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Archived: June 3, 2025 9:33:41 AM
From: Immigration Representatives / Représentants immigration (IRCC)
Sent: Thu, 10 Apr 2025 18:14:26
To
Cc: Immigration Representatives / Représentants immigration (IRCC)
Subject: FW: Clarification on Concurrent Foreign and Canadian Work Experience in Express Entry: REF-2024-1152 / Ministerial Instructions / official CRS calculator - REP-A-2025-0782 -Due 9-Apr-25
Importance: Normal
Sensitivity: None

Good day,

[redacted] **Representatives Mailbox.**

Please note that this mailbox is intended for general guidance and does not provide responses to case-specific inquiries but have provided the following information as guidance. If you have case specific questions about a file, you are encouraged to submit the IRCC Web form.

Please see our response to your question.

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Question:

lain1. Alignment of REF-2024-1152 with Section 25(1)(a)

IRCC Response (REF-2024-1152): Confirms that remote work performed physically in Canada for a foreign employer qualifies as foreign work experience, provided other criteria are met. Ministerial Instructions (Section 25(1)(a)): Requires foreign work experience to [redacted] foreign national [redacted] Canada." [redacted] REF-2024-1152 [redacted] the requirement in Section 25(1)(a) that foreign work experience must be acquired "outside Canada" with its allowance for remote work performed physically in Canada? Does "outside Canada" refer to the physical location of the worker, the employer, or the [redacted] work? Please [redacted] to [redacted] operational [redacted] to [redacted] this [redacted]

Answer:

Generally, foreign work experience is accumulated outside Canada, meaning that the employer and employee are physically located in another country. However, jobs in Canada that are outside of the Canadian labour market, such as some remote jobs, may be considered foreign work experience even if accumulated while the employee is physically in [redacted] in Canada that may typically be considered outside of the labour market are jobs that are not competitive in the Canadian market, and that are not normally filled by Canadian citizens or permanent residents.

Question:

2. Concurrent Work Experience: REF-2024-1152 vs. Section 25(4) and CRS Calculator

IRCC Response (REF-2024-1152): Allows an applicant to claim concurrent full-time work experience for one job in Canada and one performed remotely for a foreign employer, potentially earning CRS points for both, only FSW program's eligibility is subject to a 30-hour/week cap. Ministerial Instructions (Section 25(4)): Evaluates exceeding amount (over 30hr/week) of periods of work in multiple occupations as "a single period of full-time work experience in a single occupation." Question: How does REF-2024-1152's statement about concurrent foreign and Canadian work experience align with Section 25(4)'s requirement to evaluate exceeding work amount (over 30hr/week) as a single period? Can an applicant claim CRS points for simultaneous foreign and Canadian work experience in different TEER categories (e.g., TEER 1 for Canadian work, TEER 2 for foreign work), [redacted] into [redacted] occupation? Please [redacted] with [redacted] to [redacted] operational

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guidelines.

Answer:

)This advice is in-line with the Ministerial Instructions respecting the Express Entry system (MI) and does not contravene work in excess provisions. Subsection 25(4) clearly indicates that its work in excess provision applies exclusively to sections 23 and 24 of the MI. This provision is specifically for foreign work experience, and does not apply to Canadian work experience which is described in section 15 of the MI. The opposite is true – work in excess provision described in 15(6) for Canadian work experience applies to section 15 only and does not affect foreign work experience. As stated, Canadian and foreign work experience are described in separate sections of the MI, and therefore may be accumulated in separate occupations as long as the respective requirements are met.

Question:

3. Consistency of CRS Points for Foreign Work Experience

Ministerial Instructions (Section 25(1)): Allows foreign work experience "in one or more occupations" within TEER 0-3, with no requirement for continuity or a single TEER category. CRS Calculator: Requires foreign work experience to be "in only one occupation (NOC TEER category 0, 1, 2 or 3)," implying a stricter criterion. IRCC Response (REF-2024-1152): Does not address whether foreign work must be continuous or limited to one TEER category but allows concurrent claims. Question: Why does the CRS calculator impose a requirement for foreign work experience to be "in only one occupation," while Section 25(1) permits "one or more occupations"? Must foreign work experience be continuous, gap-free, and within a single TEER category to qualify for CRS points, or can it include multiple occupations and periods with gaps within the 10-year window? What specific legal or operational references support IRCC's position?

Answer:

Please note that CRS calculator is intended solely for general guidance and reference purposes. The foreign work experience question in the calculator is designed to determine if the user meets the minimum work experience requirements of the Federal Skilled Worker program and to approximate the CRS score that could be assigned for foreign work experience based on one answer. This is a deliberate design choice. Please refer to the CRS Calculator webpage and click on "Legal disclaimer" for operational and legal considerations.

The MI are the [redacted] for [redacted] to section [redacted] for foreign work experience requirements for the purposes of CRS score calculation.

Please be advised that the assessment of an application is conducted on a case-by-case basis, taking into consideration the specific circumstances and the supporting documentation available to the officer. It is the applicant's responsibility to provide sufficient documentation to demonstrate that they meet the requirements.

We trust that this information will be of assistance to you.

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[redacted]

The Immigration Representatives Mailbox

From: I
Sent: [redacted] 26, 2025 12:30 PM
To: Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC[redacted]
Subject: Clarification on Concurrent Foreign and Canadian Work Experience in Express Entry: REF-2024-1152 / Ministerial Instructions / official CRS calculator

[redacted]

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I am writing to you as an authorized immigration representative (RCIC from I seek detailed clarification on apparent contradictions and ambiguities concerning the eligibility and evaluation of concurrent foreign and Canadian work experience for Comprehensive Ranking System (CRS) points under the Express Entry system.

