

Canada's Foreign Worker Program in British Columbia

*A Presentation of the
Canada / British Columbia
Working Group on
Temporary Foreign Workers*



Canada 



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Canada / BC Working Group Partners



Federal Government Partners

- ♣ Citizenship and Immigration Canada (CIC)
- ♣ Service Canada (HRSDC)
- ♣ Canada Border Services Agency (CBSA)



Provincial Government Partner

- ♣ Ministry of Economic Development (MED)
 - Provincial Nominee Program (PNP)

Overview

- ♣ What is work & work permit exemptions
- ♣ Labour market opinion process & exemptions
- ♣ Four steps in hiring foreign workers
- ♣ Port of entry examinations
- ♣ Work permit extensions
- ♣ BC Provincial Nominee Program

Canada's Temporary Foreign Worker Program

Canadian employers hire foreign workers to help address skill and labour shortages.

Service Canada & CIC ensure that foreign workers will support economic growth in Canada and help create job opportunities for all Canadians.

**First, let's do a quick "IRPA 101"
on Foreign Workers...**

Citizenship and Immigration Canada

What is Work?

The *Immigration and Refugee Protection Act (IRPA)* and the *Regulations (IRPR)* state that a foreign national may not work in Canada unless authorized.

Work is an activity:

♣ for which wages are paid or commission is earned,
OR

♣ that is in direct competition with the activities of Canadian citizens or permanent residents in the Canadian labour market.

Job Categories Exempt from a Work Permit

Under specific circumstances, a foreign national may work in Canada without a work permit.

Some common examples:

- | | |
|-----------------------------|--|
| ♣ Athletes and coaches | ♣ Health care students |
| ♣ Business visitors | ♣ Judges / referees |
| ♣ Civil aviation inspectors | ♣ Military personnel |
| ♣ Clergy | ♣ News reporters |
| ♣ Convention organizers | ♣ On-campus employment (international students) |
| ♣ Examiners / evaluators | ♣ Performing artists |
| ♣ Expert witnesses | ♣ Public speakers |
| ♣ Foreign representatives | |

Hiring Temporary Foreign Workers

Step One: Employer recruits foreign worker and makes a job offer

→ **Job offer must include:** Job title, a concise description of the job, a list of required education, skills and experience, details of when the job will start and end, salary details, address where employee will be working

→ **Wages:** Wages and working conditions must be consistent with the Canadian labour market

Hiring Temporary Foreign Workers

Step Two: Employer applies for an LMO from Service Canada

Some types of work are LMO-exempt:

- ♣ Int'l Free Trade Agreements (NAFTA, CCFTA, GATS)
- ♣ Reciprocal arrangements with other countries
- ♣ Public Policy to give Canada a competitive advantage
- ♣ Humanitarian & Compassionate situations
- ♣ Provincial Nominees
- ♣ Significant Benefit to Canada

Confirmation of LMO Exemption

Employers who believe an LMO exemption applies can seek verification of the LMO exemption from the CIC Vancouver Temporary Foreign Worker Unit.

Information required:

- ♣ Employer and employee information
- ♣ Details of the job
- ♣ Supporting documents

If an officer determines that an exemption does not apply, the employer will be directed to apply for an LMO.



Service Canada

Service Canada's Role in the Federal Temporary Foreign Worker Program

To provide CIC an ***Opinion*** on the Canadian labour market impact if a foreign national filled a job position.

Two Possible Decisions on an *Opinion*:

 } Confirm (positive) } Refuse (negative)

2 Types of *Opinions*:

LMO - Labour Market Opinion for temporary job offers

AEO - Arranged Employment Opinion for permanent job offers that support Permanent Residence

Assessment Criteria for Temporary Job Offers

A job offer is assessed on:

- ♣ the occupation that the foreign worker will be employed in;
- ♣ the wages and working conditions offered;
- ♣ the employer's advertisement and recruitment efforts;
- ♣ the labour market benefits related to the entry of the foreign worker;
- ♣ consultations, if any, with the appropriate union; and
- ♣ whether the entry of the foreign worker is likely to affect the settlement of a labour dispute.

