

Federal Court



Cour fédérale

Date: 20090810

Docket: IMM-3481-08

Citation: 2009 FC 815

Ottawa, Ontario, August 10, 2009

PRESENT: The Honourable Mr. Justice O'Keefe

BETWEEN:

ABDUL SAMAD ISMAIL JOGIAT

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

O'KEEFE J.

[1] This is an application pursuant to subsection 72(1) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (IRPA), for judicial review of the decision of a visa officer (the officer) at the Canadian Consulate General in Buffalo, New York dated June 18, 2008, wherein the officer denied the application for permanent residence as a member of the skilled worker class.

[2] The applicant seeks the following relief:

1. A writ of *certiorari* quashing the decision of the visa officer to reject the applicant's application for permanent residence as a skilled worker;
2. An order referring this matter for reconsideration to another visa officer; and
3. Such further and other relief as may be advised and this Honourable Court considers appropriate in the circumstances.

Background

[3] Abdul Samad Ismail Jogiat (the applicant) is a citizen of India. In 2003, the applicant was offered a full-time position to teach religion at Madresa Ashraful Uloom, a religious school in Etobicoke, Ontario earning approximately \$52,000 a year. The applicant and his family applied for temporary resident visas and entered Canada in November 2004. The applicant's wife and five children (all minors aside from an 18 year old daughter) accompanied him.

[4] The applicant filed an application for permanent residence as a skilled worker through the Canadian Consulate General in Buffalo, New York on or about June 2007, indicating that he had received an offer of indeterminate employment from his employer. This application included a request for "substituted evaluation", under subsection 76(3) of *Immigration and Refugee Protection Regulations*, S.O.R./2002-227 (the Regulations) based on the applicant's ability to become

economically established and based on his belief that the applicant's estimated total of 66 did not meet the 67 minimum.

Officer's Decision

[5] The officer informed the applicant that pursuant to subsection 76(1) of the Regulations, skilled worker applicants are assessed based on certain selection criteria including age, education, knowledge of Canada's official languages, experience, arranged employment and adaptability.

[6] In the decision dated June 18, 2008, the applicant was informed by the officer that his application for permanent residence had been denied because he had obtained insufficient points, having accumulated only 49 of a possible 100 (i.e. 18 points below the minimum 67). This is the breakdown of his point allotment:

NOC: 4141	Points Assessed	Maximum
Age	00	10
Education	05	25
Experience	21	21
Arranged Employment	10	10
Official Language	03	24
Proficiency		
Adaptability	10	10
Total	49	100

[7] The application was assessed based on the occupations in which the applicant had obtained experience in, namely, occupations under Skill Type 0 or Skill Level A or B.

[8] According to the officer's CAIPS notes on March 14, 2008, the applicant's education was stated to be at the level of a secondary education. The officer noted that the applicant had completed the required course of Urdu Persian and Arabic and was awarded a certificate of "Molvi". The applicant's experience that the officer considered was the January 2005 to June 2008 employment as a religious teacher at Madresa Ashraful Uloom in Toronto. The officer noted on March 24, 2008 that the applicant "did not really meet LMO requirement for English with an IELTS score of 3". Finally, it is noted on June 18, 2008 that the officer discussed the applicant's application with an Immigration Program Manager (IPM) and reviewed the application and accompanying documentation confirming the assessed points as above.

[9] At this time, the officer states that he is not "persuaded that positive substitution of evaluation is warranted in this case".

Issues

[10] The applicant identifies the following issues:

1. Was the officer's analysis of "substituted evaluation" unreasonable?
2. Did the officer fail to observe the principles of procedural fairness in failing to provide adequate reasons?
3. Was the decision unreasonable for the officer's failure to recognize the applicant's post secondary education?

[11] I would rephrase the issues as follows:

1. What is the standard of review?
2. Did the officer err in finding that “substituted evaluation” was not warranted?
3. Did the officer err in failing to recognize the applicant’s post secondary education?
4. Did the officer fail to observe the principles of procedural fairness in failing to provide adequate reasons?

Applicant’s Submissions

[12] The applicant submits that the officer’s decision to not reward points for substituted evaluation under subsection 76(3) of the Regulations was unreasonable as was the failure of the officer to give reasons as to why he did not exercise his discretion for a substituted evaluation. The lack of reasons violated principles of procedural fairness.

[13] The officer’s statement in the refusal letter to the applicant states that “[t]here is nothing on your application or in the supporting documentation which leads me to believe that positive substitution of evaluation is warranted in this case”. The applicant suggests that this “is plainly wrong in light of the supporting evidence and arguments contained in the applicant’s visa application”. The applicant submits that the following factors militate in favour of a positive exercise of discretion including:

- The length of time the applicant and his family had been living in Canada (since November 2004).

- The applicant's full-time permanent job in Canada since January 2005 and continuing indeterminately as offered by the employer. As well, information about the employer supports these factors.
- Children's establishment in Canada as demonstrated by letters and attendance records from the children's schools.
- The applicant's nephew is a small business owner in Toronto and has pledged his moral and financial support. Documentation was provided to substantiate this.

[14] The applicant argues that all of these factors are relevant to the question of whether he can become economically established in Canada and argues that this is the test set out in subsection 76(3) of the Regulations. The applicant submits that all of the information noted above was before the officer when he made his decision including a letter submitted by the applicant's counsel at the time under the heading "Asking for Humanitarian Discretion and Substituted Evaluation". The applicant suggests that there is no indication that the officer considered any of these factors in his decision.

[15] The applicant submits that he fell short of the threshold point total of 67 primarily because of his low score in language and education. The applicant submits that deficiencies in these areas are not reflective of his ability to become economically established in Canada. He argues that his profession and occupation do not require high proficiency in English and it was this sort of situation that subsection 76(3) was intending to address when, "points awarded is not a sufficient indicator of whether the skilled worker may become economically established in Canada".

[16] In any case, the applicant submits that the officer's decision to award 5 points for education as opposed to 22 points was unreasonable. The applicant submitted evidence that he had 17 years of education including eight years of "primary" school, and ten years of religious school training which resulted in earning certificates in religious instruction. His position as an Imam in Canada points to these qualifications.

[17] The applicant submits that it was unreasonable for the officer to assess the education of the applicant based on a western system of education and given the duration of the applicant's religious studies it must be assigned some post-secondary credit as opposed to the five points for a sole secondary education.

