

**INTRODUCING CANADA'S EXPRESSION OF INTEREST MODEL -  
THE EARLY SHORTFALLS OF EXPRESS ENTRY**

by

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**ABSTRACT**

Trying to wrap one's head around Canada's rapid (and frequently changing) immigration system can leave you breathless (Alboim & Cohl, 2012). From temporary entry limitations, to new citizenship legislation, and increased ministerial powers, immigration policy changes have continuously been reshaping Canada's future. During a House of Commons session in late 2013, Ms. Maria Welbourne, Senior Director of Strategic Policy and Planning of the Department of Citizenship and Immigration, provided an overview of an Expression of Interest (EOI) model approach, a modernization initiative which was coming to Canada to facilitate a faster (and more flexible) immigration system (House of Commons, 2013). Fast forward just over one year later and the EOI model, already in place in New Zealand and Australia, is in full effect as Canada's new Express Entry system (Bellissimo, 2014). While chatter and speculation of the now fully-automated electronic application management system existed prior to its inception, the discussion since the January 1, 2015 start date has grown, raising many questions as to whether this new system will in fact achieve Canada's economic objectives, primarily reducing application backlogs and coordinating application volume, and selecting those immigrant candidates who are expected to meet Canada's economic needs (Richard, 2014).

**Key Terms:** Expression of Interest (EOI), Express Entry (Pool), Ministerial Instructions, Economic Classes

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## INTRODUCTION

Given the millions of newcomers that have settled and helped build and defend the country's lifestyle, it is understandable that Canada would earn the reputation as the *land of immigrants* (Citizenship and Immigration Canada (CIC), 2011b). Over the past decade, Canada has welcomed an average of 240,000 immigrants (as permanent residents) annually, with over 280,000 permanent residents (the highest amount in over 50 years) in 2010 (CIC, 2011c). A legal immigrant ("permanent resident"), formerly referred to as a landed immigrant, is someone who has been issued permanent resident status through the processing of an application under one of Canada's immigration streams (CIC, 2015m). As a permanent resident, an individual is permitted to lawfully live and remain in Canada on a permanent basis and is entitled to many of the rights of a Canadian citizen, with some limitations (i.e. voting) (Holmes, Hjartarson, McGuire, & Ontario Chamber of Commerce, 2014). Different from permanent residents, temporary residents do not have the rights of a permanent resident or Canadian citizen, and their entry to Canada is a privilege, not a right (CIC, 2014b). Temporary residents are expected to return to their country of citizenship (or residence) at the end of their authorized period of stay.

Pathways to immigration for individuals seeking to immigrate to Canada stem from different streams, including family sponsorship applications, approved refugee claims, caregiver and investor streams, economic immigrants, among others. In January 2015, following years of application processing backlogs and revolving periodic changes to the economic classes, the Federal Skilled Worker (FSW) program, Canadian Experience Class (CEC), recently introduced Federal Skilled Trades (FST) stream, and some portions of Provincial Nominee Program (PNP), all of which were part of Canada's economic immigrant pathways, were placed under one immigration umbrella, Canada's Expression of Interest (EOI) model (CIC, 2015i). The introduction of Express Entry, an active application management system, was implemented in order to achieve Canadian (immigration) economic objectives, specifically bringing immigrants to Canada who would seamlessly transition and quickly succeed in Canada's labour market

(and on a faster basis) (CIC, 2013). Through Express Entry, Canada's existing first-come-first-serve passive application system changed to that of a prioritized immigration system, similar to those in place in New Zealand (the first to implement the EOI immigration model) and Australia, who followed several years thereafter (Bedford & Spoonley, 2014).

Arguably, as is the case of a new product, program, or system during its initial operating stages, there exists a limited quantity of literature, statistics, and information. In light of the program's January 1, 2015 implementation, there are certainly little scholarly (academic) contributions and findings about the success, effectiveness, issues, and application of Canada's new *revolutionary* immigration Express Entry system (CIC, 2013). While speculations about the EOI model were present in the media prior to its implementation (and response and concerns remained present following January 1, 2015), it was not until July 2015 that Citizenship and Immigration Canada gave the public, including candidates, employers, and legal representatives, its first glimpse into the numbers generated by the Express Entry in its first six months of activity. Citizenship and Immigration Canada's Express Entry Mid-Year Report provided a snapshot in the day-in-the-life-of the system by way of pulling a data extract from a specific period in time, illustrating same-day-data on what the Express Entry pool (of immigrant candidates), further detailed below, looked like at that very moment. Within only a short 7-page report, the statistical data released facilitated analysis and comparison between the old and new (initiatives). More specifically, many questions were raised in light of the (only) 844 permanent resident visas issued (which included principal applicants and their accompanying family members) from over 12,000 applicants who had received an Invitation to Apply (ITA) (Keung, 2015). This sparked discussion and response across media publications and legal representatives, confirming that premature speculations, concerns, and doubts about (and limitations to) the effectiveness of the EOI model were in fact warranted and could now be supported with government released statistics.

The following paper will detail the shift from a passive Canadian immigration system to a selection based system, and include an academic comparison between Australia and New Zealand's EOI (immigration) models and the ongoing changes that each country has made since introducing it as part of their immigration policies so as to adhere to immigration objectives and the revolving immigrant environment. By way of navigating through how the Express Entry system works (including what we knew prior to its inception and what we know now) and understanding the roles of all parties involved (i.e. Minister, employer, candidate), the within paper will present a statistical comparison and academic analysis using the (limited) data and literature available in connection with Canada's Express Entry system and the wealth of confirmed past economic class statistics made available by Citizenship and Immigration Canada. Further, by using Citizenship and Immigration Canada's July 2015 Express Entry Mid-Year Report as a backdrop, the critique and discussion generated across the immigration world in response to the new Express Entry application management system, and whether it would in fact meet the objectives for which it was implemented to achieve, will be supported with evidence.

Following submission of the aforementioned details and factors, the within paper will conclude that if Canada's EOI model resembles that of current countries who have implemented and are utilizing same, the country is far from implementing and executing a perfected quick, easy, and effective economic selection process through Express Entry at this time. Moreover, if Canada's Express Entry system continues to generate the same figures it has to date (based on the numbers published in the recent Mid-Year Report), the benefits and proposed objectives of such a program may not be seen for many years to come, in light of its early shortfalls.

## SECTION I: LAW AND LITERATURE

### *Legislation*

Since June 28, 2002, Canada's Immigration policy has been based on the *Immigration and Refugee Protection Act (IRPA)* and its Regulations, the *Immigration and Refugee Protection Regulations (IRPR)*.

The *IRPA* outlines the country's immigration objectives as follows:

#### 3. (1) The objectives of this Act with respect to immigration are

- (a) to permit Canada to pursue the maximum social, cultural and economic benefits of immigration;
- (b) to enrich and strengthen the social and cultural fabric of Canadian society, while respecting the federal, bilingual and multicultural character of Canada;
- (b.1) to support and assist the development of minority official languages communities in Canada;
- (c) to support the development of a strong and prosperous Canadian economy, in which the benefits of immigration are shared across all regions of Canada;
- (d) to see that families are reunited in Canada;
- (e) to promote the successful integration of permanent residents into Canada, while recognizing that integration involves mutual obligations for new immigrants and Canadian society;
- (f) to support, by means of consistent standards and prompt processing, the attainment of immigration goals established by the Government of Canada in consultation with the provinces;
- (g) to facilitate the entry of visitors, students and temporary workers for purposes such as trade, commerce, tourism, international understanding and cultural, educational and scientific activities;
- (h) to protect public health and safety and to maintain the security of Canadian society;
- (i) to promote international justice and security by fostering respect for human rights and by denying access to Canadian territory to persons who are criminals or security risks; and
- (j) to work in cooperation with the provinces to secure better recognition of the foreign credentials of permanent residents and their more rapid integration into society.

For the purpose of the within paper, we will be examining permanent resident economic streams and Canada's promotion of successful integration following issuance of permanent resident status, together with the development of a strong and prosperous Canadian economy, prompt processing standards, and the ways in which the Express Entry has been introduced so as to achieve the aforementioned objectives. In light of its implementation, a new EOI division has been added to the *IRPA*.

The EOI system is enabled as a result of a combination of legislative changes and Ministerial Instructions.

