



Canadian Association of  
Professional Immigration Consultants

L'Association Canadienne des  
Conseillers Professionnels en Immigration

# **Proposal to amend the Alberta Immigration Nomination Program (AINP) to retain (nominate) foreign entrepreneurs and significant benefit work permit holders**

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## About CAPIC

The Canadian Association of Professional Immigration Consultants (CAPIC) is the professional organization representing the interests of Canadian Immigration Consultants. The organization advocates for competency, ethical conduct and consumer protection in the immigration consulting industry.

CAPIC's mission is to lead, connect, protect and develop the profession, serving the best interests of its members. It is the only association recognized by the Government of Canada as the voice of Canadian immigration and citizenship consultants.

CAPIC is a major stakeholder consulting with federal and provincial governments and their respective departments (IRCC, CBSA, IRB, ESDC) on legislation, policy, and program improvements and changes.

CAPIC has over 2700 members comprised of Regulated Canadian Immigration Consultants and Canadian Immigration Lawyers.

## Preamble

CAPIC was invited to submit a proposal to amend the AINP to retain (nominate) foreign entrepreneurs and Significant Benefit work permit holders temporarily residing in Alberta.

Immigration has always been an integral part of Alberta society. In keeping with the UCP's desire to foster growth in the economy, CAPIC's proposal highlights the many ways immigration plays a critical role in fostering prosperity. From attracting skilled workers and filling labour shortages, to resolving skill shortages in key sectors and bringing in new business and innovation to Alberta, immigration is an important economic policy tool.

## Background

There are currently several temporary residents in Alberta holding ESDC, IRCC, and CBSA approved temporary work permits making significant contributions to Alberta's economy and labour market. These work permit holders are unable to remain in the province and continue making contributions because they are ineligible for nomination under the current AINP AOS guidelines. This ineligibility represents a major opportunity cost to employers and employees alike. This opportunity cost is particularly acute among the following:

1. Business owners and operators on Owner-Operator LMIA on valid work permits
2. R205(a), C12. Intra-Company Transferee work permit holders (ICTs) with either full or minimal ownership in the parent, subsidiary, branch, affiliate, or division of a multinational company
3. R205(a), C11 Entrepreneurs/self-employed work permit holders operating a business in Alberta
4. R205(a), C-10 Significant Benefit work permit holders with exceptional skills and specialized knowledge

None of the work permit holders mentioned above have a path to become permanent contributors to the Province of Alberta's growth and prosperity. This in contrast to the AINP's policy of making IEC (Working Holiday work permit holders) eligible for provincial nomination after only 12 months (and sometimes less) of work in Alberta in any NOC category, including low-skilled categories. We know that most of these working holiday work permit holders will move on from whatever labour shortage filling work they are doing upon nomination or being landed.

## Recommendations

Allow AINP to nominate:

1. Business owners and operators on Owner-Operator LMIA on valid work permits
2. R205(a), C12. Intra-Company Transferee work permit holders (ICTs) with either full or minimal ownership in the parent, subsidiary, branch, affiliate, or division of a multinational company
3. R205(a), C11 Entrepreneurs/self-employed work permit holders operating a business in Alberta
4. R205(a), C-10 Significant Benefit work permit holders with exceptional skills and specialized knowledge

### **Advantages: small policy change with significant economic benefit to Alberta**

- 1. OOLMIA – Work permit holders:**
  - Are already in Alberta, investing, innovating, creating jobs, transferring technology, and creating export opportunities in the Province of Alberta.
  - The Owner Operator's business has already been vetted by ESDC and met IRPA Reg 203 "Positive Effect" and IRPA 200(5) 'Genuine Business' tests.
  - The Owner Operator has already been vetted by IRCC IRPR R195 (General Provisions).

*\*Please see Appendix 1 - Case  
1: Pedro Lopes Targino da Cruz.*

**2. Intra-Company Transferees (ICTs) with either full or minimal ownership in the parent, subsidiary, branch, affiliate, or division of a multinational company – Work permit holders are:**

- Already in Alberta establishing or running a subsidiary, affiliate branch, or division of a multinational company.
- Bringing business, innovation and/or technology to Alberta.
- Creating export opportunities for Alberta producers and businesses.
- Vetted by IRCC and CBSA for significant benefit and positive impact on the local economy and/or labour market.