[18] As to procedural fairness, the applicant submits that the officer's process of articulating reasons was flawed from the perspective that he offered no analysis on how he came to the conclusion that a substituted evaluation was not warranted.

[19] The applicant argues that visa officers are required to give adequate reasons (see *Saha v. Canada (Minister of Citizenship and Immigration)*, [2003] F.C.J. No. 1673). In *Mehterian v. Canada (Minister of Employment and Immigration)*, [1992] F.C.J. No. 545, reasons are needed to be "...sufficiently clear, precise and intelligible that the claimant may know why his claim has failed and decide whether to seek leave to appeal, where necessary". In this case, the applicant submits the

officer gave only two brief mentions of substituted evaluation but no mention of the evidence that would have supported such an evaluation.

[20] In summary, the applicant argues that his family has invested years of their lives in becoming established in Canada. Given this, they argue, the officer owed a high degree of fairness particularly when the applicant was so close to the threshold, which is perceived to be 66 by the applicant.

[21] An officer must provide an applicant with the opportunity to respond to any concerns before a negative assessment is rendered. If the officer breaches the duty of fairness, the decision is quashed and remitted to a different visa officer.

Respondent's Submissions

[22] The respondent submitted that the applicant simply did not meet the minimum requirement of 67 points for selection as a federal skilled worker. The respondent submits that it is the applicant's own calculation that he should receive 66 points based on receiving 22 points for education which has not been proven.

[23] The respondent states that although the applicant attended a religious school for ten years, there is no proof that it was qualified to provide a post-secondary educational credential. The documentation from the schools attended are also lacking of any information on the school except

for the name of the school and have illegible signature without addresses or any contact information. In conclusion, even if this information is accepted on the poor documentation provided, there is still the unresolved issue of the qualifications of the religious school to provide credentials of a post-secondary nature. The onus to prove these questions was on the applicant and as such, there is no arguable issue on this point.

[24] Further, the respondent states that the applicant was not entitled to a positive substituted evaluation as it is “highly discretionary and exceptional”. The respondent states that subsection 76(3) provides the officer with a power to override the numerical selection system but the power is the officer’ s alone to use.

[25] The inadequacy of reasons submitted by the applicant is not an arguable issue either. The respondent states that:

. . . [s]ince substituted evaluation only occurs when an officer feels that the number of points awarded is not a sufficient indicator of whether the applicant may become economically established in Canada, the decision not to make a substituted evaluation shows that an officer is content with the points awarded.

[26] Ultimately, the respondent argues that the decision is a discretionary one and exceptional to cases where points are not a sufficient indicator of the applicant to become economically established. A lack of good faith without regard to the relevant matters are the factors to consider when reviewing a discretionary decision by a visa officer in this context and this heavy burden was not met by the applicant in showing that the decision should be overturned. In *To v. Canada*

(*Minister of Employment and Immigration*) (May 22, 1996), Court file A-172-93, the Federal Court of Appeal held that the appropriate standard of review for discretionary decisions of visa officers with respect to immigrant applications is the same as that enunciated by the Supreme Court of Canada in *Maple Lodge Farms Ltd. v. Government of Canada et al.*, [1982] 2 S.C.R. 2.

Applicant's Reply

[27] The purpose of the applicant's reply was to examine in more detail the issue of procedural fairness in this case. The applicant reiterates that reasons must be given to substantiate a refusal where there are such strong prospects for economic establishment including length of time in Canada, stable full-time employment, the establishment of the children and the availability of financial support from a relative.

[28] The applicant states that it is impossible to know whether the officer's decision is reasonable in this case because there are no reasons provided beyond the calculation of points and a brief mention of what the points meant.

[29] The applicant submits that there was a significant outcome for the applicant in this decision and *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817 dictates that reasons are required even if the decision maker is afforded a high degree of discretion. The applicant argues that this has been found in the skilled worker arena as well where Mr. Justice Kelen in *Choi v. Canada (Minister of Citizenship and Immigration)*, 2008 FC 577 and Mr. Justice

Pinard in *Lackhee v. Canada (Minister of Citizenship and Immigration)*, 2008 F.C.J. No. 1615, both found that reference to evidence was sometimes warranted.

Respondent's Reply

[30] The respondent submits that the applicant's disagreement with the officer does not create a duty on the officer to provide reasons. The Regulations do not suggest that Parliament intended that to be the case as there is no mention of an officer's requirement to explain the evaluation of points awarded or the decision not to use substituted evaluation.

[31] In particular, the respondent addresses the issue of points for post-secondary education and argues that the documentation was clearly deficient and it was the applicant's onus to prove that he had received these credentials.

[32] Other factors that the applicant raised to support the application were factors suited for humanitarian and compassionate (H&C) grounds applications. Skilled worker assessments are much different than H&C applications and as such, the reasons given to a decision and the factors to take into account are more technically subscribed through the point awarding system and a highly discretionary power on the officer's tasked with these decisions.

[33] Because of the issues underlying H&C applications which involve potentially serious personal circumstances of applicants, the requirement for reasons is at a higher standard. However, in skilled worker classifications, the substituted evaluation is a residual discretion exercised in

exceptional cases when the officer feels that factors dictate looking beyond awarding points. There is no requirement of written reasons (see *Behnam v. Canada (Minister of Citizenship and Immigration)*, [2003] F.C.J. No. 798) and merely informing the applicant that a substituted evaluation had been considered is adequate.

[34] Furthermore, an officer is presumed to have taken into account all of the evidence whether or not it is indicated in the reasons (see *Florea v. Canada (Minister of Employment and Immigration)*, [1993] F.C.J. No. 598).

Analysis and Decision

[35] I wish to first deal with Issue 4.

[36] **Issue 4**

Did the officer fail to observe the principles of procedural fairness in failing to provide adequate reasons?

The issue relates to procedural fairness which does not require a standard of review analysis (see *Morneau-Bérubé v. Nouveau Brunswick (Judicial Council)*, [2002] S.C.J. No. 9 at paragraph 74).

[37] As noted by the applicant, there is no reference in the decision to any of the factors put forward by the applicant that he suggested militate against the shortcomings in the point system.

Nor are there reasons put forward to substantiate the findings on any of the more contentious categories such as education and language. This is problematic in my view.

[38] The officer found that substituted evaluation was not warranted but the officer did not provide any reasoning to show why he came to this conclusion. The officer's decision reiterates the legislation and regulations applicable to the application and states the points assigned.

