

INDEPENDENT SKILLED WORKER POINT QUALIFICATIONS

The new Immigration and Refugee Protection Act came into force in June 2002; the previous Immigration Act had been around since 1978. IRPA introduced a completely new system of assessing Independent Skilled Workers, with points assessed in 6 categories with a maximum of 100 points.

The pass mark for Independent Skilled Workers is set by the Canadian government, and can change without notice at any time.

When IRPA was first introduced, the pass mark was set at 75. Many lawyers, community groups and other interested parties protested vigorously, because it was too high a standard; some commented that even Bill Gates from Microsoft would not be able to immigrate as a skilled worker!

There were also Class Action lawsuits filed against the Canadian government, because it purported to apply the new regulations retroactively to applicants who had submitted their cases under the old Immigration Act. The Canadian government faced potential liability in the hundreds of millions of dollars from these lawsuits.

Another consequence of the high pass mark was that the number of immigration applicants dropped dramatically, because few could meet the new high standards.

As a result of all of these pressures, the Canadian government decided in September 2003 to lower the pass mark, without notice, to 67. Immigration lawyers and the ethnic communities were surprised, but delighted, at this change. This has made it much easier to qualify, and has led to a huge increase in the number of immigration applications.

No one knows if and when the government will change the pass mark again; however, it is not likely to go any lower, and could be raised at any time.

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