



05



WORKING IN CANADA

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If you want to go to Canada and work you should read this chapter. There are many different work visas available for Canada, both temporary and permanent.

You will find information on temporary visas such as The Live-in Caregiver program and Camp Counsellor program.

There is information on employment based visas such as the Employer Sponsored Visa, the Independent Skilled Visa and the Provincial Nominee Program. If you are interested in applying for a Business Visa you will find information on Investors, Entrepreneurs and Self-employed visas.

Please read this chapter carefully to ensure that you choose the right visa for you.

If I want to work temporarily in Canada what is the procedure?

In almost all cases you must have a valid work permit to work **temporarily** in Canada.

If you apply for a work permit and also need a temporary resident visa, the work permit and the visa will be issued at the same time if your application is approved. You do not need to make a separate application for a temporary resident visa. There are no extra fees for the visa.

Temporary workers must also meet the requirements that apply to all temporary residents in order to go to Canada. If you do not require a work permit you may need a temporary resident visa to go to Canada depending on your country of origin.

A temporary resident visa is an official document issued by an the requirements for admission to Canada as a temporary resident.

You can find out by checking the website www.cic.gc.ca for the **list of countries** whose residents must get a visa before entering Canada. You are allowed to work in Canada for a short time if you have skills that are needed. You must follow the conditions on your work permit or you could be asked to leave Canada. You must apply to change your permit if you wish to change these conditions or renew your work permit.

What are the steps to be followed regarding work permits?

These steps must be followed **before** you apply for a work permit:

- You must be offered a job in Canada before you apply for your work permit
- HRSDC (Human Resources and Social Development Canada) must normally provide a labour market opinion or “confirmation” of your job offer
- You can apply for a work permit at a Canadian Embassy, High Commission or Consulate
- If your spouse (wife, husband or common-law partner) and dependants want to go to Canada with you they will need to have their own work permit if they want to work in Canada. In many cases you may apply for a work permit without having to obtain an HRSDC job confirmation. To find out more information on the **Spousal Program** please contact www.cic.gc.ca

Some foreign workers may work certain jobs in Canada without a permit.

What categories are exempt?

Business visitors

- People coming to Canada on business do not need a work permit
- Business visitors must work for a company located outside of Canada
- Business visitors cannot directly enter the Canadian labour market.

Foreign representatives

- Diplomats and official representatives of other countries or the United Nations and their staff do not need a work permit to work in Canada.

Family members of foreign representatives

- Family members of accredited diplomats may work in Canada without a permit if they have a “no objection letter” from the Canadian Department of Foreign Affairs.

Military personnel

- Members of an armed force from another country may work in Canada without a permit if they possess movement orders which state that they are entering Canada under the terms of the *Visiting Forces Act*.

Foreign government officers

- Canada has exchange agreements with some countries for public officials to work in each other's government departments
- Government officials coming to work in Canada should bring a formal letter of agreement if their period of work is longer than 3 months.

On-campus employment

- Certain foreign students studying in Canada can work on their campus without a work permit
- To learn more see **Chapter 4 - Studying in Canada**.

Performing artists

- Foreign artists and their essential supporting staff going to Canada to perform do not need a permit if they are only performing in Canada for a limited period of time and will not be performing in a bar or restaurant
- Artists working in Canada in this category may not enter into an employment relationship with the Canadian group that has contracted for their services
- Artists must not perform for the production of a movie, television or radio broadcast.

Athletes and coaches

- Foreign teams, athletes and coaches may compete in Canada without a work permit.

News reporters

- Reporters working for foreign newspapers, television channels, news agencies or companies involved in reporting news events may work in Canada to report on events in Canada.

Public speakers

- Guest speakers, commercial speakers or seminar leaders may speak or deliver training in Canada without a work permit as long as the event is no longer than five days.

Convention organisers

- Organisers and administrative staff who are organising meetings or conventions in Canada do not need a work permit
- Service providers, such as those who provide audiovisual services and other such “hands-on” help do need a work permit to work in Canada.

