



September 24, 2015

Work Permit Guidelines for Seasonal Workers for 2016

The following guidelines have been prepared in order to facilitate processing of seasonal workers to Canada. Please read over the guidelines carefully and follow all instructions in order to facilitate transparent and efficient processing.

APPLICATION SUBMISSION

Completed applications must be submitted a **minimum of 30 days and a maximum of 60 days** prior to the anticipated start date in Canada.

Due to the very high volumes of applications received between February and September, we cannot provide expedited processing for applications. Applications are processed in the order in which they were received.

LABOUR MARKET IMPACT ASSESSMENTS

Labour Market Impact Assessments (LMIAs) are the **responsibility of the employer**. We encourage employers to submit their LMIA applications to **Employment and Social Development Canada (ESDC)** as soon as possible. A copy of the LMIA must be submitted with each Work Permit (WP) application. We recommend that employers also include a copy of the bio data page of each selected worker's passport to ensure the name and date of birth is accurate on the LMIA. It is also recommended that employers ensure that the work dates on the LMIA are accurate. **Errors on the LMIA result in delays and/or refusals**. Any inquiries, problems with issuance or other delays relating to the LMIA process should be directed to ESDC.

The employment requirements indicated on the LMIAs should accurately reflect the work to be performed. The **WP application will be assessed against the LMIA requirements** and MAY BE REFUSED if the applicant does not meet the requirements stipulated on the LMIA.

EMPLOYMENT HISTORY AND SUPPORTING DOCUMENTS

All questions on the applications must be fully completed, including a ten year work history listing employer, address and dates.

All first time **Temporary Foreign Worker (TFW) applicants** must include a **reference letter** from their previous employer.

All applications must include a reference letter from workers' local **Municipality and/or Cocode**, stating the applicant's occupation and years of experience.

WORKER ADMISSIBILITY



Canada and the USA have an information sharing agreement whereby CIC has access to immigration and criminal information held by the USA. Applicants are required to answer truthfully all questions on their application form. The application form, once signed and dated, becomes a legal document. If an applicant was ever refused a visa by Canada or **any other country** they must indicate every detail of every refusal or negative immigration history in the **Background information** question section. This includes any refusals of extensions from within Canada.

In the case of misrepresentation, applicants may be refused and can be barred from entering Canada for five (5) years. Additionally, applicants that have already been subject to enforcement action for misrepresentation and are still within the five year (or previous two year) inadmissible period need not apply. The submission of applications by applicants who have previously been found to be inadmissible slows down the processing of genuine applicants. They will be refused.

Similarly, those persons who have been refused work permits previously must include the information in their applications and if they do not, they may be refused for misrepresentation.

Any applicant who has lived in the USA for **more than 6 months** is required to provide an **FBI certificate**. As these certificates can take several months to obtain, we strongly suggest that any applicant requiring an FBI certificate commence the application process to obtain one immediately. Applicants requiring a FBI certificate who have not submitted their FBI certificate with their application or provided documentary proof that they have applied for their FBI certificate, may have their applications refused. Those who have an old FBI certificate and have not been in the USA for more than six months since that visit should include a copy of their old FBI certificate with their application.

MEDICALS

Medical examinations are required by all applicants that are new workers or have not had a medical examination in the past 3 years. We have identified an issue with the Medical Services branch in Ottawa that caused delays in some applications this past year and we are endeavoring to address this issue.

We strongly suggest that all applicants who require medicals undergo their medical exam **prior** to the submission of their application. Up front medicals should be performed up to one month ahead of submitting the Work Permit application. This will assist in ensuring that applications are not delayed while waiting for medical results. Please ensure that applicants leave a valid e-mail address (ideally the recruiter's e-mail address) with the Panel Physician in order to be contacted in case additional medical exams are required. It is the applicants/recruiters responsibility to ensure that all medical tests required by the Panel Physician are completed in a timely manner.

CUMULATIVE DURATION -FOUR YEAR MAXIMUM

Immigration and Refugee Protection Regulations (IRPR) R200(3)(g) came into effect April 1, 2011 which states that a temporary foreign worker cannot work in Canada longer than a 4 year cumulative duration. Once a foreign national **has accumulated four years of work**, they will **be ineligible to work in Canada**



again until a period of four years has elapsed. When issuing a work permit, a processing officer will issue it for a duration that reaches—but does not exceed—the four-year maximum.

Example: Since April 1, 2011, a foreign worker has accumulated three years of work in Canada and is now applying for a two-year work permit. The work permit will be issued for only one year. Foreign nationals must keep track of time worked in Canada since April 1, 2011.

In order for the Visa Office to determine the cumulative period worked in Canada, each returning worker applicant must include:

1. **A completed Dates of Work in Canada Form** (See attached. The form may also be requested at the VAC or by e-mail)
2. **A copy of their Record of Employment (ROE)** from each previous employer they worked for in Canada. These are issued by the employer. (See the attached sample)

For more information on the TFW cumulative 4 year duration of work in Canada please refer to <http://www.cichq.dfait-maeci.gc.ca/connexion/tools-outils/temp/work-travail/cumulative-eng.aspx>

APPLICATION CHECK LIST:

- A completed **Work Permit application** dated and signed
- A completed **Additional Family Information Form**, dated and signed
- 2 photos
- A completed **Use of a Representative Form** dated and signed, if appropriate
- A copy of the **Record of Employment (ROE)** for each work period in Canada, if applicable
- A completed **Dates of Work in Canada Form**, if applicable
- a valid **LMIA Annex B**
- A Reference letter** from previous employer for new workers
- Medical form** from the Panel Physician indicating that upfront medicals were done
- Police certificates** (and court documents) for all countries in which the applicant has lived > 6mths
- A **passport valid** for anticipated duration of work in Canada;

Should you have any questions relating to these guidelines please feel free to send any inquiries to our immigration inbox at: re-guatemala-im-enquiry@international.gc.ca

Thank you for your cooperation, we look forward to a successful 2016 worker season.



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Immigration Canada

Citoyenneté et
Immigration Canada

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