



Matrixvisa Inc.

www.matrixvisa.com

Immigration Law and International Recruitment

Newsletter : 2 October 2009

South Africa Visit

I will be visiting South Africa from 14-20 Oct for meetings with clients:

- 14-16 Oct in Cape Town and Stellenbosch
- 17-18 Oct in Witbank
- Evening of 19 Oct and 20 Oct in Pretoria/Johannesburg

Appointments need to be made in advance please.

Immigration News

A Canadian of Kenyan decent was refused entry into Canada after she was prevented from boarding a KLM flight in Nairobi. The Migration Integrity Officer (MIO) at the Canadian High Commission in Nairobi interviewed the person and he believed the person he was interviewing was an imposter. The Canadian that appeared on the passport and the person that was interviewed did not look alike, was shorter and she could not give her son's correct date of birth. After several months she arrived back in Canada with the assistance of her member of parliament. She is suing the federal government for \$2.5 million. Court records now show that Immigration in Nairobi finished their investigation, but after being pressurized in the media pretended to have an ongoing investigation- according to the Toronto Star of 2 October 2009.

Processing times has gone up and down depending in which class an application has been submitted to the Central Intake Office in Sydney, Nova Scotia. For the Federal Skilled Worker Class it seems to be 7 weeks at present. For phase 2 of the Skilled Worker Class at the Canadian High Commission in Pretoria, it seems as if we are still heading for 16 weeks before files are assessed from the date of submission. For one of our clients (a medical doctor) in Canada on a work permit with a permanent job offer it only took 7 weeks before the medical instructions were issued. Was it just pure luck or was it part of planned process of fast tracking doctors? We do not know yet and we will have a clearer picture over the coming months.

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Doctors often get persuaded by their employers to use the Provincial Nominee Program (PNP) and most take a long time to obtain permanent residence. I would say two to three years. In Saskatchewan one can only apply after 6 months and the processing can take 2-3 months to be nominated. The application is then sent to Buffalo where it can take 4-5 months before medical instructions are issued. The PNP programs have a very specific advantage for specific cases and it is not recommended for all skilled professionals such as doctors. We usually find that (in good faith) employers (without formal education in immigration law and without the knowledge in all the opportunities) blindly recommend the PNP Class as the one solution that fits all.

I recently provided the following background and questions to the policy advisor of the Minister of Citizenship and Immigration:

Background:

- **CIC has identified that roughly 405 people as the quota for the Federal Skilled Worker Class at the Canadian High Commission in Pretoria for 2009. This has dropped from roughly 600 the previous year.**
- **South African skilled workers are in high demand in Canada: South African doctors represent about 17 % of all doctors in SK and my estimate is about 20% for Alberta. The credentials of South African doctors are also accepted at most Health Regions in the Prairies. Many doctors start work immediately without passing of any examinations, while some must pass Medical Council of Canada Examinations Part 1. Anyone from the Prairies would know South African doctors well.**
- **Under the Washington Accord South African engineering degrees are accepted in Canada (under certain conditions) See:**
 - <http://www.washingtonaccord.org/Washington-Accord/signatories.cfm>
- **South African Chartered Accountants are accepted in many provinces. For example in Ontario, the Institute of Chartered Accountants (See <http://www.icao.on.ca/>) accept the credentials of CA's from South Africa and the following is quoted:**

***The Recognized Accounting Bodies are:
The Institutes of Chartered Accountants of:***

 - ***Australia***
 - ***England and Wales***
 - ***Ireland***
 - ***New Zealand (members must be admitted after December 1977)***
 - ***Scotland***
 - ***South Africa***
- **Companies such as Suncor and CNRL have regular recruitment drives in South Africa.**

The questions are:

