Temporary Entry into Canadian Labour Market

- **WP-exempt**
  - IMP: R186 & public policies
    - R186
      - R186(a) Business visitors
        - R187 Business visitors
          - (1) Business visitor is FN who ...
            - is described in R187(2), OR
            - seeks to engage in int'l business activities in CA w/o directly entering Canadian labour market.
          - (2) Specific cases
            - (a) FNs purchasing Canadian goods or services for foreign business or gov, or receiving training or familiarization re such goods or services;
            - (b) FNs receiving or giving training within Canadian parent or subsidiary of corporation that employs them outside CA, if any production of goods or services that results from the training is incidental; AND
            - (c) FNs representing foreign business or gov for purpose of selling goods for that business or gov, if FN is not engaged in making sales to general public in CA.
            - including sales
          - (3)
            - (a) primary source of remuneration for business activities is outside CA; AND
            - (b) principal place of business and actual place of accrual of profits remain predominately outside CA.
          - factors --> R187(3)
      - R186(k) Convention organizers
      - R186(b) Foreign representatives accreditted by DFATD
      - R186(c) FMs of foreign representatives if issued a "no-objection letter" by DFATD
      - R186(d) Military personnel — including FMs
      - R186(e) Foreign government officers
      - Int'l students
        - R186(f) On-campus work
        - R186(v) Off-campus work
          - (i) FT student enrolled at DLI
          - (ii)
            - post-sec
            - duration ≥ 6 mths
            - leads to degree, diploma or certificate
          - (iii) although permitted to engage in FT work during regularly scheduled break b/t academic sessions, they work ≤ 20 hrs per wk during regular academic session.
            - ✅ scheduled breaks
              - winter / summer holidays, OR
              - fall / spring reading week
            - ❌ excluding authorized leave from studies, or time spent switching schools & not studying
            - Temporary public policy to lift 20-hr limitation has ended on Apr 30, 2024.
              💡 It will be increased to 24 hrs this fall.
        - R186(p) Short-term students in a foreign health care program — IME required
        - R186(w) Transition to WP (pending decision on PGWP, [T13] WP, etc.) — ≠ maintained status
      - R186(g) Performing artists — list of occupations
        - (i) time-limited engagement
        - (ii) NOT in employment relationship
      - R186(h) Athletes & team members — Spouses are eligible for LMIA-exempt WP under R205(c)(ii), exemption code [C41]
      - R186(i) News reporters, media crews
      - R186(j) Public speakers — length of stay ≤ 5 days
      - R186(l) Religious leaders
      - R186(m) Judges, referees & similar officials
      - R186(n) Examiners and evaluators
      - R186(o) Expert witnesses or investigators
      - R186(q) Civil aviation inspector
      - R186(r) Aviation accident or incident inspector
      - R186(s) Crew
      - R186(t) Emergency service providers
      - R186(u) Pending decision on WP renewal (maintained status)
      - R186(x) Registered Indians
    - Public policies (Part of GSS)
      - Short-term high-skilled work of 15 or 30 days
        - TEER 0 or 1, AND
        - for one of following periods up to ...
          - 15 consecutive days where FN has not been granted exemption under this public policy in last 6 mths
          - 30 consecutive days where FN has not been granted exemption under this public policy in last 12 mths
      - 120-day WP exemption for researchers
  - Not sure? → Contact IMWU if not sure LMIA or work permit exemption applies.

- **GSS: faster (2-week) processing**
  - LMIA-exempt workers — ineligible for IEC
    - applying from outside CA
    - job is TEER 0 or 1, AND
    - employer has ...
      - submitted offer of employment using Employer Portal, AND
      - paid employer compliance fee
  - workers who require LMIA
    - applying from outside CA, AND
    - employer has positive LMIA through GTS of TFWP
  - spouses, CLPs, & dependent children — complete application must be submitted at the same time as the worker
    - visitor visa
    - WP, OR
    - SP
  - exemptions

