



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada



Foreign Workers: Working & Immigrating to Canada

McMaster University

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Citizenship and Immigration Canada
BUILDING A STRONGER CANADA



Citoyenneté et Immigration Canada
BÂTIR UN CANADA PLUS FORT

Canada 

Session Overview

- Background – Regulatory changes
- Work Without Work Permit & LMO
- Work Without LMO but Work Permit
- Work With LMO & Work Permit
- Immigrating to Canada
- Questions and Comments



Background

- Effective **April 1st 2011**, changes to the regulations governing the Temporary Foreign Worker Program take effect.

Relevant changes include:

- Genuineness of the job offer
- Wages, working conditions and occupation
- Cumulative duration
- Consistency with terms of any Federal - Provincial/Territorial agreements



Background

- *Immigration and Refugee Protection Act*
- *Immigration and Refugee Protection Regulations*
- *Manual - Foreign worker manual*
- *Visit*
<http://www.cic.gc.ca/english/resources/manuals/fw/fw01-eng.pdf>



Applying for Extensions

- Complete the Application “Change Conditions or Extend Your Stay in Canada” at least 30 days before your current permit expires and submit to CPC-Vegreville
- You can also apply on line to extend your Study Permit. or apply for your Off Campus Work Permit.
- Visit www.cic.gc.ca



Implied status

If you apply for a renewal of your work permit, and the permit expires before you receive an answer, you can continue to study in Canada under the same conditions until you receive a decision.

Restoration

If status is lost (i.e. the immigration document expires), you have 90 days from the date of expiry to submit an application for restoration. The conditions have to be the same. The terms on the document and the Immigration and Refugee Protection Act and Regulations cannot be violated.



Work Without Work Permit and LMO



R186(a) Business Visitor

- **After-sales service** – hands-on building and construction work is not covered by this provision.
- **Board of Directors' meetings**
- **Association Meetings, Conventions and Congresses**
- **Delegates, attendees, and board members** are considered to be visitors.
- No intent to enter the Canadian labour market
- Worker's remuneration remains outside Canada



R186(n)—Examiners and evaluators

- Individuals who direct the studies and review the work done by university students under their tutelage entering Canada to review their student's thesis and papers.
- Foreign professors and researchers seeking entry to evaluate academic university programs or research proposals.



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R186(p)—Health care students

- Foreign students, registered at foreign educational institutions outside Canada, in fields such as medicine, occupational and physical therapy, nursing and medical technology may do their clinical clerkships or short-term practicums in Canada.
- The primary purpose of the practicum must be to acquire training in the related field; should be of no more than four months' duration.
- Foreign students in residency, extern or fellowship positions in Canadian clinical settings are not included in this exemption.



R186(f) On-campus employment

- Full time studies, hold a study permit
- Good academic standing
- E.g.. Research Assistant, Teaching Assistant,
- Facilities could include teaching hospitals, clinics, research institutes, etc., that have a formal association or affiliation with the learning institution.
- Definition of “on-campus”



R186(j)Public speakers

- Guest speakers for specific events
- Academic speaker at a university or college function
- A -seminar- is defined as a small class at a university, etc. for discussion and research, or a short intensive course of study, or a conference of specialists
- Commercial speakers are people who sell tickets



R186(k)—Convention organizers

- Applies to persons organizing a convention, or conference, and to administrative support staff of the organizing committee
- Association and corporate meetings and congresses, incentive meetings, trade shows or exhibitions and consumer exhibitions/shows



Work Without Labour Market Opinion (LMO) but Work Permit



C20 – Reciprocal employment

- Reciprocal opportunities are provided for Canadian citizens to take temporary employment abroad
- Exchange programs offer the opportunity of gaining international experience and allow the cultural exchange of both foreign and Canadian participants and their employers
- Entry under reciprocal provisions should result in a neutral labour market impact