This inquiry builds on a prior IRCC response, and compares it to the "Ministerial Instructions respecting the Express Entry system - current" (available at: https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/ministerial-instructions/express-entry-application-management-system/current.html) and the official CRS calculator (available at: https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry/check-score.html#gc-document-nav).

Background and Context

The Ministerial Instructions, under Section 25, define foreign work experience as:

- **Section 25(1)**: "For the purposes of sections 23 and 24, foreign work experience is work experience that:
(a) is acquired by a foreign national outside Canada in one or more occupations listed in TEER Category 0, 1, 2 or 3 of the National Occupational Classification;
(b) consists of full-time work experience, or the full-time equivalent for part-time work experience, with one or more employers;
(c) is acquired within the 10-year period preceding the day on which points are assigned to the foreign national under section 23 or subsection 24(1); and
(d) is remunerated by the payment of wages or a commission."

\cbpat6Additionally, Section 25(4) states:

- **Section 25(4)**: "For the purposes of sections 23 and 24, 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, are to be evaluated as a single period of full-time work experience in a single occupation."

The CRS calculator, however, specifies:

- "In the last 10 years, how many total years of foreign skilled work experience do you have? It must have been paid, full-time (or an equal amount in part-time), and in only one occupation (NOC TEER category 0, 1, 2 or 3)."

On 7 August 2024, IRCC provided a response ( ) to a query via this mailbox (***attached for your reference***), clarifying that an applicant physically in Canada can claim foreign work experience CRS points under sections 23 and 24 by working remotely for a foreign employer, provided the experience meets all other requirements. The response further addressed concurrent work, stating:

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"The applicant may claim concurrent work experience for two full-time jobs: one in Canada and one performed remotely outside Canada. Depending on the applicant's qualifications, the system may grant Comprehensive Ranking System (CRS) skill transferability points for foreign work experience and CRS core points for Canadian work experience at the same time. The system will not grant additional Federal Skilled Worker program selection criteria points for work experience in excess of 30 hours per week."

This response, however, raises questions about its alignment with the Ministerial Instructions and the CRS calculator, as detailed below.

Specific Issues and Questions

1. **Alignment of REF-2024-1152 with Section 25(1)(a)**
   - **IRCC Response (REF-2024-1152)**: Confirms that remote work performed physically in Canada for a foreign employer qualifies as foreign work experience, provided other criteria are met.
   - **Ministerial Instructions (Section 25(1)(a))**: Requires foreign work experience to be "acquired by a foreign national outside Canada."
   - **Question**: How does [redacted] reconcile the requirement in Section 25(1)(a) that foreign work experience must be acquired "outside Canada" with its allowance for remote work performed physically in Canada?
   - Does "outside Canada" refer to the physical location of the worker, the employer, or the nature of the work? Please [redacted] to [redacted] operational [redacted] to [redacted] this [redacted]
2. **Concurrent Work Experience: REF-2024-1[redacted] vs. Section 25(4) and CRS Calculator**
   - **IRCC Response (REF-2024-1152)**: Allows an applicant to claim concurrent full-time work experience for one job in Canada and one performed remotely for a foreign employer, potentially earning CRS points for both, only FSW program's eligibility is subject to a 30-hour/week cap.
   - **Ministerial Instructions (Section 25(4))**: Evaluates exceeding amount (over 30hr/week) of periods of work in multiple occupations as "a single period of full-time work experience in a single occupation."
   - **Question**:

     How does REF-2024-1152's statement about concurrent foreign and Canadian work experience align with Section 25(4)'s requirement to evaluate exceeding work amount (over 30hr/week) as a single period?
   - Can an applicant claim CRS points for simultaneous foreign and Canadian work experience in different TEER categories

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(e.g., TEER 1 for Canadian work, TEER 2 for foreign work), or must it be consolidated into one occupation? Please [redacted] with [redacted] to [redacted] operational [redacted]

3. **Consistency of CRS Points for Foreign Work Experience**

- **Ministerial Instructions (Section 25(1))**: Allows foreign work experience "in one or more occupations" within TEER 0-3, with no requirement for continuity or a single TEER category.
- **CRS Calculator**: Requires foreign work experience to be "in only one occupation (NOC TEER category 0, 1, 2 or 3)," implying a stricter criterion.
- **IRCC Response (REF-2024-1152)**: Does not address whether foreign work must be continuous or limited to one TEER category but allows concurrent claims.
- **Question**: Why does the CRS calculator impose a requirement for foreign work experience to be "in only one occupation," while Section 25(1) permits "one or more occupations"?
- Must foreign work experience be continuous, gap-free, and within a single TEER category to qualify for CRS points, or can it include multiple occupations and periods with gaps within the 10-year window? What specific legal or operational references support IRCC's position?

Request for Detailed Response

These discrepancies create significant uncertainty for applicants and practitioners, potentially leading to incorrect CRS scores, misrepresentation risks, or application refusals. I respectfully request that IRCC provide a comprehensive response addressing:

- The interpretation of "outside Canada" in Section 25(1)(a) as applied to remote work performed in Canada for a foreign employer, in light of REF-2024-1152.
- [redacted]
- The rationale for the CRS calculator's requirement of "one occupation" for foreign work experience, versus Section 25(1)'s allowance for "one or more occupations," and whether continuity or a single TEER category is required.

Please provide references to specific sections of the Immigration and Refugee Protection Act (IRPA), Immigration and Refugee Protection Regulations (IRPR), or operational manuals, and reconcile REF-2024-1152 with these provisions. This clarity will ensure accurate application of the rules, serve as a legal basis for future submissions, and prevent misunderstandings for applicants.

[redacted]

\cbpat6Sincerely,

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