Examples of LMO Assessment Tools

Job Classification

National Occupation Classification (NOC) coding system

- 9 a job is classified based on the majority of duties the foreign worker is expected to do

Advertising and Recruitment Documents

- 9 include wage rate and job requirements
- 9 www.jobbank.gc.ca

Wage Rate

- 9 www.labourmarketinformation.ca

National Occupational Classification (NOC) System

- ♣ Categorize jobs performed by Canadians
- ♣ Standardized way of describing and understanding the nature of work
- ♣ Classify occupations according to:
 - skill level
 - skill type
- ♣ Based on a 4-digit NOC code. Examples:
 - Legislators = NOC code 0011
 - Lumber graders = NOC code 9436

Federal Temporary Foreign Worker (LMO) Application Steps

Employer driven process involves:

1. Employer completes **Application for a Labour Market Opinion** (Form #: EMP5239B) based on the LMO criteria
2. Employer submits LMO application to Service Canada's BC/Yukon Foreign Worker Unit
3. Service Canada makes decision

The decision:

Service Canada officer will correspond with the employer about the LMO decision.

Once a positive LMO is issued, employer advises foreign workers to apply for a **work permit** and if necessary, a **temporary resident visa** at a Visa Office abroad.

Federal Temporary Foreign Worker (LMO) Application Options

Scenario 1:

Employer **has** the name of a foreign worker who qualifies to fill the vacant job position that require a LMO.

Option: Employer submits a LMO application form.

Scenario 2:

Employer **does not have** the names of the foreign workers who qualify to fill the vacant job positions and each position requires a LMO.

Option: Employer requests a written ***pre-approval*** for the equivalent number of vacant job positions and submits a LMO Application form.



Citizenship and Immigration Canada

Hiring Temporary Foreign Workers

Step Three: Foreign worker applies for a work permit

- **Apply for work permit prior to entry:** Most foreign workers must apply for a work permit prior to their arrival in Canada either to CIC at a Visa Office or to CBSA at a port of entry (POE).
- **Conditions:** Foreign worker must adhere to conditions listed on the work permit

Immigration Canada / Immigration Canada

CANADA

PROTECTED WHEN COMPLETED / PROTÉGÉ UNE FOIS REMPLI - B

BB090 518 794

U922283445

WORK PERMIT / PERMIS DE TRAVAIL

CASE TYPE : 24

TRAVEL DOC : PASSPORT

BUNDLE : NO

EMPLOYER : [REDACTED]

OCCUPATION : [REDACTED]

STATUS : FPE - FPE-CR

CONDITIONS

1. UNLESS AUTHORIZED, PROHIBITED FROM ATTENDING ANY EDUCATIONAL INSTITUTION AND TAKING ANY ACADEMIC, PROFESSIONAL OR VOCATIONAL TRAINING COURSE.
2. NOT AUTHORIZED TO WORK IN ANY LOCATION OTHER THAN STATED.
3. NOT AUTHORIZED TO WORK FOR ANY EMPLOYER OTHER THAN STATED.
4. NOT AUTHORIZED TO WORK IN ANY LOCATION OTHER THAN STATED.
5. MUST LEAVE CANADA BY 31 JUL 2003.

SURNAME, GIVEN NAMES - NOM DE FAMILLE, PRÉNOMS

BIRTH DATE - DATE DE NAISSANCE

SEX - SEXE

FEMALE

COUNTRY OF BIRTH - PAYS DE NAISSANCE

COUNTRY OF CITIZENSHIP - CITOYEN DE

BRAZIL

BRAZIL

OFF. FILE NO. - N° DE REF. DU BUREAU

CLIENT ID. - ID DU CLIENT

513352889428

DATE SIGNED - SIGNÉ LE

VALID UNTIL - DATE D'EXPIRATION

01 AUG 2002

31 JUL 2003

EXT. NO. - CODE PRODIG

01

CANADA

REMARKS : /OK-5133884



Canada Border Services Agency

Hiring Temporary Foreign Workers

Step Four: CBSA POE examination – Foreign worker must meet requirements of IRPA

- Foreign worker must provide **documentation to support reason for entry**
- Foreign worker **must be admissible to Canada**
 - ♣ passport or visa requirements
 - ♣ health conditions that may affect public health or
excessive demands on our health services
 - ♣ previous or pending criminal activities
 - ♣ public safety or security risks concerns

Work Permit Issuance

At the POE, the Officer will determine:

- ♣ If the foreign worker is in possession of an approval letter issued by the Visa Office abroad regarding the work permit.
- ♣ If **not**, whether they can apply at the POE
- ♣ If **so**, are they exempt from LMO
- ♣ If **not**, are they in possession of LMO
- ♣ If **so**, do they possess the credentials stipulated in the LMO

Work Permit Issuance

- ♣ If **so**, do they require a medical examination
- ♣ If **not**, whether they meet all other requirements under IRPA.

