



# Working In Canada

Judy Simonite  
August 23, 2006  
ID:#

## Summary

The unemployment rate in Canada is now 6.43%, which is a 32-year low. The economy created over 50,000 new jobs in March 2006 when analysts were predicting 21,000. In western Canada, unemployment is even lower with Alberta leading the country with a 3.4% unemployment level. The reason is because the Canadian economy grew 2.7% in 2005 and a projected 3.2% in 2006. Thus the demand for skilled workers has increased and supply has not kept up. This has created opportunities for foreigners to work in Canada. This report will cover the "Working in Canada" rules as outlined by Citizenship and Immigration Canada and Human Resources and Social Development Canada.

## Working Temporarily in Canada

There are many different ways to work temporarily in Canada, the application for most people is the same and is as follows:

- 1) An employer must first offer the foreign national the job.
- 2) An employer must submit the Human Resources and Skills Development Canada (HRSDC) Foreign Worker Application for a Labor Market Opinion (LMO) (note: a Quebec Acceptance Certificate is also required for jobs in Quebec).
- 3) The employer sends the HRSDC LMO acceptance letter to the foreign national.
- 4) Foreign national applies for a work permit from Citizenship and Immigration Canada.

These steps are not required for all individuals. For some, a LMO assessment is not required. Such categories include International Agreements like NAFTA, entrepreneurs, company transfers, exchange programs, students doing co-operative work, spouses, religious work and some exceptions. Exceptions include those who need to support themselves while they are in Canada for reasons such as refugee determination and those who have permanent residence. Employers can apply for LMOs for individual employees or groups. Employers can get multiple positions approved without identifying the individual names – up to 49 people, though this may be difficult to do. An employer will need approval from HRSDC if 50 or more people are required.

Listed below are occupations that do not require a work permit. For details on these occupations please visit: <http://www.cic.gc.ca/english/work/exempt-1.html>.

## Occupations That Do Not Require a Work Permit

Business visitors	Foreign Representatives	Family members of foreign reps	Military personnel
Foreign government officers	On-campus employment	Performing arts	Athletes and coaches
News reporters	Public speakers	Convention organizers	Clergy
Judges and referees	Examiners and evaluators	Expert witnesses or investigators	Health-care students
Civil aviation inspectors	Accident or incident inspectors	Crew members	Emergency service providers

Applications for a work permit by a foreign national are usually done outside Canada at a Canadian Embassy, Consulate or High Commission. In some instances, you can apply for a work permit at the Canadian border if

- 1) No medical examination is required.
- 2) You are a citizen of the U.S., Greenland or Saint-Pierre and Miquelon.
- 3) No temporary resident visa is required to visit Canada and your job doesn't need HRSDC acceptance.
- 4) No temporary resident visa is required to visit Canada and you have been issued a HRSDC confirmation by the time you arrive.

You can also apply for a work permit after coming to Canada if:

- 1) You, or your parents, have a work or study permit.
- 2) You have been authorized to do one job in Canada with no work permit and now want a work permit to do another job (though not a business visitor).
- 3) You have a temporary resident permit that is valid for 6 months or longer.
- 4) You have an application for permanent residence and are in Canada and have your principle application completed.

Factors that affect procedures and processing times are:

- 1) Nationality – whether you are required to have a visa to enter in Canada.
- 2) The visa office in the country that the applicant is applying from.
- 3) Whether a medical examination is required – depending on where you have resided for 6 consecutive months in the year preceding the date of seeking entry into Canada or if an applicant is to work in a place where protecting public health is essential.

Once a worker is approved, they are then allowed to apply for spousal/common law partner's work permit. They are allowed to bring children that are minors, to study in Canada. And after a 3-month waiting period, workers can be eligible for a medical service plan (MSP) and also apply for fast tracked immigration.

The North American Free Trade Agreement (NAFTA) has criteria for those that choose to work temporarily in Canada. The governments of the NAFTA countries have recognized that it is necessary to provide more liberal movement of people across the borders within North America in order for the benefits of NAFTA to be realized. In order to facilitate this, these provisions on the temporary entry of people were developed. However, it does not mean that there are no controls and it is essential that all U.S. businesspersons traveling to Canada be able to provide documentation describing the nature and purpose of their trip to Canada in order to avoid difficulties at the border.

For a full report on working temporarily in Canada under the NAFTA provisions, please contact the U.S. Commercial Service in Vancouver (contact information at end of this report). Also, you can visit <http://www.cic.gc.ca>, <http://www.hrsdc.gc.ca>, or contact a Canadian Consulate near you.

### **Special Service Canada Programs**

There are special criteria for employers hiring foreign workers into specific industries as academics, seasonal agriculture, film and entertainment, information technology, live in caregivers, among others.

### **Provincial Nominee Program (PNP)**

Another method of working in Canada is through the Provincial Nominee Program, which allows a Province to choose foreign nationals that would provide a economic benefit for that Province. The worker will be issued an Immigrant Visa without having to meet the pass mark that is required for skilled worker

immigrants.

Individual Provinces are responsible for issuing nomination certificates. If workers are successful in convincing a Province that they have a skill or business, which is in high demand for that particular Province, the Province will issue them a certificate, provided that they meet all other statutory and admissibility requirements of Citizenship and Immigration Canada and that they can become economically established. Workers will then be issued an Immigrant Visa for entry into Canada.

The requirements and procedures for the Provincial Nominee Programs differ from Province to Province depending upon the needs and experience.

Note: After workers have been nominated by a Province, they have to make a separate application to Citizenship and Immigration Canada (CIC) for permanent residence. A CIC officer will assess their application based on Canadian immigration regulations.

For the employer, a disadvantage is that the employee has no obligation to stay with that organization, as they would have landed immigrant status, and therefore could work elsewhere.

### **For More Information**

For further detailed information, contact your nearest Immigration Lawyer, or visit [www.aila.org](http://www.aila.org) (American Immigration Lawyers Association) or [www.aila-canada.org](http://www.aila-canada.org) (American Immigration Lawyers Association, Canada Chapter)

### **The U.S. Commercial Service — Your Global Business Partner**

With its network of offices across the United States and in more than 80 countries, the U.S. Commercial Service of the U.S. Department of Commerce utilizes its global presence and international marketing expertise to help U.S. companies sell their products and services worldwide. Locate the U.S. Commercial Service trade specialist in the U.S. nearest you by visiting <http://www.export.gov/>.

*Disclaimer: The information provided in this report is intended to be of assistance to U.S. exporters. While we make every effort to ensure its accuracy, neither the United States government nor any of its employees make any representation as to the accuracy or completeness of information in this or any other United States government document. Readers are advised to independently verify any information prior to reliance thereon. The information provided in this report does not constitute legal advice.*

*International copyright, U.S. Department of Commerce, 2006. All rights reserved outside of the United States.*