



Human Resources  
Development Canada

Développement des  
ressources humaines Canada

Canada

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# Foreign Academic Handbook

*Entry to Canada*

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## 1. Introduction

This Handbook is intended as a guide for Human Resources personnel at Ontario Colleges and Universities when considering appointments of foreign academics to positions at their institutions. Deans and heads of departments, along with the foreign academics themselves, should also find this information useful.

Regulation of the entry of foreign workers is a federal responsibility. The authority to grant entry to temporary foreign workers rests with the Department of Citizenship and Immigration (CIC). In many instances, CIC must request a labour market opinion from Human Resources Development Canada (HRDC), particularly when considering permanent appointments.

Included in this Handbook is an outline of the objectives of Immigration policy along with the framework in which it is delivered. Also included is a list of Frequently Asked Questions (FAQ).

This Handbook is structured to provide the user with an understanding of the general rules and procedures set down by CIC and HRDC. Special exceptions to the general rules are outlined as well, such as those provided for in international agreements.

The Government of Canada recognises that education is one of the building blocks of prosperity. Facilitating the entry of international academic expertise in those areas in which Canadians are in short supply contributes to meeting the challenge of international competitiveness.

Immigration regulations and their application can be complex. As such, this document cannot be considered to be a legal document, but is meant as a guide only. *For precise legal information, consult the Immigration Act; the Immigration Regulations, 1978; Chapter 16 of the North American Free Trade Agreement; and Chapter K of the Canada Chile Free Trade Agreement.*

## 2. Policy Intent and General Provisions

This section of the Handbook should provide the user with an understanding of the intent of the *Immigration Act*, *Immigration Regulations* and general operating guidelines.

In general, CIC and HRDC policy on foreign workers focuses primarily on the economic benefits accruing to Canada in fulfilling a legitimate need of the Canadian labour market. The priority of both Departments is to protect the employment and career opportunities of Canadian academics as well as to encourage academic excellence.

Under the *Immigration Act* employment is defined as any activity for which a person receives or might reasonably be expected to receive valuable consideration. In general, a temporary foreign worker may be permitted to work in Canada when his or her employment will not adversely affect employment opportunities for Canadians. Normally, all persons who want to engage in or continue in employment in Canada require a work permit unless they are Canadian Citizens or Permanent Residents.

Persons listed in *Immigration Regulation 19(1)* are exempt from the need for work permits. Generally, this Regulation identifies persons who enter Canada to take up duties which are not related to the labour market, and who would be admitted to the country regardless of the state of the economy or the employment picture. Foreign academics falling into this category are described in **Section 3** of this Handbook.

Specific confirmation exemptions that flow from the *Regulations* describe circumstances where exemptions from confirmation are warranted because there is a clear beneficial labour market effect or there are other overriding considerations to permit a foreigner to work in Canada. In some instances foreign individuals will create social or cultural benefits to Canada. Also, there are international or reciprocal agreements that place obligations on Canada. These are discussed in detail in **Sections 4 and 5** of this Handbook.

Most foreign academics coming to Canada to take employment at post secondary institutions require offers of employment that have been confirmed by Human Resources Development Canada (HRDC). Canada strives to protect employment opportunities for Canadian workers through a process of confirmation of offer of employment. This process certifies that the admission of the foreign worker will have no adverse effect on the Canadian labour market. A discussion of the hiring process for academics is contained in **Section 6** of this Handbook.

Certain categories of persons can proceed to Canada without first approaching a Canadian Visa Post abroad. The distinctions are outlined in **Sections 7 and 8** of this Handbook.

Some individuals are required to have a medical examination for Immigration purposes. Please see **Section 9** of this Handbook for further details.

Citizens of certain countries require Visitor's Visas in order to travel to Canada. Persons requiring visas must make application for and receive their visas outside of Canada. Please see **Section 10** of this Handbook for additional information on this topic.

Persons from most countries of the world require valid passports or travel documents in order to travel to Canada. The *Regulations* exempt certain classes of persons from this requirement, most notably persons who are citizens or permanent residents of the United States.

Cost recovery charges apply to nationals of all countries except where bilateral agreements specifically exempt certain cases. Please refer to **Section 11** of this Handbook.

Canada Customs and Revenue Agency is present at all entry points to Canada. Customs inspectors strive to ensure that the arrival of temporary and permanent residents in Canada is as pleasant and problem-free as possible. Some basic Customs information and directions on how to obtain additional information is contained in **Section 12** of this Handbook.

Canada Customs and Revenue Agency regulates the collection of income tax in Canada. **Section 13** of this Handbook provides an introduction to the concepts of residence and non-residence for tax purposes. It also points the way to Interpretation Bulletins published by Revenue Canada on topics of interest to temporary and permanent residents of Canada.

### **3. Academics Who Do Not Require Work Permits**

#### **3.1 GENERAL**

*Immigration Regulations* exempt persons described in the following sections from the need to obtain work permits. In some instances the Port of Entry officer may issue a document called a *Visitor's Record* to these persons. This is a procedure required by law when the person intends to remain in Canada longer than six months. A *Visitor's Record* is merely a document that formally records the decision to facilitate a person's admission to Canada.

#### **3.2 EMPLOYMENT INTERVIEWS**

Academics coming to Canada for employment interviews are considered to be visitors and will be assessed against the criteria applicable to all visitors to Canada. All visitors to Canada require documentary proof of their citizenship. In most cases a passport will suffice. In the case of citizens of the United States, acceptable proof of citizenship will also be a birth certificate or certificate of naturalization. In all cases a letter from the institution inviting the academic for an interview will be helpful in order to facilitate entry. The letter should outline the position that the academic is being considered for and a statement that appointment of the successful applicant will be in accordance with the two tier recruitment process as agreed upon by HRDC, CIC, the Association of University Teachers (CAUT), and the Association of Universities and Community Colleges (AUCC).

#### **3.3 ACADEMIC CONSULTANTS and ACADEMIC EXAMINERS**

On occasion, eminent individuals who direct the studies and review the work done by scholars under their tutelage will enter Canada to review their scholar's thesis and papers. Foreign professors may also seek entry to appraise or evaluate academic programs (including videos) and provide consultation strictly on academic matters. In addition, it is also reasonable to expand the meaning of *Regulation 19(1)(n)* to include the situation where a foreign scholar will advise on the appropriateness of hiring a Dean for a Faculty where a vacancy exists. Once the university identifies who it feels is a suitable candidate for the position, someone from outside the institution who is an eminent individual in the field will be brought in to provide a recommendation to the university. This person will review the scholarship of the candidate being considered and provide a recommendation to the university. In such cases the person is normally paid an honorarium and expenses.

In each instance, the foreign professor should possess a letter of invitation from the university extending the invitation outlining the purpose of the trip and intended length of stay. These persons may enter Canada as visitors without the requirement for a work permit. The reference is *Regulation 19(1)(n)*.



### **3.4 GUEST SPEAKERS**

Guest speakers are visitors who come:

- to *address* a particular convention, graduation, dinner, or similar function even if paid a sum beyond expenses and honorarium;
- to deliver a *paper* during a seminar, or other type of academic-related teaching or research activity; and,
- to *deliver information* at a seminar or workshop as long as the person has no responsibility for the administrative organization of the seminar or workshop.

