

Quota statistics reveal many occupations still in demand

Written by ATTY. HENRY MOYAL

IMMIGRATION NEWSWEEK

In previous articles we discussed how the Federal Immigration Department introduced (for the first time in Canada) quotas on the number of applications it would process per occupation in demand.

The demand list included occupations such as nurses, physiotherapists, licensed practical nurses, certified nursing assistants, electricians, doctors and food managers.

On June 26, 2010, the Canadian Government announced that it would process only 20,000 visas per year.

Further, from July 1, 2010 to July 1, 2011, they would only process 1,000 visas per occupation.

After only four months, this author has obtained statistics on how many visas are left per occupation.

As of Nov. 3, 2010, statistics reveal that many visas are still available.

Moreover, only 3,309 (out of the 20,000) applications have been processed so far.

Below is a partial list of the number (out of 1,000) of each application processed so far:

- Restaurant managers: 134
- Architects: 181
- Doctors: 167

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- Dentists: 208
- Physiotherapists: 57
- Nurses: 461
- Dental hygienists: 4
- LPN/CNA: 21
- Chefs: 48
- Electricians: 34

It should be noted that the above figures represent applications that have been completed and submitted in full.

Deficient applications are not processed and do not make up the figures above.

As such, it is of great importance for applicants to prepare a complete and concise application in order to meet the deadline.

Only one third of the year has passed and it seems that at this rate not many occupations will meet the 1,000 cut off.

Nevertheless, as a rule of thumb, it is recommended not to take any regulation for granted.

File early as laws may change at any time without notice.

Q. I already applied for permanent residence in Canada. My application is in process at the Canadian Consulate in Los Angeles. I was informed that I will be called for interview soon. If I need to leave the USA can I have the file transferred to the Philippines? What type of questions will they ask me?

A. File transfers are not permitted unless in extreme rare situations. Frankly, it is quite rare nowadays to be called for interview. It does not mean that you will be refused but under the new

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regulations, officers are presented with sufficient information up front to make a decision without having to convoke someone for interview. I am not saying you made an error but in my experience it is possible that you lacked sufficient information to prove your work experience or education or English ability that has the officer thinking twice about your case. At interview, the officer will review the file and ask several questions pertaining to the information you submitted on your application. Be ready for any question and be ready to back up all work and education history.

Q. I'm a Canadian citizen living in New Jersey. I married a Filipina lady two years ago in the USA who had no status. We filed the sponsorship application over one year ago and still no news from immigration. We are getting concerned. If we are refused what remedies do we have? Why would immigration refuse such a case? Am I not entitled to sponsor my wife since I am Canadian citizen?

A. You have the right to sponsor your wife but Canada Immigration wants to make sure that the marriage is not a "marriage of convenience." In other words, they must be satisfied that the marriage is genuine and that it was not entered into just so she can immigrate to Canada. That is usually the basis of spousal sponsorship refusals. The best way to overcome such a problem is to attach the proper supporting documentation. If refused, you have an automatic right to appeal the refusal. The hearing will take place in Canada. If you are living abroad, you may be able to obtain permission to attend hearing via teleconference. The appeal must be filed within 30 days of refusal. Contact a professional to make sure the correct forms are filed with the right immigration office.

Q. I entered Canada as a live-in caregiver over three years ago. I am a nurse by profession. I was only able to work in Canada with a legal employer for nine months. What happens if I cannot qualify for permanent residence? Do I need to go back home? Can I apply as an independent immigrant now or do I need to wait until my live in caregiver program is complete?

A. Your question touches upon another bad rumor that has been buzzing around. If you qualify under the independent (nurse) category, then you can apply now. You could have done so three years ago. You do not need to wait for the caregiver program to finish. In fact, many clients apply during the processing of the caregiving program with no problem. We have processed several PR visas for nurses who are in Canada working as live-in caregivers.

(Editor's note: Atty. Henry Moyal is a certified and licensed immigration lawyer in Toronto,

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Ontario. The above article is general advice only and is not intended to act as a legal document. Send questions to him by fax or toll free 1-888-847-2078 or e-mail canada@moyal.com).