Clergy

- Persons who are going to Canada to work as ordained ministers, lay persons or members of a religious order do not need a work permit to perform their religious duties or assist a religious group
- These religious duties may include preaching doctrine, presiding at liturgical functions or spiritual counselling.

Judges and referees

- Officials at international amateur competitions may go to Canada to judge or officiate without a work permit.

Examiners and evaluators

- Professors and academic experts may go to Canada to evaluate or supervise academic projects, research proposals or university theses
- This applies to Canadian research organisations as well as academic institutions.

Expert witnesses or investigators

- Experts may work in Canada without a work permit to give evidence for a regulatory body, tribunal or court of law.

Healthcare students

- Foreign Healthcare students may do their clinical clerkships or short-term work in Canada without a work permit if the work is for the primary purpose of acquiring training
- Healthcare students must have written approval from the Canadian regulatory board responsible for their occupation
- A normal training practicum should not exceed 4 months
- Although a work permit is not required, a Canadian Immigration medical exam is required before entry.

Civil aviation inspectors

- Inspectors going to Canada to do safety inspections of flight operations or cabin safety of commercial airlines doing international flights do not need a work permit.

Accident or incident inspectors

- Accredited representatives or advisors going to Canada do not need a work permit to work as part of an aviation accident or incident investigation conducted under the authority of the Transportation Accident Investigation and Safety Board Act.

Crew members

- Foreign members of a crew working on foreign vehicles (for example: flight attendants or shipping crew) do not need a work permit if the vehicle is in Canada for the international transportation of cargo or passengers.

Emergency service provider

- Any person going to Canada to help out in emergencies does not need a work permit if they are entering to help preserve life or property
- Some examples of emergencies would be natural disasters such as floods or earthquakes, or industrial accidents threatening the environment.

Note

For more information on any of the above please contact us at Crosscare Migrant Project or refer to the website www.cic.gc.ca

Are there other options available if I want to work temporarily in Canada?

Yes, there are other options available if you want to work temporarily in Canada. They would include the Live-In Caregive Program and Camp Counsellors. To apply for a temporary work permit for Canada you must meet the following criteria.

Education

- Successful completion of a course of study, which is equivalent to completion of Canadian secondary school
- Irish Citizens must have completed and have achieved a pass in the Leaving Certificate.

Training

- **A successful applicant must have** completed 6 months full-time training in a classroom setting, in an occupation or field related to the employment for which the work permit is sought, or
- Have completed at least 1 year of full-time paid employment including at least 6 months of continuous employment with one employer, in a field or occupation related to the job offer in Canada; this full-time paid employment must be within the 3 years immediately prior to the day on which an application for a work permit is submitted to a visa office
- Verification in the form of a P45 or P60 for Irish citizens, or equivalent government tax documentation for other countries, is required as proof of employment.

Language

- An applicant must have the ability to speak, read and understand English or French at a level sufficient to communicate effectively in an unsupervised setting.

Live-In Caregiver Program

The live-in caregiver program allows suitable applicants to work temporarily in Canada and provide care to children, the elderly or the disabled in a private household. After working 2 years as a live-in caregiver you can apply to be a permanent resident of Canada.

Each applicant must submit a fully completed and signed application form (IMM1295B), which should include a daytime telephone number. A processing fee of \$150 (2007 figure) (made payable to The Receiver General for Canada) must be paid by bank draft in Canadian Dollars and can be purchased at most major banks. This fee is non-refundable regardless of the outcome of your application.

The application must include:

- A contract signed between you and your employer in Canada
- 2 passport-sized photographs of you must accompany all applications
- Clear evidence that you meet the training and/or experience requirements. For more information on this please refer to the website www.cic.gc.ca

- At least one letter of reference from a previous employer. The letter must be dated and state the length of time you were employed and specify your responsibilities
- Evidence of child care-related courses, which can be in the form of a certificate or a transcript describing in full the course content. You should also enclose evidence of any other care giving related course(s) such as health and safety, first aid courses which you have taken or are taking at the time of your application
- A police clearance certificate is required for any country you have resided in for over 6 months since 18 years of age
- You will also be required to undergo a medical examination. You will receive information on this once your application has been received and provisionally approved
- Any documents not in English or French must be accompanied by a certified translation in English or French.