These individuals are resource persons who have no vested interest in the seminar beyond receiving a fee or honorarium from the seminar leader or organizer. They are required to provide appropriate identification and a letter of invitation from the sponsoring body outlining the nature of the visit. These persons may enter Canada as visitors without the requirement for a work permit. The reference is *Regulation 19(1)(o)*.

### **3.5 SELF-FUNDED ACADEMIC RESEARCHERS**

Self-funded academic researchers are persons who:

- will be conducting research activities in their field of study at a Canadian academic institution (academic institutions include any institution, public or private, authorized to grant degrees in Canada, and their affiliated hospitals or research facilities), and
- have autonomous funding arrangements *other* than an award.

Since they are not the direct recipient of an award, they do not qualify for a work permit as an academic researcher or fellow. Self-funded academic researchers need not be students, though some may be registered as students at a foreign post-secondary institution. Self-funded academic researchers destined to Canadian academic institutions may be admitted as *visitors* if they are in a non-work situation. The following conditions apply:

- no displacement of Canadian or Permanent Resident workers;
- no employer-employee relationship;
- no remuneration.

The individual or the Canadian institution must not receive remuneration for the research. The activity being performed must not be one for which remuneration is normally paid. This does not preclude some small compensation in kind (e.g. use of research facilities) being extended to the researcher. Self-funded researchers must present evidence of their purpose of entry and anticipated duration of stay. This could be a letter from the Canadian academic institution that is hosting the researcher. They must have sufficient funds to support themselves for the period of time requested. These persons will be processed and documented as visitors. When the forgoing conditions are met, the research activity is not considered employment under the *Act*. The basic concern of the *Act* is whether or not a work opportunity is being denied to a Canadian Citizen or Permanent Resident. In this instance jobs for Canadians are not affected and therefore the activity is not considered to

be employment. Researchers *not* meeting the above criteria will require a work permit (c.f. **Sections 4.5 and 4.6**).

### **3.6 HOLDERS OF STUDENT AUTHORIZATIONS IN CANADA**

Holders of student authorizations in Canada may be exempted from the need for a work permit by virtue of *Regulation 19(1)(x)* provided they are a full time student in a degree or diploma-granting course and are employed at the local campus of the university or college where they are registered. Students may work for the institution or may work for any private business located on campus.

In the case of *graduate assistants, teaching assistants* and *research assistants* the meaning of “*on campus*” has been expanded because of their unique circumstances. The work being performed in these situations is for the university or college. If this work requires the student to be at a library or research facility which is located outside the physical limitations of what is considered the institution’s campus, then this is permissible providing the library or research facility has an established affiliation with the university.

Therefore, students who are *graduate assistants, teaching assistants, or research assistants* will be considered to be within the scope of “on-campus” employment upon meeting the following criteria:

- the student is in full-time attendance at the institution;
- the student has been recommended by his/her department;
- the work to be performed is directed by a department head or a faculty member;
- the work takes place on campus or in a research institute or program in an affiliated hospital or research unit.

## **4. Academics Who Require Work Permits**

### **4.1 GENERAL**

Persons described in the following sections require work permits but are exempt the confirmation process by virtue of *Regulation 20(5)(e)(iii)*. This provision recognizes the benefit to Canadians of exchange programs which provide Canadians with valuable international cultural and work experience along with providing for the admission to Canada of temporary workers from abroad.

### **4.2 GUEST LECTURER**

A guest lecturer is a person who

- is invited by a post-secondary institution to give a series of lectures; and,
- occupies a temporary position of a non-continuing nature (which does not comprise a complete academic course) for a period of less than one academic term or semester.

A guest lecturer requires a work permit but is exempt confirmation from HRDC.

A guest lecturer should be in possession of a letter of invitation from the host university outlining the purpose of the trip to Canada, the nature of the position that the academic will be occupying, the length of time that the academic will be remaining in Canada, evidence that this period of time is less than one academic term or semester, and the arrangements for remuneration.

Work permits will be processed pursuant to *Regulation 20(5)(e)(iii)*, Confirmation Exemption Code E40.

### **4.3 POST DOCTORAL FELLOW**

A *fellow* is defined as an incorporated senior member of a college. Post doctoral fellows hold a doctorate degree (Ph.D.) or its equivalent. They would be appointed to a time-limited position granting a stipend or a salary to compensate for the periods of teaching, advanced study and/or research. It is work designed to obtain the highest expertise possible in a particular discipline and candidates are chosen on the basis of academic excellence. The applicant **MUST** have completed their doctorate and be working in a related field to that in which they earned their Ph.D. to be exempt from confirmation. The person must have graduated, but there is no restriction with regard to date of graduation. Post doctoral fellows can be either the direct recipient of an award *or* be offered a time-limited position to undertake research on behalf of or as part of a team of researchers. Universities vary in their methods and criteria used in assessing candidates and in offering post doctoral fellowships.

CIC will assess the written offer from a responsible academic official (professor or higher) which will state the amount of remuneration, location, nature and expected duration of the term of employment, and will not be concerned with the source of remuneration. The applicant must provide evidence that they have completed their doctorate and are working in a related field.

Work permits will be processed pursuant to *Regulation 20(5)(e)(iii)*, Confirmation Exemption Code E45.

#### **4.4 VISITING PROFESSORS and EXCHANGE PROFESSORS**

These persons are professors coming to Canada for a period of not more than two academic years to take a position with a post-secondary institution and who retain their position abroad. They require work permits but are confirmation exempt.

To facilitate the issuance of the work permit the academic should be in possession of a letter from the host university outlining the purpose of the applicant's trip to Canada, the nature of the position that the academic will be taking, the intended length of stay, and the arrangements for remuneration. In addition, the academic should have a letter from their own institution giving an indication that the person will be retaining their position abroad.

This confirmation exemption *does not* apply to summer school situations and in these instances confirmation from Human Resources Canada would then be required. This provision also applies to exchange professors coming to Canada on a reciprocal basis.

Work permits will be processed pursuant to *Regulation 20(5)(e)(iii)*, Confirmation Exemption Code E40.

#### **4.5 RESEARCH AWARD RECIPIENTS-PAID BY CANADIAN ACADEMIC INSTITUTION**

This provision deals with holders of academic research awards involving work and remuneration by Canadian academic institutions. The awards are granted strictly on the basis of academic excellence. The applicant must be the *direct recipient* of an award paid by a Canadian academic institution. A work permit is required but is confirmation exempt.

The applicant should be in possession of a letter from the host institution outlining

- the nature of the work that the applicant will be doing;
- evidence of the award that the applicant has received from a Canadian source; and,
- an indication of the length of time that the applicant will be staying in Canada.

Work permits will be processed pursuant to *Regulation 20(5)(e)(iii)*, Confirmation Exemption Code E45.

#### **4.6 RESEARCH AWARD RECIPIENTS-PAID BY FOREIGN ACADEMIC INSTITUTION**

This provision covers holders of academic research awards of foreign countries who are invited by Canadian academic institutions to conduct their activities in Canada, but who are supported by their own countries. Applicants must be *direct recipients* of awards which are totally funded from off-shore sources. A work permit is required, but is confirmation exempt.