**3. Entrepreneurs/self-employed candidates operating a business in Alberta [R205(a) – C11] – Work permit holders have:**

- Created a viable business that is benefitting Albertans and provided economic stimulus.
- Proven backgrounds or skills that ensure the viability of the business.
- Taken measures to put an approved business plan in action. They have shown evidence of having the financial ability to begin their business and pay expenditures, such as renting space, having a staffing plan, obtaining a business number, showing ownership documents or agreements.

**4. Significant Benefit temporary residents with exceptional skills and specialized knowledge – Work permit holders are:**

- Foreign nationals on a C-10 Significant Benefit work permit who have provided ample documentation supporting their claim of providing an important or notable contribution to the Alberta economy and or labour market.

*\*Please see Appendix 2 - Case 2: Michael Green Calgary Police Service.*

**Administratively:**

- No capital expenditures required to roll out the eligibility changes.
- No major program overhaul required.
- No additional cost to the province.
- No federal government involvement required.
- Can be implemented as a pilot with a limited quota.
- Meets public confidence, public policy, and program integrity criteria.

**At time of assessment:**

- All work permit holders will have already proven for at least one year their contributions to the Provincial economy and/or labour market.

This would bypass some traditional assessments factors, which in the opinion of many experts, appear less relevant to success. Factors such as education, net worth and investment do not always predict successful business performance. We submit that the only reliable indicator of economic benefit to the province is proven Alberta business and labour market experience.

Thank you for your consideration of this proposal. We welcome opportunities to discuss this proposal at your earliest convenience.

## Appendix 1 – Case Study 1: Pedro Lopes Targino da Cruz

The following case study provides an overview of a foreign national who is a prime candidate for permanent residence but is ineligible for any current permanent residence programs.

- Citizenship: Brazilian
- Age: 48 years
- Status in Canada: Worker (OOLMIA-Based TWP) / Exp. 10OCT2021
- Marital Status: Married
- Highest Level of Education: High School + highly specialized Business Administration certification
- Language Score (IELTS): S – 6.5, L – 5.5, R – 6, W – 5.5
- Skilled Work Experience: 1 year Canadian + 20 Foreign
- Valid Job Offer: Yes (NOC Skill Type 00)
- Highest Level of Education of Spouse: High School

### The Company

On September 27, 2018, Pedro founded a company incorporated in Alberta with the objective of diversifying the family's investments worldwide. Through this company he introduced a high-quality bakery specializing in French goods in Alberta. The bakery is headquartered in the city of Mirabel, Quebec with retail outlets in various cities in Quebec, Ontario, and one outlet in Miami, Florida. Pedro's company has purchased a license to operate three such retail outlet in Western Canada and the first location opened in April 2019 in Calgary. His goal is to open three bakeries in total in Alberta. He is currently negotiating a lease for his second location in Calgary's downtown core.

### The Temporary Foreign Worker

Pedro is the CEO of his company and his vision is the driving force behind it. He is responsible for creating, communicating, and implementing his company's mission and overall direction. He guides his management team and oversees all operations either in person or through his senior staff. He is also in charge of hiring for all positions, managing any financial or legal matters, and delegating the authority as required. He has controlling interest in the business, as he is the majority shareholder and owns all 100 Class A Common Shares.

Pedro is a qualified chief executive with 20 years of experience overseeing the daily activities of medium-size businesses and large corporations. His experience as a CEO includes:

- SJD Canada, a development company that built and now operates and manages two commercial buildings in Calgary.
- SJD Participações Ltda of Brazil, a development company that operates and manages approximately 50 commercial and condominium buildings in Maranhão, Brazil.
- Wasser Industria de Laminados Plasticos, a plastics pipe assembly company that employed approximately 100 people.
- Aço Maranhão Ltda, the largest iron retailer in Maranhão, Brazil

### **Significant Commitment**

Since Pedro's OOLMIA work permit approval, he has invested over CAN\$460,000 to operationalize the business.

He employs 6 full-time and 6 part-time Albertans.

Indirectly, Pedro created several construction-related employment opportunities by hiring a Canadian company to manage the design and construction of two commercial buildings in Calgary. In addition, he hired a Design Project Manager, Engineering Project Manager, Construction Project Manager, and several tradespeople to operationalize the bakery.