C21 International Experience Canada

- **Working Holiday** –to travel in Canada and work in order to supplement their financial resources
- **International Co-op** –to fulfill part of their academic curriculum in Canada, related to their field of study, registered post-secondary students in their home country
- **Young Professionals** –to gain work experience in Canada under a pre-arranged contract of employment in support of their career development



C22 Academic Exchange

- Guest lecturers - invited by a post-secondary institution to give a series of lectures and who occupy a temporary position of a non-continuing nature (which does not comprise a complete academic course) for a period of less than one academic term or semester
- Visiting professors/Scholars - not more than 2 academic years, retain their position abroad – include sabbatical paid by the foreign university that employs them outside Canada



C30 Work related to Research or Education Program

- Foreign students, Special program students
- International Development Research Centre of Canada
- Atomic Energy of Canada Ltd.
- RC and NSERC
- Commonwealth Caribbean countries (CIDA)
- Holders of research chair positions at a Canadian university



Spouses/Common Law Partners of Skilled Worker, C41

Spouses or common law spouses of work permit holders may:

- Apply for an open work permit from within Canada
- Apply for a study permit from within Canada

Dependent child of work permit holder, spouse or common-law partner and dependent child of a dependent child may:

- Apply for a study permit from within Canada

Applications - to CPC-V, Visa Post or POE if applicable.



Post-doctoral Fellows & Research Award Recipients, C44

Research award recipients paid by foreign institutions

- Holders of academic research awards of a foreign country
- Invited by Canadian institutions to conduct their activities in Canada, but who are supported by their own country, are also eligible.

Research award recipients paid by Canadian institutions

- Holders of academic research awards involving work and remuneration by Canadian institutions where the award is granted strictly on the basis of academic excellence.



Foreign Medical Residents and Medical Research Fellows, C45

- Holders of a medical degree equivalent to that of a Canadian Medical Doctorate (MD)
- Coming to Canada to complete a residency at a Canadian hospital or in a clinical setting as part of their medical training.
- Positions are non-ministry (not publicly) funded places that have been created by Canadian medical faculties with financial support from the country sponsoring the training of the foreign resident.



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Other LMO exemption

- Canada-International Free Trade Agreements – R204(a). E.g. NAFTA, Canada-Chile FTA, GATS
- Canada-International Non-Trade Agreements – R204(a) – T11. E.g. Airline Personnel, Canada-Bermuda MOU, Professional Trainees, North Atlantic Treaty Organization (NATO)
- Canada-Provincial Agreements – R204(c) – T13. e.g. TFW-PNP,
- <http://www.cic.gc.ca/english/department/laws-policy/agreements/index.asp>



Work With LMO and Work Permit



Working Temporarily in Canada

These steps must be followed before you apply for a work permit:

- **An employer must first offer you a job.**
- **Service Canada must normally provide a positive labour market opinion (LMO) of your job offer. However, some types of work are exempt from this process.**
- **After Service Canada confirms that a foreign worker may fill the job, you apply to CIC for your work permit.**
- **To get a work permit, you must fill out an Application for Work Permit. A work permit is issued if the application is approved.**



Immigrating to Canada



Immigrating to Canada Application Categories

- **Economic Class**
 - **Skilled Workers**
 - Investors
 - Entrepreneurs
 - Self-Employed
 - **Canadian Experience Class**
- **Family Class**
 - Spouses
 - Children
 - Parents
 - Grandparents
 - Others
- **Humanitarian Class**
 - Refugees
 - Humanitarian and Compassionate Considerations



Federal Skilled Worker Class

Download the kit at www.cic.gc.ca:

CIC Canada | Applying as a Skilled Worker - Microsoft Internet Explorer provided by DFAIT

File Edit View Favorites Tools Help

Back Forward Stop Refresh Home Search Favorites Media History Mail Print Edit

Address <http://www.cic.gc.ca/english/applications/skilled.html> Go Links

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Français	Contact Us	Help	Search	Canada Site
Home	About the Department	Applications and Forms	On-Line Services	Other CIC Sites
What's New	Policy and Regulations	Research and Statistics	Media and Publications	Visa Offices

> Applications and Forms

Home >> Applications and Forms >> Outside Canada

Applying as a Skilled Worker

This application is for people who are applying for permanent resident status in Canada as a Skilled Worker.