After you have completed 2 years of employment as a live-in caregiver you can apply for permanent residence in Canada. For more detailed information on the Caregivers Program and for information on how to apply please see the website www.cic.gc.ca

Camp counsellors

A camp counsellor works with children in Canada who are aged between 7-17 years. As a camp counsellor you would spend the summer at a designated Canadian Summer Camp and teach your skills to the children in the Summer Camp. Camp counsellors must have offers of employment, which have been confirmed by a Human Resource Centre in Canada.

If you are making an application for this visa you must submit a fully completed and signed application form (IMM1295B), which should include a daytime contact number. **There is a non-refundable processing fee \$150** (2007 figure) per application. As an Irish citizen you are **not** required to submit your passport, but you must provide a copy of the identity page of your passport. You should also include:

- 2 passport sized photos with your application
- Evidence of your qualifications to undertake the employment being offered in Canada. This could be copies of any relevant educational qualifications or details of any relevant employment or volunteer experience (include reference letters)
- For more detailed information on this visa please see the website www.cic.gc.ca

Employment-based Visas

There are a number of employment-based visas available which include:

- Employer-Sponsored visa
- Independent Immigration (Skilled Workers Category)
- Provincial Nominee Program.

Any non-Canadian citizen may qualify for Independent Immigration under the points system. Independent Immigration takes a long time to process.

Employer-sponsored Visa

Senior managers/executives frequently use this category of Canadian work visa. It can also be used to employ highly skilled individuals to fill a vacancy that has been validated to show that despite significant recruitment efforts it has not been possible to find a suitably skilled Canadian permanent resident. The following categories of foreign workers do not need to be validated by a Human Resource Centre in Canada:

- Senior managers or executives seeking to enter Canada as intra-company transferees
- Some musicians and performers who have a contract to perform in Canada
- Volunteers who have been offered positions with registered Canadian religious or charitable organisations
- Exchange Professors
- Post-doctoral fellows
- Film crews going to film documentaries or travelogues in Canada
- Engineers or technicians going to supervise the installation of equipment sold by their company to a Canadian purchaser or going to repair or service such equipment.

Apart from the above exceptions vacancies will need to be 'validated' by the Canadian Human Resource Centre, which needs to be persuaded that there are no Canadians or permanent residents who can fill the vacancy before you start the process of applying for the Canadian Work Visa/Employer Sponsored Visa. There is little point in applying for validation unless the candidate has skills in very short supply. For more information on this please see the website www.cic.gc.ca

Dependants

If your spouse wants to accompany you to Canada and you are the holder of a work visa, they will have to apply for their own work visa to be able to work in Canada. This can be applied for from within Canada. If your spouse qualifies as a Highly Skilled Temporary Worker, they can get an Employment Authorisation under the Spousal Employment Authorisation pilot scheme for highly skilled temporary workers.

For your spouse to be eligible the principal applicant must hold an Employment Authorisation (EA) that has duration of a period of at least 6 months. The principal applicant must work in an occupation found in the **National Occupation Classification for the Spousal Pilot**. For more information on this please refer to the website www.cic.gc.ca

In order to apply for an Employment Authorisation (EA) your spouse must provide a copy of the job offer, a completed Employment Authorisation application form, the applicable fee and a photocopy of their EA. You will also need to provide proof of the spousal relationship, which in most cases is normally a copy of your marriage certificate.

If your spouse intends to work in the Province of Québec, a certificat d'acceptation du Québec (CAQ) must first be obtained from the Québec provincial government and included in the application.