- **WP-required**
  - TFWP — R203(1) LMIA-based; employer-specific; employer-driven; wage must meet prevailing rate; used as the last resort
    - Primary agriculture positions
      - SAWP
      - Agricultural Stream
      - if production NOT on National Commodities List
    - High- & low-wage positions
      - High-wage Stream (≥ provincial median hourly wage)
        - GTS — eligible for GSS (faster processing)
          - Category A: referred to ESDC by Designated Referral Partner
          - Category B: application involving in-demand high-skilled positions on the Global Talent Occupations List
        - Academics positions
        - High-wage Stream for caregiver positions
        - High-wage Stream for agricultural positions
        - High-wage Stream for APR (Express Entry)
      - Low-wage Stream (< provincial median hourly wage) — including low-wage caregiver, agricultural, & all other positions below provincial median hourly wage
      - To qualify for LMIA, you must hit the prevailing wage, which is identified as the median hourly wage (or annual salary as published on Job Bank) or higher for the particular occupation and work location.
        Whether you fall into high- or low-wage stream depends on how much you pay them compared to the provincial median hourly wage (regardless of positions).
      - Compare wages on Job Bank
    - Hiring in QC — Certain occupations are exempt from advertising and/or recruitment requirements; Certain CSQ holders in QC are exempt from LMIA under R205(a).
  - IMP — LMIA-exempt; either open or employer-specific
    - A25.2 Public policies — open
      - Issued inside CA [R01]
        - 🇭🇰 HK residents
          - new OWPs starting May 27 2024 for HK Residents who, within last 3 yrs, ...
            - applied under Stream A (in-Canada graduates) or Stream B (Canadian work experience), AND
            - held SP or WP
        - TR2PR
        - 2-yr prov-specific OWP for skilled temporary workers (potential nominees) in MB who ...
          - have WPs (mostly PGWPs) that will expire in 2024
          - have entered MPNP's Skilled Worker EoI pool b/f May 10 2024
      - Issued outside CA [R02]
        - 🇭🇰 HK residents
        - 🇺🇦 CUAET
        - 🇺🇸 H-1B visa holders & FMs
          - initial public policy expired on Jul 17 2023 when cap of 10,000 reached
          - complementary public policies
            - of Sep 27 2023
              - process apps received in excess of 10,000 cap if submitted after expiration of initial public policy on Jul 17 2023, but prior to closure of online portal
              - process apps of FMs who applied for WPs following expiry of initial public policy and b/f Sep 28 2024 — FMs must not reside in CA.
              - exempt minor children (≤ 17 yo) of H-1B visa holders from $150 SP fee after they arrive in CA if they were issued an H-1B OWP
            - of Dec 16 2023 (expires on Dec 16 2026)
              - facilitate renewal of WPs for FNs in CA who were issued a WP for < 3 yrs, following facilitation under the first 2 H-1B public policies, to enable them to benefit from full 3-yr maximum of this WP category
    - employer-specific unless stated otherwise
      - R204 Int'l agreements or arrangements
        - R204(a) CA-int'l agreements
          - Non-Trade Agreements [T11]
            - Airline personnel (operational, technical & ground personnel)
            - 🇺🇸 US gov't personnel
          - Int'l FTAs
            - 🇺🇸 🇲🇽 CUSMA [T34]-[T38]
            - 🇨🇱 Chile [F20]-[F24]
            - 🇵🇦 Panama (incl. PRs) [F42]
            - 🇵🇪 Peru (incl. PRs) [F50]-[F55]
            - 🇨🇴 Colombia (incl. PRs) [F10]-[F15], [T25] — Spouses eligible for open WP
            - 🇰🇷 South Korea [F30]-[F36]
            - 🇪🇺 CETA [T41]-[T48] — Spouses of ICT's eligible for open WP
            - 🇬🇧 CUKTCA [F60]-[F67]
            - 🇺🇳 GATS [T33]
            - 🌏 CPTPP (incl. certain PRs) [T50]-[T55] 🇨🇦 🇦🇺 🇯🇵 🇲🇾 🇲🇽 🇳🇿 🇸🇬 🇻🇳 🇵🇪 — Spouses of 🇦🇺 🇯🇵 🇲🇽 citizens, or 🇦🇺 PRs, or 🇲🇾 citizens (ICT executives & managers only) eligible for open work permit
        - R204(c) Fed-prov agreements
          - Fed-prov [T13]
            - Nominated by a prov for PR (excluding QC) — can be submitted alongside APR; has to demonstrate urgent need
            - Significant Investment Projects
              - Microsoft Vancouver
              - lululemon
            - Exceptional & Unforeseen Events
          - AIP [C18]
          - QC investors w/ notice of intent to select [T10]
      - R205 Canadian interests
        - R205(a) Significant benefit, economically, socially, & culturally