The Express Entry application management system is primarily governed by using Ministerial

Instructions. Section 10.3(1) of the *IRPA* authorizes use of these instructions, as follows:

**10.3 (1)** The Minister may give instructions governing any matter relating to the application of this Division, including instructions respecting

- (a) the classes in respect of which subsection 10.1(1) applies;
- (b) the electronic system referred to in subsections 10.1(3) and 10.2(3);
- (c) the submission and processing of an expression of interest, including by means of the electronic system;
- (d) the circumstances in which an expression of interest may be submitted by means other than the electronic system and respecting those other means;
- (e) the criteria that a foreign national must meet to be eligible to be invited to make an application;
- (f) the period during which a foreign national remains eligible to be invited to make an application;
- (g) the personal information that the Minister may disclose under section 10.4 and the entities to which that information may be disclosed;
- (h) the basis on which an eligible foreign national may be ranked relative to other eligible foreign nationals;
- (i) the rank an eligible foreign national must occupy to be invited to make an application;
- (j) the number of invitations that may be issued within a specified period, including in respect of a class referred to in an instruction given under paragraph (a);
- (k) the period within which an application must be made once an invitation has been issued;

- (l) the means by which a foreign national is to be advised of any matter relating to their expression of interest, including an invitation to make an application; and
- (m) any matter for which a recommendation to the Minister or a decision may or must be made by a designated person, institution or organization with respect to a foreign national.

These Ministerial Instructions authorize the Minister to issue instructions on the management of the majority of the features associated with the Express Entry system (CIC, 2015h).

### ***Research Limitations***

The Minister of Citizenship and Immigration Canada, Christopher Alexander, announced that Express Entry would be the building of an expression of interest system wherein application management would be in the hands of the government by way of a lottery, rather than an open invitation for those who were eligible to apply to submit applications at any time (Keung, 2013). Such a system would focus on what Canada really needed (by way of its selection of immigrants), and eliminating the free-for-all for all those whose occupations were not in demand (House of Commons, 2013). At the time of its introduction, not much was made public as to how the system would work, and what would be required. Through time, we learned that it would be a two-step process wherein the initial interest (in Canada) would be expressed by individuals, and it would be by way of submission of an electronic profile (Holmes, Hjartarson, McGuire, & Ontario Chamber of Commerce, 2014). However, between information being made available through Citizenship and Immigration Canada (the majority of it coming so close to the launch of the EOI model), the media speculated on the way in which this new system would come to fruition (Mas, 2014a). And even to date, with it being such a new system, the resources and publications in connection with the system remain heavily from Citizenship and Immigration Canada, with responses and feedback coming from the immigration world which includes candidates, legal representatives, and media, among others. Given the foregoing, the within paper has

compiled information from both government and media sources, in addition to information made available from organization and/or groups that have expressed an interest in the new EOI model.

### ***In the Media - An Express Entry Economic Matchmaker***

The up-and-coming Express Entry system (when the idea was first introduced), would replace the ways individuals could access the existing economic streams at the time (Canadian Experience Class, Federal Skilled Worker Class, Provincial Nominee Class) and would do so by using a method that was in close resemblance to that of a dating site. The notion of an economic matchmaker, a term coined by the media to identify and provide an explanation as to the nature and process of the Express Entry system (and how it would work), first came to light following the Federal Government's announcement that Canada's immigrant economic streams would move toward selecting immigrants based on the skills Canadian employers needed, and this would be facilitated by way of matching skilled immigrants with unfilled jobs (Mas, 2014a). Simply stated, the new system would work in such a way to pair immigrants looking for work with employers who were looking to fill vacant positions within their companies – as such, the idea of the pairing of two parties presumably sparked the matchmaker concept.

While the Canadian federal government released literature in 2013 in the form of a Backgrounder issued by Citizenship and Immigration Canada introducing the new EOI concept (and that it was on its way to Canada), with little information made available, it was the media that began to raise speculation as to what the EOI and Express Entry would entail, and what it would do to the future of Canada's immigration policy (and programs). In fact, given that little information was known as to how the Express Entry system would work upon implementation, the media used its platform to generate discussion and continued to publish speculation based on the limited details given.

While the media (i.e. newspaper periodicals and information found across news publications) could confirm that the EOI would affect processing queues for permanent residence applications made under

one of Canada's economic streams, and would consist of a pool of potential candidates, many questions remained unanswered, opening the window for further speculation and assumptions, with little to give to the public as to what was yet to come.

### ***Expression of Interest Models in Australia and New Zealand***

The EOI model for which Canada has recently adapted is not new to the immigration world. Literature discussing Canada's revolving immigration changes often references similar immigration systems on a global scale – specifically drawing similarities and comparing immigration policies between Canada, New Zealand, and Australia. New Zealand (first) and Australia have adapted such models, both processing applications electronically, which has shifted the immigrant pathway and focus in the respective countries from family based immigration to the selection of skilled immigrants (Akbari and Macdonald, 2014). As internationally known countries for points-based immigrant selection systems based on skillsets, capital, and employment offers, it should be to no one's surprise that Canada has recently chosen to follow in the footsteps of New Zealand and Australia's EOI selection model, to innovate its immigration system (Bedford & Spoonley, 2014).

New Zealand introduced their EOI application system in 2003, to facilitate active immigrant recruitment to meet labour needs (Holmes, Hjartarson, McGuire, & Ontario Chamber of Commerce, 2014).

Australia's *SkillSelect* program introduced just shy of a decade after New Zealand's EOI model granted employers access to the EOI database (pool of candidates) to determine whether there were candidates of interest that the employer could nominate for temporary and/or permanent residence (Holmes, Hjartarson, McGuire, & Ontario Chamber of Commerce, 2014).

These innovative countries have appeared to take advice from one another's application of the EOI model. Specifically, Canada, which has drawn on the experiences that New Zealand and Australia, has adopted a similar over all structure in its current Express Entry system but with modifications (House of

Commons, 2013). In light of this, Canada's Express Entry system structure has variations to what is in place in the other two countries. Similarly to the Australian system (which also allows for state, territorial, or regional governments to nominate candidates who meet labour needs), Canada has permitted the use of some Provincial Nominee Programs access through the Express Entry system (with the exception of Quebec for which candidates cannot utilize the Express Entry pool) (Akbari and Macdonald, 2014). Contrary to Australia's system, the role of an employer in the immigrant selection process (and their access to the candidate pool) differs whereby Australian employers have access to the candidate pool and in Canada, they do not (Holmes, Hjartarson, McGuire, & Ontario Chamber of Commerce, 2014).

Scholarly literature detailing the progression of existing EOI models confirms that Australia and New Zealand's EOI models, which have been shifting the countries' human capital focus toward a more targeted selection based process, were not without their own revolving changes. Working through what was (and was not) working with their respective immigration systems, including adding an additional tier in the two-step process in New Zealand, confirms that the implementation of the EOI has been a work in progress (Bedford & Spoonley, 2014).

### ***Express Entry (first) Mid-Year Report***

As above, the Express Entry is open to skilled immigrants and allows the government to select the best candidates who are most likely to succeed in Canada, eliminating the mandatory requirement of processing (or picking) those that are first in line (i.e. those who submitted an application for consideration first). Whether or not this system will prevent backlogs and coordinate application volume at Citizenship and Immigration Canada's end is yet to be verified, given that Citizenship and Immigration Canada continues to process existing economic class applications submitted in 2014 and

2015 under the previous systems, with processing times ranging between months to several years (CIC, 2015k).

Since the EOI model and its implementation in the Canadian immigration system is relatively new, obtaining statistical data to document what the Express Entry has achieved to date (i.e. how many candidates are in the pool, how many permanent resident visas have been issued, etc.) is extremely difficult. Fortunately, it was a pleasant surprise to have Citizenship and Immigration Canada release an Express Entry Mid-Year Report in July 2015, detailing the rapid growth of the Express Entry candidate pool (by about 1,500 per week), and providing Express Entry data as of July 6, 2015, giving us an insight as to what the Express Entry pool, where all eligible candidates sit awaiting an invitation to apply (ITA) for permanent residence, looked like at that given time (CIC, 2015f).

Immediately following the release of the Mid-Year Report, there was a lot to be said based on the data provided. Specifically, the media (with the support of legal representatives backing up the information) had many comments about the Express Entry system and how it was affecting Canadian immigration standards. Figure 1, below, illustrates the Express Entry pool data as of July 6, 2015:

**Figure 1 – Express Entry Profiles submitted to the Express Entry Pool as of July 6, 2015**

| Express Entry Profiles submitted to the Express Entry Pool as of July 6, 2015 |         |
|---|---------|
| Number of Profiles Completed  | 112,701 |
| <i>Not Eligible</i>   | 48,723  |
| <i>Number Pending (i.e. Job Bank Registration, PN Validation)</i>             | 4,302   |
| <i>Withdrawn</i>  | 6,441   |
| <i>Invited</i>  | 12,017  |
| Number of Active Candidates in the Pool                                       | 41,218  |

The number of candidates invited is lower than the number of invitations sent because some candidates have received more than one invitation. Express Entry candidates may decline an invitation, return to the Express Entry pool and may be eligible to receive another invitation.