[39] *Ogunfowora v. Canada (Citizenship and Immigration)*, 2007 FC 471 (CanLII) set the stage for this review:

The standard for sufficiency of reasons was outlined in *Mendoza v. Canada (Minister of Citizenship and Immigration)*, 2004 FC 687 (CanLII) at paragraph 4, relying on the decision of the Federal Court of Appeal in *Mehterian v. Canada (Minister of Employment and Immigration)*, [1992] F.C.J. No. 545 (F.C.A.)(QL). The Court stated that reasons are required to be sufficiently clear, precise and intelligible so that a claimant may know why his or her claim has failed and be able to decide whether to seek leave for judicial review. Furthermore, on the authority of *Hussain v. Canada (Minister of Employment and Immigration)* (1994), 174 N.R. 76 at paragraph 3 (F.C.A.), another decision of the Federal Court of Appeal in the immigration context, if the reasons for decision given by the Board are so inadequate that they fail to provide a clear basis for the reasoning behind its decision, the decision will be quashed. Finally, in *Chen v. Canada (Minister of Citizenship and Immigration)*, 2001 FCT 500 (CanLII), it was held that a panel must clearly express itself on primary issues arising from a claim and that a failure to do so will result in its decision being set aside.

[40] In *Gay v. Canada (Citizenship and Immigration)*, 2007 FC 1280 (CanLII), Mr. Justice Shore notes at paragraphs 40 and 41:

The Officer did not set out her findings of fact in respect of the evidence upon which those findings were based. As the Officer did

not specify her reasons in that regard, the reasons failed to reflect on the main relevant factors regarding Mr. Gay's application for permanent residence. (*VIA Rail Canada Inc. v. Lemonde*, [2000] F.C.J. No. 1685 (QL)).

[41] Therefore, in my opinion, the applicant was not accorded procedural fairness. The lack of any explanation for the findings regarding the point awards or the extraneous matters related to considering substantiated evaluation was unreasonable. For this reason, the judicial review is allowed and the matter is referred to a different officer for redetermination.

[42] Because of my finding on Issue 4, I need not deal with the remaining issues.

[43] Neither party wished to submit a serious question of general importance for my consideration for certification.

JUDGMENT

[44] **IT IS ORDERED that** the application for judicial review is allowed and the matter is referred to a different officer for redetermination.

“John A. O’Keefe”

Judge

ANNEX

Relevant Statutory Provisions

The Immigration and Refugee Protection Regulations, SOR/2002-227:

73. The following definitions apply in this Division, other than section 87.1.	73. Les définitions qui suivent s'appliquent à la présente section, à l'exception de l'article 87.1.
"educational credential" diplôme	«ancien règlement» former Regulations
"educational credential" means any diploma, degree or trade or apprenticeship credential issued on the completion of a program of study or training at an educational or training institution recognized by the authorities responsible for registering, accrediting, supervising and regulating such institutions in the country of issue. (diplôme)	«ancien règlement» S'entend au sens du paragraphe 316(1). (former Regulations) «diplôme»
"former Regulations" ancien règlement "former Regulations" has the same meaning as in subsection 316(1); (ancien règlement)	educational credential «diplôme» Tout diplôme, certificat de compétence ou certificat d'apprentissage obtenu conséquemment à la réussite d'un programme d'études ou d'un cours de formation offert par un établissement d'enseignement ou de formation reconnu par les autorités chargées d'enregistrer, d'accréditer, de superviser et de réglementer les établissements d'enseignement dans le pays de délivrance de ce diplôme ou certificat. (educational credential)
"restricted occupation" profession d'accès limité "restricted occupation" means an occupation designated as a restricted occupation by the Minister, taking into account labour market activity on both an area and a national basis, following consultation with the Department of Human Resources Development,	

provincial governments and any other relevant organizations or institutions. (profession d'accès limité)

«profession d'accès limité»
restricted occupation
«profession d'accès limité»
Toute profession désignée comme telle par le ministre en fonction de l'activité sur le marché du travail aux niveaux national et régional, après consultation du ministère du Développement des ressources humaines, des gouvernements provinciaux et de toute autre organisation ou institution compétente. (restricted occupation)

75.(1) For the purposes of subsection 12(2) of the Act, the federal skilled worker class is hereby prescribed as a class of persons who are skilled workers and who may become permanent residents on the basis of their ability to become economically established in Canada and who intend to reside in a province other than the Province of Quebec.

75.(1) Pour l'application du paragraphe 12(2) de la Loi, la catégorie des travailleurs qualifiés (fédéral) est une catégorie réglementaire de personnes qui peuvent devenir résidents permanents du fait de leur capacité à réussir leur établissement économique au Canada, qui sont des travailleurs qualifiés et qui cherchent à s'établir dans une province autre que le Québec.

(2) A foreign national is a skilled worker if

(2) Est un travailleur qualifié l'étranger qui satisfait aux exigences suivantes :

(a) within the 10 years preceding the date of their application for a permanent resident visa, they have at least one year of continuous full-time employment experience, as described in subsection 80(7), or the equivalent in continuous part-time employment in one or more occupations, other than a

a) il a accumulé au moins une année continue d'expérience de travail à temps plein au sens du paragraphe 80(7), ou l'équivalent s'il travaille à temps partiel de façon continue, au cours des dix années qui ont précédé la date de présentation de la demande de visa de résident permanent, dans au

restricted occupation, that are listed in Skill Type 0 Management Occupations or Skill Level A or B of the National Occupational Classification matrix;

moins une des professions appartenant au genre de compétence 0 Gestion ou niveaux de compétences A ou B de la matrice de la Classification nationale des professions — exception faite des professions d'accès limité;

(b) during that period of employment they performed the actions described in the lead statement for the occupation as set out in the occupational descriptions of the National Occupational Classification; and

b) pendant cette période d'emploi, il a accompli l'ensemble des tâches figurant dans l'énoncé principal établi pour la profession dans les descriptions des professions de cette classification;

(c) during that period of employment they performed a substantial number of the main duties of the occupation as set out in the occupational descriptions of the National Occupational Classification, including all of the essential duties.

c) pendant cette période d'emploi, il a exercé une partie appréciable des fonctions principales de la profession figurant dans les descriptions des professions de cette classification, notamment toutes les fonctions essentielles.

(3) If the foreign national fails to meet the requirements of subsection (2), the application for a permanent resident visa shall be refused and no further assessment is required.