A Skilled Worker is a person whose job skills, education and experience will help them to find work and make a home in Canada.

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Eligibility Criteria

Your application is eligible for processing if:

- you have an offer of arranged employment, **OR**
- you are a skilled worker who has at least one year of experience in one or more of the following occupations



Recent Changes to Program

As of June 26, 2010, the stream for temporary foreign workers and international students living in Canada for one year no longer exists. Students and temporary foreign workers applying in the FSW class on or after June 26, 2010, must meet the criteria of the second set of Ministerial Instructions in order to be eligible for processing.



29 Eligible Occupations as of June 26, 2010

- 0631 Restaurant and Food Service Managers
- 0811 Primary Production Managers (Except Agriculture)
- 1122 Professional Occupations in Business Services to Management
- 1233 Insurance Adjusters and Claims Examiners
- 2121 Biologists and Related Scientists
- 2151 Architects
- 3111 Specialist Physicians
- 3112 General Practitioners and Family Physicians
- 3113 Dentists
- 3131 Pharmacists
- 3142 Physiotherapists
- 3152 Registered Nurses
- 3215 Medical Radiation Technologists
- 3222 Dental Hygienists & Dental Therapists
- 3233 Licensed Practical Nurses
- 4151 Psychologists
- 4152 Social Workers
- 6241 Chefs
- 6242 Cooks
- 7215 Contractors and Supervisors, Carpentry Trades
- 7216 Contractors and Supervisors, Mechanic Trades
- 7241 Electricians (Except Industrial & Power System)
- 7242 Industrial Electricians
- 7251 Plumbers
- 7265 Welders & Related Machine Operators
- 7312 Heavy-Duty Equipment Mechanics
- 7371 Crane Operators
- 7372 Drillers & Blasters - Surface Mining, Quarrying & Construction
- 8222 Supervisors, Oil and Gas Drilling and Service



If your application is eligible for processing, you must also meet the following minimum requirements to qualify as a skilled worker:

- you have at least one year of continuous full-time paid work experience or the equivalent in part-time continuous employment, **AND**
- your work experience must be Skill Type 0 (managerial occupations) or Skill Level A (professional occupations) or B (technical occupations and skilled trades) on the Canadian National Occupational Classification list, **AND**
- you must have had this experience within the last 10 years.



If you meet these minimum requirements, your application will then be processed according to the six selection factors in the skilled worker points grid.

<u>Factor</u>		<u>Points</u>
1	Age	10
2	Education	25
3	Language proficiency	24
4	Work experience	21
5	Arranged employment	10
6	Adaptability	10
Potential maximum:		100
Minimum pass mark:		67



Selection Factors: Age

Age	Points
21 to 49	10
20 or 50	8
19 or 51	6
18 or 52	4
17 or 53	2
16 or 54	0



Selection Factors: Language

- Points awarded for level of proficiency (high, moderate, basic, or none)
- Canada's two official languages: English and French
- Assessed against the Canadian Language Benchmarks for Reading, Writing, Listening, and Speaking



Selection Factors: Language

1 st Official	Read	Write	Listen	Speak
High	4	4	4	4
Moderate	2	2	2	2
Basic *	1	1	1	1
2 nd Official	Read	Write	Listen	Speak
High	2	2	2	2
Moderate	2	2	2	2
Basic *	1	1	1	1

* Maximum 2 points



Selection Factors: Education

Credential	Points
Secondary School	5
12 Years + 1 Year Cred.	12
13 Years + 1 Year Cred.	15
14 Years + 2 Year Cred.	20
15 Years + 3 Year Cred.	22
17 Years + Grad. Cred.	25



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Selection Factors: Experience

- Points only awarded for paid experience
- Must be continuous work
- Can be in more than one occupation

