



Overview: Working in Canada

NAFTA (U.S. and Mexican Nationals)

Description

Citizens of the United States and Mexico are entitled to seek entry to Canada as business visitors or workers, pursuant to the NAFTA Agreement. The nonimmigrant benefits under NAFTA (North American Free Trade Agreement) are organized into four categories: (a) Business Visitors, (b) Intra-company Transferees, (c) Professionals, and (d) Traders & Investors. The category for NAFTA professionals are for those seeking admission to Canada to perform pre-arranged services on behalf of a Canadian entity at a professional level. Applications for work permits for NAFTA professionals may be adjudicated either at a port of entry or at a consular post anywhere in the world. Work permits are granted for a maximum period of one year at a time (unlike the U.S.); however, there is no limit on the number of extensions that are available under this category.

Criteria

- Citizen of the United States or Mexico.
- Applicant must have no intention of remaining in Canada permanently.
- Professionals engaging in a business activity at a professional level in a profession set out in Appendix 1603.D.1 to Annex 1603 of the NAFTA.
- Must satisfy the minimum credential requirements for the proposed occupation.

Intra-company Transferee (Manager/Executive/Specialized Knowledge)

Description

For business persons employed by an enterprise who seeks to render services to an enterprise or a subsidiary or affiliate, in a capacity that is managerial, executive or involves specialized knowledge.

Criteria

- Eligibility requires that the applicant worked in an executive, managerial or specialized knowledge capacity abroad.
- Entering Canada to work for the same company or a parent, affiliate or subsidiary in an executive, managerial or specialized knowledge capacity.
- Employed in a full-time capacity for the foreign parent, branch, affiliate or subsidiary for at least one year within the previous three years.
- Work permits for managers and executives are granted initially for three years with extensions of two years being permitted, up to a maximum of seven years.
- Work permits for specialized knowledge workers are granted initially for three years with an extension of two years being permitted, up to a maximum of five years
- The requirements for this category are virtually identical to the L-1 categories under U.S. immigration law.

Post-Graduation Work Permit

Description

Post-Graduation Work Permits are for foreign students in Canada who have completed a program of study that lasted at least eight months. Work permits cannot be valid longer than the length of time they studied in Canada. For example, students graduating from a

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Post-Graduation Work Permit

four-year degree program might be eligible for a three-year year work permit. Students graduating from an eight-month certificate program would only be eligible for a work permit of eight months.

Criteria

- Applicants must have studied full time in Canada and must have completed a program of study that lasted at least eight months.
- Applicants must also have graduated from a public post-secondary institution, such as a college, trade/technical school, university or CEGEP (in Quebec), or a private post-secondary institution that operates under the same rules and regulations as public institutions, and receives at least 50 percent of its financing for its overall operations from government grants (currently only private college-level educational institutions in Quebec qualify), or Canadian private institution authorized by provincial statute to confer degrees but only if they are enrolled in one of the programs of study leading to a degree as authorized by the province and not in all programs of study offered by the private institution.
- They must apply for a work permit within 90 days of receiving written confirmation from their institution indicating that they have met the requirements for completing their academic program.
- They must have completed and passed the program of study and received a notification that they are eligible to obtain their degree, diploma or certificate;
- They must have a valid study permit when they apply for the work permit.

GATS

Description

Citizens and some permanent residents of member nations are entitled to seek entry to Canada as business visitors or workers, pursuant to the GATS Agreement. The nonimmigrant benefits under the GATS are organized into three categories: (a) Business Visitors, (b) Intracompany Transferees, (c) Professionals.

Criteria

- Citizen of a World Trade Organization (“WTO”) Member nation.
- Applicants seeking professional status must establish that they meet the following general requirements: a) Citizenship in a member nation or permanent residence in a member nation that has given formal notification that its permanent residents have the same rights as its citizens do; b) employment in one of the permitted service sectors; and c) provide professional services pursuant to a written agreement on behalf of a service provider based in the territory of another member nation.
- The number of professions included under this category is limited and the maximum period of stay is limited to 90 days in any 12 month period.

IT Worker Program

Description

To fill critical shortages in Canada's software industry, Canada has a simplified entry process for workers whose skills are in high demand in that industry. This is a pilot project that was set up to test an approach to expediting the HRSDC confirmation (LMO) component of the work permit process for certain IT workers. Under this pilot project, the job-specific LMO is replaced by a national confirmation letter (Blanket LMO Approval), which removes the delay associated with the job-specific confirmation process.

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IT Worker Program

Criteria

- Applicant must be seeking employment in one of the following occupational categories: Embedded Systems Software Designer; Software Products Developer; MIS Software Designer; Multimedia Software Developer; Senior Animation Effects Editor; Software Developer - Services; and Telecommunications Software Designer.
- Applicant is also required to have experience in at least one product or technology under each heading on a specific skill set table provided for each occupation.
- Skills and experience, education, language ability, and an appropriate wage/salary are specified for each job description.
- Temporary foreign workers wishing to take a position in Quebec must obtain a certificat d'acceptation du Québec (CAQ) in order to participate in this facilitated processing.

All Other Work Permits requiring LMOs

Description

As a general rule, Canadian employers seeking to temporarily hire a foreign worker must obtain an individual Labor Market Opinion (LMO) from the local office of Human Resources and Skills Development Canada/Service Canada (HRSDC/Service Canada) before the foreign national will be permitted to apply for a work permit. Where available, it is preferable to utilize one of the exemptions or national LMOs listed above in an effort to bypass the individual LMO requirement. However, where none of the exemptions or national LMO's apply, the employer will need to obtain a LMO for the foreign worker.

Criteria

- The opinion provided by HRSDC is based on the following factors: Whether the employment of the foreign national is likely to result in direct job creation or job retention for Canadian citizens or permanent residents; whether the employment of the foreign national is likely to result in the creation or transfer of skills and knowledge for the benefit of Canadian citizens or permanent residents; whether the employment of the foreign national is likely to fill a labor shortage; whether the wages offered to the foreign national are consistent with the prevailing wage rate for the occupation and whether the working conditions meet generally accepted Canadian standards; whether the employer has made, or has agreed to make, reasonable efforts to hire or train Canadian citizens or permanent residents; and whether the employment of the foreign national is likely to adversely affect the settlement of any labor dispute in progress or the employment of any person involved in the dispute.
- Employer must conduct the following minimum advertising efforts: conduct similar recruitment activities consistent with the practice within the occupation (e.g., advertise on recognized Internet job sites, in journals, newsletters or national newspapers or by consulting unions or professional associations); OR advertise on the national Job Bank for a minimum of fourteen (14) calendar days, during the three (3) months prior to applying for a LMO.
- If applying to work temporarily in Quebec, the applicant must meet all the federal requirements and must get a certificat d'acceptation du Québec (CAQ).

VISANOW can help you secure the necessary Canadian work permits and entry visas based on the above categories.

Please Note:

This document is to be used purely as a general guide. For individual cases and specific questions, please address questions to VISANOW.