

**UNIVERSITY OF
WATERLOO**

2014

Inviting

Foreign Nationals ---

Definitions

THE ROLE OF THE IMMIGRATION OFFICE

The hiring of temporary foreign workers (TFWs) can be a complex process involving numerous and varied rules and regulations, both internal and external. Mistakes or misunderstandings could prove to be costly and cause a great deal of inconvenience both to the hiring unit and to the applicant. If considering hiring a foreign national to a position within uWaterloo or wishing to extend an appointment/invitation, the Immigration Office must be contacted prior to beginning the process or making any formal offers. In addition to being the liaison with contacts at ESDC and CIC, the Immigration Office acts in an advisory capacity to the departments/schools in the hiring/inviting of temporary TFWs and *must* be consulted in the initial stages when considering the employment of casual, temporary or permanent TFWs.

This guide is provided as a reference only for informational purposes. Any area looking to invite a foreign national to uWaterloo still must follow the set procedures as outlined here:

<https://uwaterloo.ca/watport/campus-resources/immigration-employer> and according to your area's requirements for invited visitors.

Acronyms

CCFTA – Canada Chile Free Trade Agreement

CEC – Canadian Experience Class

CIC – Citizenship & Immigration Canada

CPC – Case Processing Centre

IEC – International Experience Canada (aka Working Holiday, Young Professionals, International Co-op)

FTA – Free Trade Act

FSW – Federal Skilled Worker

GATS – General Agreements on Trades & Services

ESDC – Employment & Social Development Canada

IRPA – Immigration and Refugee Protection Act

IRPR – Immigration and Refugee Protection Regulations

LMIA – Labour Market Impact Assessment

NAFTA – North American Free Trade Agreement

PNP – Provincial Nominee Program

PR – Permanent Residency

SP – Study Permit

SWAP – Student Work Abroad Program (aka IEC)

TFWP – Temporary Foreign Worker Program

TFW – Temporary Foreign Worker

TRV – Temporary Resident Visa

WP – Work Permit

SELECT GLOSSARY OF CITIZENSHIP AND IMMIGRATION CANADA TERMS

Business Visitor - A person whose:

- Visit is 6 months or less (no possibility of extension),
- There must not be an employer-employee relationship between the academic institution and the visitor,
- Comes to Canada to take part in international business or trade activities,
- Has no intent to enter the Canadian labour market, **and**
- Works for and is paid by a company outside Canada or by a foreign government.

Co-op Student – Students who need to do co-op work placements as part of their Canadian program of study.

Co-op/Internship Work Permit - Foreign students who wish to participate in a Canadian co-op or internship program in a Canadian institution must apply for a work permit as well as a study permit. Foreign students who are studying in Canada and who need to do co-op work placements as part of their program of study do not need an LMIA.

To be eligible for the co-op/internship work permit program, student must meet the following conditions:

- Must have a valid study permit or apply for the work permit in conjunction with a study permit.
- Intended employment must be an essential and integral part of program of study in Canada.
- Employment must be certified as part of academic program, by a letter from a responsible academic official of the institution.
- Co-op or internship employment cannot form more than 50 percent of the total program of study.

Exchange student - An exchange student is a student who studies in another country by switching places with a student from that country for a short period of time.

Financial support - Financial support means that your sponsor provides money to help you pay for food, living allowance, etc.

Foreign student (International student) - A temporary resident who is legally authorized to study in Canada on a temporary basis. Foreign students must get a study permit if they are taking a course of studies that will last for more than six months.

Foreign worker - A temporary resident who is legally allowed to work in Canada on a temporary basis.

Full-time job equivalent - Defined as 1,950 hours of paid employment per year.

Honorarium – Is a token of appreciation (monetary or non-monetary) for services that have been provided free of charge. An honorarium should not be used as a replacement for salary and wages or living allowance, and should be the exception rather than the rule. Honoraria are not paid to a visitor if

the visitor is already receiving a salary from the host or his/her own employer, a reimbursement for living allowance/costs or an award/scholarship/bursary. Amounts paid are to be reasonable and no more than those paid in arm's length for similar services. Honoraria are subject to taxable deductions. (Health Services Canada Policy on External Advisory Bodies, s8.7; Canada Revenue Agency Income Tax Interpretation Bulletin IT496R – Non-Profit Organizations)

See also the University of Waterloo's Guidelines on Honorariums: <https://uwaterloo.ca/human-resources/honorariums>

Internship - Supervised work or school-related training that may be either paid or unpaid.

Labour Market Impact Assessment – Federal immigration regulations require that Canadians and permanent residents be given first opportunity for positions for which they are qualified and available. A Labour Market Impact Assessment is an assessment by ESDC (Service Canada) to an employer who wants to hire a foreign worker. The assessment is based on the impact a worker would have on Canada's labour market, i.e., how the offer of employment would affect Canadian jobs.