(3) Si l'étranger ne satisfait pas aux exigences prévues au paragraphe (2), l'agent met fin à l'examen de la demande de visa de résident permanent et la refuse.

76.(1) For the purpose of determining whether a skilled worker, as a member of the federal skilled worker class, will be able to become economically established in Canada, they must be assessed on the basis of the following criteria:

76.(1) Les critères ci-après indiquent que le travailleur qualifié peut réussir son établissement économique au Canada à titre de membre de la catégorie des travailleurs qualifiés (fédéral) :

- | | |
|--|---|
| (a) the skilled worker must be awarded not less than the minimum number of required points referred to in subsection (2) on the basis of the following factors, namely, | a) le travailleur qualifié accumule le nombre minimum de points visé au paragraphe (2), au titre des facteurs suivants : |
| (i) education, in accordance with section 78, | (i) les études, aux termes de l'article 78, |
| (ii) proficiency in the official languages of Canada, in accordance with section 79, | (ii) la compétence dans les langues officielles du Canada, aux termes de l'article 79, |
| (iii) experience, in accordance with section 80, | (iii) l'expérience, aux termes de l'article 80, |
| (iv) age, in accordance with section 81, | (iv) l'âge, aux termes de l'article 81, |
| (v) arranged employment, in accordance with section 82, and | (v) l'exercice d'un emploi réservé, aux termes de l'article 82, |
| (vi) adaptability, in accordance with section 83; and | (vi) la capacité d'adaptation, aux termes de l'article 83; |
| (b) the skilled worker must | b) le travailleur qualifié : |
| (i) have in the form of transferable and available funds, unencumbered by debts or other obligations, an amount equal to half the minimum necessary income applicable in respect of the group of persons consisting of the skilled worker and their family members, or | (i) soit dispose de fonds transférables — non grevés de dettes ou d'autres obligations financières — d'un montant égal à la moitié du revenu vital minimum qui lui permettrait de subvenir à ses propres besoins et à ceux des membres de sa famille, |
| (ii) be awarded the number of points referred to in subsection 82(2) for arranged employment in Canada within the meaning of subsection 82(1). | (ii) soit s'est vu attribuer le nombre de points prévu au paragraphe 82(2) pour un emploi réservé au Canada au sens du paragraphe 82(1). |

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|---|--|
| <p>(2) The Minister shall fix and make available to the public the minimum number of points required of a skilled worker, on the basis of</p> | <p>(2) Le ministre établit le nombre minimum de points que doit obtenir le travailleur qualifié en se fondant sur les éléments ci-après et en informe le public :</p> |
| <p>(a) the number of applications by skilled workers as members of the federal skilled worker class currently being processed;</p> | <p>a) le nombre de demandes, au titre de la catégorie des travailleurs qualifiés (fédéral), déjà en cours de traitement;</p> |
| <p>(b) the number of skilled workers projected to become permanent residents according to the report to Parliament referred to in section 94 of the Act; and</p> | <p>b) le nombre de travailleurs qualifiés qui devraient devenir résidents permanents selon le rapport présenté au Parlement conformément à l'article 94 de la Loi;</p> |
| <p>(c) the potential, taking into account economic and other relevant factors, for the establishment of skilled workers in Canada.</p> | <p>c) les perspectives d'établissement des travailleurs qualifiés au Canada, compte tenu des facteurs économiques et autres facteurs pertinents.</p> |
| <p>(3) Whether or not the skilled worker has been awarded the minimum number of required points referred to in subsection (2), an officer may substitute for the criteria set out in paragraph (1)(a) their evaluation of the likelihood of the ability of the skilled worker to become economically established in Canada if the number of points awarded is not a sufficient indicator of whether the skilled worker may become economically established in Canada.</p> | <p>(3) Si le nombre de points obtenu par un travailleur qualifié — que celui-ci obtienne ou non le nombre minimum de points visé au paragraphe (2) — ne reflète pas l'aptitude de ce travailleur qualifié à réussir son établissement économique au Canada, l'agent peut substituer son appréciation aux critères prévus à l'alinéa (1)a).</p> |
| <p>(4) An evaluation made under subsection (3) requires the</p> | <p>(4) Toute décision de l'agent au titre du paragraphe (3) doit être</p> |

concurrency of a second officer.	confirmée par un autre agent.
77. For the purposes of Part 5, the requirements and criteria set out in sections 75 and 76 must be met at the time an application for a permanent resident visa is made as well as at the time the visa is issued. Selection Grid	77. Pour l'application de la partie 5, les exigences et critères prévus aux articles 75 et 76 doivent être remplis au moment où la demande de visa de résident permanent est faite et au moment où le visa est délivré.
78.(1) The definitions in this subsection apply in this section.	78.(1) Les définitions qui suivent s'appliquent au présent article.
"full-time" temps plein	«équivalent temps plein» full-time equivalent
"full-time" means, in relation to a program of study leading to an educational credential, at least 15 hours of instruction per week during the academic year, including any period of training in the workplace that forms part of the course of instruction. (temps plein)	«équivalent temps plein» Par rapport à tel nombre d'années d'études à temps plein, le nombre d'années d'études à temps partiel ou d'études accélérées qui auraient été nécessaires pour compléter des études équivalentes. (full-time equivalent)
"full-time equivalent" équivalent temps plein	«temps plein» full-time
"full-time equivalent" means, in respect of part-time or accelerated studies, the period that would have been required to complete those studies on a full-time basis. (équivalent temps plein)	«temps plein» À l'égard d'un programme d'études qui conduit à l'obtention d'un diplôme, correspond à quinze heures de cours par semaine pendant l'année scolaire, et comprend toute période de formation donnée en milieu de travail et faisant partie du programme. (full-time)
(2) A maximum of 25 points shall be awarded for a skilled	(2) Un maximum de 25 points d'appréciation sont attribués

