IMMIGRATION – WHAT IS IT & WHEN TO USE IT

October 28, 2026

Frances Hannigan, RCIC #R507077
Assistant Director, Immigration & Visa Services
Legal & Immigration Services

UNIVERSITY OF WATERLOO



What is Immigration & When is it used

Immigration = Immigration and Refugee Protection Act (IRPA) & Immigration and Refugee Protection Regulations (IRPR)

It is a federal legislation – aka law – that helps to regulate who can and cannot enter Canada and what documentation they will need to enter Canada depending on what they will be doing while in Canada.

Canadian citizens and Canadian Permanent Residents (CPRs) have rights under the Citizenship Act and IRPA to enter, work, study, visit without the need for additional documentation other than their passport and/or PR Cards.

All other citizens and permanent residents of countries other than Canada will require additional documentation dependent on what their primary or majority purpose is for entering and remaining in Canada.

Immigration Considerations: Nature of the Business

University of Waterloo is an Academic Institution. We are also an Employer to whom we hire employees to provide services as an Academic Institution.

Thus, the nature of our business is to teach and do research and provide support services to those activities.

Who is responsible for Immigration At Waterloo

Visa & Immigration Services, Legal & Immigration Services (LIS): LIS is responsible for all matters pertaining to Immigration as it relates to the University as an employer/host

- For the purposes of Immigration, anyone coming to the University and not registered or enrolled in a program of studies offered by a Cdn DLI, the University is the employer/host

The Centre: International Experience Centre (IEC) is responsible for all matter pertaining to Immigration as it relates to the University as an academic institution

- For the purpose of Immigration, anyone coming to the University and are formally registered & enrolled in a program of studies offered by a Cdn DLI and are here to study or participate in an activity that is part of their program of studies with a Cdn DLI, the University is the academic institution

What is deemed "work"

Immigration Canada's Definition of "Work:

Section 1(1) of IRPR sets out the definition for work as "an activity for which wages are paid or commission is earned, or an activity that is in direct competition with the activities of Canadian citizens or permanent residents in the Canadian labour market."

How it's Applied:

The nature of what the University of Waterloo does needs to be taken into consideration to determine if an activity to be performed is deemed as work.

*Work is defined separately from employment – this means that someone can still work for the University but not be employed by the University.

What is deemed "work" – cont'd

How it's Applied – cont'd:

Any activity performed that have traditionally, historically or potentially been done or may be of benefit to the University as an academic institution and/or employer is considered to be "work."

Such activity is not dependent on whether remuneration has been provided but whether that activity, within the entire University (not just your dept./area) can or have been compensated for or is of a benefit to the University as an academic institution and/or employer AND where a Cdn/CPR can or potentially can do the activity in place of a foreign national.

What is deemed "work" – cont'd

- **Scenario 1:**

A Chinese Delegation member is invited to visit and tour the facilities of the QNC. While on the tour, the Delegation member is asked to participate in an experiment.

- **Analysis:**

The Delegation member is asked to participate in an experiment – traditionally this is part of the tour and has never been considered as an activity that can be performed for the benefit of the University but is of benefit to the tour group only

- **Conclusion** – Not deemed as a worker

What is deemed "work" – cont'd

- **Scenario 2:**

The same Chinese Delegation member is invited to visit the TQT lab and provide a talk to faculty, staff and students about the research the Delegation member is currently conducting in collaboration with TQT.

- **Analysis:**

The Delegation member is specifically invited to provide a talk on research that they are co-collaborating with a member of TQT, thus performing a duty that is part of the nature of our business – a duty that potentially can be done by the TQT member instead

- **Conclusion –** Deemed a worker

UNIVERSITY OF WATERLOO

What is deemed "work" – cont'd

- **Scenario 3:**

Master's student recently graduated and will be volunteering within the Brain & Body Lab to complete a research project.

- **Analysis:**

If the duties of the volunteer is to be a test participant, no work is considered here as traditionally all labs across campus have always used volunteer test participants as part of any research project.

If the duties of the volunteer is to conduct research for the project, this is considered work as other researchers in other labs across campus are being paid for their work – the former Master's student is volunteering their time to do the research work.

