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Work Permits

Who Needs a Work Permit

People who are entering Canada to work generally require a work permit. 'Work' is broadly defined, and includes any activity for which wages are paid or commission is earned, *or* any activity, including volunteering, that is in direct competition with the activities of Canadian citizens or permanent residents.

There are, however, some exceptions to the requirement for a work permit. One of the more common exceptions is if you are a Business Visitor. A Business Visitor is an individual who has no intention of entering the Canadian labour market, whose activity is international in scope, and whose primary source of remuneration is located outside Canada.

Business Visitors include academic speakers who will be guest speakers at a University of Victoria function.

Seminar leaders or Guest Speakers may also speak at a seminar provided that the seminar does not last more than five days. For the purpose of whether you need a work permit, a 'seminar' is defined as a small class at a university, etc., for discussion and research, a short intensive course of study, or a conference of specialists.

Citizenship and Immigration Canada has specifically deemed that guest instructors of a particular sport teaching weekend seminars are not Business Visitors, and require a work permit.

Foreign professors and researchers seeking entry to Canada to evaluate academic university programs or research proposals are Business Visitors.

All Business Visitors should be able to provide documentation which demonstrates that they meet the above criteria.

Visiting Academics

Visiting academics may be exempt from the requirement to obtain a Labour Market Impact Assessment. Guest lecturers invited by the University of Victoria to give a series of lectures and who occupy a temporary position of a non-continuing nature, and which does not comprise a complete academic course, for a period of less than one academic term or semester, can obtain a work permit.

As well, visiting professors who are working for a period of not more than two academic years to take a position with the University of Victoria, and who will retain their position abroad, are exempt from the requirement of the University of Victoria obtaining a Labour Market Impact Assessment prior to them obtaining work permits.

Finally, those on sabbatical who are doing collaborative research with the University of Victoria are exempt from the Labour Market Impact Assessment requirement.

Researchers

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Holders of research chair positions at the University of Victoria nominated for their research excellence may apply for work permits without the University of Victoria needing to first obtain a Labour Market Impact Assessment.

As well, post-doctoral fellows holding a Doctorate of Philosophy or its equivalent, and who are appointed to a time-limited position where they stipend or salary for periods of teaching, advanced study, and/or research, will generally be eligible to obtain a work permit without a Labour Market Impact Assessment. You will need to have completed, or expect to complete, their doctorate shortly and be working in a related field to that in which you earned, or are earning, your Ph.D to be exempt from the Labour Market Impact Assessment. The University of Victoria will provide you with a written offer from a responsible academic, as well as a LMIA Exemption Form, to facilitate the issuance of your work permit.

Finally, holders of academic research awards involving work and remuneration by the University of Victoria where the award is granted strictly on the basis of your academic achievements will be eligible for a Work Permit. As well, if you are the holder of an academic research award from abroad, and are invited by the university of Victoria to conduct research, are eligible for a work permit without a Labour Market Impact Assessment.

Self-funded researchers generally do not need a work permit.

Labour Market Impact Assessment

Please note that obtaining a Labour Market Impact Assessment is the responsibility of the University of Victoria, and that this information is provided for your reference only.

The Ministry of Employment and Social Development Canada (ESDC) has developed special rules for universities with at least one postgraduate degree (following a Bachelor's degree) who earn the majority of their income from teaching or conducting research.

Before the University of Victoria can hire a foreign academic for a position in Canada, it must:

- advertise the vacant position in Canada;
- ensure that vacant positions advertised abroad are also advertised simultaneously in Canada;
- advertise for a period of one month;
- demonstrate that the advertising method used is effective;
- meet all conditions of applicable collective agreements; and
- explain why the top Canadian individuals were not hired via the [Foreign Academic Recruitment Summary form](#).
- demonstrate, through filing out the [Schedule C – Employer Transition Plan \(EMP5594\)](#) form (the “Transition Plan”), transitional measures being taken to hire Canadians. When hiring professors in academic positions under NOC 4121, this is done either through the Transition Plan or through a year-end annual report directly submitted to ESDC by the University of Victoria.

Please note that it is a Government of Canada requirement that the advertisements state “All qualified individuals are encouraged to apply; however Canadians and permanent residents will be given priority.”

After the above requirements are met, the University of Victoria will apply for a Labour Market Impact Assessment.

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North American Free Trade Agreement

The North American Free Trade Agreement (NAFTA) allows professors and teachers who have been offered temporary appointments at the University of Victoria to obtain work permits without the University of Victoria first having to obtain a Labour Market Impact Assessment. Specifically, NAFTA facilitates the entry of:

- exchange professors coming to the University of Victoria on a reciprocal basis;
- guest lecturers who are invited by the University of Victoria to give a series of lectures which does not compromise a complete academic course and is for a period of less than one academic term or semester; and
- persons coming as visiting professors for a period of not more than two academic years to take a position with the University of Victoria and who retain their former position abroad.