worker's education as follows:	pour les études du travailleur qualifié selon la grille suivante :
(a) 5 points for a secondary school educational credential;	a) 5 points, s'il a obtenu un diplôme d'études secondaires;
(b) 12 points for a one-year post-secondary educational credential, other than a university educational credential, and a total of at least 12 years of completed full-time or full-time equivalent studies;	b) 12 points, s'il a obtenu un diplôme postsecondaire — autre qu'un diplôme universitaire — nécessitant une année d'études et a accumulé un total d'au moins douze années d'études à temps plein complètes ou l'équivalent temps plein;
(c) 15 points for	c) 15 points, si, selon le cas :
(i) a one-year post-secondary educational credential, other than a university educational credential, and a total of at least 13 years of completed full-time or full-time equivalent studies, or	(i) il a obtenu un diplôme postsecondaire — autre qu'un diplôme universitaire — nécessitant une année d'études et a accumulé un total de treize années d'études à temps plein complètes ou l'équivalent temps plein,
(ii) a one-year university educational credential at the bachelor's level and a total of at least 13 years of completed full-time or full-time equivalent studies;	(ii) il a obtenu un diplôme universitaire de premier cycle nécessitant une année d'études et a accumulé un total d'au moins treize années d'études à temps plein complètes ou l'équivalent temps plein;
(d) 20 points for	d) 20 points, si, selon le cas :
(i) a two-year post-secondary educational credential, other than a university educational credential, and a total of at least 14 years of completed full-time or full-time equivalent studies, or	(i) il a obtenu un diplôme postsecondaire — autre qu'un diplôme universitaire — nécessitant deux années d'études et a accumulé un total de quatorze années d'études à temps plein complètes ou

	l'équivalent temps plein,
(ii) a two-year university educational credential at the bachelor's level and a total of at least 14 years of completed full-time or full-time equivalent studies;	(ii) il a obtenu un diplôme universitaire de premier cycle nécessitant deux années d'études et a accumulé un total d'au moins quatorze années d'études à temps plein complètes ou l'équivalent temps plein;
(e) 22 points for	e) 22 points, si, selon le cas :
(i) a three-year post-secondary educational credential, other than a university educational credential, and a total of at least 15 years of completed full-time or full-time equivalent studies, or	(i) il a obtenu un diplôme postsecondaire — autre qu'un diplôme universitaire — nécessitant trois années d'études à temps plein et a accumulé un total de quinze années d'études à temps plein complètes ou l'équivalent temps plein,
(ii) two or more university educational credentials at the bachelor's level and a total of at least 15 years of completed full-time or full-time equivalent studies; and	(ii) il a obtenu au moins deux diplômes universitaires de premier cycle et a accumulé un total d'au moins quinze années d'études à temps plein complètes ou l'équivalent temps plein;
(f) 25 points for a university educational credential at the master's or doctoral level and a total of at least 17 years of completed full-time or full-time equivalent studies.	f) 25 points, s'il a obtenu un diplôme universitaire de deuxième ou de troisième cycle et a accumulé un total d'au moins dix-sept années d'études à temps plein complètes ou l'équivalent temps plein.
(3) For the purposes of subsection (2), points	(3) Pour l'application du paragraphe (2), les points sont accumulés de la façon suivante :

(a) shall not be awarded cumulatively on the basis of more than one single educational credential; and

a) ils ne peuvent être additionnés les uns aux autres du fait que le travailleur qualifié possède plus d'un diplôme;

(b) shall be awarded

b) ils sont attribués :

(i) for the purposes of paragraphs (2)(a) to (d), subparagraph (2)(e)(i) and paragraph (2)(f), on the basis of the single educational credential that results in the highest number of points, and

(i) pour l'application des alinéas (2)a) à d), du sous-alinéa (2)e)(i) et de l'alinéa (2)f), en fonction du diplôme qui procure le plus de points selon la grille,

(ii) for the purposes of subparagraph (2)(e)(ii), on the basis of the combined educational credentials referred to in that paragraph.

(ii) pour l'application du sous-alinéa (2)e)(ii), en fonction de l'ensemble des diplômes visés à ce sous-alinéa.

(4) For the purposes of subsection (2), if a skilled worker has an educational credential referred to in paragraph (2)(b), subparagraph (2)(c)(i) or (ii), (d)(i) or (ii) or (e)(i) or (ii) or paragraph (2)(f), but not the total number of years of full-time or full-time equivalent studies required by that paragraph or subparagraph, the skilled worker shall be awarded the same number of points as the number of years of completed full-time or full-time equivalent studies set out in the paragraph or subparagraph.

(4) Pour l'application du paragraphe (2), si le travailleur qualifié est titulaire d'un diplôme visé à l'un des alinéas (2)b), des sous-alinéas (2)c)(i) et (ii), (2)d)(i) et (ii) et (2)e)(i) et (ii) ou à l'alinéa (2)f) mais n'a pas accumulé le nombre d'années d'études à temps plein ou l'équivalent temps plein exigé par l'un de ces alinéas ou sous-alinéas, il obtient le nombre de points correspondant au nombre d'années d'études à temps plein — ou leur équivalent temps plein — mentionné dans ces dispositions.

79.(1) A skilled worker must specify in their application for a permanent resident visa which of English or French is to be

79.(1) Le travailleur qualifié indique dans sa demande de visa de résident permanent la langue — français ou anglais —

considered their first official language in Canada and which is to be considered their second official language in Canada and must

qui doit être considérée comme sa première langue officielle au Canada et celle qui doit être considérée comme sa deuxième langue officielle au Canada et :

(a) have their proficiency in those languages assessed by an organization or institution designated under subsection (3); or

a) soit fait évaluer ses compétences dans ces langues par une institution ou organisation désignée aux termes du paragraphe (3);

(b) provide other evidence in writing of their proficiency in those languages.

b) soit fournit une autre preuve écrite de sa compétence dans ces langues.

(2) Assessment points for proficiency in the official languages of Canada shall be awarded up to a maximum of 24 points based on the benchmarks referred to in Canadian Language Benchmarks 2000 for the English language and Niveaux de compétence linguistique canadiens 2006 for the French language, as follows:

(2) Le maximum de points d'appréciation attribués pour la compétence du travailleur qualifié dans les langues officielles du Canada est de 24, calculés d'après les standards prévus dans les Niveaux de compétence linguistique canadiens 2006, pour le français, et dans le Canadian Language Benchmarks 2000, pour l'anglais, et selon la grille suivante :

(a) for the ability to speak, listen, read or write with high proficiency

a) pour l'aptitude à parler, à écouter, à lire ou à écrire à un niveau de compétence élevé :

(i) in the first official language, 4 points for each of those abilities if the skilled worker's proficiency corresponds to a benchmark of 8 or higher, and

(i) dans la première langue officielle, 4 points pour chaque aptitude si les compétences du travailleur qualifié correspondent au moins à un niveau 8,

(ii) in the second official language, 2 points for each of those abilities if the skilled

(ii) dans la seconde langue officielle, 2 points pour chaque aptitude si les compétences du