If all requirements are met:

- Issue work permit

If inadmissible under IRPA:

- Issue TRP if circumstances are warranted, or
- Select the appropriate enforcement option

Work Permit Extension

A work permit allows foreign nationals to work in Canada temporarily.

If they want to continue to work beyond the validity of their work permit, or change any of the terms and conditions, they must apply to do so before the expiry of their document.

- ♣ Mail application to CPC Vegreville
- ♣ Must provide new job offer / contract
- ♣ A new LMO may be required
- ♣ Must have valid passport

Implied Status / Restoration

Foreign nationals can continue to work under the same conditions of their work permit until a decision is made if:

- ♣ they applied to renew/change their work permit before its expiry date, and
- ♣ their status expired before a decision was made

Workers who do not apply before the expiry of their work permit **cannot continue to work** until their status has been restored – they must apply for restoration within 90 days after the status was lost.

Review

- Step 1** Make job offer to foreign worker
- Step 2** Apply for an LMO from Service Canada
- Step 3** Foreign worker applies for a work permit
- Step 4** Foreign worker seeks entry to Canada

Note Conditions of employment must meet provincial standards.

The PNP is an option available for applying for permanent resident status.



BC Provincial Nominee Program

Ministry of Economic Development

Keeping Foreign Workers Permanently

Foreign workers can immigrate to Canada under several programs:

- ♣ **Skilled Workers:** point system 67/100: education, work experience, knowledge of English or French
- ♣ **Business Immigration:** investors, entrepreneurs, self-employed persons
- ♣ **Family Class:** sponsorship by family member in Canada: spouse, children, parents
- ♣ **Provincial Nominee:** persons nominated by a Canadian province or territory

BC Provincial Nominee Program (BC PNP)

Economic Immigration Programs Branch Ministry of Economic Development

Objectives of the BC PNP:

- ♣ Create economic benefit
- ♣ Address critical skills shortages
- ♣ Attract entrepreneurs with a desire to establish businesses & invest in BC

BC PNP - Strategic Occupations

Key factors in the Strategic Occupations component:

- ♣ The **BC employer's history and operations**
- ♣ The **occupation** in which the nominee candidate will be employed (**NOC**: O, A, B)
- ♣ The current **demand and outlook** for the occupation
- ♣ The **wage level** for the position
- ♣ The nominee candidate's **qualifications and experience**
- ♣ The **offer of employment**

Is BC PNP for you?

PNP is not for everyone

Is not an alternative to hiring Temporary Foreign Workers, i.e. Service Canada's LMO's, working holiday visas, work exchange programs

PNP is for employers who want:

- ♣ an alternative to Federal "Skilled Worker" application
- ♣ to bring in foreign workers on a permanent basis
- ♣ to keep temporary foreign workers permanently
- ♣ to hire recent international graduates

BC PNP Advantages

For **Employers**:

- ♣ Employers select immigrants directly based on desired skill sets and other preferences
- ♣ Critical skill shortages addressed
- ♣ Flexibility on program criteria to address ever changing labour market needs
- ♣ Expedited processing of Nominees

For **Applicants**:

- ♣ Not assessed on federal point system
- ♣ BC PNP support during visa processing
- ♣ **Work permit** between nomination & permanent resident visa
- ♣ **Expedited** processing for applicant and dependents
- ♣ Federal Processing times for Skilled Worker PR: 30% after 26 months, 50% after 52, and 70% after 64

BC PNP – What is the Process?