Your work permit will be valid for up to twelve months, with the possibility of renewal provided that you continue to show that you intend to be a temporary, rather than permanent, resident of Canada.

To apply for a work permit under NAFTA, you must provide:

- evidence of American or Mexican citizenship;
- a letter from the University of Victoria detailing the nature of the position, arrangements for remuneration, educational qualifications required, and the duration of the appointment;
- a completed Offer of Employment to a Foreign National Exempt from a Labour Market Impact Assessment form;* and
- evidence that you hold at least a baccalaureate degree.

Offer of Employment/Labour Market Impact Exemption Form

As of October 26, 2015, Citizenship and Immigration Canada requires that each Labour Market Impact Assessment exempt work permit applicant have an Offer of Employment submitted on their behalf by the University of Victoria through the University's CIC Employer Portal. Please see the contact information here for the appropriate University of Victoria staff persons responsible for submitting applications to the portal.

Offer of Employment submissions to the Employer Portal are to be completed by Canadian employers of foreign workers who apply for employer-specific work permits under Labour Market Impact Assessment ("LMIA") exempt situations. LMIA-exempt foreign workers may include post-doctoral fellows, research award recipients, visiting scholars and others.

In order for a foreign worker to apply for a work permit in these circumstances, he or she must present the receipt number for an Offer of Employment submission to the Employer Portal that has been completed by his or her Canadian employer. The University of Victoria will provide a copy of the receipt number and CIC's confirmation that the Offer of Employment has been processed for inclusion in a work permit application.

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Accompanying Family Members

An accompanying family member is a spouse, common-law partner, dependent child, or dependent grandchild who plans to accompany you to Canada.

Dependent children and grandchildren must be under the age of 19.

It is generally recommended, though not required, that your accompanying family members apply for their immigration documents at the same time that you apply for your work permit.

Applying for a Family Member's Temporary Resident Visa

If your family member is a citizen of a country listed [here](#), they will be required to obtain a Temporary Resident Visa prior to visiting you in Canada.

As you are the individual your family member will be visiting in Canada, you will also be acting as his or her inviter. As such, you can assist your family member by providing a letter of invitation to be included in their application. You may also wish to obtain supporting documentation from the University to confirm your position and compensation as a faculty/staff member.

Note that your family member must demonstrate to the Visa Officer that they will leave Canada after their temporary visit and have sufficient funds to support their trip.

You may apply for a new temporary resident visa online, by mail to the Citizenship and Immigration Canada processing centre in Ontario, or at a Canadian visa office or visa application centre located outside Canada. The Citizenship and Immigration Canada [website](#) contains a helpful chart for determining which visa office will process your application. Click the appropriate city link on the chart to find a list of visa application centres responsible for servicing that visa office.

Instructions and requirements for a temporary resident visa application can be found on the Citizenship and Immigration Canada [website](#).

Processing times can be found on the Citizenship and Immigration Canada [website](#).

**Important note: as of March 15, 2016, most foreign nationals who are exempt from the requirement to obtain a Temporary Resident Visa ("TRV") to enter Canada will be required to obtain an electronic Travel Authorization ("eTA") before they travel to Canada by air. As of August 1, 2015 eTAs are being automatically issued with successful applications for a new Canadian study permit made overseas and all successful applications for a new Canadian work permit. Please see our section on eTAs [\[insert link here\]](#) to see whether you or your family member will require an eTA prior to entering Canada.*

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Applying for a Family Member's Open Work Permit

If you are employed as faculty/staff with UVic on a work permit that allows you to work for more than six-month in a high-skilled position, your spouse or common-law partner may be eligible to apply for an open work permit.

It is recommended that you apply for an open work permit for your spouse along with your initial work permit application.

Should your spouse choose to enter Canada as a visitor and later wish to apply for an open work permit, they will generally have to apply for an open work permit outside Canada. Your spouse will be able to apply for a work permit either at the visa office in the country in which your spouse resides, at the visa office in the country which your spouse is a citizen, or in certain circumstances, upon entry to Canada.

The open work permit will be valid for the same period as your work permit. It will authorize your spouse or common-law partner to work for any employer.

Applying for a Family Member's Study Permit

Minor children who are already in Canada accompanying a parent who is permitted to study or work may study in Canada without a study permit at the pre-school, primary and secondary levels.

It is advisable to obtain a letter of acceptance from an educational institution, although for minor children who are Accompanying Family Members included in their parent's work permit application, a letter of acceptance will not be necessary.

Your family member (spouse/common law partner or dependent child) will require a study permit if they are planning to enroll in post-secondary studies for a period of more than six-months.

Study permit applicants are required to demonstrate that they have adequate finances to cover their tuition and to affect their departure from Canada following the completion of their studies.

To apply for a study permit outside Canada, you should refer to the instructions [here](#).

To apply for a study permit inside Canada you should refer to the instructions [here](#).

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Please note that immigration information on this website was prepared and provided by Larlee Rosenberg, Barristers & Solicitors. It is posted here to provide information only, and should not be construed as legal advice or representation.

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