(CIC, 2015f)

The above Figure shows that by July 6, 2015, there were over 112,000 profiles completed by interested candidates, in hopes of being issued ITA's for permanent residence. Out of those profiles, just shy of half of them (48,723) were deemed not eligible, based on the self-reported data entered in the initial eligibility assessment (CIC, 2015f). Taking into consideration pending profiles (who did not have a job offer and had to register as part of the matchmaker process through the Job Bank, a national recruitment website), and those who received ITA's and who withdrew their profiles, the final number of active profiles on that day (sitting in the pool) was 41,218, awaiting access to apply to permanent residency.

## **SECTION II: UNDERSTANDING EXPRESS ENTRY**

### ***What is Express Entry and How Does it Work?***

Citizenship and Immigration Canada identifies Express Entry as a dynamic application management system which undergoes daily changes as individuals enter and exit the pool of prospective candidates (CIC, 2015f). The Express Entry system which is based on the EOI model manages the economic streams of Canada's immigration policy, including the Federal Skilled Worker program, Federal Skilled Trades program, Canadian Experience Class and some parts of the Provincial Nominee Program (CIC, 2015i). This Canadian EOI model allows interested economic immigrants to enter their details (i.e. employment, academic, capital, etc.) in an online database as an Express Entry profile, which is then used to pre-screen applications for labour market succession (Holmes, Hjartarson, McGuire, & Ontario Chamber of Commerce, 2014). To simplify, the Express Entry system acts as the bouncer at the immigration door – you must be eligible to get by the bouncer at the door to further be eligible to have access to what is available inside, which in this case, is access to permanent resident status in Canada.

The EOI model structured the Express Entry system in a two-stage (two-step) process. The first step is for those individuals who are interested in immigrating to Canada under any of the aforementioned streams to express their interest by providing information about their skills, work experience, among other attributes online, so as to allow the electronic system to determine whether they meet the eligibility criteria to qualify for permanent residence (CIC, 2013). This is the automated pre-screening stage (House of Commons, 2013). Upon confirming that a candidate meets the minimum eligibility criteria (based on their self-reported information), they are required to create an online profile with further information about their skills and experience, as a way to further express their interest in immigrating to Canada (Holmes, Hjartarson, McGuire, & Ontario Chamber of Commerce, 2014). Meeting the minimum criteria places candidates in a pool, and ranks these candidates by way of a

Comprehensive Ranking System (CRS), the methodology of the Express Entry, which generates a score. The CRS score is produced by taking into consideration various factors including first (and second) language proficiency, education, skills, among other criteria (for the principal applicant, and accompanying spouses, where applicable) that has been input by the interested candidate (CIC, 2015d).

By having an active profile in the pool of candidates (i.e. to be a part of the 41,218 profiles on July 6, 2015, per Figure 1, above), it puts individuals in the position to be issued an Invitation to Apply (ITA) for permanent residence. The invitations are issued to the candidates in the pool who have the highest CRS score. These high-scorers are expected to be those whom have skills for which are in-demand in Canada, or for those who have job offers (CIC, 2015f). According to Minister Alexander, research undertaken determined that the selection criteria for the Express Entry process would help ensure newcomers participate more fully in Canada's economy, and further integrate more quickly into Canadian society (Mas, 2014a). Given that candidates enter (and exit) the pool on an ongoing basis based on profiles being created, non-eligible profiles, withdrawing profiles, and individuals receiving ITA's, the composition and overall demographic of the pool changes regularly. Rounds of invitations (for permanent residents) are held at random, wherein the Minister of Citizenship and Immigration Canada has the authority to issue a round of invitations at any given time, and based on a wide range of CRS scores (CIC, 2015f). Those profiles for which invitations are not received are removed from the system after one year of activity (CIC, 2015e).

### ***Preliminary Assessment and Creating a Profile***

In order to determine one's eligibility for Express Entry, an applicant must visit Citizenship and Immigration Canada's website and use the online tool to input information based on their work experience and language capabilities, among other predetermined criteria, to determine whether they are an eligible candidate for permanent residency under one of the economic streams. Figure 2, below,

illustrates a screen shot of the online tool, seeking information about an Applicant’s skilled work experience, and further requesting details about the National Occupational Code (NOC) for which their work experience falls under. Of note, a NOC is the authoritative resource on occupational information in Canada, which has a series of codes which are to correspond with different employment positions across all levels (high skilled and low skilled) (Human Resources and Skills Development Canada, 2015).

**Figure 2 – Express Entry Eligibility – Skilled Work Experience**

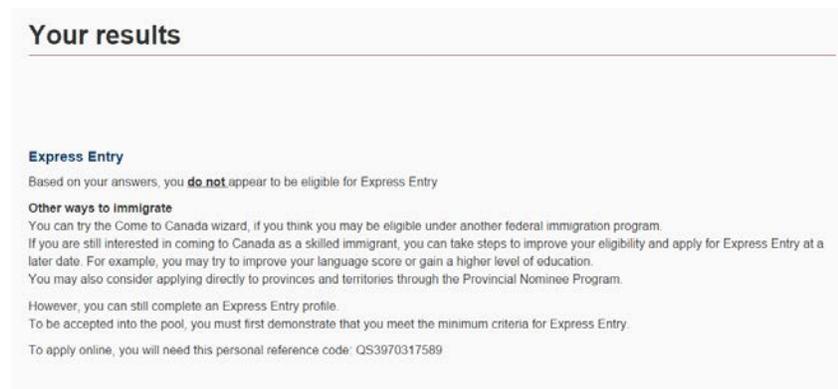


The screenshot shows a web form titled "Find out if you're eligible to apply for Express Entry". A red asterisk note states "\* All fields are mandatory". The first question is "In the last three years, how many years of skilled work experience do you have in Canada? It must have been full-time (or an equal amount in part time)." Below this is a dropdown menu with the text "Please make a selection". The second question is "During this period, which National Occupation Classification (NOC) level is most of the experience in? If you do not have any Canadian work experience during this period, please choose 'None of the above'." Below this is another dropdown menu with the text "Please make a selection". The dropdown menu is open, showing the following options: "Please make a selection", "Skill level A (professional occupations)", "Skill level B (technical occupations and skilled trades)", "Skill type 0 (managerial occupations)", and "None of the above". A blue "Next" button with a right-pointing arrow is located to the right of the second dropdown menu.

(CIC, 2015b)

The skilled work history section requests information about the candidate’s employment, and requires this employment to be continuous, paid, full-time (or an equal amount in part-time work), and in only one occupation, with the highest possible option being ‘one year or more’ of experience acquired in the position (CIC, 2015b). Further, questions about employment are generated in connection with industrial, electrical and construction trades if none of the aforementioned factors in Figure 2 apply, in efforts of seeking Federal Skilled Trades (a relatively new addition to the economic stream) candidates. Following receipt of all candidate responses (which are self-reported and not verified by Citizenship and Immigration Canada at this time nor prior to submission), a final determination is made and is presented on the screen (as seen in Figure 3, below), indicating whether an interested candidate is eligible to apply under one of the economic streams through Express Entry. If a candidate does not meet the eligibility criteria, as in the case of Figure 3, they are informed to seek alternative avenues/programs.

**Figure 3 – Express Entry Eligibility – Your Results (Not Eligible)**



(CIC, 2015b)

If a candidate is deemed to be eligible to apply under the Express Entry, the applicant receives a code for which they register an Express Entry profile. In undergoing a personal navigational effort through the Express Entry profile portion of the EOI model, it was evident that a candidate was required to create a MyCIC account (or use a Sign-in Partner) in order to draft and submit their Express Entry profile. For trial purposes, an account was created to navigate through the portal and determine the type of information that is requested of an individual. By moving from one screen through to the next (with the majority of the profile being created through drop down menu options), a candidate profile was created (without submission). While a preliminary list of questions involving Canadian work experience, occupation skill level, and language test results determined if one may be eligible to apply to enter the Express Entry pool, and allowed the registration of an Express Entry profile, the initiation of a profile did not guarantee that an ITA would be issued. Moreover, the details requested in the Express Entry profile expanded questions about the aforementioned criteria, including employment history details, further proof of language proficiency (and test taking), details about one's academic history, together with identification details. While a personal effort to navigate through the Express Entry system did not confirm which of the economic programs the sample candidate qualified under, upon submission of an

Express Entry profile, an eligible candidate is deemed to have met one (or more) of the existing economic stream criteria, is given a CRA score, and is entered into the Express Entry pool.

### ***Economic Streams, Comprehensive Ranking System, ITA's and eAPR's***

Express Entry is open to skilled immigrants, and allows the Minister to select candidates for permanent residency who are expected to most likely succeed on the basis of their skills. In moving away from a first-come-first-serve immigration application process, the government now has the power to select candidates with valid job offers or provincial and/or territorial nominations to be picked first from the pool (Anonymous, 2014).

