

Immigration and COVID-19: Insight into recent developments for foreign workers



Agenda

Travel restrictions

Applications from
outside Canada

Applications within
Canada

Compliance



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Work permit vs. Letter of introduction vs. Letter of authorization

Work permit

Document issued by an officer to a foreign national authorizing them to work in Canada

Letter of introduction

Letter you will receive from IRCC if your application for one of the following documents is approved:

- Study permit
- Work permit

It is sometimes called the Correspondence Letter, Introduction or Introductory Letter. Officially, it is called the Port of Entry (POE) Letter of Introduction. The Letter of Introduction is not your study or work permit.

Keep this letter. You must show this letter to officials at the port of entry when you arrive in Canada to get your study or work permit.

Letter of authorization

Written authorization from the Government of Canada (IRCC, GAC or CBSA) to travel to Canada





Foreign nationals exempted from travel restrictions

Visitors

- A person registered as an Indian under the Canada's Indian Act
- A protected person
- A foreign national travelling at the invitation of the Canadian government for purposes related to the containment of COVID-19
- An immediate family member of a Canadian citizen or of a permanent resident as defined in subsection 2(1) of the Immigration and Refugee Protection Act
 - You must show that you are coming to Canada for essential reasons and not for optional or discretionary reasons, such as tourism, recreation or entertainment
- A person who is authorized, in writing, by a consular officer of the Government of Canada to enter Canada for the purpose of reuniting immediate family members

Foreign nationals exempted from travel restrictions (continued)



Foreign students

If you are a foreign student with a valid study permit or have been approved for a study permit on or before March 18, 2020, you will be exempted from travel restrictions.



Temporary foreign workers

All temporary foreign workers will be exempted from travel restrictions and will be able to travel to Canada by air or land.

At the boarding gate, these foreign nationals may declare to the air carrier that they are exempted under this provision by presenting one of the following documents:

- a valid work permit
- a letter of introduction from IRCC (letter of acceptance of the work permit)

Immediate family members

- A foreign national who has an immediate family member residing in Canada as a worker, visitor, student or protected person may travel to Canada to reunite with that person under certain conditions.
- The definition of immediate family members in Interim Order No. 2 is broader than the definition in the *Immigration and Refugee Protection Act* (IRPA):
 - ✓ spouses and common-law partners
 - ✓ their dependent children and any dependent children of their dependent children
 - ✓ parents or in-laws
 - ✓ the spouse or common-law partner of the parents or in-laws
 - ✓ the custodian or guardian



Steps for family members seeking to join a temporary foreign worker in Canada

	The person requires an eTA	Already holds an eTA, TRV, WP and/or SP	Requires a TRV, WP or SP
Procedure	<p>Apply for an eTA and declare the reasons for your visit to Canada as an immediate family member.</p> <p>You must obtain the eTA at the following address: https://www.canada.ca/en/immigration-refugees-citizenship/services/visit-canada/eta.html</p> <p>You can obtain your authorization by sending an email to: IRCC.COVID-TravelExemptions-Exemptionsdevoyage-COVID.IRCC@cic.gc.ca</p> <p>Or you can also send an e-mail to the visa office: https://www.canada.ca/en/immigration-refugees-citizenship/corporate/contact-ircc/offices/international-visa-offices.html</p>	<p>Contact the visa office to request written authorization which you must present to the airline for travel to Canada.</p> <p>You can obtain your authorization by sending an email to: IRCC.COVID-TravelExemptions-Exemptionsdevoyage-COVID.IRCC@cic.gc.ca</p> <p>Or you can also send an e-mail to the visa office: https://www.canada.ca/en/immigration-refugees-citizenship/corporate/contact-ircc/offices/international-visa-offices.html</p>	<p>Apply for a TRV, WP or SP as an immediate family member</p> <p>You must submit an online application via the IRCC portal for individuals or authorized representatives: https://www.canada.ca/en/immigration-refugees-citizenship/services/application/accoun.html</p> <p>Note: VACs are temporarily closed and delays are expected.</p>
Required documents	<ul style="list-style-type: none"> ▪ Copy of the passport ID page of the person travelling ▪ Copy of the passport ID page of the TFW or international student residing in Canada ▪ Proof of status of the TFW or student residing in Canada (copy of the work permit, study permit, etc.) ▪ Proof of the relationship between the traveller and the TFW or student (copy of marriage certificate, birth certificate, etc.) ▪ Confirmation of the traveller's eTA or TRV, WP or SP ▪ Form IMM5476, if required 		<ul style="list-style-type: none"> ▪ All of these documents ▪ Forms and documents according to the type of immigration application as required by the visa office in charge ▪ If necessary: <ul style="list-style-type: none"> - Medical examination and/or - Police certificate