Independent Immigration (Skilled Workers Category)

If you want to go and live in Canada as a permanent resident, based on your work skills or experience, you may be able to apply as a skilled worker.

How do I apply as a skilled worker?

In order to go to Canada as a **skilled worker** you must have the necessary skills and experience. You should firstly check and see if you meet the requirements for Skilled Workers which include your education qualifications, your proficiency in English and/or French, your work experience, your age, your adaptability and whether you have pre-arranged employment in Canada.

Points are awarded in each category depending on your experience and qualifications. The current pass mark is 67. Skilled workers are selected for their ability to establish themselves successfully in Canada and contribute to the Canadian economy. Successful applicants can become permanent residents of Canada.

To apply to go to Canada as a skilled worker you must have all the necessary documents needed as well as the completed application form which should be submitted to:

High Commission of Canada, London

Immigration Section

Canada House

Trafalgar Square

London SW1Y 5BJ

England

United Kingdom

For more detailed information on the application process, (for example, application form, fees documents needed and to complete the self-assessment test) please see the website

www.cic.gc.ca/english/skilled/qual-1.html. There is also an information guide for Skilled Worker applicants available from this website.

You should have all the necessary documents requested and completed the application form. Make sure you complete all of the forms and include all of the required documents. To be able to successfully emigrate to Canada you will have to show that you are in good health and do not have any criminal convictions.

Will I need to show that I have funds?

You will either need to show the following levels of funds to come under the skilled worker category or have "arranged employment".

For a single person \$9,420* (2007 figure)

Family Unit (consisting of the following - 2007 Figures)

2 persons \$11,775*

3 persons \$14,645*

4 persons \$17,727*

5 persons \$19,816*

6 persons \$21,905*

7 persons or more \$23,994*

Note

You do not have to show that you have these funds if you have arranged employment in Canada.

Are there any other options available?

Yes, there are other options available which include the Provincial Nominee Program, Business Visas and Family Sponsorship.

Provincial Nominee Program

Most provinces in Canada have an agreement with the Government of Canada that allows them to play a more direct role in selecting immigrants who wish to settle in that province. If you wish to immigrate to one of Canada's provinces as a Provincial Nominee you must first apply to the province where you wish to settle.

The province will consider your application based on their immigration needs and your genuine intention to settle there. After a province has nominated you, they will send you a Certificate of Provincial Nomination.

You then make a separate application to Citizenship and Immigration Canada (CIC) for permanent residence enclosing your Certificate of Provincial Nomination. A CIC officer will assess your application based on Canadian immigration regulations.

**At the time of Publication €1 Euro was equal to \$1.42 Canadian Dollars.
\$1 Canadian Dollar was equal to €0.70 Euro.*

Below are the addresses of the provinces to contact about the Provincial Nominee Program.

Alberta

Provincial Nominee Program
Economic Immigration
Alberta Economic Development
4th Floor
Commerce Place
10155-102 Street
Edmonton
Alberta T5J 4L6

Website: www.alberta-canada.com

British Columbia

Provincial Nominee Program
Ministry of Community
Aboriginal & Women's Service
P.O. Box 9915 Stn Prov. Gov.
Victoria
British Columbia V8W 9V1

Website: www.mcaaws.gov.bc.ca

Manitoba

Provincial Nominee Program
Immigration Promotion & Recruitment Branch
Labour and Immigration Manitoba
9th Floor
213 Notre Dame Avenue
Winnipeg
Manitoba R3B 1N3

Website: www.gov.mb.ca

New Brunswick

Provincial Nominee Program
Training and Employment Development
P.O. Box 6000
Fredericton
New Brunswick E3B 5H1

Website: www.gnb.ca/immigration

Newfoundland and Labrador

Provincial Nominee Program
Industry, Trade and Technology
Confederation Building
West Block
4th Floor
P.O. Box 8700
St. John's
Newfoundland A1B 4J6
Website: www.gov.nf.ca