<p>worker's proficiency corresponds to a benchmark of 8 or higher;</p>	<p>travailleur qualifié correspondent au moins à un niveau 8;</p>
<p>(b) for the ability to speak, listen, read or write with moderate proficiency</p>	<p>b) pour les capacités à parler, à écouter, à lire ou à écrire à un niveau de compétence moyen :</p>
<p>(i) in the first official language, 2 points for each of those abilities if the skilled worker's proficiency corresponds to a benchmark of 6 or 7, and</p>	<p>(i) dans la première langue officielle, 2 points pour chaque aptitude si les compétences du travailleur qualifié correspondent aux niveaux 6 ou 7,</p>
<p>(ii) in the second official language, 2 points for each of those abilities if the skilled worker's proficiency corresponds to a benchmark of 6 or 7; and</p>	<p>(ii) dans la seconde langue officielle, 2 points si les compétences du travailleur qualifié correspondent aux niveaux 6 ou 7;</p>
<p>(c) for the ability to speak, listen, read or write</p>	<p>c) pour l'aptitude à parler, à écouter, à lire ou à écrire chacune des langues officielles :</p>
<p>(i) with basic proficiency in either official language, 1 point for each of those abilities, up to a maximum of 2 points, if the skilled worker's proficiency corresponds to a benchmark of 4 or 5, and</p>	<p>(i) à un niveau de compétence de base faible, 1 point par aptitude, à concurrence de 2 points, si les compétences du travailleur qualifié correspondent aux niveaux 4 ou 5,</p>
<p>(ii) with no proficiency in either official language, 0 points if the skilled worker's proficiency corresponds to a benchmark of 3 or lower.</p>	<p>(ii) à un niveau de compétence de base nul, 0 point si les compétences du travailleur qualifié correspondent à un niveau 3 ou à un niveau inférieur.</p>
<p>(3) The Minister may designate organizations or institutions to assess language proficiency for</p>	<p>(3) Le ministre peut désigner les institutions ou organisations chargées d'évaluer la</p>

the purposes of this section and shall, for the purpose of correlating the results of such an assessment by a particular designated organization or institution with the benchmarks referred to in subsection (2), establish the minimum test result required to be awarded for each ability and each level of proficiency in the course of an assessment of language proficiency by that organization or institution in order to meet those benchmarks.

(4) The results of an assessment of the language proficiency of a skilled worker by a designated organization or institution and the correlation of those results with the benchmarks in accordance with subsection (3) are conclusive evidence of the skilled worker's proficiency in the official languages of Canada for the purposes of subsections (1) and 76(1).

80.(1) Up to a maximum of 21 points shall be awarded to a skilled worker for full-time work experience, or the full-time equivalent for part-time work experience, within the 10 years preceding the date of their application, as follows:

compétence linguistique pour l'application du présent article et, en vue d'établir des équivalences entre les résultats de l'évaluation fournis par une institution ou organisation désignée et les standards mentionnés au paragraphe (2), il fixe le résultat de test minimal qui doit être attribué pour chaque aptitude et chaque niveau de compétence lors de l'évaluation de la compétence linguistique par cette institution ou organisation pour satisfaire à ces standards.

(4) Les résultats de l'examen de langue administré par une institution ou organisation désignée et les équivalences établies en vertu du paragraphe (3) constituent une preuve concluante de la compétence du travailleur qualifié dans les langues officielles du Canada pour l'application des paragraphes (1) et 76(1).

80.(1) Un maximum de 21 points d'appréciation sont attribués au travailleur qualifié en fonction du nombre d'années d'expérience de travail à temps plein, ou l'équivalent temps plein du nombre d'années d'expérience de travail à temps partiel, au cours des dix années qui ont précédé la date de présentation de la demande, selon la grille suivante :

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|---|---|
| (a) for one year of work experience, 15 points; | a) pour une année de travail, 15 points; |
| (b) for two years of work experience, 17 points; | b) pour deux années de travail, 17 points; |
| (c) for three years of work experience, 19 points; and | c) pour trois années de travail, 19 points; |
| (d) for four or more years of work experience, 21 points. | d) pour quatre années de travail, 21 points. |
| (2) For the purposes of subsection (1), points are awarded for work experience in occupations, other than a restricted occupation, that are listed in Skill Type 0 Management Occupations or Skill Level A or B of the National Occupational Classification matrix. | (2) Pour l'application du paragraphe (1), des points sont attribués au travailleur qualifié à l'égard de l'expérience de travail dans toute profession ou tout métier appartenant aux genre de compétence 0 Gestion ou niveaux de compétences A ou B de la matrice de la Classification nationale des professions — exception faite des professions d'accès limité. |
| (3) For the purposes of subsection (1), a skilled worker is considered to have experience in an occupation, regardless of whether they meet the occupation's employment requirements of the occupation as set out in the occupational descriptions of the National Occupational Classification, if they performed | (3) Pour l'application du paragraphe (1), le travailleur qualifié, indépendamment du fait qu'il satisfait ou non aux conditions d'accès établies à l'égard d'une profession ou d'un métier dans la Classification nationale des professions est considéré comme ayant acquis de l'expérience dans la profession ou le métier : |
| (a) the actions described in the lead statement for the occupation as set out in the National Occupational Classification; and | a) s'il a accompli l'ensemble des tâches figurant dans l'énoncé principal établi pour la profession ou le métier dans les descriptions des professions de cette classification; |

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| <p>(b) at least a substantial number of the main duties of the occupation as set out in the occupational descriptions of the National Occupational Classification, including all the essential duties.</p> | <p>b) s'il a exercé une partie appréciable des fonctions principales de la profession ou du métier figurant dans les descriptions des professions de cette classification, notamment toutes les fonctions essentielles.</p> |
| <p>(4) A period of work experience that exceeds full-time work in one occupation, or simultaneous periods of work experience in more than one full-time occupation, shall be evaluated as a single period of full-time work experience in a single occupation.</p> | <p>(4) Les heures supplémentaires effectuées dans le cadre d'un emploi à temps plein sont sans effet sur le calcul de l'expérience acquise dans cet emploi, non plus que le fait d'occuper simultanément plusieurs emplois à temps plein.</p> |
| <p>(5) A skilled worker must specify in their application for a permanent resident visa the four-digit code of the National Occupational Classification that corresponds to each of the occupations engaged in by the applicant and that constitutes the skilled worker's work experience.</p> | <p>(5) Le travailleur qualifié indique dans sa demande de visa de résident permanent, à l'aide du code à quatre chiffres de la Classification nationale des professions, toutes les professions qu'il a exercées et qui correspondent à son expérience de travail.</p> |
| <p>(6) An officer is not required to consider occupations that have not been specified in the application.</p> | <p>(6) L'agent n'a pas à tenir compte des professions qui ne sont pas mentionnées dans la demande.</p> |
| <p>(7) For the purposes of this section, full-time work is equivalent to at least 37.5 hours of work per week.</p> | <p>(7) Pour l'application du présent article, le travail à temps plein équivaut à au moins trente-sept heures et demie de travail par semaine.</p> |
| <p>81. Points shall be awarded up to a maximum of 10 for a skilled worker's age, as of the date of their application, as</p> | <p>81. Un maximum de 10 points d'appréciation sont attribués au travailleur qualifié en fonction de son âge au moment de la</p> |