          - Significant benefit Unique work situations [C10]
            - Airline personnel
            - Interns with international organizations & foreign missions
            - Rail grinder operators, rail welders or other specialized track maintenance workers
            - Experts on mission working for a UN office in CA
            - Foreign physicians coming to work in QC
            - Caribbean Agricultural Liaison Officers
          - Business owners (entrepreneurs & self-employed individuals)
            - Category 1: Seeking only TR [C11]
              - 🎣 Fishing guides (CA lakes)
              - ⛺ Foreign camp owner or director, & outfitters
              - 🏇 Foreign freelance horse jockeys
            - Category 2: Seeking PR
              - Prov business candidates or QC self-employed applicants with a CSQ [C60]
              - SUV PR visa applicants [A77] — self-employed; only for essential applicants in urgent need.
          - ICT [C12]
            - Executive, Senior or Functional manager [C62] — including Airline personnel (station managers)
            - Specialized knowledge [C63]
            - Employees starting a branch or affiliate [C61]
          - Emergency repair or repair personnel for out-of-warranty equipment [C13]
          - 🎬 Television & film production workers [C14]
          - RNIP [C15]
          - Spouses of RNIP [C17] — open
          - 🇫🇷 Mobilité Francophone [C16]
            - speaking & listening: NCLC ≥ 5 — can be proven by education in French
            - all occupations located outside QC, except primary agriculture occupations under TEER 4 & 5 — primary agriculture sector defined in R315.2(4)
            - work language needs NOT be French
          - Live-in caregivers whose APR is submitted [A71] — open
          - Caregivers whose APR is submitted under HCCPP or HSWP [C90] — Only applies to Category A (Gaining experience) — OROWP
          - Spouses & dependants at age of majority of caregivers whose APR is submitted under HCCPP or HSWP [C91] — open
          - "working age" varies across provinces
          - BOWPs [A75] — open; but will be restricted to prov in the case of QC
            - Applicant must:
              1) be in CA;
              2) have valid or maintained or be eligible to restore status to work on WP;
              3) have submitted APR as PA under one of the following classes; AND
              4) either passed R10 check or received positive assessment.
              Flagpoling is NOT permitted.
            - FSWC
            - CEC
            - FTSC
            - HCCPP or HSWP
            - Caring for Children Pilot & Caring for People with High Medical Needs Pilot before June 18, 2019
            - PNP for applicants for whom there are NO employer restrictions on nominations — If stream is employer-driven, apply for closed WP under [T13].
            - AFP
            - QSWC
            - Category B (Direct to PR) may qualify for BOWP
            - is a kind of BOWP
          - Specific CSQ holders currently in QC [A73] — Spouses are eligible for SOWP
          - Public policy for spouse or common-law partner in Canada (SCLPC) class or family class applicants to apply in Canada [A74] — open
          - PR facilitation WP categories [A75]
            - Caregivers under HCCPP or HSWP
            - YCP — Pilot: from Jan 22 2020 to Jun 22 2025
          - CSQ holders currently outside QC [A76] — open but restricted to prov
            - part of IMP+
            - subject to annual cap of 7,350 applications starting 2023
            - FMs are eligible for OWP under [C41] or [C46]
        - R205(b) Reciprocal employment
          - Reciprocal employment Unique work situations [C20]
            - Fishing guides (border lakes)
            - 🇺🇸 US gov't personnel (including FMs)
          - Residential summer camp counsellors [C24]
          - Coaches & Athletes [C26]
          - IEC [C21] — allows youth aged 18 - 35 from certain countries to travel & work in CA for 2 yrs
            - Working Holiday — open
            - Young Professionals — TEER 0-3; TEER 4 only qualifies if in field of study.
            - Int'l Co-op
            - List of IEC Partners
          - Academic exchanges (professors, visiting lecturers) [C22]
          - Performing arts [C23]
        - R205(c)(i) Research
          - (i) Research [C31] — only temporarily working for Int'l Development Research Centre of Canada
          - (i.1) Educational co-op – post-secondary [C32]
          - (i.2) Educational co-op – secondary level [C33]
          - open (despite employer name as DLI); WP's validity should NOT exceed SP's validity