- a. What is the policy if, for example, 200 doctors apply to come to Canada and each is married and have 1 child. That is a quota of 600 which far exceed the quota provided. These doctors are in very high demand and there are many communities in urgent need of doctors. It might be closer to reality if there is a mix of professionals, as it is highly improbable for just one occupation to create such a large demand for emigration, as it probably will be a mix of different occupations. The Minister has indicated that an applicant in one of the 38 occupations and become eligible for permanent residence, would be able to immigrate to Canada within 11 months- but there are quotas. How will the conflict between the quota and Minister's direction be resolved?
- b. How is the quota established? Is there any influence that can be exerted from the Minister's office or is this a matter just to be handled by the officials in the Department? During an immigration round table meeting in Ottawa I was informed that the quota is determined according to the length of the que/number of people applying for a particular post. I respectfully submit that (if indeed that is the case) it does not make sense as it should be the demand for the credentials of these applicants and the demand of the Canadian industries that should be considered. We often hear about doctors driving taxis in Toronto. These are not enough South African doctors and the deduction is that not all internationally trained doctors are equally accepted by Canadian employers.
- c. When is the next quota established, and how can comments be provided at the establishment of the quota for 2010 at the Canadian High Commission for South Africa from the South African Community in Canada?

We hope the Minister has time to answer us within the next month.

Taxes

The plans of the provincial governments in Ontario and British Columbia are to introduce a harmonized sales tax (HST) in June/July 2010. This would mean that (inter alia) the current General Sales Tax (GST) and Provincial Sales Tax (PST) are merged. It should be mentioned that GST is paid to the federal government and PST to the province. In Alberta the residents only pay GST as there is no PST levied on any sales. At present many services such as legal fees and buying a home are exempted from PST, but from June 2010 buying a home, legal fees, fast food and funerals will be subject to these taxes as well. At present only 5% are paid on these services or goods. According to the Toronto Star of Saturday 25 September, by merging of the two taxes it will lead to financial havoc. As part of this new HST the province also plans to send CAD4 billion in rebates to low and middle income families. This is not unexpected as the provincial budget has a shortfall of CAD6.4 billion for 2008 and for 2009 it could be CAD18.5 billion.

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USA-Canada News

Just to show how unique our international borders are with our only neighbor, the USA an interesting example should be mentioned: There are two towns that shared residential roads: Standstead in Quebec Province and Derby Line in the US state of Vermont. For many years these two residential streets crossed the border, with half the inhabitants of the street in the USA and the other half in Canada. Finally the Royal Canadian Mounted Police decided enough is enough and in cooperation with the US Border Services a gate was installed in both streets to prevent too much “illegal activity.”

The closeness between the two nations can be demonstrated with many examples:

- Canada is the world’s third largest producer of natural gas and the second largest exporter in the world. Canada is supplying the USA with 85 % of their natural gas needs.
- Canada also has 179 billion barrels of oil reserves and export 2 million barrels a day to the USA.
- From Canada there are annually about 35 million visits and we spend CAD10 billion a year in the USA.

International Business

On the international front two Toronto based businesses are expanding internationally: Canadian Magna International that manufactures parts for most North American cars is busy buying a large percentage of Opel in Europe from General Motors.

Manulife International is working with the Sinochem Group and together they are expanding into 11 provinces and 37 cities in China.

It was also a surprise to hear that the Canada Pension Plan (CPP) invested several million dollars in the VOIP provider, Skype. Newcomers need to know that all persons receiving salary in Canada must contribute 4,95 % of their salary to maximum of CAD 46 300 to the CPP

See <http://www.rhdcc-hrsdc.gc.ca/eng/isp/cpp/cpptoc.shtml>

The Economy and Real Estate News

There are more indications that the economy is recovering. In August 2009, 3074 new homes and condos were sold and that is a 62 % increase from of August 2008. While we are on the subject of homes: I am often asked by clients what the cost of homes is in Canada. My answer is that they need to look at homes on www.mls.ca in their town of choice while taking into account that mortgages (house loan or bond) can be obtained for as low as 4 or 5 %. In Windsor a two bed

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apartment will cost CAD153 000 and can be rented for CAD748 pm, but the same apartment in the Toronto will sell for CAD377 091 and rent for CAD1093. Big difference, and as everywhere else, it depends on where you buy.

The vacancy rate of offices is still high: Toronto at 9 %, Halifax at 10,3 %, Vancouver at 8,9 %. Waterloo, just west of the Greater Toronto Area is only at 6.3 %. Calgary's empty space increased from 4.7 % 12 months ago to the current 13 %.

The sales of new cars are considered to be an important economic indicator. In the past 12 months selling of new cars increased with 27.7 % to 6.4 % per month. August had the slowest decline with a 3.5% decrease to only 129 503 new cars being sold. This decrease came despite large increases in sales of Ford and Hyundai vehicles.