The applicant should be in possession of a letter from the host university indicating

- the nature of the work that the applicant will be doing;
- evidence of the award that the applicant has received abroad; and,
- an indication of the length of time that the applicant will be staying in Canada.

Work permits will be processed pursuant to *Regulation 20(5)(e)(iii)*, Confirmation Exemption Code E45.

#### **4.7 CANADA RESEARCH CHAIR POSITIONS**

The Canada Research Chairs program is designed to assist Canadian universities to establish and sustain 2,000 chairs over a 5 year period. The program is managed jointly by Industry Canada and the Social Sciences and Humanities Research Council of Canada (SSHRC). It provides universities with the funds to enable them to recruit and retain the world's best researchers and promote research excellence in Canada.

Applicants who enter Canada must pass through a comprehensive peer review and university recruitment process. Each candidate is evaluated based on the significance of their research and recognition as world leaders in their field of expertise.

HRDC has issued a national labour market opinion, or National Confirmation Letter, which applies to foreign workers selected to work in Canada under this program. The National Confirmation Letter will last until 2005, to coincide with the life of the program. This letter has the same effect as a regular confirmation issued by HRDC.

Applicants should apply directly to Citizenship and Immigration Canada for work permits and should provide the following with their application:

- a letter confirming their acceptance to a Canada Research Chair position issued by SSHRC, and
- a letter from the university offering the position.

## 5. Provisions Contained in International Trade Agreements

### 5.1 THE NORTH AMERICAN FREE TRADE AGREEMENT

The Immigration provisions in the North American Free Trade Agreement (NAFTA) augment the existing provisions respecting the temporary entry of exchange professors, guest lecturers, and visiting professors.

Specifically, Appendix 1603.D.1 of the NAFTA lists sixty three occupations and is the mechanism by which selected *professionals* can enter Canada to provide their services. This list provides for the admission of college, seminary, and university teachers providing they have at least a Baccalaureate or Licenciatura Degree.

American and Mexican professors can now obtain a work permit to undertake a *temporary* appointment at a university in Canada by presenting a letter from the employer describing the temporary appointment.

Persons who are not citizens but have immigration status as legal permanent residents of Mexico or the United States do not have access to facilitated entry under the NAFTA. They do, however, continue to have access to Canada through existing general provisions governing the entry of temporary foreign workers.

The Immigration chapter of the NAFTA covers *temporary* entry only. Temporary entry is defined as entry *without* the intent to establish permanent residence. The definition does not allow for open-ended temporary entry. The provisions of the NAFTA cannot be used as a mechanism to circumvent procedures applicable to permanent employment nor as a means to establish *de facto* permanent residence. The longer the duration of temporary stay, the greater the onus will be on the individual to satisfy an Immigration officer of temporary intent especially when requesting an extension of status.

The procedures which apply to permanent employment are unaffected by the NAFTA. The two tier advertising procedure required as part of the Human Resources Development Canada confirmation process continues for permanent appointments. Before a permanent appointment can be offered to an American or Mexican professor, the university must comply with those procedures which are applicable to permanent employment. This means that the two tier hiring procedure coupled with HRDC confirmation of a job offer must be utilized (c.f. **Section 6**).

Professors processed for entry under the NAFTA require work permits to teach temporarily at a Canadian university. An American or Mexican citizen can apply for a work permit at a Canadian Port of Entry and must provide the following documentation:

1. evidence of citizenship, such as a passport or birth certificate;
2. a letter or signed contract from the institution providing full details of the temporary appointment including:

- the nature of the position offered,
  - arrangements for remuneration,
  - educational qualifications required, and
  - the duration of the appointment;
3. evidence that the applicant holds at least a baccalaureate or Licenciatura degree.

Applicants must also be able to satisfy an Immigration Officer of general compliance with the requirements of the *Immigration Act* and *Regulations*, e.g., be in good health and have no criminal record.

To facilitate processing the request for a work permit, it is recommended that the letter or contract specify that “*the offer of employment is for a temporary appointment consistent with the terms of the North American Free Trade Agreement*”.

Work permits will be processed pursuant to *Regulation 20(5)(b)*, Confirmation Exemption Code B23.

## **5.2 THE CANADA CHILE FREE TRADE AGREEMENT**

The Canada Chile Free Trade Agreement (CCFTA) is modeled on the NAFTA. Like the NAFTA, the agreement contains provisions for temporary entry to facilitate the movement of four categories of business persons: Business Visitors, Professionals, Intra Company Transferees, and Traders and Investors.

The agreement allows each party to impose or continue to impose a visa on the citizens of the other party. At the time of writing, a visitor’s visa is required of citizens of Chile. Given that a visitor’s visa is required, application for the visa and the work permit where required, must be made at a Visa Post before seeking admission to Canada.

Like the NAFTA, the CCFTA does not facilitate permanent residence, have an impact on universal requirements related to passports or visas, or remove the need to meet general Immigration requirements including public health, safety and national security.

Under the CCFTA college, seminary, and university teachers require a Baccalaureate or Licenciatura Degree. Chileans processed for entry under the CCFTA must provide documentation similar to that outlined in **Section 5.1**.

While not mandatory, for the purpose of facilitating processing the request for a work permit, it is recommended that the letter or contract specify that “*the offer of employment is for a temporary appointment consistent with the terms of the Canada Chile Free Trade Agreement*”.

Work permits will be processed pursuant to *Regulation 20(5)(b)*, Confirmation Exemption Code B23.

## **6. Academic Appointments**

### **6.1 GENERAL**

Foreign academics coming to Canada as permanent residents or as temporary workers in situations *not* outlined in **Sections 3, 4, and 5** of this Handbook must have offers of employment that have been confirmed by Human Resources Development Canada (HRDC).

As described in **Section 5** of this Handbook, the *temporary* appointment of citizens of the United States, Mexico, and Chile as professors at post secondary institutions is allowed through NAFTA and CCFTA, and is therefore exempt from this requirement.

Academic is the term applied to individuals with at least one postgraduate degree who earn the majority of their income from teaching or conducting research as employees of universities and university colleges in Canada.

When the majority of the job duties are other than teaching or research (i.e. management, financial, administrative, etc.) the regular HRDC foreign worker process applies.

The institution is the sole judge of the merits of academic candidates. It is not the role of HRDC to be involved in the determination of whether a candidate is suitable for the position to be filled. This responsibility rests solely with the institution and its selection committee.

Canadians and Permanent Residents be offered first opportunity for positions for which they are qualified and available.

### **6.2 SIMULTANEOUS RECRUITMENT**

A simultaneous search process was implemented in November 2001 for all disciplines. This process was approved after consultation between HRDC in Ontario Region and the Ontario Council of Academic Vice-presidents.

Notwithstanding the decision to implement this process, post-secondary institutions are not relieved of their responsibility to give Canadian citizens and Permanent Residents first opportunity for positions for which they are qualified and available.

A simultaneous search represents a single recruitment campaign whereby Canadians and Permanent Residents are assessed first and receive priority. Should no qualified Canadians be found, post-secondary institutions may select a qualified foreign applicant to fill a vacancy.