        - R205(c) Designated by Minister
          - R205(c)(ii) Competitiveness & public policy — employer-specific unless stated otherwise
            - for FMs — ✅ PT is allowed as long as wages or available funds will be sufficient to financially support themselves & FMs
              - FMs of high-skilled workers (TEER 0 to 3) [C41] & [C46]
              - FMs of low-skilled workers (TEER 4 or 5) [C47] & [C48]
                - ❗ exceptions
                  - ❌ SAWP
                  - ❌ agricultural stream
                  - ❌ low-wage stream
                  - ✅ FMs of PA under AFP are eligible only if PA...
                    - holds LMIA-based WP in the agriculture or low-wage stream or is approved for such WP
                    - received acknowledgment of receipt letter from IRCC confirming their APR is complete
              - FMs of Economic PR applicants [C49]
              - Spouses or CLPs of FT students at public post-sec schools [C42]
                - ❗ Will be limited to only spouses of int'l students in master's and doctoral programs.
            - 🎓 PGWP [C43] — open
              - Receipt of application: 180-day time period beginning on whichever occurs first ...
                - final marks, OR
                - formal written notification of completion
                - was 90 days prior to Feb 14 2019
              - Place of application
                - In CA (R199)
                  - If SP is valid: May apply for PGWP from within CA if, at time of application, ...
                    - SP is still valid, OR
                    - if meeting one of other R199 requirements
                  - If SP becomes invalid or is expired ...
                    - If eligible for restoration under R182, they can restore TR status w/ authorization to study by applying for SP and then WP.
                    - Otherwise, even if they have maintained TR status as visitor, b/c they would no longer meet R199 requirements, they must apply outside CA.
                - Outside CA (R197) — TRV or eTA will be issued at the same time
                - ❌ No longer permitted at POE as of Jun 21 2024
              - Eligibility
                - have previously NOT been issued PGWP — once in a lifetime
                - had authorization to study that expired within 180 days preceding app thru ...
                  - valid SP, OR
                  - w/o SP under R188(1)(a) or (b)
                - have graduated from ...
                  - eligible DLI, AND
                  - PGWP-eligible program
                  - 🔍 DLI List
                - have completed eligible academic, vocational or professional training program in CA that was a minimum of 8 mths in duration that led to degree, diploma or certificate
                  - Validity depends on
                    * type of degree, &
                    * program length
                    - for Master's degrees
                      - if < 8 mths, ineligible
                      - if ≥ 8 mths, validity = 3 yrs
                    - otherwise
                      - if < 8 mths, ineligible
                      - if [8 mths, 2 yrs), validity = program length
                      - if ≥ 2 yrs, validity = 3 yrs
                      - if having transferred from non-DLI to DLI, only time in DLI will be calculated
                      - if having completed more than 1 program from an eligible DLI within 2 yrs, OR
                        if having transferred between DLIs,
                        calculate the combine length of all programs. & then ...
                  - ✅ Overseas component does NOT disqualify eligibility as long as you earn a credit from DLI, but PGWP validity only depends on time of study in CA.
                  - ❌ excluding
                    - programs of English or French as a second language
                    - general interest or self-improvement courses
                  - Eligible courses or programs ❗ EXCLUDE the following ...
                    - If only completed ...
                      - course or program of study on EN or FR as second language
                      - general interest or self-improvement courses
                      - course or program of study at private career college, including programs presented under a curriculum licensing agreement with a public institution in another prov that allows students to be eligible for PGWP
                    - Int'l scholarships for non-Canadians program funded by Global Affairs Canada, other than Study in Canada Scholarship recipients who are eligible for PGWP, such as ...