For the first time in 11 months the number of Canadians claiming Employment Insurance (for being unemployed) dropped in July with 3.8 % or 31 500 less people claiming EI. However there are still 287 400 more Canadians unemployed than in Oct 2008. Therefore the economy is slowly recovering but another quarter million Canadians still need to be absorbed into the economy. Approximately 107 810 people were claiming EI in Toronto alone during June 2009, which demonstrates that Toronto took the biggest hit in unemployment.

The federal government's plan for our economy can be seen here: www.actionplan.gc.ca

Military News

The chairman of Canada's parliamentary committee on National Security and Defence, Senator Collin Kennedy has stated in the media on 25 Sept that the Canadian mission in Afghanistan is failing. Without having any insight or facts, I was very pessimistic when this mission started several years ago. My pessimism was fueled by the fact that the Canadian Army bought Mercedes Geladen Wagens and bolted special plates to the chassis with the hope it would withstand land mine blasts. Anyone with a bit of military experience would know that would not work.

Eventually the Canadian army bought mine resistant vehicles from South Africa: The Nyala which saved the lives of many soldiers.

The second hint of possible failure was that the Russians tried their luck in Afghanistan. They failed miserably and Canada decided it can reinvent the wheel in Afghanistan. In the mean time more than 100 of our brave soldiers died in Afghanistan. Every month there are several news

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flashes about more bodies of Canadian soldiers coming home. Until this mission has not stopped, newcomers will often be exposed to this sad news in our media.

History Comments

Everyone knows about Mao Zedong the leader of the communist revolution in the People's Republic of China. What is not known is that the a man Chang Kuo-Tao was the a founding father of the communist party in China with Mao and he was known as Chairman Chang at the Communist Party's first meeting in Shangai in 1921. He was also a very strong military leader in charge of 80 000 men. Mao was only in charge of 10 000 men. Many believe Chang lead the bloody Chinese revolution and not Mao. Eventually Moe got rid of Chang and Chang had to flee to Hong Kong with his family. From there he fled to Canada to live with his children and passed away in Toronto 1974 at the age of 82. He is buried in Pine Hills cemetery in Toronto.

Visitors to Toronto will always see the CN Tower as they approach the city. It used to be the tallest free standing structure in the world at 553 meters. In January 2009 the Burj Dubai building became the tallest at 800 meters. According to the Guinness World of Records the CN tower is still the world tallest tower as the Burj Dubai is not a tower, but a building with residential and commercial floors. There are two towers being built in Japan (Sky Tree Tower at 611 Meters) and in China (Guangzhou TV Tower at 610 meters) to be completed in 2010 and 2011. Then finally the CN Tower of Toronto will lose its crown.

Day to Day Living

This is not reliable legal advice, but it was reported that if a red-light camera at an intersection "traps" a vehicle driving over the intersection in Ontario when the light is red, the owner will get a ticket, but the ticket is issued against the car's license and will not be used for demerit points against the driver's name and will not affect the insurance rate of the driver. I believe that if a police officer stops an offender, the situation will be different. For newcomers to Canada: those that are fined for speeding might find that it will have a negative effect on your compulsory car insurance. Remember every province has its own Highway Traffic Act and the interpretation of the courts might be different in different provinces.

Provincial News

In Ontario the provincial government has tabled legislation to appoint a government employee as the head of the provincial College of Physicians and Surgeons of Ontario. The College of Physicians is the regulator of all doctors.

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See <http://www.cpsa.on.ca/> for any reason.

The Ontario government is attracting manufacturers of solar panels such as Sumsung to Canada due to new green legislation. Due to this legislation homeowners would be able to sell electricity that they generate with solar panels back to the grid at roughly 80 cents per kWh if the solar panel system has 40 % local content. Canadian Hydro Developers Inc. indicated that they plan to erect 880 offshore wind turbines in Lake Erie which will generate enough power for 2 million homes. The plan is that the first turbines will start to turn in 2014.

Buying a car?

One of the most popular website for cars in Canada is www.trader.ca . Newcomers could also try this websites www.autohound.ca and www.wheels.ca These are relatively new sites and works well.

Best wishes

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