In May 2014, the Minister of Citizenship and Immigration Canada issued new Ministerial Instructions to control application intake, specifically to prepare for the launch of the Express Entry in the upcoming year. The purpose of the annual caps implemented was expected to prevent intake from exceeding processing capacities. As part of these changes, the Federal Skilled Worker occupation list expanded (to 50 occupations), and application caps were put in place. Federal Skilled Trades applications also received a cap. For Canadian Experience Class applicants, there were 6 occupations that were removed from the eligibility criteria, and furthermore, application caps were implemented in November 2013 and again in May 2014 in order to cover the transition period leading up to Express Entry (CIC, 2015c).

While the economic streams have been grouped under the new Express Entry, it is important to recognize that the Express Entry system itself did not replace or change the requirements of such streams (Alboim & Cohl, 2012). As was the case of the Federal Skilled Worker class (often referred to as the points system) prior to the implementation of the Express Entry, candidates are still required to meet age, work, academic, and language criteria and accumulate 67 out of 100 points in order to qualify under this stream (CIC, 2015I). Section 75 of the *Immigration and Refugee Protection Regulations* outlines the requirements for this economic class. However, in order to have the ability to demonstrate

that an applicant meets these requirements, an individual must first be ranked by way of their CRS score in the highest-ranked candidate range (which differs based on any given draw), in order to receive their ITA (under the Federal Skilled Worker stream). Moreover, for the Canadian Experience Class, candidates continue to qualify so long as they meet the requirements under section 87.1 of the *Immigration and Refugee Protection Regulations*. Specifically, the Canadian Experience Class candidates must be able to demonstrate that they have at least one year of full time (or part time equivalent) Canadian work experience in a professional, managerial, and or executive capacity, while meeting additional eligibility criteria including language benchmarks, admissibility factors, among other requirements (CIC, 2015c).

In light of this, the objective of the two-step EOI model of the Express Entry system was not to replace such streams, but to provide an additional step to access them for the purposes of managing application flow (Maytree, 2013). This additional step in a selection based process is expected to reduce and/or eliminate backlogs and coordinate application volume, by way of having the ability to select candidates expected to most likely succeed and who have the highest CRS rankings, rather than allowing all eligible candidates to apply (Gilbert, 2014).

The CRS ranking system awards a total of 1200 points based on self-reported information made by a candidate, and takes into consideration a wide array of factors including: candidate's core/human capital factors (i.e. age, level of education, language proficiency, Canadian work experience), an accompanying spouse or common-law partner's factors, skill transferability factors, and whether there is a job offer supported by a positive Labour Market Impact Assessment (LMIA) determination or provincial nomination. In the case of the latter two factors, a candidate is automatically given 600 points, immediately placing them in the higher ranked candidate pool (and as such, are expected to most likely be the individuals who will seamlessly transition and succeed in Canada) (CIC, 2015d). Figure 5, below, provides a representation of the CRS scores of the pool of candidates as taken on July 6, 2015:

**Figure 5 – CRS Score Distribution of the Express Entry Pool on July 6, 2015**

| Comprehensive Ranking System Score Distribution of Candidates in the Express Entry Pools as of July 06, 2015 |                      |
|--|----------------------|
| Comprehensive Ranking System Score   | Number of candidates |
| >1000  | 51                   |
| 950 - 999  | 38                   |
| 900 - 949  | 40                   |
| 850 - 899  | 65                   |
| 800 - 849  | 62                   |
| 750 - 799  | 64                   |
| 700 - 749  | 27                   |
| 650 - 699  | 7                    |
| 600 - 649  | 1                    |
| 550 - 599  | 2                    |
| 500 - 549  | 38                   |
| 450 - 499  | 1,786                |
| 400 - 449  | 8,770                |
| 350 - 399  | 14,597               |
| 300 - 349  | 12,517               |
| 250 - 299  | 2,247                |
| 200 - 249  | 585                  |
| 150 - 199  | 225                  |
| 100 - 149  | 75                   |
| <100   | 21                   |
| <b>Total</b>   | <b>41,218</b>        |

**Results of Express Entry Rounds for Invitations to Apply for Permanent Residence**

(CIC, 2015f)

For those without the 600 points awarded for job offers or provincial nominations (which appears to be the majority of candidates in the above pool snapshot taken on the referenced date), an additional step exists. Candidates must register with the Job Bank, a national Canadian recruitment website, to facilitate the matchmaking between employers and candidates (detailed previously) so as to possibly facilitate a job offer which can lead to an LMIA, resulting in the candidate receiving an additional 600 points, and guaranteeing receipt of an ITA. Of note, changes in ranking based on academic upgrades, getting older (in age), and additional work experience are automatically reflected once the profile has been updated and/or these changes occur. Again, all of these criteria can generate a score of up to 600 points, with the remaining 600 points left for a job offer by way of an LMIA or provincial nomination. As of July 6, 2015, the majority of the candidates in the Express Entry pool had between 350 and 399 points.

### **Ministerial Instructions – The Random Express Entry Draws**

Since its inception on January 1, 2015, there has been 16 Express Entry draws to date (CIC, 2015h). The below table illustrates the 11 draws that were held between January 2015 and June 2015, up until the release of Citizenship and Immigration Canada’s Mid-Year Report, and the number of ITA’s issued per program during each draw:

**Figure 4 – Round of Draws (January 2015 to June 2015)**

| Invitations issued by economic immigration program as of July 6, 2015 |         |                                     |                    |               |                     |                       |                      |                           |
|---|---------|-------------------------------------|--------------------|---------------|---------------------|-----------------------|----------------------|---------------------------|
| Round   | Date    | Comprehensive Ranking System Cutoff | Invitations Issued | Above 600 pts | Provincial nominees | Federal Skill Workers | Federal Skill Trades | Canadian Experience Class |
| 1   | Jan. 31 | 886                                 | 779                | 100%          | 13                  | 432                   | 163                  | 171                       |
| 2   | Feb. 7  | 818                                 | 779                | 100%          | 17                  | 167                   | 221                  | 374                       |
| 3   | Feb. 20 | 808                                 | 849                | 100%          | 0                   | 0                     | 0                    | 849                       |
| 4   | Feb. 27 | 735                                 | 1,187              | 100%          | 24                  | 114                   | 409                  | 640                       |
| 5   | Mar. 20 | 481                                 | 1,620              | 75%           | 43                  | 500                   | 336                  | 741                       |
| 6   | Mar. 27 | 453                                 | 1,637              | 20%           | 3                   | 1,187                 | 103                  | 344                       |
| 7   | Apr. 10 | 469                                 | 925                | 70%           | 24                  | 329                   | 159                  | 413                       |
| 8   | Apr. 17 | 453                                 | 715                | 41%           | 35                  | 389                   | 87                   | 204                       |
| 9   | May 22  | 755                                 | 1,361              | 100%          | 278                 | 240                   | 253                  | 590                       |
| 10  | June 12 | 482                                 | 1,501              | 68%           | 150                 | 526                   | 104                  | 721                       |
| 11  | June 26 | 469                                 | 1,575              | 40%           | 111                 | 925                   | 52                   | 487                       |
| Total   |         |                                     | 12,928             | 70%           | 698                 | 4,809                 | 1,887                | 5,534                     |

(CIC, 2015f)

While the first four draws demonstrate that candidates who received an ITA had either a job offer or provincial nomination, all following draws included in the above figure (except for the one draw held on May 22, 2014), confirmed that this did not have to apply in order to meet the CRS high-rank cut off. As such, job offers supported by LMIA’s or provincial nominations were not mandatory for ITA purposes (however may have still been mandatory as part of the requirements for the underlying economic program for which a candidate was invited to apply under, as is the case for a Federal Skilled Worker). This also applied in the case of the most recent draw, held on September 8, 2015. For this draw, 1,517

candidates who had a CRS score of 459 (meaning that a job offer or provincial nomination was not required) received an ITA (CIC, 2015h), and were given 60 days from receipt of the ITA to file an electronic application for permanent residence (eAPR). While there is no information about a set date, time, or CRS score for the random draws, to date there is evidence to suggest that at least one draw is held at one given time per month.

## SECTION III: METHODS

### *Data Collection*

In evaluating the first initial months since the Express Entry system's inception, primary sources were not used as no interviews were held, and there were no focus groups. The secondary data sources utilized to evaluate the program include federal government websites and periodicals. As above, since the system is relatively new and was just recently implemented, there is a limited amount of literature available.

While the discussion around of the EOI's Canadian presence dates back several years, it was not until 8 months ago that the program came into effect. And as is the case with any new program, scholarly literature availability is at a minimum, while public response can be found across periodicals, statistical representations within such a short duration are limited and may not produce an accurate representation of the future of a program. Moreover, while quantitative data is made available on Citizenship and Immigration Canada's website for the former economic streams, in the case of the Express Entry system, it was not until recently that quantitative data was released for a small sample period. As such, for the purpose of this paper, material was gathered from a variety of available sources, including the limited government data recently made available. This allows us to undertake a descriptive account of the existing EOI system in Canada and present a preliminary critical assessment of its initial phase of operation.