A positive LMIA will show that there is a need for a foreign worker to fill the job and that no Canadian worker can do the job. A positive LMIA means that the employer has tried but has been unable to find a Canadian or permanent resident for the job, and that the job offer is genuine.

The following individuals do not require a LMIA before applying for a work permit:

- Canada Research Chairs
- Citizens of the USA, Mexico and Chile (must have at least a baccalaureate degree)
- Guest Lecturers
- Postdoctoral Fellows
- Visiting Professors

Living Allowance – A specified rate payable per day to cover travel, meals and accommodations. A recommended rate is set by DFATD at \$1300/month (http://www.international.gc.ca/development-developpement/partners-partenaires/bt-0a/monthly_allowances-indemnites_mensuelles.aspx?lang=eng) for international students. The allowance should not be combined with reimbursements for local travel, meals or accommodations as the allowance is made to cover these costs on a daily basis. Living allowances of 30 days or more are treated as a taxable benefit.

Post-graduation work permit - A document issued by CIC to eligible foreign students to work after completing their studies. They must have:

- Graduated from an approved program of study at an eligible post-secondary institution in Canada
- Applied to CIC within 90 days of completing all degree/program requirements.

Study permit – A permit authorizing foreign nationals to enter and study in Canada on a temporary basis. The study permit identifies the level of study and the length of time the individual may study in Canada. Students may not need a study permit for courses shorter than six months.

Temporary Resident - Status of a foreign national who is in Canada legally for a defined period of time. Temporary residents include students, temporary foreign workers and visitors, such as tourists.

Temporary resident visa - An official counterfoil document issued by a visa office abroad that is placed in a person's passport to show that he or she has met the requirements for admission to Canada as a temporary resident (visitor, student or worker).

Visa Entry Stamp – An official stamp placed in a passport of all temporary residents prior to entry to Canada. The Visa Entry Stamp is placed into a page of the passport by either a Border Services Officer or Customs Officer and will have a date noted on the stamp indicating the last date of valid stay in Canada unless otherwise noted on a study or work permit.

Volunteer - A person who, of his or her own free will, contributes time, resources, energy and/or talent to an organization without being paid.

Volunteer activities that are **not** “work” and do not require a work permit:

- Volunteer work for which a person would not normally be remunerated, such as a foreign student being a ‘big brother’, or ‘big sister’ to a child; being on the line at a rape crisis centre. Normally this activity would be part time and incidental to the main reason that the person is in Canada (in this case, to study).
- Unremunerated observation of the functioning of a given work environment or occupation (i.e., following a geologist on their sample-gathering trips). In some cases, minor tasks may be performed by the foreign student (such as clerical chores), however there should not be a significant contribution to the productivity of the enterprise.
- There may be other types of unpaid short-term work where the work is really incidental to the main reason that the foreign student is in Canada and is not a competitive activity, even though non-monetary valuable consideration is received. For instance, if a foreign student wishes to stay on a family farm and work part time just for room and board for a short period (i.e., 1-4 weeks), this would not be considered an activity which requires a work permit.

Volunteer activities which do require a work permit, but remain ESDC confirmation exempt:

- With respect to volunteer work, the following conditions apply in order to be eligible for confirmation exemption:
 - The individual will not receive remuneration, other than a possible small living expense; **and**
 - The work goes above and beyond normal work in the labour market, whether remunerated in some manner or not. Examples of this might be constructing a house for Habitat for Humanity.

Volunteer activities requiring a Work permit and ESDC confirmation required:

- Work (remunerated or not) in situations that do not fulfil the conditions above.

Work permit - Authorization that allows a non-Canadian citizen or a non-permanent resident to legally work in Canada. The document issued by CIC sets out conditions for the worker such as:

- Type of work they can do,
- The employer they can work for,
- Where they can work, **and**
- How long they can work.

Work - “Work” is defined in the Regulations (s.2) as an activity for which wages are paid or commission is earned, **or** that competes directly with activities of Canadian citizens or permanent residents in the Canadian labour market.

- Any activity which might be considered ‘competitive’ within the Canadian labour market, even if unpaid is not volunteer work. For example, if the work might be a valuable work experience for a Canadian student (such as an internship with a high-profile NGO, *even if unpaid*).
- The work is “normal” work in the labour market: i.e., it competes with other jobs in the Canadian labour market. For example, if a foreign student is doing an internship that is not a requirement for the completion of a Canadian academic course of study, whether paid or unpaid, that fulfils the definition of “work”.

Foreign students engaging in “work” are required to have a work permit, except on-campus employment, for which a work permit is not required.

