



## Bringing Foreign Workers into Canada

### GENERAL WORK PERMIT REQUIREMENTS

As a general rule, obtaining authorization to work in Canada is a two-step process:

- the **employer** applies for a Labour Market Opinion; and
- the **worker** applies for a Work Permit.

**STEP 1: Labour Market Opinion (“LMO”).** Obtaining a LMO requires the employer to apply to the provincial Service Canada office seeking authorization to hire a foreign worker. The employer must prove that: a) the job offer is genuine; b) the wages and working conditions are comparable to those offered to Canadians; c) reasonable efforts were made to hire or train Canadians; d) a labour shortage will be filled; e) new job opportunities will be created for Canadians or jobs of Canadians will be retained (if applicable); f) skills and knowledge will be transferred to Canadians (if applicable); and g) no labour disputes or employment of Canadians will be affected.

**As of January 1, 2009**, Service Canada requires a minimum of 14 days of advertising of the position on Canada’s Job Bank within the last three months. In some cases, other recruitment activities which are standard in the industry will be accepted.

If successful, Service Canada will issue a positive LMO, which grants the employer the authority to hire the named foreign worker to fill the position.

In some cases, due to the foreigner’s citizenship, occupation or other factors, the individual may be exempt from the LMO requirement and may proceed directly to Step 2. Common examples include professionals, individuals transferring

between related companies and spouses of certain foreign workers or students.

**STEP 2: Work Permit.** Once the LMO is obtained (or an exemption from an LMO exists), the worker may apply to Citizenship and Immigration Canada for a Work Permit. Most individuals must apply for the Work Permit at the Canadian Consulate serving the foreigner’s home jurisdiction. In some cases, the individual may apply at the Canadian port of entry or in Canada. If eligible to apply at the port of entry, the Work Permit is issued immediately. Otherwise, processing times range from a number of weeks to a number of months.

Work Permits can be granted for the duration indicated on the employment contract, and generally up to a maximum of three years, and in most cases are renewable.

### ADDITIONAL CONSIDERATIONS

**Temporary Resident Visa.** Foreigners from certain countries are required to obtain a Temporary Resident Visa to enter the country. This may result in additional processing requirements and a delay in the processing.

**Medical Examination.** Individuals who have lived in certain countries must obtain a medical examination if they wish to live in Canada for six months or longer. The medical examination must be conducted by a Designated Medical Practitioner, being an individual selected by Citizenship and Immigration Canada to conduct medical examinations.

*For more information on this article, please contact Ingrid M. Tsui at 604.484.1746 or [itsui@ahbl.ca](mailto:itsui@ahbl.ca).*