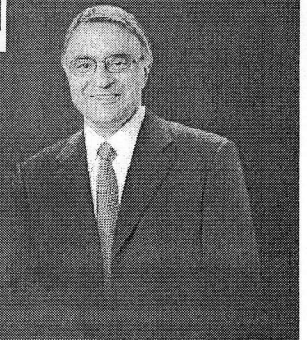




IMMIGRATION MATTERS



DAVID AUJLA, Immigration Lawyer

QUALIFYING FOR CANADIAN IMMIGRATION

Canada has the highest intake rate of immigrants in the world with an annual number of about 250,000. On a per capita basis, Canada is well ahead of the United States, Europe and Australia. Current statistical projections indicate that by the year 2030, immigration will be the exclusive source of population growth for Canada, given the low fertility rate. Because of Canada's open and universal immigration policy, more and more people are looking to Canada as a future home.

With increased focus on Canada, it is best to review the various avenues under which individuals can immigrate. For individuals who do not have the benefit of family sponsorship or some past ties to Canada, there are three main routes:

SKILLED WORKER

Under this category, the application is based on a number of factors to determine if the person will be successful in establishing and adapting to Canadian society. This category emphasizes age, education, work experience, language skills and adaptability. To be successful the person must achieve 67 points. The maximum points are:

- Age (between 21 and 49) - 10 points;
- Education (Masters or Ph.D.) - 25 points;
- Work experience - 21 points;
- English/French fluency - 24 points
- Spousal/Common law partner's education - 5 points;
- One year work experience in Canada - 5 points;
- Two years full-time study in Canada - 5 points;
- Offer of employment in Canada - 15 points; and
- Relative in Canada - 5 points.

Generally speaking, a person between the ages of 21 and 49, with at least 4 years of professional or management experience and a university degree will score 67 points.

BUSINESS (ENTREPRENEUR OR INVESTOR)

A person wishing to apply to immigrate to Canada under the business category must either have owned a qualifying

business or have managed a business with at least five employees. As an investor or entrepreneur, the person must show that, in the five years prior to the application, the person has owned or operated a business that shows two of the following conditions per year:

- gross sales of \$500,000
- net income of \$50,000
- employment of 2 individuals, and
- equity of \$125,000.

Once a person has been issued a visa as an entrepreneur, the individual must establish a business worth \$125,000 which employs one Canadian and/or shows a profit within three years.

Alternatively, as an investor, the individual could lend, without interest, to the Government of Canada \$400,000 for five years and obtain a permanent visa. This method does not require establishing or investing in any business in Canada.

THE PROVINCIAL NOMINEE PROGRAM

With greater and greater time delays in the business immigration program described above, several provinces have entered into an arrangement with the Federal government allowing individuals to enter Canada to establish a business and eventually obtain residency. In British Columbia, a foreign national who is prepared to invest personally in a business approved by the provincial government and to create 2 full time jobs for Canadians, can be given a work permit for 2 years and, upon fulfilling those terms, the person is accepted for permanent residence.

The interest in Canada is increasing not only as a result of conditions world wide, but also because of Canada's open, robust and proactive policy of inclusive acceptance of foreign nationals. Canada will, in the long run, reap the benefit of the talent, expertise and wealth of an international citizenry wishing to relocate. Although the processing times may be lengthy, the reward is a refreshing social and cultural milieu which defines Canada's national identity.



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