UWATERLOO RESEARCH FUNDED & VISITOR POSITION TITLES (as adopted by E&CE Dept.)

REMUNERATED POSITIONS

Postdoctoral Fellow - Post Doctoral Fellow (PDF) refers to individuals who, within five years of being awarded a PhD, or an equivalent degree in the discipline in which the research is to be carried out, continue to conduct research in their field of study. The research is a continuation of training to build the PDF's expertise and reputation. PDFs work under the guidance of Principal Investigators. The PI should outline the general nature of the work to be done, but the PDF should have considerable independence.

- PDFs are appointed for definite term up to 3 years with limited renewal.
- The appointment engages a postdoctoral fellow in research and scholarship on a full-time basis
- Minimum stipend is \$30,000 per annum, regardless of funding source; funding sources PDFs may receive compensation from funded research, departmental operating budgets, departmental fellowships, an external source, or a combination of sources.
- If permitted by the funding agency or where the supervisor is providing the funding, PDFs may apply to teach, normally no more than one course per year.
- Under Policy 56, appointments of one year or more will be entitled to vacation of one month annually and the compensation will be at the individual's normal monthly rate.

Research Assistant – A research employee working on the project in a technical, administrative, or research capacity where the work is highly directed by the principal investigator (PI). They may be employed on an hourly basis to perform work on a sponsored project assuming that the work is appropriate to the project and funds are available. A Research Assistant will have at minimum a Master's degree or equivalent. This designation may include research activities with faculty members such as a lab placement.

Research Associate – A Research Associate possesses a doctoral degree and the qualifications and expertise to conduct independent research activities in collaboration with faculty members and other researchers. A Research Associate is actively and directly engaged in the research with the Principal Investigator (PI), and may be credited in any dissemination of research results.

Guest Lecturer – An individual who may or may not possess a PhD but must have minimally a Master's degree or equivalent. They are appointed to teach and/or provide a series of lectures for one day less an academic term. The course(s) taught must not be continuous in nature and there is no possibility for renewal or re-appointment.

Guest Speaker – A guest/public speaker invited for a specific event to provide a talk, lecture or lead a seminar. A seminar is defined as a small class at a university, etc. for discussion and research, or a short intensive course of study or a conference. Seminars given by the speaker does not last longer than five days. Situations where multiple locations are involved, the duration of the speaking events is no more than five days, not counting travel time. The speaker may be invited to a larger event that lasts longer than five days but the total time spent at the event by the speaker cannot be more than five days.

VISITING POSITIONS

No individual is "officially" visiting the University unless there is a formal letter of appointment from the Dean/Chair (depending on the normal practice of your Faculty). These appointments are limited to a maximum of two years.

NOTE All visitors working in labs are required to complete mandatory safety training.

Visiting Professor – These appointments are made only when appointees hold continuing appointments or have emeritus status at other universities or institutions to which they expect to return. Their primary purpose on campus is to conduct independent research if they are here on sabbatical. Visiting Professors may also be here to teach a series of courses or labs during their sabbatical and may be remunerated for their time. Visitor appointments will normally be listed by the rank which they hold in their home institutions, or by an appropriate equivalent rank, preceded by the word “visiting”.

Visiting Researcher – Graduate students working towards a graduate degree or doing postgrad work at another institution and the proposed visit is to conduct research for the purpose of meeting degree requirements. This may include students registered at other universities who are doing research in a field of interest to a faculty member and conduct research under the supervision of a professor as part of a research study or grant.

When agreeing to invite such graduate students to conduct research at uWaterloo, faculty must be mindful of the need to place primary emphasis on providing research opportunities to current students. In addition, invited students must be qualified to conduct research at a level comparable to that of other uWaterloo graduate students within the dept., and the research must be of benefit to the dept. as well as the visitor.

Visiting Scholar – Individuals who possess a PhD or equivalent, or are a recognized expert in their field. They are academics interested in collaborative scholarship and research with departmental colleagues, and may work on joint research projects. Visiting Scholars will have access to department research facilities.

Visiting Scientist - Visiting Scientists are usually researchers who are currently employed in a non-academic position at outside institutions or organizations and who are coming to work in department labs temporarily. It is expected that such appointees will return to their positions. These positions are normally held for a maximum of 2 years.

Self-funded Researcher (aka Business Visitor) - Self-funded researchers conduct research purely for their own projects and use our facilities but are in no way contributing to research projects within uWaterloo or receiving any official funding/scholarship/academic grant from any sources, but maintains a salary/income paid by their home institution/business.

Foreign students doing research in Canada for their diploma/thesis at their home university must meet the definition in order to be classified as a “self-funded researcher.” Any scholarship, bursary, award,

remuneration or reimbursements made to the foreign student by any party, will deem them to be not within this category.

