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Temporary Foreign Workers Program and International Mobility Program: Assessing foreign workers (procedure)

- i** This section contains policy, procedures and guidance used by CIC staff. It is posted on the CIC website as a courtesy to stakeholders.

The following procedures take officers through the decision-making process, from determining if the activity is work to the documentation required, if any.

Step 1: Are they working?

The definition of “work” [[R2](http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/section-2.html)] is in the [glossary](/english/resources/tools/temp/definitions.asp?letterNum=23).

If the answer is

- yes, proceed to step 2.
- no, assess the foreign worker as a temporary resident.
 - [Port of entry examination \(PDF \(Portable Document Format\), 1.14 MB \(Megabyte\)\)](/english/resources/manuals/enf/enf04-eng.pdf)
 - [Eligibility for extending temporary resident status](/english/resources/tools/temp/index.asp)

Step 2: Do they need a work permit?

Certain persons are [authorized to work without a work permit](#) (</english/resources/tools/temp/work/permit/index.asp>) under [R186](http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/section-186.html) (<http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/section-186.html>).

If the answer is

- yes, proceed to step 3.

- no, authorize entry as a foreign national authorized to work without a work permit. A Visitor Record may be issued [R186].

i Note: For long-term temporary residents who may require a social insurance number, the Visitor Record must state in the visible remarks that the person is "authorized to work in Canada," or make reference to R186.

Step 3: Are they eligible to be issued a work permit?

1. Is the foreign national allowed to apply where they did? [R200(1)(a) (<http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/section-200.html>)]
2. Will the foreign national leave Canada after their temporary stay? [R200(1)(b)]
3. Is the foreign national eligible for work permit issuance?
 - Valid Labour Market Impact Assessment (LMIA) (</english/resources/tools/temp/work/opinion/overview.asp>) [R203]
 - LMIA-exempt open work permit (</english/resources/tools/temp/work/admissibility/open.asp>) [R204–208]
 - LMIA-exempt employer-specific work permit (</english/resources/tools/temp/work/admissibility/specific.asp>) [R204, 205 and 207]
4. If a medical examination is required, has it been performed (does not apply to applicants who have been granted an S61, S62 or A70 exemption, or to protected persons)? [R30]

If the answer is

- yes, proceed to step 4.
- no, refuse.

Step 4: Are there any factors prohibiting work permit issuance? [R200(3)]

1. Are there reasonable grounds to believe the foreign national cannot perform the work sought including meeting the language requirements (</english/resources/tools/temp/work/admissibility/lang.asp>) (does not apply where open work permits may be issued)? [R200(3)(a)]

2. Does the worker need a Certificat d'acceptation du Québec (CAQ) and not have one? [R200(3)(b)]
3. Would the worker become a strike-breaker (</english/resources/tools/temp/work/admissibility/strike.asp>) by issuance of work permit? [R200(3)(c)]
4. Does the worker intend to work as a live-in caregiver but not meet the requirements in R112? [R200(3)(d)]
5. Has the worker engaged in unauthorized work or study? [R200(3)(e)]
6. For LMIA exempt work permit applications, does the offer of employment not comply with all federal-provincial agreements? [R200(3)(f)]
7. For employer-specific LMIA-exempt work permit applications, has the employer not provided the *Offer of Employment to a Foreign National Exempt from a Labour Market Impact Assessment (LMIA)* form [[IMM 5802 \(PDF \(Portable Document Format\). 1.56 MB \(Megabyte\)\)](#) (</english/pdf/kits/forms/IMM5802E.pdf>)] and/or not paid the employer compliance fee? [R200(3)(f.1)]
8. Has the foreign worker been employed in Canada for a cumulative period of four years and is the new occupation not exempt? [R200(3)(g)]
9. Does the employer regularly provide striptease, erotic dance, escort services or erotic massage? [R200(3)(g.1)]
10. Is the employer's name on the public ineligibility list specified in subsection R209.91(3)? [R200(3)(h)]
11. Is the applicant inadmissible to Canada? [A34–42]

If the answer is

- yes to **any** of these questions, refuse.
- no to **all** of these questions, authorize (and issue a letter of introduction if overseas) or issue the work permit (inland and at the port of entry).

Before issuing a work permit, consider the following:

- the need for a medical exam (</english/resources/tools/temp/work/admissibility/medical.asp>) [R30];
- the need for a temporary resident visa [R190] (**see note below**);
- open (restricted or unrestricted) work permit (</english/resources/tools/temp/work/admissibility/open.asp>) or employer-specific work permit (</english/resources/tools/temp/work/admissibility/specific.asp>);

- conditions (including duration) to be imposed on the foreign national while in Canada (/english/resources/tools/temp/work/admissibility/conditions.asp).

i Note:

- Correctly coded multiple entry visas should be issued (as long as there is no restriction noted in the chapter IC 2), valid for the same period as the work permit or passport, whichever expires first.
- It is not necessary to cancel a pre-existing visa in the passport, if the reason for its issuance remains valid (for example, a business person who has a long-term multiple-entry visa, who may also need a short-term work permit).

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2015-02-18

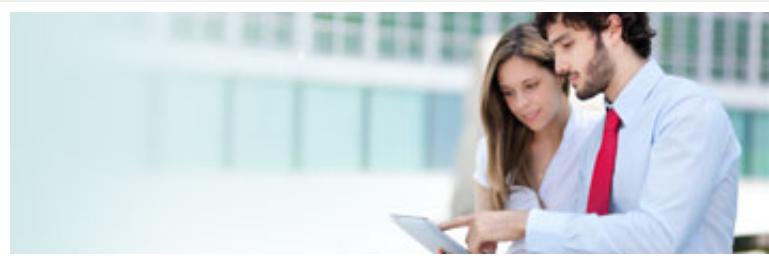
Government of Canada activities and initiatives

Your taxes online



([http://daily.pm.gc.ca/en/content/your-family/four-reasons-file-your-taxes-online?
utm_source=Canada.ca&utm_medium=featuresl&utm_campaign=24_7_Daily_Feb16_En](http://daily.pm.gc.ca/en/content/your-family/four-reasons-file-your-taxes-online?utm_source=Canada.ca&utm_medium=featuresl&utm_campaign=24_7_Daily_Feb16_En))
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