Work permit applications submitted abroad

WHO?



PROCESS



CURRENT
OBSTACLES



Documents required by the airline

	Immediate foreign family member joining a foreign worker or student	Temporary foreign worker travelling to Canada	Temporary foreign student travelling to Canada
Specific documents	<ul style="list-style-type: none">▪ Written authorization from IRCC or the Consulate confirming that you are exempted from travel restrictions for the purpose of family reunification.▪ eTA, TRV, WP, SP: depending on which one you requested.	<ul style="list-style-type: none">▪ Valid work permit or letter of introduction from IRCC approving your work permit application.▪ Letter from the employer confirming the necessity of the employment and that the worker's presence in Canada is still required.	<ul style="list-style-type: none">▪ Valid study permit or letter of introduction from IRCC approving your application for a study permit issued before March 18, 2020.▪ Proof of registration or admission to a designated educational institution in Québec.



Mandatory isolation for travelers entering Canada

- Health assessment before leaving the port of entry.
- **Mandatory isolation for 14 days, even if the individual has no symptoms.**
- Obligation to submit an **isolation plan** upon arrival in Canada. If no plan, obligation to **delay travel** until the individual has identified such a plan.
- Only persons who provide essential services, for example, truckers who regularly cross the border to maintain the flow of goods, are exempted from isolation requirements.

Temporary residents in Canada



Extension Process

- No change in the procedure for changing the conditions of stay, extending your stay or remaining in Canada as a worker.
- Average processing time of 89 days for an online application.