A Self-funded Researcher must meet all conditions listed in order to be work permit exempt:

- Visit is 6 months or less (no possibility of extension)
- Must have return position to go back to (i.e., source of employment income outside of Canada)
- Not planning to enter Canadian labour market, even after arrival (i.e., main source of continued remuneration outside of Canada)
- Purpose to advance international business with Canadian source
- There must not be an employer-employee relationship between the academic institution and the visitor
- Must not receive remuneration or reimbursement for the research (collaborative or otherwise)

Examples of possible Self-funded Researchers:

- Attendees of meetings, conferences, conventions, trade shows
- Professors here to do independent research - with return positions (ideally on sabbatical)
- Service person providing training on equipment/services sold to Canadian company
- Employees of a foreign company receiving training on equipment/services bought from Canadian company

CIC.gc.ca definition: <http://www.cic.gc.ca/english/visit/business-who.asp>

IRPR definition: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/page-79.html?texthighlight=visitors+business+visitor#s-187>

WORK NOT REQUIRING WORK PERMITS

Persons listed in IRPR 186 are exempt from the need to obtain a WP and may enter under a TRV if staying for less than 6 months or a *Visitor's Record* if staying beyond 6 months. (*Visitor's Record* is only necessary if the person intends to stay in Canada for longer than 6 months regardless as to whether their country of nationality is visa-exempt.)

Note: Categories 5, 6 and 7 are dealt with in more detail in the "Inviting Visiting Scholars/Researchers" section.

1. Student Authorizations:

Full-time students in a degree or diploma-granting course fall into this category – including PhD and Master's students. They may be employed **on-campus only** if they meet the following conditions:

- Registered as a full-time student
- Holds a valid study permit and already on-campus studying for a minimum of 1 term
- Work being done will take place on-campus or in an affiliated uWaterloo campus (i.e., School of Architecture in Cambridge)
- Maximum employment during study term (any term student is formally registered for) is 20 hours/week and 35 hours/week for non-study terms (if last non-study term before convocation, maximum employment duration is 90 days at 35 hours/week)

Employment Authorization exempt. *IRPR186(f)*.

Allowable Remuneration:

- Salary
- Any form of reimbursement that is allowable in the University policies

2. Employment Interviews:

Any candidate invited to come to uWaterloo for an employment interview will be considered a visitor.

Needed:

- Proof of citizenship – i.e., passport, certificate of naturalization
- Letter of invitation indicating purpose of visit, position for which they are being considered for and any reimbursement they will be receiving
- Proof of return/leave Canada – i.e., return flight ticket

Employment Authorization exempt. *IRPR 183(1)*. May require a Temporary Resident Visa before entering Canada. *IRPR 190*.

Allowable Remuneration:

- Reimbursement of travel, accommodations and meals during invited interview dates

3. Academic Consultants:

Third-party consultants invited to appraise or evaluate academic programs.

Needed:

- Proof of citizenship – i.e., passport, certificate of naturalization
- Letter of invitation stating purpose, duration of visit and any reimbursements to be given
- Proof of return/leave Canada – i.e., return flight ticket
- Proof of funds/means of support while in Canada

Employment Authorization exempt. *IRPR186(n)*. May require a Temporary Resident Visa before entering Canada. *IRPR 190*.

Allowable Remuneration:

- Reimbursement for travel, accommodations or living allowance¹

4. Academic Examiners/Evaluators:

An academic who directs studies and reviews the work of students under their tutelage; can come to review papers and thesis.

Needed:

- Proof of citizenship – i.e., passport, certificate of naturalization
- Letter of invitation stating purpose and duration of visit and any reimbursements to be given
- Proof of return/leave Canada – i.e., return flight ticket
- Proof of funds/means of support while in Canada

Employment Authorization exempt. *IRPR186(n)*. May require a Temporary Resident Visa before entering Canada. *IRPR 190*.

Allowable Remuneration:

- Reimbursement for travel, accommodations or honorarium

5. Academic Business Visitors:

A visitor here to discuss research matters of mutual interest. There **MUST NOT** be any interest to enter the Canadian labour market (i.e., no employer-employee relationship). The visitor's principal place of business is located outside of Canada and the primary (and **ONLY**) source of remuneration is outside of Canada. Visits may be longer than 6 months in length (i.e., professor here on sabbatical) providing the visitor can show self-support for entire period of stay.

Needed:

- Proof of citizenship – i.e., passport, certificate of naturalization
- Letter of invitation stating purpose and duration of visit
- Proof of position/employment held abroad with return date

¹ See Appendix A for Living Allowance

- Proof of return/leave Canada – i.e., return flight ticket
- Proof of funds/means of support while in Canada

Employment Authorization exempt. *IRPR186(a)*. May require a Temporary Resident Visa before entering Canada. *IRPR 190*.