He has also hired a Canadian accountant/bookkeeper to handle his company's financials and bookkeeping.

Pedro's company has an extensive training plan in place, which has resulted in the transfer of skills and knowledge to the Albertans hired to staff the Calgary operation.

### **Immigration History**

Pedro has been in Canada as a worker since November 2016. He originally obtained his TWP through his spouse, who was a full-time student. He has since extended his status through an OOLMIA.



## Inability to Qualify for Permanent Residence

Despite Pedro's significant contributions to Canada, financial and otherwise, he does not qualify for permanent residence.

- As the majority shareholder of his company, he is not eligible under the Alberta Immigrant Nominee Program.
- All of Pedro's Canadian work experience in the last 3 qualifying years has been self-employed; therefore, he does not qualify under the CEC program.
- As it stands, due to Pedro's age (48) and lack of accreditable post-secondary education, his CRS score would be low if issued an ITA under the Express Entry system. Although Pedro is confident he can improve his language skills (Level 7 in 3 of the 4 skill areas + Level 8 in one skill area), he would still not have enough points to qualify under the Federal Skilled Worker program (6 selection factors). The only way to increase his points to 67 (the minimum required) would be for him to complete a 1-year Canadian Post-Secondary Program. It is not realistic to ask someone of Pedro's stature to complete a program of study, simply to qualify for permanent residence.

## Appendix 2 – Case Study 2: Michael (Mick) Green – Calgary Police Service

The following case study provides an overview of a foreign national who is a prime candidate for permanent residence but is ineligible for any current permanent residence programs.

- Citizenship: British
- Age: 63 years
- Status in Canada: Worker (C10 LMIA Exemption) / Exp. 07DEC2020
- Highest Level of Education: High School + Industry-Specific Training
- Language: English is First Language
- Skilled Work Experience: 1 Year of Canadian Work Experience + >13 Years of Foreign
- Valid Job Offer: Yes (NOC Skill Type B - 4311)

### The Company

The Calgary Police Service force, which serves a population of more than 1 million.

### The Position

### Mick's occupation, Forensic Video

Analyst, is a highly specialized position with training and certification only available through one regulating body, the Law Enforcement & Energy Services Video Association International Inc. (LEVA). There are four levels of LEVA-trained analysts and Level 4 indicates the most senior analyst.

The former Level 4 Forensic Video Analyst in the Calgary Police Service retired in 2011. The Digital Multimedia division of the police force is, and has been, short-staffed since her retirement. Prior to hiring Mick, the retired Level 4 Forensic Video Analyst had been working on a part-time, temporary basis, to continue to assist the department to fill the vacancy. It is important to note that this person was the only Level 4 Analyst the department had and the only qualified person who could give an opinion in court for trial purposes. Hiring Mick has allowed this person to retire fully.

The department also has one permanent technician who has a Level 2 LEVA certification. This means she is only able to work on the extraction and processing of video. This person has the goal to become a Level 4 LEVA Analyst; however, she will not have the education or required experience to qualify for the Level 4 certification until December 2020, and only if the Calgary Police Service can continue to employ Mick to mentor and train her.

The Calgary Police Service has been trying to hire a full-time Level 4 Forensic Video Analyst for seven years. The recruitment process to fill the Level 4 Analyst role included using Calgary's careers online search tool. This tool also populates other online job tools such as: Indeed, LinkedIn, Glassdoor, and the Job Bank. While the informal efforts to recruit are ongoing, formal advertisements for the position have been ongoing since 2011.

The position has been difficult to fill as only 407 people worldwide (leva.org) have the qualifications of a Level 4 LEVA Analyst and there are thousands of law enforcement agencies globally.

### **The Temporary Foreign Worker**

Mick is an accomplished Forensic Video Analyst who, prior to arriving in Canada, was working for the North Wales Police Imaging Unit in the United Kingdom. His lengthy career in law enforcement and his education easily make him a highly qualified candidate for this role. He has:

- Worked for 34 years as a police officer, including detective responsibilities as a Drug Enforcement Officer and as a CCTV Recovery Officer.
- Spent the last 13 years as a Forensic Imaging Technician specializing in Digital Media Evidence.
- Level 4 LEVA certification.