The majority of the data and Express Entry system specific information was obtained directly from Citizenship and Immigration Canada's website, coming largely in the form of news releases, Backgrounders and Annual Reports. The information from these sources are further supported by immigration legislation, including the *Immigration and Refugee Protection Act* and the *Immigration and Refugee Protection Regulations*, and the Ministerial Instructions which play a pivotal role in the

implementation and execution of the Express Entry system, specifically the draws and issuance of ITA's. As the governmental body that is responsible for this new initiative, Citizenship and Immigration Canada certainly has the most relevant and up-to-date information and details in connection with the new system, and as such, has been (and remains) the most suitable and reliable source for the purposes of understanding the structure, objectives, and process of the EOI model, and providing statistical evidence in connection with the program in its early stages.

Fortunately, in addition to the qualitative data made available on the Citizenship and Immigration Canada website, a recent report produced by Citizenship and Immigration Canada provided a glimpse of the Express Entry pool (to July 6, 2015), which outlined the number of profiles completed, those who were deemed not eligible (based on self-reported data, of course), profiles pending on the basis of Job Bank registration and/or Provincial Nominee validation, profiles withdrawn, and the number of candidates who received ITA's for permanent residence.

Additional government resources including government meeting notes referencing Economic Action Plan initiatives and Canada's economic immigrant objectives were utilized, in addition to Standing Committee (on Citizenship and Immigration Canada) meeting evidence from the House of Commons. The government resources have provided information about the EOI model in its preliminary planning stages and thereafter, and its objectives which has been used in the below data analysis.

In lieu of the limited scholarly literature available, newspapers and legal columns have played a key role in representing the outside-of-the-government assessment of the Canadian EOI model in its first several months of activity. Specifically, publications from late December 2014 (just before implementation) and up until the present time (especially following the release of the Mid-Year Report), have facilitated discussion about whether or not the statistical data is in line with the system's objectives, and how individuals are receiving this new immigration model. Combined with several contributions from CBC's Susana Mas and Toronto Star's Nicholas Keung, together with a column found in the Canadian Lawyer

Magazine from Jennifer Nees (2015), we are able to begin to draw out a broader assessment of the program, and the response toward it.

While there are limited scholarly journals focussing specifically on Canada's new immigration system, several publications have referenced the system and have provided information about the New Zealand and Australian EOI models throughout their years of existence. The scholarly journals referenced in the paper are taken from the International Migration Review and the Journal of Commerce, and have been utilized to understand the EOI model (and to provide details and application of existing EOI models currently in place in other immigration systems), allowing room for speculation as to how aspects of these models will be used (and how they are now being applied) in Canada. Imm Quest, an immigration representative newsletter (specifically the May 2014 edition) was beneficial in understanding the structures of the New Zealand and Australia EOI models, and why some aspects of these models could effectively be implemented into Canada's EOI initiative, while other aspects would not align with Canada's legislative structure.

One personal limitation experienced in connection with data analysis came about as a result of information that I am privy to (in my professional career), including information shared across legal immigration representatives electronically. Unfortunately this information could not be reproduced for the within paper, and as such, has not been referenced.

Nonetheless, even though the level of literature for Canada's Express Entry system is light given the recent implementation, future contributions (both scholarly and otherwise) as a result of this new system are likely to follow in the near future.

### ***Self-Reported Data Limitations***

It has been re-iterated throughout this paper that the EOI model of Canada's Express Entry system is a two-step process. One important factor to understand is that in both steps, from determining eligibility by way of pre-screening to actually registering a profile to enter the Express Entry pool, the information

is self-reported (CIC, 2015f). While individuals may hire legal representative (i.e. lawyers, immigration consultants, etc.) or have other individuals assist them with their profile, the information is not verified by Citizenship and Immigration Canada, and as such, can be skewed if a candidate incorrectly enters information that can affect their eligibility (and the basis of a future ITA). For example, incorrect information may be as a result of an incorrect selection in the drop-down menu for language test results; not correctly identifying the NOC for their occupation; or possibly miscalculating part time hours to a full-time equivalent, among other things. All of these errors can result in incorrect self-reported data which can certainly affect one's eligibility.

Since the basis for which candidate CRS points are given is by way of self-reported details, and since this information cannot be confirmed at that time, there may exist limitations in the information in Citizenship and Immigration Canada's report – specifically in the case of who does (and does not qualify) and how many people have received ITA's who should not have, and further how many were issued permanent residence out of those that did in fact meet the eligibility requirements. As such, the number of invitations issued per draw cannot be used to demonstrate that it is in fact that amount of individuals that are all eligible for permanent residence as their information may not have been accurate, and they may have never qualified for an ITA. Data showing ineligible candidates (following ITA's) should also be made available.

### ***Data Analysis - Economic Pathways, Past and Present***

In the fall of 2012, in accordance with an Economic Action Plan commitment, Citizenship and Immigration Canada held consultations with Canadian employers on a major step in developing a fast and flexible immigration system (House of Commons, 2013). The mandate was to create a pool of skilled workers who would quickly and seamlessly enter the Canadian labour market upon arrival (CIC, 2013). As such, Canada's current comprehensive immigration policy has been adopted as a way to select applicants for immigration.

Firstly, it is important to recognize that the majority of the immigration flow (and number of applicants who will secure permanent resident status in Canada in 2015, specifically economic immigrants) will be by way of the former programs and not through the Express Entry. As for the Express Entry program, the Mid-Year Report outlines that the ability for Citizenship and Immigration Canada to meet immigration levels across its economic programs (i.e. Federal Skilled Worker, Canadian Experience Class, and Federal Skilled Trades) will be by way of having the sufficient number of candidates in the Express Entry pool who hold the necessary skills and experience that are in demand by the Canadian labour market.

Given that the EOI model is electronically based, candidates must be prepared for possible technical issues that may arise. In fact, following implementation, Ms. Jennifer Nees published a column in Canadian Lawyer Magazine (2015), outlining that although the Express Entry system was operating smoothly in its first month, the interface does in fact have some technical bugs which can affect profiles, especially those prepared by legal representatives. For example, there is no option to print a summary of the profile for a client's review, making it difficult to have a candidate review information when there is a third party is involved (Nees, 2015).

Not only is it likely that changes will come about as a result of technical glitches that may come up with the electronic system, it is possible that further changes based on CRS scores and implementation will also be on the way. This is confirmed by way of changes already being made in Citizenship and Immigration Canada's Ministerial Instructions, wherein amendments to the Express Entry criteria, as it applies to the points awarded, have been taking place, adjusting point levels of candidates. More specifically, and as recently as May 30, 2015, changes were made in connection with Paragraphs 15(3)(b) and 19(4)(b) which were modified to remove the requirement that Canadian work experience be continuous for determining points under the Comprehensive Ranking System for the candidate,

spouse or common-law partner (CIC, 2015h). Given that such changes come abruptly, and without notice, candidate profiles are subject to point amendments, can generate confusion and difficulty in connection with legal assessments and determining one's prospective points balance (before a Express Entry profile is even submitted), and the program for which they may be eligible for.

As part of the economic class, the Federal Skilled Worker program was designed to select permanent residents based on their ability to become economically established in Canada (CIC, 2015I). The Federal Skilled Worker stream assessed academic (accreditations), and determined one's eligibility by way of their age, academics, work experience and the skill level for which their work experience was obtained, foreign transferability, language, and arranged employment. By meeting the minimum point level of 67, one would qualify as a Federal Skilled Worker and may secure permanent residence so long as a complete application was submitted. Federal Skilled Workers, together with their accompanying dependents, accounted for 81% of the total economic class and 46% of the total number of immigrants between 2002 and 2008. Out of this immigrant group, 72% of the principal applicants intended to assume professional or managerial occupation upon arrival (Holmes, Hjartarson, McGuire, & Ontario Chamber of Commerce, 2014).

In comparison to the current EOI model under Express Entry, with over 112,000 people applying to enter the pool, and only 844 permanent resident visas issued, legal representatives are questioning the effectiveness of such a program in its early stages. The Toronto Star published an article shortly following the release of the Express Entry Mid-Year Report, where concerns were raised as a result of the 1 in 10 individuals who applied to enter the pool, receiving an ITA with what appears to be in a lottery format (Keung, 2015). Further issues were raised as a result of the number of immigrants who secured permanent resident visas as many of these individuals were already residing in Canada. While this may be in line with economic objectives and seamless transitional periods, it poses the question as to how Canada is actually attracting immigrants from abroad, as the majority of candidates they

approved were already residing in Canada on a temporary basis, many of whom held LMIA specific work permits and permanent job offers as a result of same (Keung, 2015).