1. Employer recruits foreign worker
2. Employer and candidate submit application jointly to BC PNP (4-6 weeks)
 - ♣ **BC PNP reviews submitted application for completeness**
 - ♣ **BC PNP assesses application**
 - ♣ **BC PNP notifies employer and candidate of the decision**
3. Nominee applies to CIC for permanent resident visa. LMO exempt work permit may be issued (3-6 weeks)
4. CIC conducts medical, security and criminal background checks / issues visa (8-10 months)

BC PNP – What is the Process?

**BC
PNP**

4 - 6 weeks

- ♣ Assess applications
- ♣ Nominate applicants
- ♣ Facilitate issuance of work permit
- ♣ Processing fee of \$550



**CIC
Work Permit**

3 - 6 weeks

- ♣ Conduct medical & background checks
- ♣ Issue work permits
- ♣ Federal processing fees



**Permanent
Residence**

8 - 10 months

- ♣ Issue permanent resident visas
- ♣ Nominee and family relocate to BC

Thank
you

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Contact Information

Service Canada

BC/Yukon Region – Foreign Worker Program

Fax: 604-666-8920

Phone: English

604-687-7803

1-888-246-7712

Phone: French

604-609-7451

1-888-246-7715

Mail: Employer Services

1400 - 300 W. Georgia Street

Vancouver, BC V6B 6G3

Citizenship and Immigration Canada

CIC Temporary Foreign Worker Units

Vancouver

1148 Hornby St.
Vancouver, BC
V6Z 2C3

Tel: 604-666-7509

Fax: 604-666-7548

E-mail:

TFWU-Vancouver-
UTET@cic.gc.ca

Calgary

170-220 4th Ave SE
Calgary, AB
T2G 4X3

Tel: 403-292-4183

Fax: 403-292-6843

E-mail:

TFWU-Calgary-
UTET@cic.gc.ca

Montreal

1010 St-Antoine St. W
2nd Floor
Montreal, QC H2C 1B2

Tel: 514-283-1061

Fax: 514-283-1877

E-mail:

CIC-QUE-
SRTE@cic.gc.ca

CIC Foreign Credentials Referral Office

Web site

www.canadacredentials.gc.ca

Canada Border Services Agency

CBSA

Web site

www.cbsa-asfc.gc.ca/menu-eng.html

Border Information Service

English

1-800-461-9999

French

1-800-959-2036

BC Provincial Nominee Program

BC Provincial Nominee Program

Strategic Occupations

730-999 Canada Place
Vancouver, BC
V6C 3E1

Tel: 604-775-2227

Fax: 604-660-4092

E-mail:

PNPInfo@gov.bc.ca

Registered Nurses & Physicians

Health Match BC
200-1333 W Broadway
Vancouver, BC V6H 4C6

Tel: 604-736-5920

Fax: 604-736-5963

E-mail:

recruit@healthmatchbc.org

Business Categories

730-999 Canada Place
Vancouver, BC
V6C 3E1

Tel: 604-775-2227

Fax: 604-660-4092

E-mail:

Bus.imm@gov.bc.ca

Ministry of the Attorney General

Multiculturalism and Immigration Branch

Web site

www.ag.gov.bc.ca/immigration/index.htm

PO Box 9213, Stn Prov Govt
Victoria, BC V8W 9J1

Tel: 250-356-2099

Fax: 250-387-0271

Ministry of Labour and Citizens' Services

Employment Standards Branch

Web site

www.labour.gov.bc.ca/esb

Employment Standards General Enquiries

1-800-663-3316

Ministry of Economic Development

Ministry of Economic Development

Web site

www.ecdev.gov.bc.ca/ProgramsAndServices/IQU/index.htm

International Qualifications Unit

PO Box 9327, Stn Prov Govt
Victoria BC V8W 9N3

Tel: 250-953-3744

Fax: 250-952-0705

Email: IQUinfo@gov.bc.ca

Useful Links

**How to Hire a Temporary Foreign Worker: A Guidebook
for Employers**

www.cic.gc.ca/english/resources/publications/tfw-guide.asp

National Occupation Classification (NOC)

www23.hrdc-drhc.gc.ca/2001/e/groups/index.shtml

Job Bank For Employers

http://jobbank.gc.ca/Intro_en.aspx

Labour Market Information

www.labourmarketinformation.ca

Employment Standards

www.labour.gov.bc.ca/esb