Years	Points
1	15
2	17
3	19
4	21



Selection Factors: Arranged Employment

10 points

- Full time, indeterminate Job Offer “confirmed” by HRSDC

OR

- Currently working in Canada on work permit valid for at least next 12 months (includes Postgrad; Intra-company & NAFTA)



Selection Factors: Adaptability

MAXIMUM 10 Points

- Education of accompanying spouse / partner
 - 3, 4 or 5 points depending upon spouse's post-secondary educational attainment
- Previous study in Canada
 - 5 points if applicant or spouse/partner completed at least 2 year post-secondary program in Canada



Selection Factors: Adaptability

Previous work in Canada

- 5 points if Applicant or spouse/partner have at least one year full time experience in Canada on work permit

Arranged employment

- 5 points if applicant received points under the Arranged Employment factor

Relatives in Canada

- 5 points if applicant or spouse/partner has a Canadian citizen or permanent resident relative (living in Canada)



Inadmissibility

- Criminal
- Medical
- Misrepresentation
- Security



Eligibility Tool

The screenshot shows a Windows Internet Explorer browser window displaying the Citizenship and Immigration Canada website. The address bar shows the URL: <http://www.cic.gc.ca/english/immigrate/skilled/tool/index.asp>. The page title is "Immigrating as a worker: am I eligible?".

The website header includes the Canadian flag, the text "Citizenship and Immigration Canada" and "Citoyenneté et Immigration Canada", and the "Canada" logo. Below the header is a navigation menu with links for "Français", "Home", "Contact Us", "Help", "Search", and "canada.gc.ca".

The main content area features a large banner with a red maple leaf and the text "Citizenship and Immigration Canada" and "www.cic.gc.ca". Below the banner is a breadcrumb trail: "Home > [Immigrating to Canada](#) > [Skilled workers and professionals](#) > Immigrating as a worker".

The page title is "Immigrating as a worker: am I eligible?". The main content area contains the following text:

Answer some questions and we will help you understand how you might be able to come permanently to Canada as a worker.

You will need 5-7 minutes to complete this questionnaire. When you are finished, you will see a list of the options that may be available to you and the steps you should take to apply.

Note: If you intend to settle in the province of Quebec, you will have to apply directly to the province. Find out more about [immigrating to Quebec](#).

[START HERE](#)

Legal Disclaimer: This information is intended for general guidance and reference only. Should you decide to submit a formal application, the application will be considered by an immigration officer, in accordance with the requirements of the *Immigration and Refugee Protection Act*, without regard to any outcome you may have attained through completion of this questionnaire.

The left sidebar contains a navigation menu with the following categories and links:

- The Department**
 - About Us
 - The Minister
 - Media Centre
- Come to Canada**
 - Visit
 - Work Temporarily
 - Study
 - Immigrate
 - Refugees
- Live in Canada**
 - Before You Arrive
 - After You Arrive
- Citizenship**
 - Apply for Citizenship
 - Celebrate Citizenship
 - Citizenship Judges
- Canadian Residents**
 - Sponsor Your Family
 - Adopt a Child
 - Hire a Foreign Worker
- Partner with Us**



www.cic.gc.ca

Self-Assessment Tool

The screenshot shows a Microsoft Internet Explorer browser window displaying the CIC Canada website. The address bar shows the URL: <http://www.cic.gc.ca/english/skilled/assess/Education.asp>. The page header includes the Canadian flag, the text "Citizenship and Immigration Canada / Citoyenneté et Immigration Canada", and the "Canada" logo. A navigation menu contains links for Français, Contact Us, Help, Search, and Canada Site. Below this is a table of links:

Français	Contact Us	Help	Search	Canada Site
Home	About the Department	Applications and Forms	On-Line Services	Other CIC Sites
What's New	Policy and Regulations	Research and Statistics	Media and Publications	Visa Offices

Below the navigation menu is a banner with the text "> Immigrate to Canada". A sidebar on the left contains a "Choose Canada" section with links: > to Immigrate, > to Study, > to Work, > to Visit, After You Arrive..., Sponsor Your Family, Refugees, and Citizenship. The main content area displays the breadcrumb trail: Home >> Immigrating to Canada >> Skilled Worker Class >> Will You Qualify?. The title "Skilled Worker Self-Assessment" is followed by "Factor 1 – Education (maximum 25 points)". A blue box prompts the user to "Indicate your highest level of education". The first dropdown menu option is "Did not complete secondary school (also called high". The Windows taskbar at the bottom shows the start button, several open Microsoft Office applications, and the system clock at 4:33 PM.