Positions in disciplines approved for the simultaneous search process must be advertised in a manner which effectively brings the position to the attention of Canadian citizens and Permanent Residents. Advertisements for these positions must have been published far



enough in advance of the deadline for receipt of applications to allow available candidates sufficient time to apply.

It is mandatory for the following statement to appear in all advertisements:

***All qualified candidates are encouraged to apply; however, Canadian citizens and Permanent Residents will be given priority.***

Institutions making a request for a confirmed offer of employment for a foreign academic as the result of a simultaneous search process must submit a *Foreign Worker Information Sheet*, **Section 6.6**, to HRDC .A *Foreign Academic Recruitment Summary* form, **Section 6.7**, must also accompany the application.

The components of the simultaneous recruitment process is summarized in the following table:

<b>Component</b>	<b>Requirement</b>
<b>Mandatory Statement</b>	All advertisements must contain the following statement: <b><i>All qualified candidates are encouraged to apply; however, Canadian citizens and Permanent Residents will be given priority</i></b>
<b>Advertising Exposure</b>	Advertisements must provide broad exposure of the vacancy to Canadian citizens and Permanent Residents.  Positions advertised abroad must also be advertised in Canada.  The advertising medium chosen must be appropriate for the discipline.
<b>Duration of Advertising</b>	Advertisements must run for a reasonable time to allow broad exposure, normally one month.
<b>Assessment of Applicants</b>	All Canadian citizens and Permanent Resident applicants who meet advertised requirements must be invited to participate in the selection process.  Canadian citizens and Permanent Residents who were found qualified must be offered a position before an offer is made to a foreign candidate.
<b>Justifying a Foreign Appointment</b>	The institution must report the reasons why a foreign national was chosen over the best three Canadian applicants.

### **6.3 APPLICATION TO HRDC**

All applications to HRDC for confirmed offers of employment must include the following:

- a completed Foreign Academic Recruitment Summary application form;
- a completed Foreign Worker Information Sheet;
- a covering letter from a senior official stating why the foreign national applicant was chosen over the best 3 Canadian applicants;
- copies of all advertisements;
- a job description and an outline of the requirements for the position;
- a statement of conditions that led to the job vacancy.

### **6.4 URGENT REQUEST FOR AN ACADEMIC**

#### **6.4.1 Urgent Requests for Permanent Appointments**

In certain cases HRDC may approve a foreign academic appointment for a permanent position and also recommend to Citizenship and Immigration that the person be allowed to enter Canada on a temporary work permit while the application for permanent residence is being processed. The institution would be required to demonstrate that the academic is urgently required in Canada. An example would be a foreign academic filling a teaching vacancy that must start at the beginning of the school year. The academic recruitment process identified the qualified candidate.

#### **6.4.2 Procedures for Processing Urgent Requests for Permanent Appointments**

In urgent request cases HRDC will indicate to Citizenship and Immigration that there is an "Urgent Labour Market Need" and request that a temporary work permit be issued to the applicant to bridge the period of time until an Immigrant visa can be processed. A "Y" code will be entered in the Express Service field on the electronic HRDC permanent confirmation transmission which is sent to the Visa Post that will be processing the application for Permanent Residence.

It is the obligation for the applicant to contact the Visa Post to apply for a work permit or application for Permanent Residence.

American Citizens and Alien Residents of the United States can apply for a temporary work permit at a Canadian Port of Entry. HRDC will send an electronic copy of the permanent confirmation to the Visa Post outside of Canada and also fax a copy of the confirmation to the Port of Entry where the foreign worker will apply for a temporary work permit.

If the academic applying for a temporary work permit at a Port of Entry has already initiated their Immigrant application at a Visa Post, the individual should ensure the Visa Post is promptly notified of the Canadian address.

### **6.4.3 Urgent Requests for Temporary Appointments**

A post-secondary institution may have a sudden need for an instructor if there is an unexpected demand for a particular course at registration. If this arises, HRDC may be flexible in reducing the amount of time that an advertisement must run. At the very least, advertising should appear in the local newspaper and within the institution. If no qualified Canadian or Permanent Resident can be recruited and a foreign academic is requested, HRDC may give a positive labour market opinion on a *temporary* offer of employment.

## 6.5 SAMPLE ADVERTISING FORMAT

Date:

### Academic Vacancies

- Format:
1. Title of position
  2. Qualifications required
  3. Nature of duties
  4. Salary offered
  5. Person to whom inquires should be addressed
  6. Effective date of appointment
  7. Closing date for receipt of applications. *A minimum time frame of one month from publication date*
- 

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

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**NOTE: MANDATORY ADVERTISING INSERT:** *“All qualified candidates are encouraged to apply; however, Canadian citizens and Permanent Residents will be given priority”*

## 6.6 FOREIGN WORKER INFORMATION SHEET

University: \_\_\_\_\_ Faculty: \_\_\_\_\_  
Department: \_\_\_\_\_ Position: \_\_\_\_\_  
Specialization: \_\_\_\_\_ Rank: \_\_\_\_\_

---

### Foreign Worker Details

Family Name: \_\_\_\_\_ First Name: \_\_\_\_\_

Home Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of Birth: \_\_\_\_\_ Sex:  Male  
 Female

Country of Birth: \_\_\_\_\_ Country of Citizenship: \_\_\_\_\_

---

### Position Details

Type of Position:  Temporary  
 Permanent

Job Title and Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Job Qualifications (Key Elements): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Salary: \_\_\_\_\_ Start Date: \_\_\_\_\_ Finish Date (temporary positions): \_\_\_\_\_

---

### Immigration Processing

Post Abroad Specify Post: \_\_\_\_\_ *e.g. London*  
 Port of Entry Specify Port: \_\_\_\_\_ *e.g. Pearson Airport*

**6.7 FOREIGN ACADEMIC RECRUITMENT SUMMARY**  
**Academic Recruitment Summary: Simultaneous Search**

University: \_\_\_\_\_ Faculty: \_\_\_\_\_  
 Department: \_\_\_\_\_ Position: \_\_\_\_\_  
 Specialization: \_\_\_\_\_ Rank: \_\_\_\_\_ No. Of Vacancies: \_\_\_\_\_

**Canadian Recruitment Summary:**

No. Applicants	<input type="text"/>	No. Applicants Offered a Position	<input type="text"/>
No. Applicants Interviewed	<input type="text"/>	No. Applicants Declined a Position	<input type="text"/>

**Foreign Recruitment Summary:**

No. Applicants	<input type="text"/>	No. Applicants Offered a Position	<input type="text"/>
No. Applicants Interviewed	<input type="text"/>	No. Applicants Declined a Position	<input type="text"/>

**Foreign Worker:**

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_

**Top Three Canadian/Permanent Resident Applicants**

**Applicant #1:**

Applicant did not meet advertised job requirements  
 Reason: \_\_\_\_\_

**Or,**

Applicant met advertised job requirements

<input type="checkbox"/> Was interviewed	Result:	<input type="checkbox"/> Did not meet selection standard
		Reason: _____
		<input type="checkbox"/> Offered the position and declined
		<input type="checkbox"/> Offered the position and accepted

Was not interviewed Reason: \_\_\_\_\_

**Applicant #2:**

Applicant did not meet advertised job requirements

Reason: \_\_\_\_\_

**Or,**

Applicant met advertised job requirements

Was interviewed      Result:  Did not meet selection standard  
Reason: \_\_\_\_\_

Offered the position and declined

Offered the position and accepted

Was not interviewed      Reason: \_\_\_\_\_

---

**Applicant #3:**

Applicant did not meet advertised job requirements

Reason: \_\_\_\_\_

**Or,**

Applicant met advertised job requirements

Was interviewed      Result  Did not meet selection standard  
Reason: \_\_\_\_\_

Offered the position and declined

Offered the position and accepted

Was not interviewed      Reason: \_\_\_\_\_

---

**Recommended By:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
*Division/Department Head*

**Approved By:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
*Vice-Provost/Provost/Principal*

**Approved By:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
*HRDC*

## 7. Applying at a Port of Entry

A Port of Entry is a CIC office located at any border crossing, airport, or seaport where persons who arrive in Canada are examined by an Immigration Officer.