In examining the 2013 admission statistics under the economic stream, as identified in Citizenship and Immigration Canada's 2014 Annual Report to Parliament on Immigration, Canada welcomed 52,877 Federal Skilled Workers, 7,216 permanent residents under the Canadian Experience Class, and 39,915 provincial nominees – in sum, just over 100,000 in total under these categories, and not including spouses (CIC, 2014a). At this point, under the current EOI model, Canada is nowhere close to these numerical parameters (even with the addition of the newly implemented Federal Skilled Trades program). During a House of Commons meeting in discussing the EOI model prior to its inception, it was confirmed that the EOI model would not change the number of immigrants coming to Canada (i.e. Canada's projected immigration targets) (House of Commons, 2013). The immigrant numbers are annually set through the annual levels plan, and there would be no change to that – the same goal would remain, to ensure that those being issued permanent resident status have better chances of economic success upon their arrival (House of Commons, 2013).

As illustrated in CIC's Express Entry Mid-Year Report, since the 6 months of the Express Entry system, there were 12,017 individuals invited to apply for permanent residence (CIC, 2015f). Since the report, additional draws have been held at random, inviting over 7,000 additional individuals (1516 on July 10, 2015, 1581 on July 17, 2015, and 1402 on August 7, 2015, 1523 on August 21, and 1517 on September 8, 2015) (CIC, 2015). As such, under 20,000 individuals would have received invitations to apply under the economic stream in its first 8 months. And with that, we must consider the fact that not all ITA's may have resulted in approvals, which is not uncommon, and some may have even been eliminated in the initial stage of review for reasons of incompleteness and/or ineligibility. It is only at this eAPR stage that

the self-reported information is finally reviewed for accuracy and verified to ensure eligibility requirements are met and are in line with what was reported.

Certainly, new programs can be difficult to assess in light of the fact that there are no concrete findings due to the limited duration of the program. Further, in some data reports, there may not be enough information which can be used to draw a conclusion (i.e. we do not know how many eAPR's were rejected following an ITA as a result of ineligibility based on incorrect self-reported information). Nonetheless, and as noted above, the report based on a data extract on July 6, 2015 released by Citizenship and Immigration Canada capturing a specific moment in the life of Express Entry is significant (CIC, 2015h).

The way the program started was on a high note, with a random draw occurring at the end of the first month of its implementation on January 31, 2015, wherein 779 individuals across the economic streams received an ITA. Each candidate had at least 886 points (or higher), confirming that a job offer supported by a positive LMIA determination (or having a provincial nomination) was a common component across all ITA's. The following 2 rounds occurred in February, inviting those with 818 and 808 respectively, maintaining the job offer or nomination trend, with the latter focussing only on those candidates who met the requirements of the Canadian Experience Class. A third draw at the end of February invited those with a CRS score of 735. There was a large drop in the CRS cut-off in March, when a March 20, 2015 draw invited those with 481 points (1620 individuals), the highest number of ITA's issued up until that time, with an even lower point level one week later on March 27, 2015 (453 points, inviting 1637 individuals).

As can be gleaned from the above information, all candidates invited within the first four rounds were either supported by LMIA based job offers or provincial nominations. Furthermore, of these individuals, the vast majority were already working in Canada at the time. As such, it may well be that they likely

understood the immigration system, and were further able to submit a profile within a quick period of time. As illustrated above, it was not until March 2015 that we began to see a dip in the CRS scores for ITA's, demonstrating that even those without permanent job offers were candidates for permanent residence. The highest number of ITA's came by way of these periods. Since then, there has been a flux in the points, with the majority of draws now falling in the 400-500 points range. The country of residence (of the candidates who received ITA's in the first several draws) was Canada. While the Express Entry Mid-Year report recognizes the country of residence for those invited (and that most of these individuals were already in Canada), it further confirms that in light of how new the system is, the country of origin is likely shift as more candidates apply.

Furthermore, confirmation of the fact that the majority of the candidates were living in Canada has sparked discussion, specifically in connection with Canada's ability to recruit immigrations from abroad – and further wonders whether the world is even interested in Canadian immigration anymore (Keung, 2015). In fact, it may well be that there exist immigrant-host-country competitions between Canada, New Zealand, and Australia, and immigrants are more interested in the latter (House of Commons, 2013). However, given that their current residence is in Canada, this certainly helps in the ability to seamlessly enter Canadian society and the labour market, therefore meeting one of the objectives of the EOI model.

The Mid-Year Report further provides information about the citizenship of the candidates, with India being the highest (20.8% of candidates), which was followed by Philippines (19.4%). This information in part supports a news release made by Citizenship and Immigration Canada on May 8, 2015 which indicated that Canada welcomed more than 40,000 permanent residents from the Philippines in 2014, which was up over 30 percent in 2013, making Philippines the top source country of permanent residents for the year. If the Express Entry future data findings demonstrate similar findings, the Filipino

immigrants may reach the highest number for the upcoming years as well. Since 2010, Canada has welcomed an average of more than 260,000 permanent residents each year, and with that, the Filipino community has made up a large part of Canada's overall immigration, and the contributions of Filipinos have made to Canada (CIC, 2015j).

As part of the EOI objectives, Citizenship and Immigration Canada wanted to eliminate application backlogs, and process applications on a quicker basis – to have applications be adjudicated with six months of eAPR submission (CIC, 2015i). Given that the first e-APR's were approved in April 2015, at this time it can be confirmed that Citizenship and Immigration Canada's processing times are in line with the initial objectives. Certainly, depending on the application flow and if the number of invitations sent out increase, processing may slow down slightly – of course, this is yet to be confirmed.

#### ***Data Analysis – Comparing EOI models in Canada, New Zealand, and Australia***

It is evident that Canada has taken some advice from the EOI models in Australia and New Zealand. While some aspects have been applied in similar ways, others have not been feasible for our immigration system. As the initial host country that implemented the EOI model, New Zealand's immigration system is quite unique, as there are pre-set scores for candidates who may enter the pool, and who may be eligible to apply for permanent residency. To be considered, a candidate must meet the following criteria: be in good health, have good character, have a reasonable standard of English, and be under 56 years old (Bellissimo, 2014). In addition, there is a 100 point threshold that must be met for employability and capacity-building factors in order to have one's EOI accepted into the pool. As such, if a candidate scores at least 100 points under New Zealand's EOI, they are entered in the EOI pool. There is then a two-week window that separates every selection period (Bellissimo, 2014). At each two-week mark, those in the pool with at least 140 points are automatically selected. Thereafter, those who have between 100 and 139 points (which include points for a skilled job offer) are also selected. Finally,

if there are still available slots, additional criteria are used to select lower scoring candidates. If selected, an ITA for residence under the Skilled Migrant Category is sent, and applicants have 4 months (from the date of which an ITA is received) to submit their complete application, including supporting documents confirming that they meet all criteria as identified in their EOI (Bellissimo, 2014). For Canada, applicants only have 60 days to comply with submission (CIC, 2015i).

Following EOI submission in New Zealand, the final outcome may be one of three possibilities: approval and grant of residence; deferral of application, whereby a Skilled Migrant Category job visa is issued which allows the applicant to search for skilled employment within 9 months; or, refusal. Interestingly enough, New Zealand did not automatically start with a 100 point threshold (Bellissimo, 2014). In fact, a high threshold of 195 points was initially set (Bedford & Spoonley, 2014). While high at the time, it did not deter applicants between 2004 and 2005 and resulted in 126 EOIs being issued in the first draw in February 18, 2004, which had approximately 2,000 candidates at that time (Bedford & Spoonley, 2014). Similar to Canada, the majority of these individuals were already living and working in the country (New Zealand). Point thresholds had continued to drop until 100 points was set as the standard, and there came a shift from majority UK citizens receiving invitations, to that of Indian citizens being selected (Bedford & Spoonley, 2014). Natural disasters (i.e. earthquakes) discouraged immigration to New Zealand, but decisions made in 2013 to rebuild the city of Christchurch has once again created a high-demand for skilled labour (Bedford & Spoonley, 2014).

Australia's EOI model, *SkillSelect* was released in July 2012, taking on several of the factors of the New Zealand EOI established a decade earlier. Similar to the New Zealand and Canadian EOI, all Australian EOIs must be completed online, and at the conclusion of the online process, a score is given (Bellissimo, 2014). Australia's *SkillSelect* enables skilled workers and business people to file a skilled visa application by way of the EOI model. Prospective immigrants can thereafter be found and nominated for skilled

visas by employers and/or state and territorial governments. Comparatively, Canadian employers do not have direct access to find candidates in Canada's Express Entry pool (Holmes, Hjartarson, McGuire, & Ontario Chamber of Commerce, 2014).