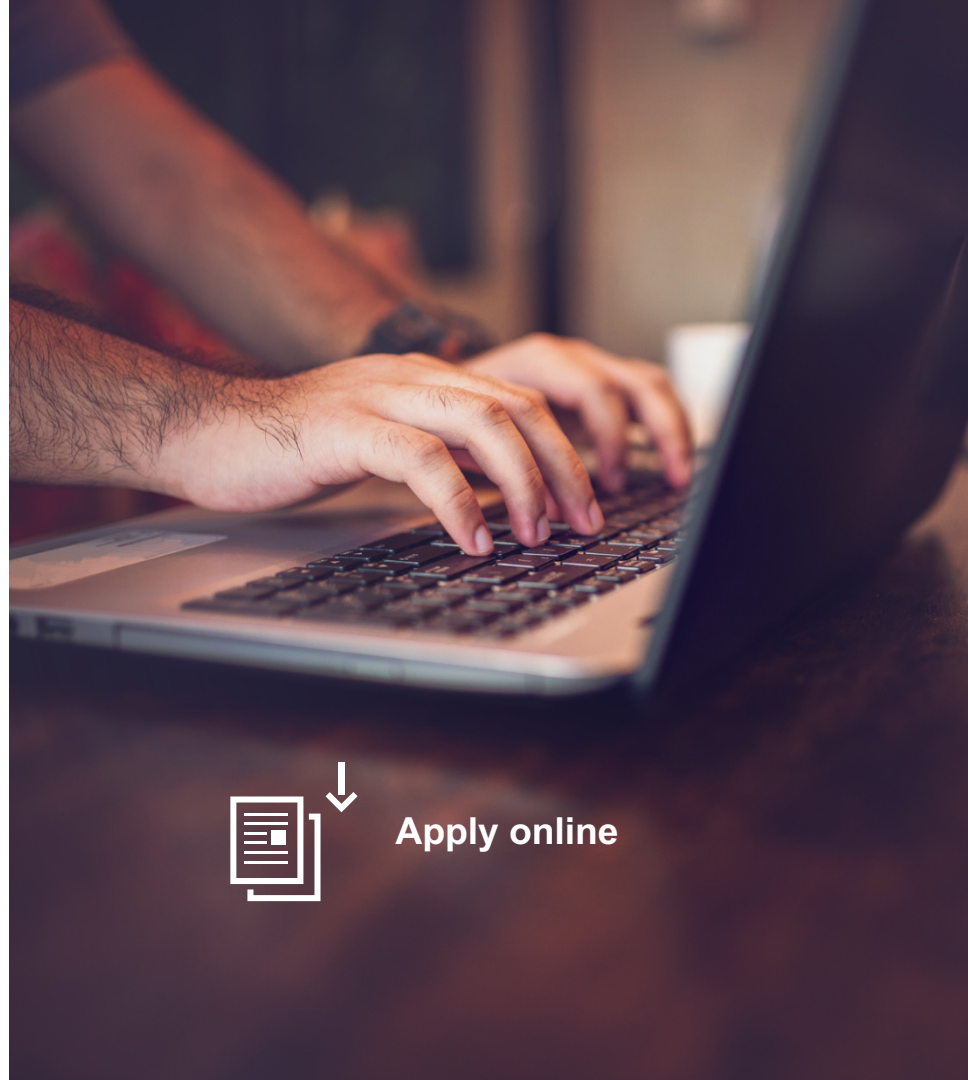
Biometric data collection in Canada

- The person does not have to worry about meeting the 30-day time limit indicated in the letter of instruction; they will have 90 days to provide their biometrics.
- The application will not be refused on the basis of biometric data.
- The person will have to make a new appointment when the service centers start collecting biometric data again.
- The letter of instruction remains valid.

Flagpoling

Coronavirus (COVID-19) - Immigration services

Travel for the purpose of obtaining immigration services is non-essential. If you are in Canada, and are seeking to travel to the border in order to make an application for a work permit, study permit or permanent residence, you are asked to consider federal and provincial guidelines for self-isolation and social distancing. Do not travel to the border for these services until further notice. If you are currently in Canada as a visitor, student or worker, you can apply online to IRCC to extend your temporary resident status. By doing so, you can continue to stay, study or work in Canada while your application is being processed. This is referred to as implied status, and as long as you apply before your current document expires, your current immigration authorizations and conditions remain unchanged. In-Canada services are available through [Immigration, Refugees and Citizenship Canada](#).



COMPLIANCE



Obligations overview



1 The **"same" occupation** as described in the job offer or confirmed in the positive LMIA letter and its annexes.

2 Wages and conditions (tasks, hours, benefits and work location) substantially similar to, but no less advantageous than those described in the job offer.

3 Keep all relevant documentation for a period of 6 years.

Risks of non-compliance

LEGAL

- Investigations
- Monetary fines from \$500 to \$100,000 for each offence, up to a maximum of \$1 million per employer over a one-year period.

FINANCIAL

- Revocation or suspension of any previously issued LMIA.
- A ban of 1, 2, 5 or 10 years, or a permanent ban for the most serious violations of the TFWP; resulting into loss of services and revenue for the company.

REPUTATIONAL

- Potential serious impact on public perception of your brand.
- The authorities may flag your business, causing future immigration issues.

Economic measures

Uniform
application



Subsection 203 (1.1) c) g)
IRPR



ça va bien aller

SAME WORK UNIT



SIMILAR JOBS



FORCE MAJEURE?



CASE LAW



TEMPORARY LAYOFF



Useful resources

Work-Sharing program
(WS)

Do you qualify?

<https://www.canada.ca/en/employment-social-development/corporate/notices/coronavirus.html>



Employment Insurance and
Canadian Emergency
Response Benefit

<https://www.canada.ca/en/services/benefits/ei/ceerb-application.html>

Québec

<https://www.quebec.ca/en/family-and-support-for-individuals/financial-assistance/temporary-aid-for-workers-program/>

Questions?





Contact us



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