follows:	présentation de sa demande, selon la grille suivante :
(a) 10 points for 21 years of age or older but less than 50 years of age;	a) 10 points, s'il est âgé de vingt et un ans ou plus, mais de moins de cinquante ans;
(b) 8 points, for 20 or 50 years of age;	b) 8 points, s'il est âgé de vingt ou de cinquante ans;
(c) 6 points, for 19 or 51 years of age;	c) 6 points, s'il est âgé de dix-neuf ou de cinquante et un ans;
(d) 4 points, for 18 or 52 years of age;	d) 4 points, s'il est âgé de dix-huit ou de cinquante-deux ans;
(e) 2 points, for 17 or 53 years of age; and	e) 2 points, s'il est âgé de dix-sept ou de cinquante-trois ans;
(f) 0 points, for less than 17 years of age or 54 years of age or older.	f) 0 point, s'il est âgé de moins de dix-sept ans ou de cinquante-quatre ans ou plus.
82.(1) In this section, "arranged employment" means an offer of indeterminate employment in Canada.	82.(1) Pour l'application du présent article, constitue un emploi réservé toute offre d'emploi au Canada à durée indéterminée.
(2) Ten points shall be awarded to a skilled worker for arranged employment in Canada in an occupation that is listed in Skill Type 0 Management Occupations or Skill Level A or B of the National Occupational Classification matrix if they are able to perform and are likely to accept and carry out the employment and	(2) Dix points sont attribués au travailleur qualifié pour un emploi réservé appartenant aux genre de compétence 0 Gestion ou niveaux de compétences A ou B de la matrice de la Classification nationale des professions, s'il est en mesure d'exercer les fonctions de l'emploi et s'il est vraisemblable qu'il acceptera de les exercer, et que l'un des alinéas suivants s'applique :

(a) the skilled worker is in Canada and holds a work permit and

a) le travailleur qualifié se trouve au Canada, il est titulaire d'un permis de travail et les conditions suivantes sont réunies :

(i) there has been a determination by an officer under section 203 that the performance of the employment by the skilled worker would be likely to result in a neutral or positive effect on the labour market in Canada,

(i) l'agent a conclu, au titre de l'article 203, que l'exécution du travail par le travailleur qualifié est susceptible d'entraîner des effets positifs ou neutres sur le marché du travail canadien,

(ii) the skilled worker is currently working in that employment,

(ii) le travailleur qualifié occupe actuellement cet emploi réservé,

(iii) the work permit is valid at the time an application is made by the skilled worker for a permanent resident visa as well as at the time the permanent resident visa, if any, is issued to the skilled worker, and

(iii) le permis de travail est valide au moment de la présentation de la demande de visa de résident permanent et au moment de la délivrance du visa de résident permanent, le cas échéant,

(iv) the employer has made an offer to employ the skilled worker on an indeterminate basis once the permanent resident visa is issued to the skilled worker;

(iv) l'employeur a présenté au travailleur qualifié une offre d'emploi d'une durée indéterminée sous réserve de la délivrance du visa de résident permanent;

(b) the skilled worker is in Canada and holds a work permit referred to in paragraph 204(a) or 205(a) or subparagraph 205(c)(ii) and the circumstances referred to in subparagraphs (a)(ii) to (iv) apply;

b) le travailleur qualifié se trouve au Canada, il est titulaire du permis de travail visé aux alinéas 204a) ou 205a) ou au sous-alinéa 205c)(ii) et les conditions visées aux sous-alinéas a)(ii) à (iv) sont réunies;

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| (c) the skilled worker does not intend to work in Canada before being issued a permanent resident visa and does not hold a work permit and | c) le travailleur qualifié n'a pas l'intention de travailler au Canada avant qu'un visa de résident permanent ne lui soit octroyé, il n'est pas titulaire d'un permis de travail et les conditions suivantes sont réunies : |
| (i) the employer has made an offer to employ the skilled worker on an indeterminate basis once the permanent resident visa is issued to the skilled worker, and | (i) l'employeur a présenté au travailleur qualifié une offre d'emploi d'une durée indéterminée sous réserve de la délivrance du visa de résident permanent, |
| (ii) an officer has approved that offer of employment based on an opinion provided to the officer by the Department of Human Resources Development at the request of the employer or an officer that | (ii) un agent a approuvé cette offre sur le fondement d'un avis émis par le ministère du Développement des ressources humaines, à la demande de l'employeur, à sa demande ou à celle d'un autre agent, où il est affirmé que : |
| (A) the offer of employment is genuine, | (A) l'offre d'emploi est véritable, |
| (B) the employment is not part-time or seasonal employment, and | (B) l'emploi n'est pas saisonnier ou à temps partiel, |
| (C) the wages offered to the skilled worker are consistent with the prevailing wage rate for the occupation and the working conditions meet generally accepted Canadian standards; or | (C) la rémunération offerte au travailleur qualifié est conforme au taux de rémunération en vigueur pour la profession et les conditions de l'emploi satisfont aux normes canadiennes généralement acceptées; |
| (d) the skilled worker holds a work permit and | d) le travailleur qualifié est titulaire d'un permis de travail et, à la fois : |

(i) the circumstances referred to in subparagraphs (a)(i) to (iv) and paragraph (b) do not apply, and

(i) les conditions visées aux sous-alinéas a)(i) à (iv) et à l'alinéa b) ne sont pas remplies,

(ii) the circumstances referred to in subparagraphs (c)(i) and

(ii) les conditions visées aux sous-alinéas c)(i) et (ii) sont réunies.