An Immigration Officer at a Port of Entry is responsible for assessing the admissibility to Canada of persons who seek entry. The officer must decide:

- if the person is eligible to make an application at a Port of Entry,
- if the person meets the qualifications of the position, and,
- whether to issue any documentation to the applicant.

Where it is determined that documentation is required they are also responsible for the issuance of either a *Visitor's Record* or a *work permit*.

If the officer determines that the activity that is being undertaken is not considered to constitute employment as it is defined in the legislation, or if there is a specific exemption from the need for a work permit, they may issue a *Visitor's Record* to the person seeking entry. This is a document that authorizes a person to whom it is issued to come into Canada for a specific period of time. It is mandatory for an Immigration Officer to issue a Visitor's Record to a person who will be staying in Canada for a period of time in excess of six months. Examples of situations where foreign academics may be issued with a Visitor's Record are listed in **Section 3** of this Handbook. These include: *Academic Consultants, Academic Examiners, Guest Speakers, and Self-funded Academic Researchers*.

If the Port of Entry officer determines that the activity is considered to be employment, then a *work permit* will be issued. A *work permit* is a document that authorizes a person to whom it is issued to engage or continue in employment. Examples of situations where foreign academics who will be issued with work permits are listed in **Sections 4 and 5** of this Handbook.

As a general rule, persons who do **not** require a work permit as described in **Section 3** of this Handbook can proceed to Canada without making contact at a Canadian Visa Post abroad prior to traveling to Canada. However, in order to facilitate the process at the Port of Entry it is advisable to be in possession of a letter of introduction from the Institution hosting the academic which outlines the purpose of the trip and the duration of stay. In the case of *Academic Consultants* or *Academic Examiners* and *Guest Speakers* there should be an indication of what remuneration, if any, is being given to the academic in the form of an honorarium, stipend, or the repayment of expenses. In the case of a *Self-Funded Researcher*, the letter should include a statement that the researcher will be receiving no remuneration.

Academics as described in **Sections 4 and 5** of this Handbook are also eligible to proceed directly to Canada and apply at Ports of Entry for their work permits



without first contacting a Canadian Visa Post. They should be in possession of the documentation described in this Handbook in order to facilitate their entry. Failure to do so may result in a delay for the academic or possibly even a refusal of entry.

In all cases where the academic is a citizen of a country that requires a visa to travel to Canada all documentation should be presented to a Visa Post when applying for a visitor's visa for Canada.

Applicants from most countries will be required to be in possession of a valid passport. It will be necessary for the passport to be valid for the entire length of stay in Canada. Persons who are citizens or permanent residents of the United States will not be required to have a passport but will need proof of their citizenship. A permanent resident of the United States will be required to be in possession of their Alien Registration Card.

Cost recovery fees apply for processing applications for work permits and visitor's visas. Please see **Section 11** of this Handbook.

## 8. Applying at Canadian Visa Posts

A Visa Post is an office in a Canadian Embassy, Consulate, or High Commission that processes Immigration applications outside of Canada. A High Commission is a Canadian embassy in a Commonwealth country.

Overseas processing of Immigration programs is delivered through a network of *Regional Processing Centres (RPCs)*, *Satellite Missions*, *Full-Service Centres*, and *Specialized Offices*. A current list of responsible missions abroad by country is available on the CIC Web Site: [www.cic.gc.ca](http://www.cic.gc.ca)

*Regional Processing Centres* offer centralized Immigration processing whenever possible. They process routine Immigration applications from beginning to end. If an interview is required or documents need to be verified, the responsible satellite office becomes involved. RPCs also perform a full range of non-immigrant services for the host country and any nearby nations that fall under its jurisdiction.

*Satellite Offices* perform a full range of non-immigrant services including the issuance of visitor's visas and student and work permits.

*Full Service Centres* continue to offer a complete range of all immigrant and non-immigrant services as stand-alone offices. They operate where local workloads are not routine and cannot be easily processed elsewhere, or where political realities inhibit the RPC-Satellite concept.

Academics who apply at Visa Posts abroad for work permits will be required to provide all appropriate information to substantiate their request. Specific requirements are listed for each category in **Sections 4 and 5** of this Handbook. All necessary evidence concerning the academic's ability to meet the job requirements, the academics qualifications, including educational background, should be provided. In general, the applicant should provide the following:

- A duly completed application form which should be obtained from the processing Visa Post;
- Copy of the biographical data pages of a valid passport. Citizens of the United States are exempt from the need for a passport if traveling to Canada from the United States, but must have proof of their citizenship, i.e., birth certificate or naturalization certificate;
- Two recent passport size photographs for each person proceeding to Canada;
- The Cost Recovery Fee;
- **Supporting Documents.**

All necessary supporting documents not in English or French *must* be accompanied by a certified translation. Failure to supply translated documents will result in processing delays.

Some examples of **Supporting Documents** which are required to enable a Visa Post or Port of Entry officer to assess the worker's ability to meet the job requirements, qualifications, and educational background are:

- Letter of reference from current and/or previous employers describing the worker's occupation, duties, and length of employment;
- Educational certificates and professional licenses where appropriate;
- If applying from the United States, proof of legal status in the United States; if not an American Citizen, proof of ability to enter the United States such as copy of a valid U.S. visa and a copy of the biographical pages of a valid passport. Similar requirements may exist at other Visa Posts in other countries.

Cost recovery fees apply for processing applications for work permits and Visitor's Visas. Please see **Section 11** of this Handbook.

## **9. Medical Examinations**

All applicants for *Permanent Residence* are required to have a medical examination for Immigration purposes.

Temporary foreign workers who have resided for six months or more in the preceding year in certain areas of the world are required to undergo a medical examination if they plan to remain in Canada for longer than six months.

Temporary foreign workers in occupations where the protection of public health is essential require medical examinations. A work permit cannot be issued to them until they have passed the Immigration medical examination. This requirement applies to occupations that bring the worker into close contact with people such as workers in the health services field and teachers in primary or secondary schools.

Should a medical examination be necessary, an overseas applicant will be issued with instructions regarding the medical examination procedures and a list of Designated Medical Practitioners in their area. The medical examination must be arranged at their own cost.