                      - Canada-China Scholars' Exchange Program
                      - Organization of American States Academic Scholarship Program
                    - If completed program of study delivered by non-Canadian institution located in CA
                - have completed **no more than 50%** of the credits toward completion of program of study by distance learning
                  - **lock-in date** is whichever date comes first:
                    * date of starting program of study
                    * date on SP application receipt
                    If lock-in date is ...
                    - b/t Sep 1 2022 & Aug 31 2024
                      - Must complete at least 50% of program inside CA (online or in class).
                      - Time spent studying online from outside CA b/f Aug 31 2024 counts toward length of PGWP as long as it constitutes less than 50% of program of study.
                    - on or after Sep 1 2024
                      - Must complete at least 50% of program in class inside CA.
                      - Time spent studying outside CA is deducted from length of PGWP.
                - have maintained FT student status in CA during each academic session of program or programs completed, w/ ✅ exceptions made only for the following ...
                  - leave from studies
                  - final academic session
                  - special measures b/t Mar 1 2020 and Dec 31 2023
                - have received confirmation of completion of program of study from eligible DLI by obtaining one of the following ...
                  - transcript
                  - official letter confirming that they have met requirements to complete program of study
                - have submitted application within 180 days of receiving confirmation of program completion
                - ❌ ineligibility
                  - 🇨🇦 Global Affairs Canada (GAC) funding — Study in Canada Scholarship is still eligible
                    - thru Gov't of CA Awards Program funded by GAC, OR
                    - received funding directly
                  - 🇨🇱 Equal Opportunity Scholarship, CA–Chile
                  - 🇨🇳 Canada–China Scholars' Exchanges Program
                  - 🇺🇸 Organization of American States Fellowships Program
            - FMs of PGWP applicants — PGWP applicant must be currently working, or has TEER 0 - 3 job offer lined up
            - Post-doctoral PhD fellows [C44]
            - Medical residents & fellows [C45]
            - Academic Award recipients [C52]
            - Innovation Stream pilot for high-skilled occupations (TEER 0-3) [C88] — Global Hypergrowth Project
        - R205(d) Charitable or religious work
          - Religious work [C50]: — has to be of a religious nature
          - Charitable work [C51]
      - open
        - R206 No other means of support — NOT including FMs not themselves described in R206
          - R206(1)(a) Refugee claimants [S61]
            - As of Nov 16 2022, asylum claimants can apply for WPs once found eligible and b/f referral to IRB.
          - R206(1)(b) Persons under unenforceable removal order [S62]
        - R207 PR applicants in CA [A70]
          - R207(b) SCLPC class (after eligibility passed)
          - R207(c) Protected persons under A95(2)
          - R207(d) A25 exemption (H&C grounds)
          - R207(e) FMs of above
        - R207.1 Vulnerable workers [A72] — ⚖️ standard of proof: reasonable grounds to believe
          - R207.1(1) Vulnerable workers
          - R207.1(2) FMs of vulnerable workers
        - R208 Humanitarian reasons
          - R208(a) Destitute students [H81]
          - R208(b) Holders of TRP valid for at least 6 mths [H82]
        - R202 ❗ : WP Issuance does NOT lead to TR status.
  - Performing artists requiring work permit
    - if neither condition below applies then LMIA would be required
    - if internationally renowned
    - if reciprocity exists

if not meeting conditions (i) or (ii) then WP would be required

[C10]

[C23]

if applicant
* has valid WP
* holds CSQ
* resides in QC, &
* has applied for PR under QSWC
then ...

if transferee is citizen (or in some cases PR) of a country that has signed a FTA w/ 🇨🇦, they may also qualify under ...

[T13]
PNP

if FMs are already in CA

Not sure?

Religious workers who are in CA and who were initially authorized to preach doctrine or minister to a congregation pursuant to R186(l) may apply for WP to CPC-Edmonton under R199(b) using LMIA exemption code [C50].

Last updated: July 6, 2024
by George Niu
Questions? Feedback? Please email to: info@gniu.ca

BY NC ND