Nova Scotia

Provincial Nominee Program
The Office of Economic Development
World Trade and Convention Centre
1800 Argyle Street
P.O. Box 519
Halifax
Nova Scotia B3J 2R7
Website: www.gov.ns.ca

Prince Edward Island

Provincial Nominee Program
Immigration and Investment Division
94 Euston Street
2nd floor
Charlottetown
Prince Edward Island C1A 7M8
Website: www.gov.pe.ca

Saskatchewan

Provincial Nominee Program
Dept. of Government Relations and Immigration
Immigration Branch
2nd Floor - 1919 Saskatchewan Drive
Regina, Saskatchewan S4P 3V7
Website: www.immigrationsask.gov.sk.ca

Yukon

Provincial Nominee Program

Business Immigration

Industry Development

Business, Tourism and Culture

P.O. Box 2703

Whitehorse

Yukon Y1A 2C6

Website: www.btc.gov.yk.ca/industry

Business Visas

There are 3 classes of business immigrant visas available for:

1 Investors

2 Entrepreneurs

3 Self-Employed Persons

You can only apply under only 1 of these classes even if you meet the requirements for more than 1 class. You cannot change the class you are applying under once you have submitted your application.

Business Class applicants are people who may become permanent residents on the basis of their ability to become economically established in Canada. Business Class applicants must earn enough points in the five factors (business experience, education, language ability, age, adaptability) to meet the pass mark. Business Class applicants must meet the minimum financial requirements.

For more detailed information on this class of visa, information on the application process, instructions on how to complete the application forms and information on the necessary documents needed and applicable fees please see the website www.cic.gc.ca

Investors

Investors must have business experience. They must have either managed a qualifying business and controlled a percentage of equity of a qualifying business for at least 2 years in the period beginning 5 years before the date of application, or managed at least 5 full-time staff members per year in a business for at least 2 years in the period beginning 5 years before the date of application.

The investor class applicant must have a net worth of at least \$800,000 (2007 figure). They are required to make an investment of \$400,000 (2007 figure), paid to the Receiver General of Canada. The full amount of the investment (without interest) is repaid to the investor after 5 years. The exact date of repayment depends on when the \$400,000 (2007 figure) is received by Citizenship and Immigration Canada. At the latest, the amount would be returned 5 years and 3 months after the date of payment. The return of the investment is fully guaranteed by participating provinces and territories.

Investors are not required to start a business in Canada. Investments are fully guaranteed by provinces and territories that participate in the program. The provinces and territories control the investment during the 5 year lock-in period. No immigration conditions are imposed upon admission to Canada.

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Entrepreneurs

Entrepreneurs must have business experience. They must have managed a qualifying business and controlled a percentage of equity of a qualifying business for at least 2 years in the period beginning five years before the date of application.

The entrepreneur class applicant must have a net worth of at least \$300,000 (2007 figure). Additionally they must have the intention and the ability to control a percentage of equity of a qualifying Canadian business equal to or greater than one-third. They must provide active and ongoing management of the qualifying Canadian business and create at least one incremental full-time job equivalent for one or more Canadian citizens or permanent residents other than the entrepreneur applicant and their family members.

Entrepreneurs are required to sign a statement that they intend and will be able to meet the conditions of permanent residence. A requirement that within 3 years of becoming a permanent resident, the entrepreneur must have controlled and have actively managed a qualifying Canadian business for a period of at least 1 year and that the business must have created employment opportunities for others.

All family members are admitted under the same conditions as the principal applicant; these are removed once the entrepreneur satisfies the conditions.

Self-employed persons

Self-employed immigrants must have relevant experience. Points are awarded for relevant experience within the 5 year period immediately preceding the date of application. No immigration conditions are imposed on this class.

Self-employed immigrants must have the experience, intention and ability to establish a business that will, at a minimum, create an employment opportunity for themselves and that will make a significant contribution to cultural activities or athletics in Canada, or purchase and manage a farm in Canada.

For more detailed information on this category of visa please refer to the website www.cic.gc.ca