The standard set of information requested from a candidate closely mirrors that of what Canada and New Zealand asks for, including basic personal information, work experience, educational details, English language proficiency, among other things including the nominated occupation details, information about a Skills Assessment related to the nominated occupation, and business and investment experience (Bellissimo, 2014). Different from Canada, even without meeting a pass score mark, Australia's EOI system allows individuals to submit an EOI and update it as their information changes throughout. Upon completion, an EOI remains valid to two years – different from Canada where it is only live for one year (Bellissimo, 2014). Within the *SkillSelect*, there are caps issued based on specific positions so as to allow variety in skilled immigrant occupations. Once a cap is reached, invitations will not be issued under that specific occupation for that program year. This mirrors the former Federal Skilled Worker program criteria in Canada, whereby there were skilled occupations for which individuals could apply under that had caps based on the number of applications that would be processed under each of the occupations on the list. Just as in Canada and New Zealand, those with the highest ranked points receive ITA's in Australia; however the invitations under *SkillSelect* are subject to review of caps. Furthermore, it is important to note that in Australia, not all EOI's that meet a point test pass mark will actually receive an ITA. State and territorial governments (similar to provinces in Canada) also locate and select skilled business people they wish to nominate (Bellissimo, 2014).

Australia's system, although fairly new, has also already undergone some changes as has New Zealand's EOI over the past decade. Specifically, changes have been in connection with occupational caps (better

known as “occupational ceilings” in Australia) and further arrangements for high-level interest occupations.

Evidently, Australia has piggy-backed on New Zealand’s EOI. And more recently, Canada has also implemented and incorporated many facets of the already existing EOI models (House of Commons, 2013). As previously mentioned, while in effect for a while, the EOI systems in New Zealand and Australia, as recently as 2013 and 2014, have undergone changes, proving that the EOI model is likely to change based on trial-and-error of what works and does not work, and further based on the conditions of the country at that time. In light of this, following only 8 months of activity, and the concerns, issues, and proposed objectives in connection with Canada’s EOI, Express Entry, including technical concerns, low numbers of permanent resident visas being issued, lack of ability to attract skilled work from abroad, while some changes to this new system have come along, it is highly likely that they will continue to surprise us as we learn to navigate through the Express Entry.

## **SECTION VI: RECOMMENDATIONS**

### ***CAPIC Recommendations***

The Canadian Association of Professional Immigration Consultants (CAPIC) released a policy submission paper in connection with the EOI model in 2013. The written presentation outlined the information made available from Citizenship and Immigration Canada to the date of the paper's publication and prior to the implementation of Express Entry. In this paper, CAPIC presented expected challenges and areas of concern in connection with the new system.

The main objectives of the transition to an EOI immigration model, as interpreted by CAPIC, were in line with those which have been referenced throughout the paper - specifically to improve application management through an electronic system and further transition to a more selection based immigration system to bring in immigrants that have the skillset that Canada requires (CAPIC, 2013). One of the key challenges that CAPIC perceived with the system was in relation to an already existing problem in immigration, frivolous applications. A concern raised was that by way of this electronic system, the candidates risk the possible inability to grasp the nature of each question/detail required, and therefore input inaccurate data resulting in an unwarranted ITA. In light of this, CAPIC has recommended a more proactive involvement of authorized immigration representatives in preparing and submitting initial EOI's. While the same issue has been reoccurring even before Express Entry, at the present time, there is no indication that Citizenship and Immigration Canada is taking a stance on pushing forward the use of authorized representatives. In fact, the website states that an individual does not require a lawyer and or consultant to assist in the preparation and submission of a profile (CIC, 2015i). This is further demonstrated in the difficulties faced by legal representatives in the Express Entry pre-face, as provided by Jennifer Nees (2015), a Toronto-based immigration lawyer. Since an application cannot be printed and/or summarized clearly for an applicant's review, it makes it difficult to have a third party

representative (using their own User Representative Portal through Citizenship and Immigration Canada) involved.

CAPIC further raised matters of employer roles in the EOI, suggesting that arranged employment opinions (AEO's) resume (CAPIC, 2013). Again, there exists no indication that Citizenship and Immigration Canada has taken such a recommendation into consideration at this time, as no information is made available. In fact, given that a strong focus has been turned to the job offer supported by an LMIA and suggestions for expedited LMIA's in order to demonstrate a high-ranked candidate, it does not appear that the AEO stream will return in the near future.

A report produced by Citizenship and Immigration Canada on the development of the EOI system outlined that the Government of Canada's 2012 budget identified as a priority the building of "a fast and flexible economic immigration system whose primary focus is on meeting Canada's labour market needs" (CIC, 2012). As it relates to concerns about cost implications, CAPIC draws on the New Zealand EOI system, whereby there exists a cost associated with the submission of the EOI which the country recovers at the time of the EOI. This is an idea CAPIC proposes for Citizenship and Immigration Canada.

While the EOI model is currently in place for only economic class applicants, CAPIC has put forth consideration to apply it to all immigration streams (CAPIC, 2013). Maytree has further indicated that while this EOI model applies to the economic streams, it is not impossible for it to be considered for other programs at a later time (Maytree, 2013). Moreover, while Citizenship and Immigration Canada has not turned down this idea, there is no communication in connection with implementing same for other applications (i.e. family class) at this time.

#### ***Ontario Chamber of Commerce Recommendations***

A report produced by the Ontario Chamber of Commerce (OCC), a non-partisan business network whose mission is to support economic growth in Ontario by advocating for pro-business policies and defending

business priorities at Queen's park, provided a list of thirteen detailed recommendations which were proposed closer to the implementation of the EOI immigration model. The recommendations put forth were based on consultations with employers across the province in connection with the design of the proposed EOI system (Holmes, Hjartarson, McGuire, & Ontario Chamber of Commerce, 2014).

OCC met with various employers across many levels and HR professionals from different sectors and fields in six (6) cities including London, Ottawa, Peterborough, Sudbury, Toronto, and Windsor (Holmes, Hjartarson, McGuire, & Ontario Chamber of Commerce, 2014). During a 5 month period (June 2013 to November 2013), with more than one year before the implementation of the new immigration application management system, the Minister and Deputy Minister of Citizenship and Immigration Canada, together with OCC representatives, conducted face-to-face consultations with over 150 Ontario employers (Holmes, Hjartarson, McGuire, & Ontario Chamber of Commerce, 2014).

The recommendations proposed to the federal government were made as Canada's EOI model was in its final stages of implementation, so as to provide feedback of employers who would be a part of the economic match Express Entry system, as described by the media. The recommendations included but were not limited to: benchmark processing times (faster than any other); employer access to the Express Entry pool; immigration consultants to work with employers in navigating the Express Entry system; seamless foreign credential accreditation; accelerated LMIA's; representing EOI internationally to prospective immigrants and domestically to employers; and providing a user friendly system as the inability to access and navigate would certainly deter individuals and employers from using same, creating a problem (Holmes, Hjartarson, McGuire, & Ontario Chamber of Commerce, 2014).

In reviewing the recommendations and examining the structure of the program which is now in place, it may well be that the recommendations were taken into consideration for some factors, but the role of

the employer remained distant from the process. In comparison, and as mentioned above, Australia has continued to embrace employer involvement in an economically driven stream.

The Express Entry has proven to work in a timely manner in comparison to the processing times of the programs pre-Express Entry, with individuals receiving permanent resident status with only four months of the date of implementation (CIC, 2015a). As such, it has proven that it can process an electronic application for permanent residence within the indicated processing time of six (6) months from submission. Although this objective may have been as a result of many still trying to familiarize themselves with the system, there is no evidence to suggest at this time that a complete application with no concerns is taking longer than the projected time.

Again, unlike in Australia, Canadian employers do not have access to the Express Entry pool. The Federal government noted (and it was confirmed upon implementation earlier this year) that employers would not have direct access to the immigrant pool – they could not login to the pool and access candidate’s Express Entry profiles. As such, candidates and employers would be electronically matched for prospective employment through the Job Bank matching system, therefore limiting the opportunity for employers to search based on skill, and rely solely on an electronic matchmaking service (Holmes, Hjartarson, McGuire, & Ontario Chamber of Commerce, 2014). The response to limiting access is two-fold – in light of the fact that employers and candidates would be paired up through the Canadian Job Bank, a source that has received some non-reputable recognition from Ontario employers, it questions whether an electronic system can adequately reflect specific skillsets (i.e. soft skills that are not easily identified on an electronic system) that are required (Holmes, Hjartarson, McGuire, & Ontario Chamber of Commerce, 2014) and if Canada’s Express Entry system continues to generate the same figures it has to date (based on the numbers published in the recent Mid-Year Report), the benefits and proposed objectives of such a program may not be seen for many years to come.