- Actively taken advance video and digital media evidence training since 2008.
- Proficiency in various software including Avid Media Composer, Adobe Photoshop, DVR Examiner, Input Ace, Amped Five, and other specialized industry-standard applications.
- Performed the extraction and production of still images for identification.
- Testified and presented evidence in court as an expert.

### **Significant Benefit**

The results of having this role unfilled since 2011 has affected the police service's ability to use video evidence to its full potential. The significant benefits of having a full-time Forensic Video Analyst include:

- Ability to process and evaluate video evidence faster and more efficiently.
- The video evidence department would be able to process more video analysis from the 1200 body cameras worn by officers, including specialty police units such as the traffic unit, gang-suppression unit, the tactical team, and the K-9 units.
- Ability to fully process additional video evidence submitted by the public and recorded with CCTVs, dash cams, and mobile devices. These privately recorded videos are often key to solving investigations.
- The increased probability that digital media evidence will be used in investigations.
- Increased probability of securing criminal convictions if video evidence can be used in court.
- Perpetrators are more likely to be convicted with videographic evidence.

The negative impacts of losing a person like Mick will lead directly to the Calgary Police Service being ill-equipped to handle criminal investigations that can lead to convictions.

### **Transfer of Highly Specialized Knowledge to Canadians**

Mick is mentoring and training the existing Level 2 LEVA Certified Technician as she trains for her requisite certifications to become a Level 4 LEVA Certified Technician. This intensive training cannot be done in a vacuum. It is essential that LEVA training be interconnected with the day-to-day policing realities the Service experiences in addition to familiarizing the trainee with the technology the Calgary Police Service has for analyzing and processing video evidence. Mick is imparting the valuable knowledge of his Level 4 LEVA training as it pertains to real-world situations and in the context of working within a police

force. The Calgary Police Service plans to have the Level 2 LEVA Technician trained as a Level 4 LEVA Technician as soon as possible.

In turn, once the Level 2 LEVA Technician is trained as a Level 4 LEVA Technician, better training, and recruitment of technicians of various levels, can be established within the Calgary Police Service, potentially creating additional job opportunities to Albertans. The exponential increase in available video footage from a variety of sources increases the need for highly trained personnel who can process digital evidence in meaningful ways. Such personnel help achieve the results the Calgary Police Service strives for including decreases in crime.

### **Social Benefits to Calgary**

Serious crimes such as violent crimes, sex offenses, and drug trafficking are some of the offenses the Calgary Police Service encounters daily. Currently, the service's ability to manage and process video evidence to solve crimes is enhanced due to Mick's Level 4 LEVA certification. Without a regularly available Level 4 LEVA Forensic Video Analyst to testify and provide opinions in court, the Calgary Police Service will be unable to submit digital media evidence for criminal trials, which will lead to loss of convictions.

Mick's presence as a member of the Calgary Police Service staff has resulted in significant social benefits to the City. Serious crimes negatively impact society, affecting local businesses, residents, and community engagement. Mick's assistance as a member of the Calgary Police Service has significantly improved its ability to manage video content. The ripple effect of this in the community and City is significant and contributes to a safer city and better living conditions.

### **Economic Benefits to the City**

With a Level 4 LEVA Technician on staff, the Calgary Police Service is better positioned to solve crimes and prevent and deter criminal activity, which results in significant financial savings for the municipality. The City's homicide rate was the third highest of any major Canadian city last year, according to a Statistics Canada report. The report, released in November 2018 (see [www.statcan.gc.ca](http://www.statcan.gc.ca)), states the national homicide rate was its highest in a decade last year due to a spike in the number of deaths from gun and gang violence. By curtailing this critical gap in skill, the Calgary Police Service has increased ability to solve crimes. Safer cities attract outside businesses and investments and contribute to an economically thriving environment.

### **Immigration History**



Mick has been in Canada as a worker since June 2019. He obtained his TWP under the C-10 LMIA Exemption (R205 Significant Benefit).

### **Inability to Qualify for Permanent Residence**

Despite Mick's significant benefit to Calgary, he does not qualify for Permanent Residence.

- As the holder of a Significant Benefit work permit under the C10 LMIA Exemption, Mick is not eligible for nomination under the current AINP guidelines
- As it stands, Mick's current CRS score is significantly lower than the score required to be issued an ITA via Express Entry.