Allowable Remuneration:

- None

6. Academic Guest Speaker:

An invited speaker who delivers a paper at a workshop, convention, conference, graduation or dinner where the stay is no more than 5 days in length for their portion of the presentation (duration of actual event may be longer than 5 days).

Needed:

- Proof of citizenship – i.e., passport, certificate of naturalization
- Letter of invitation stating purpose and duration of visit and any reimbursements to be given
- Proof of return/leave Canada – i.e., return flight ticket
- Proof of funds/means of support while in Canada

Employment Authorization exempt. *IRPR186(j)*. May require a Temporary Resident Visa before entering Canada. *IRPR 190*.

Allowable Remuneration:

- Reimbursement for travel, accommodation or honorarium
- Fees for services payable with invoice only

7. Self-funded Researchers:

An invited researcher with autonomous funding arrangements other than an award. uWaterloo cannot be the beneficiary of research. Must meet the definition of a Business Visitor.

Needed:

- Proof of citizenship – i.e., passport, certificate of naturalization
- Letter of invitation stating purpose and duration of visit and any reimbursements to be given
- Proof of position/employment held abroad with return date
- Proof of return/leave Canada – i.e., return flight ticket
- Proof of research funding from a non-Canadian source
- Proof of funds/means of support while in Canada

Employment Authorization exempt. *IRPR186(a)*. May require a Temporary Resident Visa before entering Canada. *IRPR 190*.

Allowable Remuneration:

- Reimbursement for travel, accommodations or living allowance

WORK REQUIRING WORK PERMITS BUT NOT LMIA VALIDATION/CONFIRMATION

Persons listed in R204 to R208 of the IRPR are required to have a WP in order to work and be paid for the work they do. However, the work they do under these regulations are exempt from needing an LMIA Validation/Confirmation in order to apply for the WP.

1. Fullbright Program Exchange:

Foundation for Educational Exchange between Canada and the USA; this organization facilitates academic – both work and study – exchanges for participants. WP application fees are exempt under R299(2)(h).

Needed:

- Proof of citizenship – i.e., passport, certificate of naturalization
- Letter of invitation stating purpose and duration of visit and any reimbursements to be given
- Letter of participation in the Fullbright Program stating duration of stay, purpose of exchange (i.e., for work and/or study) and any funding to be received from the Program
- Proof of return/leave Canada – i.e., return flight ticket
- Proof of funds/means of support while in Canada

LMIA exempt. *IRPR 204(a) – T11.*

Allowable Remuneration:

- Salary
- Reimbursement for travel, accommodation or living allowance² (if no salary is offered)

2. International Experience Canada (IEC)³:

aka Working Holiday, International Co-op or Young Professionals Program. Must be between the ages of 18 to 35. Maximum WP issued -1 year with no possibility for renewal (a few exceptions)

Needed:

- Proof of citizenship – i.e., passport, certificate of naturalization
- Letter of invitation for:
 - Working Holiday – purpose and duration of stay no more than 1 year and any reimbursements to be given
 - International Co-op – work within field of study, duration of stay no more than 1 year and any reimbursement to be given
 - Young Professionals – purpose and duration of stay no more than 1 year and any reimbursements to be given
- Proof of return/leave Canada – i.e., return flight ticket
- Proof of research funding from a non-Canadian source
- Proof of funds/means of support while in Canada

LMIA exempt. *IRPR205(b) – C21.*

² See Appendix A for Living Allowance

³ See Appendix B for a list of Bi-Lateral Countries using IEC.

Allowable Remuneration:

- Salary
- Reimbursement for travel, accommodation or living allowance⁴ (if no salary is offered)

3. Student Work Abroad Program (SWAP):

Similar to the IEC. Must be a registered student in post-secondary education and between the ages of 18 to 30 years. Maximum WP issued – 6 months without possibilities of renewal (a few exceptions)

Needed:

- Proof of citizenship – i.e., passport, certificate of naturalization
- Letter of invitation stating purpose and duration of stay no more than 6 months and any reimbursements to be given
- Proof of registration as a student with an accredited post-secondary institution
- Proof of return/leave Canada – i.e., return flight ticket
- Proof of research funding from a non-Canadian source
- Proof of funds/means of support while in Canada

LMIA exempt. *IRPR205(b) – C21.*

Allowable Remuneration:

- Salary
- Reimbursement for travel, accommodation or living allowance⁵ (if no salary is offered)

4. Guest Lecturers:

An invited speaker that delivers a series of lectures or seminars. The period of stay is no more than one academic term (4 months). There is no requirement that the speaker must hold a PhD but must have a minimum of a Master's.