Finally, since the Express Entry portal is the first interaction (in most cases) that immigrants have with Canada, it is important to be user friendly so as to allow little to no issues with navigation (Holmes, Hjartarson, McGuire, & Ontario Chamber of Commerce, 2014). While technical glitches may be inevitable through an electronic system, it is important to rectify them as soon as possible. This is important to recognize as an inability to navigate the EOI process immediately demonstrates that a problem exists (Holmes, Hjartarson, McGuire, & Ontario Chamber of Commerce, 2014). This may further pose questions as to whether any level of difficulty may have been intentional, so as to deter some individuals from applying. And, while both CAPIC and employers interviewed by OCC had similar viewpoints on the involvement of consultants to assist in navigating the EOI system in Canada, there is no indication that it is mandatory for immigration consultants to work with employers and/or to be involved in the process with candidates or applicants (Holmes, Hjartarson, McGuire, & Ontario Chamber of Commerce, 2014).

### ***System Limitations and Further Recommendations***

A recommendation made by the OCC by way of employer feedback was in connection with the EOI system's design focussing on human capital and advanced skills. Following interviews, Ontario employers commented on specific issues they had faced in connection with locating individuals to fill positions that were lower-skilled or semi-skilled (Holmes, Hjartarson, McGuire, & Ontario Chamber of Commerce, 2014). When navigating through the Express Entry system, to set up a profile, a candidate had to indicate the skill level of their occupation (either O, A, or B which are the only selections given). If a candidate did not have skilled work experience, they could select "none above" which meant that they held either a skill level C or skill level D occupation (which is considered a lower level position). Since a candidate did not fall under one of the managerial or professional occupations, nor did they qualify under a skilled trade, they are immediately ineligible to apply under the Express Entry. This is

problematic, as employers have confirmed that they have difficulties finding individuals in Canada to fill lower-skill level positions (Holmes, Hjartarson, McGuire, & Ontario Chamber of Commerce, 2014). As such, the OCC argues that the EOI model should include low-skilled occupations as well so as to facilitate matchmaking initiatives between employers who are having trouble locating and hiring individuals to fill these roles.

Another limitation exists in the way in which the high-ranked candidates receive ITA's. More specifically, what determines whether a candidate is high-ranked? To date, there have been 16 draws, with the most recent draw (conducted randomly) on September 8, 2015, inviting all candidates who obtained a score of 459 (or higher) based on their self-reported Express Entry profile data (CIC, 2015h). While this CRS score immediately demonstrates that it was not necessary to have a permanent job offer supported through an LMIA to receive an ITA, it is unclear as to why this point amount was deemed to be high-ranked at that given time. Moreover, given that there have been several draws showing high-ranked candidates as those receiving over 700 and 800 CRS points, it is unclear where the line is drawn for a high-level candidate. If an individual has an LMIA or provincial nomination, it is clear as to why their skills are in demand – it has been demonstrated by these processes that their skillset is essential and that they can easily transition into the country. This discretionary nature of the Ministerial Instructions does not provide candidates (at the time of submitting their profiles) any guidance as to the probability of them receiving an ITA. Understandably, the composition of the pool changes frequently, however, as in the case of New Zealand's EOI model, it would be beneficial to set a target point amount so as to allow candidates to see their position and to predict their chances of receiving an ITA. Leaving it up to random draws opens the system up to too much ministerial power, and little room for speculation as to whether one may or may not receive an ITA (unless there is a job offer or a provincial nomination).

Program evaluations are effective in determining what works (and does not work) within a program, and allows room for recommendations which can benefit the future implementation of the program by way of making changes, or receiving input from organizations, individuals, and other parties involved. Since the EOI model is new to Canada, it would be beneficial to undergo an evaluation of the EOI following one year of activity, and to produce more detailed reports (than that of what Citizenship and Immigration Canada released in July 2015). This would provide insight as to what happened with the program, specifically raising attention to issues, positive outcomes, whether objectives were met, and future recommendations so as to rectify any issues to meet the proposed objectives. By having an evaluation, Citizenship and Immigration Canada may learn that aspects of the EOI systems in operation in Australia and New Zealand (i.e. set point amounts and employer involvement) may in fact be in the country's best interest.

Finally, while there has already been some discussion in connection with using an electronic system for other applications and applying the EOI model across different immigrant streams in Canada, this may not be such a good idea at this time. While Canada continues to implement the EOI model, there needs to be an evaluation and analysis to see whether or not it is working. Given that it is a new initiative, putting forward extensive funds towards similar new initiatives for other immigration categories is not feasible. Moreover, Canadians, legal representatives, and prospective and current immigrants are just now trying to learn to navigate through the system - a shift toward a completely electronic immigration system can result in bigger problems than those that are just technical in nature.

## **CONCLUSION**

Just shy of 8 months ago, Canada introduced an innovative application management system through the use of an Expression of Interest Model. With the expectation of reducing immigration backlogs and facilitating improved economic outcomes of skilled immigrants, the EOI model has established an electronic pre-registration process which reviews expressed interests made by prospective immigrants and their ability to be preferred as permanent residents in Canada. With that, the EOI model placed a strong focus on favouring immigrants who have valid job offers from Canadian employers or who have provincial nominations. In determining their eligibility, the electronic system considers a candidate's age, work experience, academic background, among other factors. Moreover, if candidates meet the eligibility criteria to apply for permanent residence under one of the existing economic streams, they are placed in an Express Entry pool, awaiting an invitation to be invited to apply for permanent residence. Since Express Entry is primarily governed by Ministerial Instructions, the Minister thereafter can choose to invite candidates who have achieved what he deems to be a high-ranked score at that given time, and issue invitations for permanent residence. Upon receipt of an ITA, an applicant has 60 days to submit their application, including all supporting documentation evidencing that the self-reported information input into their Express Entry profile remains accurate.

Since the implementation of the Express Entry system in January 1, 2015, and as of July 2015, only 884 permanent resident visas were issued under the new system, raising speculation that the program was limiting the immigrant opportunities of interested candidates, and moreover failing to attract immigrants from abroad (by issuing permanent resident status to those who were already in Canada).

The first four Express Entry draws confirmed that those without either a job offer or provincial nomination in hand would not receive an ITA, as an LMIA or provincial nomination immediately awarded 600 points out of a possible 1200 under the Comprehensive Ranking System of the Express Entry.

However, as the draws continued (at random), the high-ranked point levels dropped, resulting in the

invitation of individuals without job offers or nominations. Nonetheless, an Express Entry Mid-Year report released by Citizenship and Immigration Canada continued to raise speculation in the media as to the effectiveness of the program, and questioning whether it would meet Canada's immigrant objectives.

In developing the EOI model and applying it to Canadian immigration policy, Canada researched EOI models currently in place in New Zealand and Australia. While the programs are not identical in nature, they have a lot of similarities. Firstly, they are all conducted electronically, and each of the countries that are utilizing such a model are issuing invitations to apply based on how many points a candidate is issued. Given that the EOI model has been in effect in New Zealand for over one decade, it is a good example to use as to what other countries may experience by implementing this system. Since its inception, the system in New Zealand has undergone changes, including reconsidering and lowering minimum point balances. Australia's EOI model, *SkillSet*, although relatively new, has also already implemented changes in connection with occupational caps following an evaluation and recommendations made. To date, even within the first several months, Canada also made a slight revision to specific requirements which affected factors applied to full-time work experience. In light of this, and if Canada follows in the footsteps of the existing EOI countries, many changes are very likely to come.

Moreover, with a new program, limitations, problems, issues, and backlash or criticism is likely. As in the case of the EOI in Canada, the media has brought forth limitations of the existing system, questioning its objectives and implementation. Unfortunately, since the EOI model was just implemented, the only literature we can reference in connection with evaluating its operation comes from non-peer reviewed periodical publications, and what Citizenship and Immigration Canada makes us aware of. As the EOI model works to establish itself in Canada's economic system, we must rely on the

shared experiences of legal representatives, candidates, and the public, and the use Citizenship and Immigration Canada's current (and future) reports to help us navigate and evaluate the system.

There are in fact shortcomings to the current immigration system. Based on predetermined immigration targets for the economic classes, and based on what we know thus far, with under 20,000 invitations to apply for permanent residence issued (to date) in this first year of the system's inception, it is unlikely that economic immigrant targets will be met. Further, the fact that changes are already taking place, it is clear that this is going to be a work in progress (as it has been for Australia and even New Zealand) for many years to come. And, with the high level of permanent resident visas issued to candidates already in Canada, the effort to attract candidates from abroad appears limited. As such, Canada is far from implementing a quick and effective system to meet its economic objectives. While processing times have proven to be in line with projected timelines, there is still a lot to be ironed out, which will most certainly promote considerable ongoing discussion of the EOI's shortcomings in Canada.

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