(ii) apply.

83.(1) A maximum of 10 points for adaptability shall be awarded to a skilled worker on the basis of any combination of the following elements:

83.(1) Un maximum de 10 points d'appréciation sont attribués au travailleur qualifié au titre de la capacité d'adaptation pour toute combinaison des éléments ci-après, selon le nombre indiqué :

(a) for the educational credentials of the skilled worker's accompanying spouse or accompanying common-law partner, 3, 4 or 5 points determined in accordance with subsection (2);

a) pour les diplômes de l'époux ou du conjoint de fait, 3, 4 ou 5 points conformément au paragraphe (2);

(b) for any previous period of study in Canada by the skilled worker or the skilled worker's spouse or common-law partner, 5 points;

b) pour des études antérieures faites par le travailleur qualifié ou son époux ou conjoint de fait au Canada, 5 points;

(c) for any previous period of work in Canada by the skilled worker or the skilled worker's spouse or common-law partner, 5 points;

c) pour du travail antérieur effectué par le travailleur qualifié ou son époux ou conjoint de fait au Canada, 5 points;

(d) for being related to a person living in Canada who is described in subsection (5), 5 points; and

d) pour la présence au Canada de l'une ou l'autre des personnes visées au paragraphe (5), 5 points;

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| <p>(e) for being awarded points for arranged employment in Canada under subsection 82(2), 5 points.</p> | <p>e) pour avoir obtenu des points pour un emploi réservé au Canada en vertu du paragraphe 82(2), 5 points.</p> |
| <p>(2) For the purposes of paragraph (1)(a), an officer shall evaluate the educational credentials of a skilled worker's accompanying spouse or accompanying common-law partner as if the spouse or common-law partner were a skilled worker, and shall award points to the skilled worker as follows:</p> | <p>(2) Pour l'application de l'alinéa (1)a, l'agent évalue les diplômes de l'époux ou du conjoint de fait qui accompagne le travailleur qualifié comme s'il s'agissait du travailleur qualifié et lui attribue des points selon la grille suivante :</p> |
| <p>(a) for a spouse or common-law partner who would be awarded 25 points, 5 points;</p> | <p>a) dans le cas où l'époux ou le conjoint de fait obtiendrait 25 points, 5 points;</p> |
| <p>(b) for a spouse or common-law partner who would be awarded 20 or 22 points, 4 points; and</p> | <p>b) dans le cas où l'époux ou le conjoint de fait obtiendrait 20 ou 22 points, 4 points;</p> |
| <p>(c) for a spouse or common-law partner who would be awarded 12 or 15 points, 3 points.</p> | <p>c) dans le cas où l'époux ou le conjoint de fait obtiendrait 12 ou 15 points, 3 points.</p> |
| <p>(3) For the purposes of paragraph (1)(b), a skilled worker shall be awarded 5 points if the skilled worker or their accompanying spouse or accompanying common-law partner, by the age of 17 or older, completed a program of full-time study of at least two years' duration at a post-secondary institution in Canada under a study permit, whether or not they obtained an educational credential for completing that program.</p> | <p>(3) Pour l'application de l'alinéa (1)b, le travailleur qualifié obtient 5 points si, à la date de son dix-septième anniversaire ou par la suite, lui ou, dans le cas où il l'accompagne, son époux ou conjoint de fait a complété avec succès un programme au titre d'un permis d'études — que ce programme ait été couronné ou non par un diplôme — qui a nécessité au moins deux ans d'études à temps plein dans un établissement d'enseignement</p> |

postsecondaire au Canada.

(4) For the purposes of paragraph (1)(c), a skilled worker shall be awarded 5 points if they or their accompanying spouse or accompanying common-law partner engaged in at least one year of full-time work in Canada under a work permit.

(4) Pour l'application de l'alinéa (1)c), le travailleur qualifié obtient 5 points si lui ou, dans le cas où il l'accompagne, son époux ou conjoint de fait a travaillé à temps plein au Canada pendant au moins un an au titre d'un permis de travail.

(5) For the purposes of paragraph (1)(d), a skilled worker shall be awarded 5 points if

(5) Pour l'application de l'alinéa (1)d), le travailleur qualifié obtient 5 points dans les cas suivants :

(a) the skilled worker or the skilled worker's accompanying spouse or accompanying common-law partner is related by blood, marriage, common-law partnership or adoption to a person who is a Canadian citizen or permanent resident living in Canada and who is

a) l'une des personnes ci-après qui est un citoyen canadien ou un résident permanent et qui vit au Canada lui est unie par les liens du sang ou de l'adoption ou par mariage ou union de fait ou, dans le cas où il l'accompagne, est ainsi unie à son époux ou conjoint de fait :

(i) their father or mother,

(i) l'un de leurs parents,

(ii) the father or mother of their father or mother,

(ii) l'un des parents de leurs parents,

(iii) their child,

(iii) leur enfant,

(iv) a child of their child,

(iv) un enfant de leur enfant,

(v) a child of their father or mother,

(v) un enfant de l'un de leurs parents,

(vi) a child of the father or mother of their father or mother, other than their father or mother, or

(vi) un enfant de l'un des parents de l'un de leurs parents, autre que l'un de leurs parents,

(vii) a child of the child of their father or mother; or

(vii) un enfant de l'enfant de l'un de leurs parents;

(b) the skilled worker has a spouse or common-law partner who is not accompanying the skilled worker and is a Canadian citizen or permanent resident living in Canada.

b) son époux ou conjoint de fait ne l'accompagne pas et est citoyen canadien ou un résident permanent qui vit au Canada.

84. [Repealed, SOR/2008-202, s. 1]

84. [Abrogé, DORS/2008-202, art. 1]

85. A foreign national who is an accompanying family member of a person who makes an application as a member of the federal skilled worker class shall become a permanent resident if, following an examination, it is established that

85. L'étranger qui est un membre de la famille et qui accompagne la personne qui présente une demande au titre de la catégorie des travailleurs qualifiés (fédéral) devient résident permanent si, à l'issue d'un contrôle, les éléments ci-après sont établis :

(a) the person who made the application has become a permanent resident; and

a) la personne qui présente la demande est devenue résident permanent;

(b) the foreign national is not inadmissible.

b) il n'est pas interdit de territoire.

FEDERAL COURT
SOLICITORS OF RECORD

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- and -
THE MINISTER OF CITIZENSHIP
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APPEARANCES:

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