Case Scenario 1:

Foreign National arrives prior to receipt of WP and expects to begin working immediately
- Not legally allowed to work or perceived to be working without proof of WP – cannot be on campus until such proof is provided
- Not legally eligible to receive any form of remuneration for period without WP – appt. cannot begin upon date of arrival, must show on HR records to be date of issuance and validity of the WP
- Must inform HR of official start date – if appt. form indicates date of arrival but WP not yet obtained, must notify HR to ensure not remuneration is made for this period

Case Scenario 2:

Int’l student wants to work/volunteer after degree completion and before beginning next degree program
- Once Int’l student is Degree Requirements Completed (DRC = date noted on unofficial transcripts as meeting all degree requirements for their degree program – NOT convocation date), no longer a student, therefore no longer eligible to work/volunteer with just a SP
- Registration to next degree program does not give continued status as student – must be registered and taking courses to be considered as a student to be eligible to work with just a SP
- Once DRC, only eligible to work part-time to max of 20 hrs/wk for 90 days or to expiry of SP, whichever date is earliest

Case Scenario 3:

Foreign National is re-appt’d OR any Foreign National continuing an appt./contract requires a renewal of WP to continue working
- Foreign National is responsible to provide proof to hiring area AND HR of application of WP renewal in order to be on implied status before they can continue working AND be paid for the implied status period
- Dept and HR will not allow Foreign National to continue working or be paid without proof of application

Case Scenario 4:

Foreign National appt’d as PDF for 1 year and now wishes to change appt. to Research Associate part way through the appt. or increase salary for the PDF (if unable to appt. to RA)
- Not eligible to change appt. – WP applied for and received as PDF without need for LMIA, new appt. as RA requires LMIA even though it may be the “same” job
- Any increases to salary not part of the annual salary increases cannot be done as the offer was made for a set amount and we have policies that govern annual salary increases – WP was issued based on this info, any changes must be first approved by IRCC/CIC
Case Scenario 5:

Foreign National is invited by a faculty member as a friend to visit for personal reasons and is asked to give a “talk” to his/her class while in town visiting.

- Foreign National entered as a tourist/visitor, this status in Canada does not allow for the visitor to give such a talk to a class or any other work-related event

Compliance:

**Rules of compliance** and STS are still the same – no changes since June 2014, but penalties for non-compliance changed as of Dec. 1, 2015:

- Now – ability to revoke any/all issued WPs and LMIs for all current TFWs working for the employer (vs. revocation of LMIs only)
- Now – bans of 1 to 10 years (vs. 2 year max ban)
- Now – Administrative Monetary Penalties (AMPs) range from $10k to $1M per violation (vs. $10k/violation)
- Now – severity of non-compliance based on a point-system with very broad scope of interpretation by Officer (vs. yes or no non-compliance)
- Now – can review up to 6 years previous for non-compliance (vs. up to 2 years only)
- Now – on-site reviews can include reviews of ALL possible areas of non-compliance including WSIB, CRA (vs. review of TFWP only)

Reminders:

Ads – guidelines posted on Provost’s website are for faculty hiring only – ads for non-faculty position are very different and are based on wage amount, not skill level/position

**LMIs are almost never done for positions other than faculty**

**Any Foreign National coming to campus other than to truly tour the facilities, must meet immigration requirements**

Immigration decision made by the Visa & Immigration Support Office can still be superseded by IRCC/CIC and/or CBSA because we are/should be only privy to employer-side information of the Foreign National – we do not know what other information the Foreign National may be disclosing to IRCC/CIC and/or CBSA (that info is confidential and we are not required to ask/know about it)

If an area/lab/supervising host hires/engages a Foreign National to work or perceived work, must take on the responsibility for the Foreign National – i.e. if FN has not completed appropriate safety training before entering a lab, area/lab/supervising host is responsible to ensure that the FN is not allowed into the lab until training is completed.

*CUIHP is conditional on the issuance of WP – not eligible to be on campus without UHIP if here for more than 3 weeks and a WP is required to take up appt.*