Needed:

- Proof of citizenship – i.e., passport, certificate of naturalization
- Letter of invitation stating purpose and duration of visit and any reimbursements to be given (duration of stay must be shown to be less than one academic term)
- Proof of return/leave Canada – i.e., return flight ticket
- Proof of research funding from a non-Canadian source
- Proof of funds/means of support while in Canada

LMIA exempt. *IRPR205(b) – C22.*

Allowable Remuneration:

- Salary
- Reimbursement for travel, accommodation

⁴ See Appendix A for Living Allowance

⁵ See Appendix A for Living Allowance

5. Visiting Professor:

An invited professor (must hold a PhD or equivalent) that teaches or lectures one or more university subjects. The period of stay cannot be more than 2 academic years (two 3-term periods) and the professor must retain their position aboard. No possibility for renewal without first returning back to home institution for a minimum of 2 years.

Needed:

- Proof of citizenship – i.e., passport, certificate of naturalization
- Letter of invitation stating purpose and duration of visit and any reimbursements to be given
- Letter of return from home academic institution stating date of return and position returning back to
- Proof of return/leave Canada – i.e., return flight ticket
- Proof of funds/means of support while in Canada

LMIA exempt. *IRPR205(b) – C22.*

Allowable Remuneration:

- Salary
- Reimbursement for travel

6. Research Program Scientist/Scholar:

Distinguished scientists or scholars sponsored by the National Research Council of Canada (NRC), Natural Sciences and Engineering Research Council of Canada (NSERC), Atomic Energy of Canada Ltd., or International Development Research Centre of Canada to participate in research for these funding agencies.

Needed:

- Proof of citizenship – i.e., passport, certificate of naturalization
- Letter of invitation stating purpose and duration of visit and any reimbursements to be given
- Proof of return/leave Canada – i.e., return flight ticket
- Proof of sponsorship from funding agency
- Proof of funds/means of support while in Canada

LMIA exempt. *IRPR205(c)(i) – C31.*

Allowable Remuneration:

- Salary
- Reimbursement for travel

7. Canada Research Chairs or Canada Excellence Research Chairs:

Holders of research chair positions nominated for their research excellence, and are partially or wholly funded by the Federal and/or Provincial governments.

Needed:

- Proof of citizenship – i.e., passport, certificate of naturalization
- Letter of appointment stating position, duration of appointment as Chair and any reimbursements to be given
- National Confirmation Letter confirming CRC/CERC funding
- Proof of funds/means of support while in Canada

LMIA exempt. *IRPR205(c)(i) – C31.*

Allowable Remuneration:

- Salary
- Reimbursement for travel

8. Spouses/common-law partners of skilled workers or full-time students:

Spouses/common-law partners of skilled workers or full-time students registered in a Canadian designated learning institution accompanying the skilled worker/student may be eligible to work in almost any field without first having a confirmed job offer.

Needed:

- Proof of citizenship – i.e., passport, certificate of naturalization
- Proof of relationship to principal foreign worker/student
- Principal foreign worker's letter of appointment stating position and duration of appointment where the position must be in a NOC 0, A or B level and employment duration period is at least 6 months
- Principal foreign student's letter of acceptance stating designated learning institution attending and length of study period is at least 6 months
- National Confirmation Letter confirming CRC/CERC funding
- Proof of funds/means of support while in Canada

LMIA exempt. *IRPR205(c)(ii) – C41.*

Allowable Remuneration:

- Salary

9. Post-Graduate:

A graduating student who has completed a minimum of 8 months of full-time study in Canada would be eligible within 90 days of notification of completion of program requirements. The student would be eligible to work in any field but must still hold a valid study permit at the time of application. The WP is only issued once in a life time.

Needed:

- Proof of citizenship – i.e., passport, certificate of naturalization

- Optional – Letter of appointment stating position, duration of employment and any reimbursements to be given
- Proof of program duration and completion
- Proof of valid study permit at time of application
- Proof of funds/means of support while in Canada

LMIA exempt. *IRPR205(c)(ii)* – C43.

Allowable Remuneration:

- Salary

10. Post-Doctoral Fellows:

Must have completed a PhD (or equivalent) and the offer of employment is within the field of research of the candidate. The position is a definite term appointment totaling to no more than 4 years. Depending on the funding agency, length of appointment be differ.

Needed:

- Proof of citizenship – i.e., passport, certificate of naturalization
- Letter of appointment stating position, duration of employment and any reimbursements to be given
- Proof of completion of PhD
- Proof that offer of employment is within their field of research
- Proof of return/leave Canada – i.e., return flight ticket
- Proof of funds/means of support while in Canada

LMIA exempt. *IRPR205(c)(ii)* – C44.

