

# WORK PERMITS & WORK PERMIT EXEMPTIONS

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## Acronyms used within Immigration

- BOWP – Bridging Open Work Permit
- DLI – Designated Learning Institution
- **GSS - Global Skills Strategy**
- IEC – International Experience Canada program
- IRCC – Immigration, Refugee & Citizenship Canada
- IRPA – Immigration & Refugee Protection Act
- IRPR – Immigration & Refugee Protection Regulations
- **LMIA – Labour Market Impact Assessment**
- NOC – National Occupation Classification
- SOWP – Spousal Open Work Permit
- SP – Study Permit
- TEER – Training, Education, Experience & Responsibility category
- TRV – Temporary Resident Visa
- **WP – Work Permit**
- CCFTA – Canada-Chile Free Trade Act
- CUSMA – Canada-US-Mexico Trade Agreement (formally NAFTA)

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## Nature of Our 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.

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## What is deemed "work"

### Immigration Canada's definition:

Section 1(1) of IRPR sets out the definition for work as "an activity for which wages are paid or commission is earned, or 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 considered.

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## What is deemed “work” - cont’d

### How it’s applied:

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.

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## 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

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## 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 QNC, thus performing a duty that is part of the nature of our business – a duty that potentially can be done by the QNC member

- **Conclusion** – Deemed a worker

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## 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.

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## Permissions to Work in Canada

### Work Permit required

Sections 194 to 203 of IRPR provide regulatory authority for all activities considered as work (as defined in Section 1(1) of IRPR) and the need for a work permit to perform that work in Canada

### Work Permit exempt

Section 186 of IRPR provides regulatory authority to work without the need for a work permit. IRCC sets out by policy and specific situations that meet the requirements of this section and other potential sections.

## Work Permit Exemptions & Allowable Duration

WP Exemption	Regulation	Duration
Self-funded Researcher	R186(a)	Max 1 year
Academic Business Visitor	R186(a)	Max 6 months
Conference/Seminar Attendee	R186(a)	Duration of conference stay
Member of committee or Board of Directors	R186(a)	Duration of committee meeting
On-Campus Employment	R186(f)	Duration of valid SP
Academic Guest / Seminar Speaker	R186(j)	Max 5 consecutive days
Conference Presenter / Speaker	R186(j)	Max 5 consecutive days



## Work Permit Required - 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 Exempt

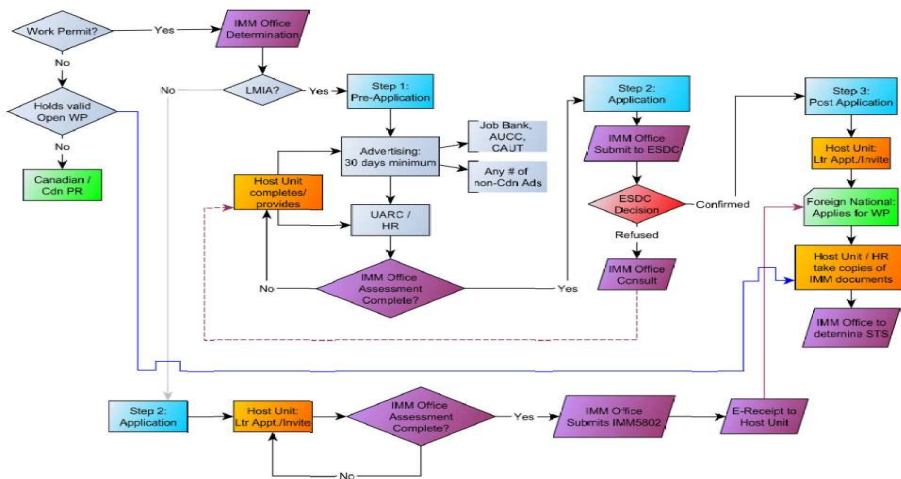
Limits who is eligible for a WP with set exemptions allowable for academia – see [LMIA Exemptions presentation](#)

### \*Work Permit Renewals/Extensions

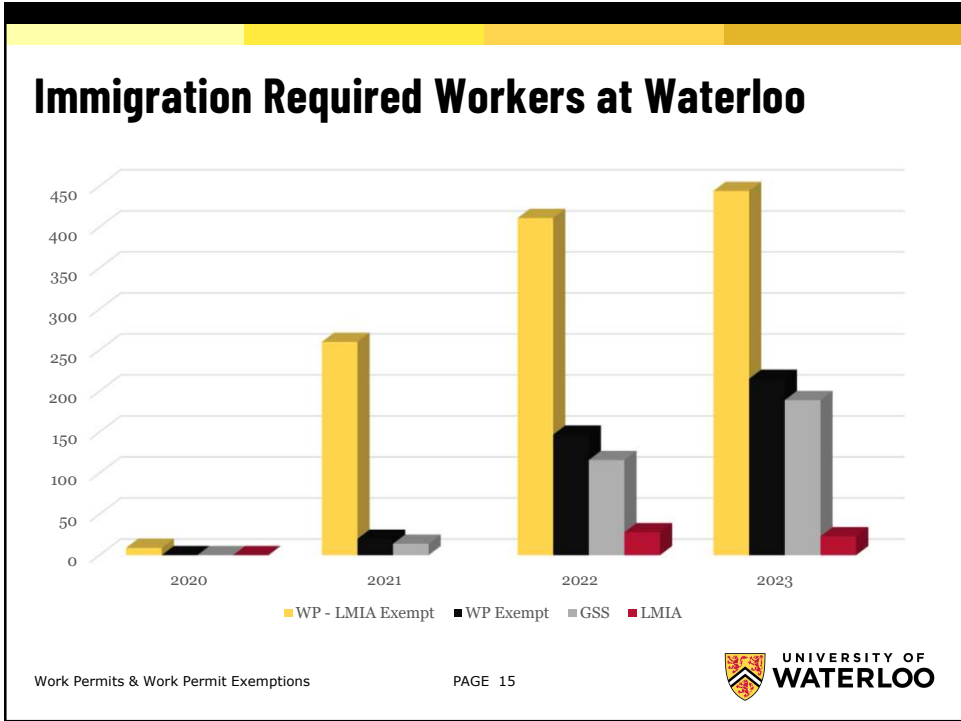
If a LMIA/LMIA Exemption was done to support the original WP, then a new LMIA/LMIA Exemption must be done to support the renewal/extension application

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## Work Permit Decision Matrix




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