- **Conclusion:** It depends…..Test Participant = not deemed as a worker; Conduct Research = Deemed worker

Work Permit – Types



LMIA Supported

This type of WP requires extensive advertising and recruitment and a submission to IRCC and ESDC to show that the employer has made every effort to try to find and hire a Cdn/CPR for the job



LMIA Exemptions

Defined set of eligibility criteria allowable for academia that must be met to be exempt from the requirements of the LMIA process for a WP – i.e. C44 = PDS, C52 = Award /Scholarship Recipients



WP Exemptions

Work that can be performed in Canada without the need for a WP. Duration and type of work is restricted for academia to 120 calendar days for research work only.

UNIVERSITY OF WATERLOO

LMIA vs. LMIA Exempt vs. Work Permit Exempt



*LMIA – mostly done for faculty appts; extensive advertising for position must be done along with bona fide recruitment & interview process

Waterloo limits the types of positions LMIAs will be applied for under this category based on factors of availability of "local" candidates – i.e. OWP/SOWP holders, position's ROI to the University (not just to the hiring area), feasibility of a positive LMIA outcome, Compliance and reporting obligations to IRCC, ESDC and/or CRA



*LMIA Exempt – for most visiting & PDF positions; categories of exemption are limited

* Both are used to support the work permit application



Work Permit Exempt – mostly used for visiting research positions only; period of visit is exact and limited with requirement to physically leave Canada after visit period ends

UNIVERSITY OF WATERLOO

Work Permit Types - cont'd

- **Scenario 1:**

A collaborator of a named research grant within the Waterloo Institute for Hellenistic Studies will be visiting for a duration of 30 days or possibly as long as 6 months.

- **Analysis:**

As there is an active grant between the collaborator/visitor and Waterloo, whatever the visitor will be doing with the Institute will be deemed to be work because of the grant. Consideration must be given as to how long the visit will be to determine what immigration is applicable.

- **Conclusion:** Visit =< 120 calendar days – no work permit required under GSS needed; Visit > 121 calendar days – work permit required

Work Permit Types – cont'd

- **Scenario 2:**

A retired professor from MIT will be a guest speaker as part of the Tutte Colloquium series. The professor also plans to meet with several colleagues within the C&O dept to discuss on-going research during their 5 day visit.

- **Analysis:**

The primary purpose of the visit is as a guest speaker, but work will be done with colleagues on on-going research.

- **Conclusion:** Academic Business Visitor & Guest Speaker – work permit exempt under R186(a) & R186(j) of IRPR

Work Permit Types – cont'd

- **Scenario 3:**

A researcher with Nissan will be meeting with several colleagues within MME dept to discuss on-going research during their 4 month visit. During the 4 months, the researcher will give a series of talks/seminars to graduate students

- **Analysis:**

The primary purpose of the visit is to discuss on-going research, however, series of talks/seminars must be considered equally

- **Conclusion:** Guest Lecturer – work permit required (GSS cannot apply as 100% of time spent is not on research)