## 10. Visitor Visa Requirements

Persons who are not Canadian Citizens or Permanent Residents of Canada may require a visa to enter Canada.

A current list of countries who require visas can be found at the CIC Web site:  
**[www.cic.gc.ca](http://www.cic.gc.ca)**

Because this list is subject to frequent change it is not reproduced in this document.

A visitor's visa is a form issued by a Visa Post that is placed in the passport of the applicant. It is an official way of showing that the applicant has met the requirements for admission to Canada.

A valid visitor's visa is not a guarantee of entry into Canada. The decision to grant entry to any person lies with the examining officer at the Port of Entry. The officer at the Port of Entry will confirm that the applicant still meets the requirements for admission. If there has been a change in circumstances between the date of the applicant's application and the date of arrival in Canada, the person may be refused entry.

A visitor's visa is **not** a work permit. Should the Visa Post that assesses the application determine that a work permit is required, one will be issued in conjunction with the visitor's visa providing the requirements for issuance are met.

In general, the applicant must satisfy the Visa Post that they meet the requirements of the Canadian *Immigration Act and Regulations* and that they will be in Canada for a temporary period. Cost Recovery fees are applicable.

## 11. Cost Recovery

With few exceptions, there is a Cost Recovery fee for processing an application for a work permit or a visitor's visa in addition to most other Immigration services. Fees are payable at the time an application is made. In cases where the application is being made through the mail, the payment should accompany the written application.

Method of payment varies depending on where the application is processed. In general, acceptable forms of payment are cash, money orders, bank drafts, certified cheques, traveler's cheques, and Visa and MasterCard. U.S. currency is accepted at most Ports of Entry. Personal cheques are *not* acceptable. Certified cheques and money orders must be made payable to the *Receiver General for Canada*.

When submitting an application for an extension of stay within Canada to **Vegreville**, clients must use the receipt included with the application and pay all fees at a chartered bank in Canada. **No other form of payment is accepted at Vegreville.**

Currently, the Cost Recovery Fee for processing a request for a work permit is \$150 Canadian either at a Canadian Visa Post, a Port of Entry, or an Inland Immigration Office. There is a Cost Recovery Fee of \$75 Canadian to process a request for a Visitor's Visa.

## 12. Customs

Canada Customs and Revenue Agency (CCRA) has a presence at all Ports of Entry. In addition to regulating the flow of goods into Canada, Customs Inspectors have a limited authority under the *Immigration Act* to admit into Canada most persons who appear at our border. Persons coming to live, work, or study in Canada must be referred to an Immigration Officer for processing and documentation.

Persons who are classed as visitors or who are in Canada temporarily on work permits for a period of 36 months or less may import duty free when they first arrive in Canada personal and household effects. These items include furniture, appliances, and motor vehicles. The following conditions apply:

- they cannot be used by a resident of Canada;
- the owner cannot sell or otherwise dispose of them in Canada;
- all items must be taken out of Canada when the owner leaves Canada.

In some cases, Customs may require a deposit that is refundable when the items are re-exported.

Before moving to Canada the person should prepare a list in duplicate of all the goods they are bringing with them indicating the value, make, model, and serial number where applicable.

Customs may give the importer a temporary admission permit for these goods. It will be valid only for a short term to allow the person to move the goods to their destination in Canada where they will need to contact the local Customs Office to get a replacement permit. These permits are usually valid for about six months.

If goods are shipped by commercial carrier, they will travel in bond to the Customs Office nearest to where the importer will be living. The carrier will notify the importer when the goods arrive so that clearance can be effected.

Individuals who have applied for or who have been granted Permanent Resident status in Canada, or those whose term of employment is more than 36 months, are classed as *Settlers* for Customs purposes. *Settlers* are **not** eligible to import goods on a temporary basis as temporary residents. Customs has separate rules and entitlements for *Settlers* which are outlined in Customs memorandum D2-2-1 available at the CCRA Web Site [www.ccra-adrc.gc.ca](http://www.ccra-adrc.gc.ca). Briefly, goods that are for personal use which have been owned, possessed, and used abroad qualify for duty free entry providing they accompany the *Settler*. Goods may follow at a later date but they must have been reported to Customs at the time of the *Settler's* arrival in Canada.

There are restrictions on importation of the following items regardless of whether the person qualifies for temporary entry of goods or for entry as a *Settler*:

- **Firearms:** Canada has stringent regulations on firearms. Information on the importation of firearms is contained in the brochure called *Importing a Firearm or Weapon into Canada* available from any Customs Office.
- **Pets:** The *Animal Health Division* of the *Department of Agriculture and Agri-Food Canada* regulates the control of animals into Canada. Pet dogs and cats who are three months old or older can be brought into Canada from the United States provided they are accompanied by a vaccination certificate signed and dated by a veterinarian. The certificate must show that the animal has been vaccinated against rabies within the last three years. For all other pets from the United States and elsewhere check in advance with the *Animal Health Division*. Inspection fees may apply. Further information can be had in the publication *Don't Bring It Back* available at the Web site: **www.agr.ca**
- **Plants:** The *Food Production and Inspection Branch* of the *Department of Agriculture and Agri-Food Canada* regulates the entry into Canada of plants. Depending on the country the plant is coming from, the importer may require a phytosanitary certificate issued by the government plant health authority at the point of origin and an import permit in advance from *Agriculture and Agri-Food Canada*. Inspection fees may apply. Further information can be had in the publication *Don't Bring It Back* available at the Web site: **www.agr.ca**



### 13. Taxation

A foreign worker in Canada faces two issues from a taxation point of view: whether they will be taxed as a resident of Canada and whether they will continue to be taxed in their country of origin. The foreign academic will need to resolve these issues in order to determine their tax obligations to both countries.

It is possible that the foreign academic may be subject to taxation on the same income in Canada and their home country. There are provisions for reducing double taxation when it occurs through income tax agreements between Canada and other countries, and through the use of tax credits claimed against one country for tax paid to the other country. Canada is signatory to a number of tax treaties which contain provisions to reduce or eliminate double taxation. Foreign academics are encouraged to contact the *International Tax Services Office* in Ottawa to obtain information on where to obtain copies of specific tax treaties. The toll free number is 1-800-267-5177. There is additional information on the Canada Customs and Revenue Agency (CCRA) Web site: **www.ccra-adrc.gc.ca**

Each foreign academic needs to determine their residency status in Canada for tax purposes. This means they must determine whether they are a *non-resident* or a *deemed resident* of Canada. The determination is guided by principles applied by CCRA that are outlined in *Interpretation Bulletin IT-221, Determination of an Individual's Residency Status*.

In general, a person is a *non-resident* for tax purposes if they have not established sufficient residential ties in Canada and either stayed here for *less than 183 days in a calendar year*, or have lived outside of Canada throughout the year. A *non-resident* is subject to income tax in Canada only on Canadian source income. A person is a *deemed resident* for tax purposes if they have established sufficient residential ties in Canada and stayed here for *183 days or more in a calendar year*. For clarification please refer to *Interpretation Bulletin IT-221, Determination of an Individual's Residency Status*.