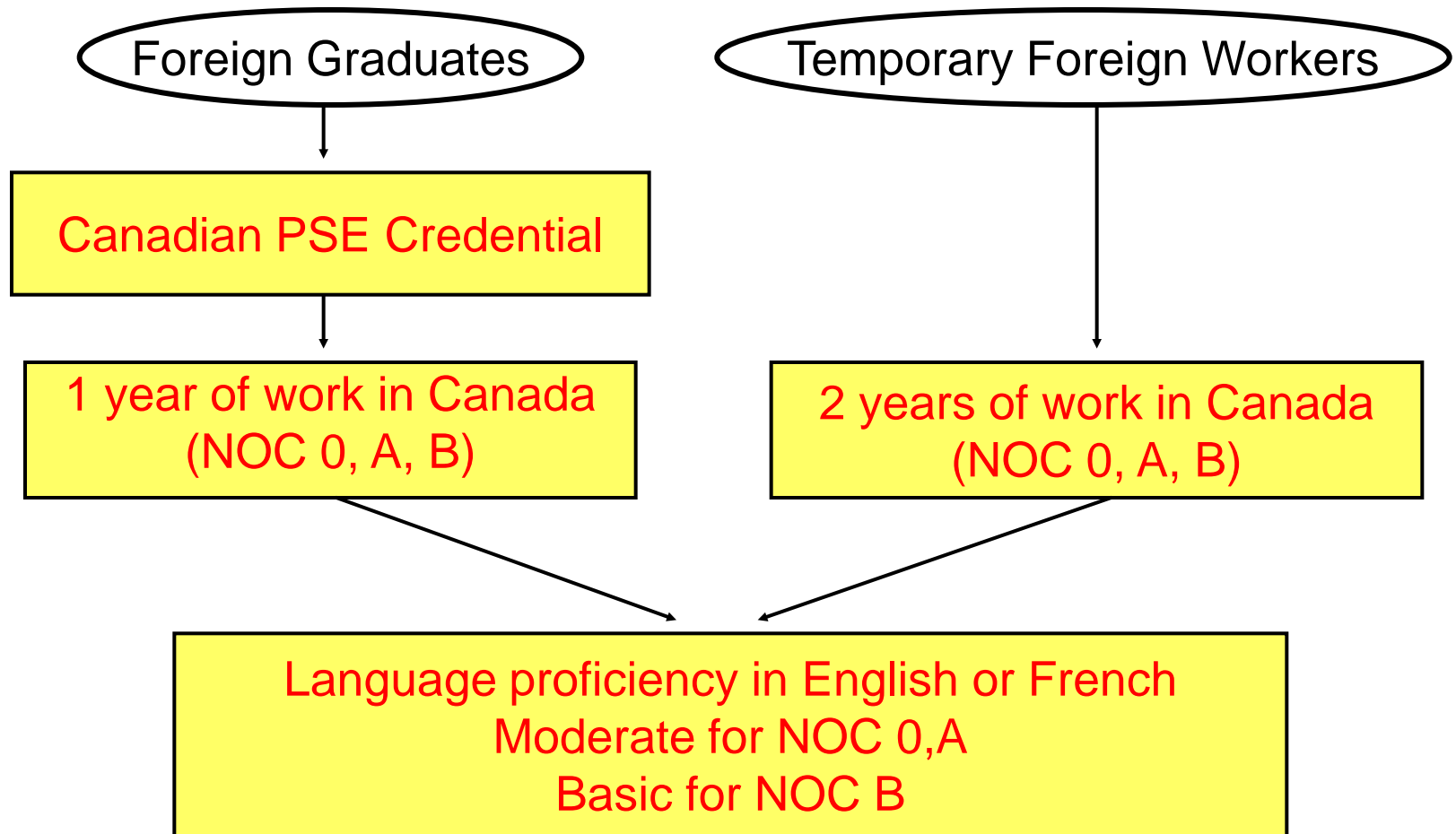


Canadian Experience Class (CEC)

