



DESJARDINS
LAWYERS

WORK PERMIT/JOB OFFER PROCESS



Although there are some exceptions, as a general rule, foreign workers require a work permit to work in Canada on a temporary basis.

Obtaining a Canadian temporary work permit is a multi-step process that can take several weeks.

There are a number of different ways to secure a work permit. Depending on one's nationality, occupation, and intended work in Canada, there may be possibilities for expediting the process.

In order to be granted a temporary work permit, Canadian employers will need to provide foreign workers either an approval from Employment and Social Development Canada (ESDC) or an Offer of Employment number issued by Immigration, Refugee and Citizenship Canada (IRCC).

Depending upon their country of citizenship, foreign workers may need to obtain a Temporary Resident Visa (TRV) to travel to Canada.

STEP 1 | EMPLOYER APPLIES FOR EITHER LABOUR MARKET IMPACT ASSESSMENT OR LABOUR MARKET IMPACT ASSESSMENT EXEMPTION, IF NECESSARY.

Canadian employers who wish to hire temporary foreign workers must obtain a neutral or positive Labour Market Impact Assessment (LMIA) from ESDC, which is issued if ESDC is satisfied that there is no Canadian citizen or permanent resident available to do the job.

STEP 2 | EMPLOYER EXTENDS TEMPORARY JOB OFFER.

Once a positive or neutral LMIA is granted, the Canadian employer must provide a copy of the LMIA approval letter along with a detailed job offer letter to the foreign worker, who will need those documents to apply for a work permit.

STEP 3 | FOREIGN WORKER APPLIES FOR WORK PERMIT.

With the LMIA approval letter, the job offer letter, the foreign worker can submit an application for a Canadian temporary work permit to IRCC. Depending on their country of citizenship, the foreign worker may need to obtain a TRV to travel to Canada, and would therefore need to submit the temporary work permit application at a Canadian visa office abroad.

STEP 4 | WORK PERMIT IS ISSUED.

The Canadian temporary work permit, will be issued at the point of entry by a Canada Border Services Agency (CBSA) officer at the time the foreign worker arrives in Canada.

A temporary work permit may be issued for a period of time ranging from a few days to a few years.

Most Canadian work permits are employer specific, otherwise referred to as “closed” work permits, and are granted for a specific job in Canada. Consequently, a foreign worker may only work for the employer specified on the work permit. As such, if the foreign worker finds a different employment and does not yet have permanent resident status, the foreign worker must apply for and receive a new work permit prior to changing employers or their position in Canada.

Note that a Canadian Temporary Work Permit is for those foreign workers who plan on working in Canada for a finite period of time. To work and live in Canada on a permanent basis, foreign workers must undertake the Canadian permanent residence process. However, a temporary work permit may be a stepping stone to Canadian permanent residence. Once in Canada on a temporary work permit, a foreign worker may qualify for Canadian permanent residence under the Canadian Experience Class (CEC), through a Skilled Worker category, or through one of the Provincial Nominee Programs.



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