For more detailed information please refer to the closest CCRA taxation office, or the CCRA Web Site: **www.ccra-adrc.gc.ca**

Of special interest to foreign academics will be *Interpretation Bulletin IT-75, Scholarships, Fellowships, Bursaries, Prizes, and Research Grants*. This publication contains information on allowable expenses for recipients of research grants and is also available from CCRA.

## 14. Frequently Asked Questions

### 14.1 *When do I need a Work Permit*

Immigration Regulation exempts certain academics from the need to obtain work permits. Specific circumstances and requirements are explained in **Section 3** of this Handbook. An *Academic Consultant, Academic Examiner, Guest Speaker, Self-funded Researcher*, or the holder of a *Canadian Student Authorization* who is working on campus may be exempt the need for a work permit.

Immigration Regulations require some academics to obtain work permits, but exempt them from the need for HRDC confirmation. Specific circumstances and requirements are described in **Section 4** of this Handbook. A *Guest Lecturer, Post Doctoral Fellow, Visiting Professor, Exchange Professor*, the direct recipient of a research award (either Canadian or foreign), or an individual selected under the *Canada Reserch Chairs program* will require a work permit.

Professors whose entry is being facilitated under the terms of the NAFTA or the CCFTA also require work permits without need for HRDC confirmation. Requirements are outlined in **Section 5** of this Handbook.

Most other persons being recruited for academic positions in Canada require work permits *with* HRDC confirmation, including *Researchers* who are not the direct recipients of awards and who are being paid by an award recipient.

### 14.2 *What steps are involved*

Procedures vary depending on what the academic will be doing in Canada and where the application for admission is made.

Persons who do not require work permits as described in **Section 3** of this Handbook may seek admission at a Port of Entry without first approaching a Canadian Embassy, Consulate, or High Commission unless they need a Visitor's Visa in order to travel to Canada.

Persons who require work permits as described in **Sections 4 and 5** of this Handbook may also make their application at a Port of Entry *or* at a Canadian Visa Post abroad unless they need a Visitor's Visa in order to travel to Canada.

A current list of countries whose citizens do not need Visitor's Visas is posted on the CIC Web Site: [www.cic.gc.ca](http://www.cic.gc.ca).

Persons who require HRDC confirmation and work permits must apply at a Canadian Visa Post for their work permits *unless* they are citizens or permanent residents of the United States, or residents of St. Pierre or Miquelin or Greenland.

### **14.3 How much does it cost**

Currently, the Cost Recovery Fee for processing a request for a work permit is \$150 Canadian either at a Canadian Visa Post, a Port of Entry, or an Inland Immigration Office. There is a Cost Recovery Fee of \$75 Canadian to process a request for a Visitor's Visa. Please see **Section 11** of this Handbook for additional information.

Cost Recovery Fees are subject to change. Current Cost Recovery Fees are available at the CIC Web Site: [www.cic.gc.ca](http://www.cic.gc.ca)

### **14.4 How long does it take**

The time to process an application varies according to the individual circumstances of the request and the workload and processing procedures at the Visa Posts. It is recommended that the academic apply as much in advance as possible. Requests may take up to *3 or 4 weeks* at a minimum. The requirement for a medical examination will add to the processing time. The need for a medical will depend on where the academic has resided prior to travelling to Canada and how long they will be remaining in Canada. Please see **Section 9** of this Handbook. Most Visa Posts will not commence processing until *all* required documentation is provided by the applicant.

### **14.5 Where can I apply for a Work Permit**

*Immigration Regulations* allow persons in specific circumstances to apply for a work permit when they arrive at a Port of Entry in Canada, but generally an application must be made at a Visa Post abroad. We have summarised some common situations where a work permit is required and where an application can be made in the **Processing Summary** located in **Appendix 1** to this Handbook.

Under the NAFTA American and Mexican citizens in the Professional category may apply at a Port of Entry for a work permit. They can also apply for Professional status in Canada after having been admitted to Canada as visitors.

Citizens of other countries who are in Canada as visitors who need to apply for a work permit may do so at a Canadian Consulate in one of the border cities with the United States such as Buffalo, Detroit, or Seattle. However, they may experience processing delays.

### **14.6 Can my spouse work**

In general, a spouse who accompanies or follows a principal applicant who holds a work permit will be admitted to Canada as a Visitor. If that spouse wants to work in Canada, they have to secure a job offer and apply for their own work permit. Typically, these applications are subject to the same considerations to

which Citizenship and Immigration subjects all other requests for work permits, including the HRDC labour market testing process known as confirmation.

Effective October 15, 1998, CIC and HRDC jointly announced a Pilot Project for the facilitated issuance of work permits to spouses of certain highly skilled temporary foreign workers. In December, 2001 this pilot project was expanded and made a permanent fixture of Canadian Immigration policy.

Under the policy, providing the Principal Applicant's occupation falls within the Management Occupations or Skill Levels A, B, or O of the National Occupational Classification Matrix, the spouse may also be issued with a work permit upon presentation of a written job offer, proof of relationship to the Principal Applicant, and the Cost Recovery fee. The work permit of the Principal Applicant must have been issued for a duration of 6 months or more.

This policy includes spouses of such persons as University Professors, Post-Secondary Teaching and Research Assistants, and most occupations in the Natural and Applied Sciences and Social Sciences.

Further information can be obtained from the CIC Web Site: [www.cic.gc.ca](http://www.cic.gc.ca)

Please note that this policy does not apply to spouses of persons who enter Canada under circumstances where a work permit is **not** required as described in **Section 3** of this Handbook.

This policy augments the existing provisions for spouses of **Post Doctoral Fellows** from **Britain** and **Australia**. These persons are exempt from employment confirmation on the basis of reciprocal opportunities offered to Canadians in those two countries. Open work permits may be issued under *Immigration Regulation R20(5)(e)(iii)*, Confirmation exemption Code E99 for these persons.

#### **14.7 Can my children attend school**

Student Authorizations may be issued to dependents of persons who hold work permits providing they are destined to primary or secondary school. These authorizations may be issued *without* a letter of acceptance and proof of financial ability and may be issued at Ports of Entry.

Dependents destined to post secondary institutions also require Student Authorizations. However, a letter of acceptance and proof of financial ability is required.

Pre-school children who attend day care centers, nursery schools, or kindergarten *do not* require Student Authorizations.

### **14.8 Do I need a Social Insurance Number**

If a tax return is being filed a social insurance number (SIN) is required so that Revenue Canada, Taxation can assess the tax return. The SIN is a nine-digit identification number that is personal and confidential. A SIN may be applied for at any Human Resources Center of Canada. The application can be downloaded from the HRDC Web Site: [www.hrdc-drhc.gc.ca](http://www.hrdc-drhc.gc.ca)

Applications must be accompanied by an original or certified copy of a document proving identity and status in Canada. There is no fee for the initial application. HRDC advises that it takes approximately 3 weeks to obtain the card to the client after the application is approved.

### **14.9 Am I Eligible for Health Coverage in Ontario**

Persons in Ontario are eligible to apply for coverage under the Ontario Health Insurance Plan (OHIP) providing certain conditions are met:

- the person is legally in Canada;
- their permanent and principal home is in Ontario; and,
- they are present in Ontario for at least 183 days in any 12 month period.