Proof of Work Permit

Valid Proof



Invalid Proof – unless outside Canada & accompanied by LOI



UNIVERSITY OF WATERLOO

Proof of Work Permit Exemption

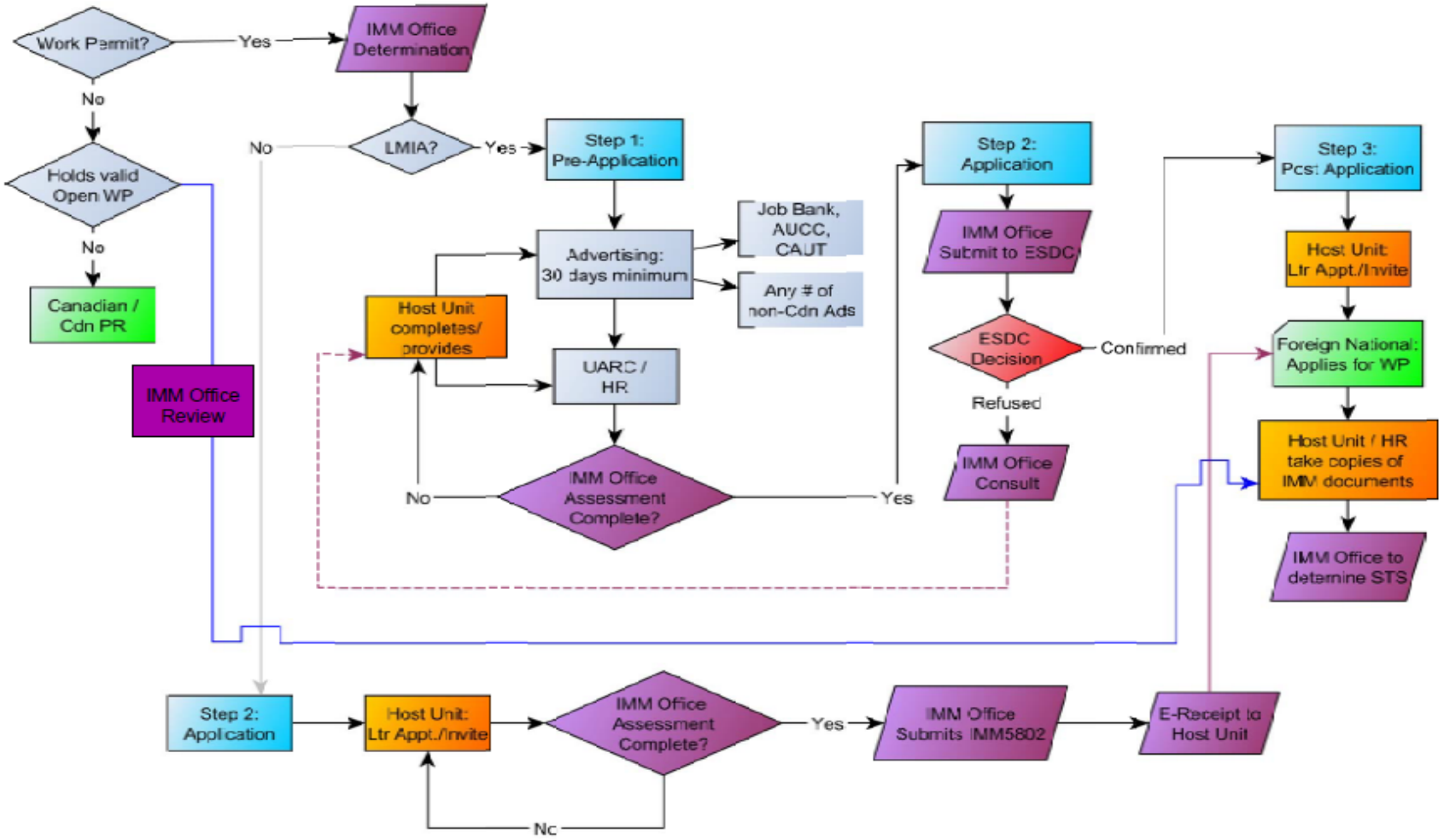






UNIVERSITY OF WATERLOO

Work Permit Decision Matrix



UNIVERSITY OF WATERLOO

Websites of Interest

On-campus Immigration Information:

- https://uwaterloo.ca/legal-and-immigration-services/visa-and-immigration-support/information-employers

Information for Foreign Visitors – including visiting students:

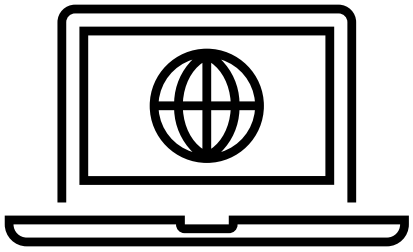
https://uwaterloo.ca/legal-and-immigration-services/visitors-including-visiting-students-scholars-researchers

IRCC Processing Times:

- http://www.cic.gc.ca/english/information/times/index.asp

IRCC TFWP Manual:

- http://www.cic.gc.ca/english/hire/worker.asp



Frances Hannigan, RCIC #R507077
Assistant Director, Immigration & Visa Services
fhanniga@uwaterloo.ca
519-888-4578 ext. 43662