- CEC was introduced as a new Class of Economic immigration
- Selection is based on a pass/fail system.
 - If the minimum requirements are met, the applicant is eligible
 - There is no point system as with the Federal Skilled Worker Program.
- The selection criteria for the class are tied to determinants of successful labour market integration
- CEC targets those who came to Canada to work or study
- Permanent residence can be granted without leaving the country



Pass / Fail Selection Criteria



Selection Criteria - Education

- To apply for CEC, Foreign Graduates require:
 - A Canadian post secondary educational credential which requires at least **2 academic years** (sixteen months of full-time study).
 - The applicant must graduate from a program of study lasting at least two years OR
 - Have a one-year master's program with previous education completed in Canada
 - The credential must be granted by a Canadian public or private post-secondary educational institution recognized by a Province.

*****Studies that do not count*****

- Canadian distance learning programs
- English or French as a Second Language programs

- Temporary Foreign Workers
 - No minimal educational requirement



Selection Criteria - Work Experience

- Foreign Graduates require:
 - **12 months** of recent full-time (or equivalent) Canadian skilled work experience at NOC 0, A or B (management, professional and skilled and technical occupations)
 - The experience must be acquired in Canada **within the 24 months** preceding the application for the CEC
 - You do not have to be in employment at time of application
 - The experience has to be acquired after you have completed the required study and obtained a Canadian credential (Off-Campus Work Permit Program or coop work does not count)
- Temporary Foreign Workers require:
 - **24 months** of recent full-time (or equivalent) Canadian skilled work experience at NOC 0, A or B
 - The experience must be acquired in Canada **within the 36 months** preceding the application for the CEC
 - You do not have to be employed at time of your application



Selection Criteria - Language

- **Different** language requirements based on the skill levels of applicants
 - Canadian Language Benchmark (CLB) of 7 – i.e. moderate proficiency – for applicants with managerial or professional experience (NOC 0 or A)
 - CLB of 5 – i.e. basic proficiency – for applicants with skilled and technical experience (NOC B)

Q: How do you prove language proficiency?

A: By providing test results from a designated institution (Example: IELTS or TEF)



Who does not qualify?

- Refugee claimants with pending applications to remain in Canada
- Workers without status (undocumented) and individuals subject to Removal Orders
- Self-employed persons holding work permits
- Graduates who have studied in Canada under Canadian International Development Agency or Foreign Affairs and International Trades scholarships

****Status in Canada****

Applicants must have temporary resident status during their period of work experience and any period of full-time study or training



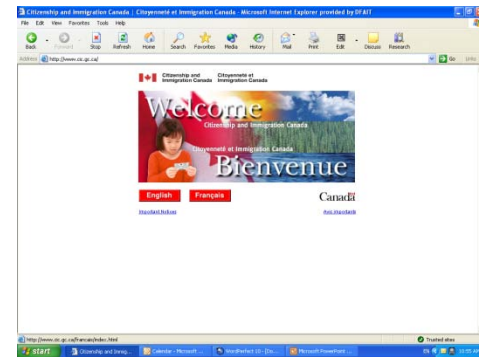
How Can I Get Canadian Immigration Information?

www.cic.gc.ca

- General information
- Application Kits
- Fee Schedules
- CIC Publications
- Links to Related Sites
- Updates on Immigration and Refugee Protection Act

www.canadainternational.gc.ca

- General information
- Links to other resources





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Thank You · Merci

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