There is a three month waiting period for coverage to begin. The waiting period begins on the date that residency is established. Persons in Canada on work permits, including persons described in **Sections 4, 5 and 6** of this Handbook, **may** be eligible for coverage providing they have a work permit that has been issued for at least six months. The spouse or dependent child under the age of 19 years may also be eligible for coverage under OHIP providing the Canadian employer provides the Ministry of Health with written confirmation of the employer's intention to employ the work permit holder for a period of three continuous years.

Visitors to Canada, including those persons described in **Section 3** of this Handbook, are **not** eligible for health coverage.

Application for coverage under OHIP must be made in person. The applicant must provide **original** Immigration documents such as an Immigrant Visa or a work permit. These must be accompanied by supporting documents such as a passport or driver's license to establish identity and residence.

Further information is available by calling the Ministry of Health at 1-800-268-1154 or by visiting the Ministry's Web site at: [www.gov.on.ca/health/index.html](http://www.gov.on.ca/health/index.html)

### **14.10 Can I extend my stay in Canada**

Where a client wants to remain in Canada beyond the expiry of their work permit or Visitor's Record, an application for an extension **must** be applied for **before** the expiry of the document. It is strongly recommended that applications be submitted at least one month prior to the expiry of status.

Applications to extend status can be obtained from any CIC Call Center. The number for the Call Centre in the Greater Toronto Area is 973-4444. Outside the GTA, the number is 1-888-242-2100. These applications are processed by CIC in **Vegreville**, Alberta.

Professionals under the NAFTA and the CCFTA are limited to extensions of one year at a time providing the individual continues to comply with the requirements. CIC must be satisfied that employment is still *temporary* and is not a means of circumventing normal Immigration procedures.

Where a work permit was issued based on a confirmation by HRDC, a new confirmation will be required.

#### **14.11 What if I have a criminal conviction**

If a person has ever been convicted of a criminal offense in any country, they may be inadmissible to Canada as a result of a criminal record. Offenses such as driving under the influence of alcohol (DWI) is regarded as an extremely serious offense in Canada. Persons with convictions for this offense are inadmissible to Canada.

Canada does make provision to allow persons with criminal records into Canada under certain circumstances. If a person was convicted outside Canada and five years have elapsed since the termination of the sentence imposed, they may apply through a Visa Post for the Minister's approval of rehabilitation. The Minister's approval will permanently remove the inadmissibility caused by the conviction.

If less than five years have elapsed, or the person is only seeking entry for a single or limited period, then application may be made for a Minister's Permit to come into Canada.

In general, applications for Approval of Rehabilitation and Minister's Permits take into consideration the nature of the offenses, the number of offenses on the applicant's record, the length of time since the last offense, reports from parole or probation officers, the purpose for which entry is sought to Canada, and the applicant's standing in the community.

The application process can be time consuming and Cost Recovery Fees apply.

### **14.12 Where can I get more information**

The Government of Canada and most government departments maintain internet web sites. The following sites may contain information useful to you:

Government of Canada Primary Internet Site:  
**[www.canada.gc.ca](http://www.canada.gc.ca)**

Agriculture and Agri-Food Canada:  
**[www.agr.ca](http://www.agr.ca)**

Canada Customs and Revenue Agency:  
**[www.ccr-aadrc.gc.ca](http://www.ccr-aadrc.gc.ca)**

Citizenship and Immigration (CIC):  
**[www.cic.gc.ca](http://www.cic.gc.ca)**

Department of Foreign Affairs and International Trade (DFAIT):  
**[www.dfait-maeci.gc.ca](http://www.dfait-maeci.gc.ca)**

Government of Ontario  
**[www.gov.on.ca](http://www.gov.on.ca)**

Human Resources Development Canada (HRDC):  
**[www.hrdc-drhc.gc.ca](http://www.hrdc-drhc.gc.ca)**

Canadian Institute of Health Research:  
**[www.cihr.ca](http://www.cihr.ca)**

Natural Sciences and Engineering Research Council of Canada (NSERC):  
**[www.nserc.ca](http://www.nserc.ca)**

Ontario Ministry of Health  
**[www.gov.on.ca/health/index.html](http://www.gov.on.ca/health/index.html)**

Social Sciences and Humanities Research Council of Canada:  
**[www.sshrc.ca](http://www.sshrc.ca)**

In addition to the above, many Canadian Visa Posts have their own internet sites. Links to these sites can be found on the **CIC** and **HRDC** sites.

## 15. Appendix 1: Processing Summary

<b>Type of Work</b>	<b>Authorization</b>	<b>Confirmation</b>	<b>May Apply At</b>	<b>Reference</b>
Canada Research Chair	Required	National Confirmation letter	Visa Post <sup>1</sup>	Section 4.7
Consultant: Academic	Exempt R19(1)(n)	n/a	border	Section 3.3
Examiner: Academic	Exempt R19(1)(n)	n/a	border	Section 3.3
Guest Lecturer	Required	Exempt E40	border Visa Post	Section 4.2
Guest Speaker	Exempt R19(1)(o)	n/a	border	Section 3.4
Post Doctoral Fellow	Required	Exempt E45	border Visa Post	Section 4.3
Professor: CCFTA	Required	Exempt B23	border Visa Post	Section 5.2
Professor: Exchange	Required	Exempt E40	border Visa Post	Section 4.4
Professor: NAFTA	Required	Exempt B23	border Visa Post	Section 5.1
Professor: Visiting	Required	Exempt E40	border Visa Post	Section 4.4
Researcher: Award Recipient	Required	Exempt E45	border Visa Post in Canada	Sections 4.5, 4.6
Researcher: Paid by Award Recipient	Required	Required	Visa Post <sup>1</sup>	
Researcher: Self Funded	Exempt-Visitor	n/a	border	Section 3.5

1. Application can be made at the border only if the person is a citizen or permanent resident of the United States or resident of Greenland or St. Pierre or Miquelin



## 16. Glossary

**AUCC:** Association of Universities and Community Colleges

**CAUT:** Canadian Association of University Teachers

**CCFTA:** Canada Chile Free Trade Agreement

**CIC:** Citizenship and Immigration

**Work Permit:** a document that authorizes a person to whom it is issued to engage or continue in employment in Canada

**High Commission:** a Canadian embassy in a Commonwealth country

**HRDC:** Human Resources Development Canada

**Minister's Permit:** a document that allows inadmissible persons to come into or remain in Canada

**NAFTA:** North American Free Trade Agreement

**NOC:** National Occupational Classification; a systematic taxonomy of occupations in the Canadian labour market

**Port of Entry (POE):** a CIC office located at any border crossing, airport, or seaport in Canada where persons who arrive in Canada are examined by an Immigration Officer

**Confirmation:** a labour market process by HRDC that determines that the employment of a foreign worker will not have an adverse effect on employment opportunities for Canadian Citizens and Permanent Residents

**Confirmation Exemption Code (VEC):** a code used by Immigration when completing a work permit indicating the exempt category in which the employment falls

**Visa Post:** an office that processes Immigration applications in a Canadian Embassy, Consulate, or High Commission located outside of Canada

**Visitor's Record:** a document that formally records the decision to facilitate a person's admission to Canada as a visitor