Allowable Remuneration:

- Salary
- Reimbursement for travel

11. Research Award Recipient:

A direct recipient of an academic research award, scholarship or bursary paid by either a Canadian source or foreign source.

Needed:

- Proof of citizenship – i.e., passport, certificate of naturalization
- Letter of invitation stating purpose and duration of visit and any reimbursements to be given
- Proof of research funding from the Award Granting Agency stating details of the award
- Proof of return/leave Canada – i.e., return flight ticket
- Proof of funds/means of support while in Canada

LMIA exempt. *IRPR205(c)(ii)* – C44.

Allowable Remuneration:

- Salary
- Reimbursement for travel, accommodation or living allowance⁶ (if no salary is offered)

FREE TRADE AGREEMENTS

12. NAFTA⁷ – US and Mexican Citizens:

A citizen of Mexico or the USA, with an offer of temporary employment (or time-limited appointments) in limited fields, can obtain a WP without the need for an LMIA. “Unlimited” renewals at 3 year periods are allowed providing all conditions continue to be met (i.e., position is still temporary).

Needed:

- Proof of citizenship – i.e., passport, certificate of naturalization (permanent residents or green card holders of Mexico or the USA are not eligible to apply under this category)
- Letter of appointment stating position, duration of employment, educational requirements for the position – including any certification/professional designation – and any reimbursements to be given
- Proof of degree matching requirements of the appointment
- Proof of funds/means of support while in Canada

LMIA exempt. *IRPR205(b) – C22.*

Allowable Remuneration:

- Salary
- Reimbursement for travel

13. Canadian Chile Free Trade Agreement (CCFTA)⁸:

Similar to NAFTA, citizens of Chile, with an offer of temporary employment (or time-limited appointments) in limited occupations, can obtain a WP without the need for an LMIA. Limited renewals of 3 year periods are allowed providing all conditions continue to be met (i.e., position is still temporary).

Needed:

- Proof of citizenship – i.e., passport, certificate of naturalization (permanent residents of Chile are not eligible to apply under this category)
- Letter of appointment stating position, duration of employment, educational requirements for the position – including any certification/professional designation – and any reimbursements to be given
- Proof of degree matching requirements of the appointment
- Proof of funds/means of support while in Canada

⁶ See Appendix A for Living Allowance

⁷ See Appendix C for a list of allowable fields.

⁸ See Appendix D for a list of CCFTA allowable occupations.

LMIA exempt. *IRPR205(b)* – C22. Temporary Resident Visa is required before entering Canada. *IRPR 190*.

Allowable Remuneration:

- Salary
- Reimbursement for travel

14. General Agreement on Trade in Service (GATS)⁹:

Similar to NAFTA, citizens of Member Nations, with an offer of short-term employment in limited occupations, can obtain a WP without the need for an LMIA – no possibility of renewal. ()

Needed:

- Proof of citizenship – i.e., passport, certificate of naturalization (permanent residents of Member Nations are not eligible to apply under this category)
- Letter of appointment stating position, duration of employment, educational requirements for the position – including any certification/professional designation – and any reimbursements to be given
- Proof of degree matching requirements of the appointment
- Proof of funds/means of support while in Canada

LMIA exempt. *IRPR205(b)* – C22. Temporary Resident Visa may be required before entering Canada. *IRPR 190*.

Allowable Remuneration:

- Salary
- Reimbursement for travel

15. Significant Benefit – social or cultural benefit to Canada:

A foreign national of international renown where the person's presence in Canada is crucial to a high-profile event, and circumstances have created urgency to the person's entry.

Needed:

- Proof of citizenship – i.e., passport, certificate of naturalization
- Letter of appointment stating position, duration of employment, educational requirements for the position – including any certification/professional designation – and any reimbursements to be given
- Proof of degree matching requirements of the appointment
- Proof of national or international awards received within field of position offered
- Proof of achievements and significant contributions to the field by national or international bodies
- Proof of authored publications in renown academic or industry publications
- Proof of funds/means of support while in Canada

⁹ See Appendix E for a list of GATS allowable occupations and Member Nations.

LMIA exempt. *IRPR205(a) – C10*. Temporary Resident Visa may be required before entering Canada. *IRPR 190*.

Allowable Remuneration:

- Salary or honorarium
- Reimbursement for travel, accommodation or living allowance¹⁰ (if no salary is offered)

16. Canada-Peru & Canada-Columbia Free Trade Acts:

Although these FTAs are still in effect, they do not provide any exemptions for University Professors, Assistants nor any other non-professionals related to academia.

