGROUND

The “Express Entry” program became operational January 1, 2015, and is managed by Citizenship and Immigration Canada (CIC). Express Entry allows the government, in close cooperation with employers, to **proactively** seek, recruit, assess and select skilled immigrants under the following federal economic immigration programs:

- the Federal Skilled Worker Program (FSWP);
- the Federal Skilled Trades Program (FSTP); and
- the Canadian Experience Class (CEC).

In addition, a portion of the “Provincial Nominee Program” (PNP) for each province and territory will be available for recruitment of foreign candidates under Express Entry.

A key aspect of Express Entry is the intention that immigrants who arrive in Canada via the program can quickly attain permanent resident status.

Employers have a key role to play under the new system. Foreign candidates who want to work in Canada are able to list their work and personal profile on the online Job Bank maintained by the government of Canada. Employers can then assess and extend job offers to select candidates. Employers will only be able to make a job offer, however, after they have demonstrated to government that they are unable to fill a position with a Canadian or current permanent resident.

Proof of this is possession of an approved Labour Market Impact Assessment (LMIA), obtained in advance of extending job offers to foreign nationals under Express Entry. This form is found on the website of Economic and Social Development Canada (ESDC):

[http://www.edsc.gc.ca/eng/jobs/foreign\\_workers/higher\\_skilled/permanent/index.shtml](http://www.edsc.gc.ca/eng/jobs/foreign_workers/higher_skilled/permanent/index.shtml)

## HIGHLIGHTS OF THE EXPRESS ENTRY PROGRAM

CIC previously assessed immigration applications in the order they were received. Under Express Entry, the government now judges each candidate on the basis of their likelihood of success in the Canadian job market. Candidates placed in the job bank and who receive a valid job offer are invited to apply for permanent residence. Processing time of these candidates is generally six months or less.

Details on the two-step application process for candidates seeking a job in Canada can be found here on the IRCC website: <http://www.cic.gc.ca/english/immigrate/express/express-entry.asp>

(Step 1 is the candidate creating their profile on the Canada Job Bank; Step 2 is “Invitation to Apply” extended by IRCC to those candidates who have received a job offer or a provincial/territorial nomination.)

Employers are able to hire skilled foreign workers via one of “three typical Scenarios”:

- 1) Find a qualified candidate through the organization’s recruitment efforts;
- 2) Offer a permanent job to a currently employed temporary foreign worker (TFW);
- 3) Find a qualified candidate on Job Bank.

More information on the three scenarios can be found at the IRCC website address given above.

## WHAT RESTAURANTS NEED TO KNOW

Express Entry has removed all immigration caps for cooks, foodservice managers and other NOC code “A”, “B” and “O” occupations. Candidates for entry to Canada are assessed on the basis of a score they obtain according to their skills, education, experience, and language ability. As mentioned above, those candidates with a valid job offer from a Canadian employer will be invited to apply for permanent residency.

Employers still have to apply for a LMIA, to prove no Canadian residents are available for the job, but no fee is attached to this process\*.

To be eligible to receive an invitation to apply by CIC, candidates need to meet the requirements of at least one of the programs that are part of Express Entry; it is important to note an employer offer of employment is worth 600 points in itself, which often makes these candidates the top-ranked applicants. The government will select the top-ranked candidates on a regular basis. In addition, Express Entry will provide more spaces in the PNP program for qualified skilled immigrants.

Once candidates who arrive in Canada under the Express Entry process become permanent residents, they benefit from the same freedom of movement and ability to make work related and other personal decisions as any Canadian. Because of this, employers must exercise sufficient due diligence to assure the individuals they select will become both good employees and good Canadian residents. This consideration is particularly important for employees selected from the Express Entry pool that may not have direct prior experience of Canada.

While no rules are set in place by government in terms of how long an Express Entry individual must stay with their new Canadian employer, it is monitoring the program carefully, and will likely assess more closely employers who make repeat use of the program but whose staff leaves on a quicker basis than the standard “churn” rate for the industry. Thus Restaurants Canada recommends members thoroughly vet the individuals they are considering and use an extensive range of HR assessment tools and techniques, conducting in-person interviews if possible, or Skype interviews with those candidates offshore, to be sure “the fit is right.” You may also want to consider a compensation package with bonuses designed to encourage employee retention over a specific time frame.

Lastly, employers should bear in mind that government reference checks already used in deciding immigration applications, such as police checks, continue in the case of Express Entry – which in some foreign countries, can be a lengthy process to complete.

The government has set ambitious immigration targets for the coming years, and Express Entry candidates trained as cooks – and with a job offer in hand from a Canadian employer – should continue to fare well among the new Canadians we welcome to our country.

Members are invited to contact Joyce Reynolds, Executive Vice President Government Affairs, directly with questions they may have about Express Entry, at 416-649-4219 (toll free: 1-800-387-5649 ext. 4219), [jreynolds@restaurantscanada.org](mailto:jreynolds@restaurantscanada.org).

\* *The \$1,000 LMIA fee remains in effect, however, for TFWP applications, and the "Dual Intent" program, by which a foreign national applies at the same time to both the TFWP and for permanent residency.*