¹⁰ See Appendix A for Living Allowance

WORK REQUIRING A WORK PERMIT AND AN LMIA VALIDATION/CONFIRMATION:

TEMPORARY FOREIGN WORKER PROGRAM (TFWP)

All TFWs coming to Canada as temporary or permanent workers **not** outlined above must have formal offers of employment that have been validated by ESDC. This includes any academic positions or any other administrative position (full-time only¹¹) in which remuneration is expected.

Effective April 1, 2011, as a result of amendments to the IRPR, the following changes apply:

- New criteria have been added to guide the genuineness assessment of a job offer to a TFW.
- Employers can be deemed ineligible if, during the two years preceding a Labour Market Impact Assessment (LMIA) application, it is found that they have not provided wages, working conditions or an occupation to a TFW that were substantially the same (STS) as the terms and conditions of the job offer, and for which a reasonable justification has not been provided. If an employer is found to have failed an STS assessment, access to the TFWP may be denied for two years.
- A maximum cumulative duration of four years of work for most TFWs¹² is now imposed, followed by a period of four years in which the worker would not be eligible to work in Canada.

ESDC and employers have a mutual responsibility to ensure TFWs are working under the terms and conditions of employment set out in the LMIA confirmation letter and annex.

If it appears the employer has not fully upheld the terms and conditions of employment set out in the LMIA confirmation letter and annex, the employer will have the opportunity to provide a rationale and undertake compensation. If an employer is found to be non-compliant:

- ESDC will issue a negative LMIA and may revoke any other positions on confirmed LMIAs for which work permits have not yet been issued by CIC.
- CIC may deem the employer ineligible to hire TFWs for two years. The employer's name, address and period of ineligibility may also be published as part of a list of ineligible employers posted on CIC's Web site.

Before validation of an offer of employment can be considered, evidence must be supplied that the hiring institution has advertised for and has been unable to obtain a suitable Canadian Citizen or Permanent Resident candidate. Canadian Citizens and Permanent Residents are given priority and are assessed first. Should no Canadian be qualified, then the foreign applicants may be considered and a qualified foreign applicant selected.

¹¹ Validation from ESDC will only be given to full-time positions – temporary or permanent. A work permit cannot be issued for work that is part-time unless outlined in one of the above exempt categories.

¹² See Appendix F for a list of occupations that are EXEMPT from the four-year limit.

INVITING VISITING SCHOLARS/RESEARCHERS

Inviting visiting scholars/researchers to uWaterloo is a great way to collaborate and cooperate on various research projects and ideas. However, just like any TFWs being invited to uWaterloo, visiting scholars/researchers may be required to have appropriate immigration documentation before coming to Canada. And depending on whether you plan to reimburse the visiting scholar/researcher for their time and/or travel to uWaterloo, may change the conditions and/or terms of their visit which may require change of the immigration documentation the visiting scholar/researcher is required to have.

Under the Canadian Immigration Act s.11(1), any non-Canadian coming to visit or work for the University must first be validated with the appropriate immigration documentation before the visit or work can begin. If you are inviting a visitor to observe or generally collaborate in a research project (no remuneration) and they have arrived and you would like to change the terms/conditions of the visit (no remuneration) to work (remuneration given), new immigration documentation must be obtained before the work can begin. HR cannot process a pay request without the appropriate paperwork.

Example: A Master's student is invited to uWaterloo to observe in a research project. The student is self-funded and arrives in Canada with only a Temporary Resident Visa. After arrival, the student's supervisor decides to "pay" the student (any variation of remuneration including living expenses/allowances, honorarium, and reimbursement for travel).

Under the IRPA and IRPR, any visitors invited to the University of Waterloo to research, observe or collaborate with any member of staff (including Post Doctorial Fellows) or faculty, must have appropriate immigration documentation for the situation they are entering Canada for before beginning their stay at uWaterloo. If the situation of the visit changes then new immigration requirements may apply. Immigration must be dealt with first before any work can begin and payment of any sort can be made.

As stipulated under the Ministerial Instructions of April 1, 2011 and June 20, 2014, it is the responsibility of both the employer and the foreign national to stay compliant with IRPA and IRPR. If the employer breaches any part of the Regulations R200 and/or R203, the employer will be found to be ineligible to participate in the Temporary Foreign Worker Program (TFWP) for a period of 2 years, fined \$100,000 per non-compliance infraction and placed on the ESDC and CIC "Blacklist of Non-Compliant Employers."

As Visitors are being formally invited to research, observe or collaborate at the University of Waterloo, regardless of who is named as the supervisor or host of the Visitor, the University of Waterloo, under IRPA and IRPR, is the named Employer. Therefore it should be the responsibility of the supervisor or host, when inviting a non-Canadian Visitor, to absolutely make sure that immigration regulations are met throughout the period of the invited Visitor's stay. No exceptions can be made.