



# Prince Edward Island Employer Guide to Hiring Foreign Workers

Canada

Prince  
Edward  
Island  
CANADA

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### Service Canada Centres

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### Citizenship and Immigration Canada – Charlottetown

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#### Island Investment Development Inc.

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The Prince Edward Island Employer Guide to Hiring Foreign Workers is provided as a free service to businesses of Prince Edward Island. Information is subject to change.



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## 1.0 Is Hiring Foreign Workers The Right Option For Your Business?

This guide was developed to assist Prince Edward Island employers understand the process of hiring foreign workers to fill temporary and permanent labour shortages in their businesses. Before deciding to hire foreign workers and beginning the application process, it is important for employers to assess if there are options for filling job vacancies from within the labour market in Canada. Like other business decisions an employer makes, hiring foreign workers should be analyzed within the larger context of overall business goals and objectives. There are costs, responsibilities and time attached to the process of hiring foreign workers. Answering the following questions will assist employers make the right decision for their business.

- Is hiring foreign workers part of your company's overall human resources planning process?
- Has the Prince Edward Island Employment Development Agency been considered as a source for finding workers?
- Have the positions to be filled by the foreign workers been publicly advertised with no success in filling job vacancies and has supporting documentation of the advertising efforts been kept?
- Have alternate recruitment strategies to attract Canadian workers, such as subsidized transportation, bonus systems, wage/benefit incentives, internal training and promotion, etc. been tried? If yes, what were the results?
- Does your company have the time and resources (financial and human) to successfully hire, train and manage foreign workers?
- Has your company calculated the total cost of hiring a foreign worker?



## 2.0 The Role of Government Departments and Agencies

The *Government of Canada* through their departments and agencies controls the entry of all foreign nationals to Canada and has the final say on who may or may not cross the border. It is helpful to understand the role of the departments and agencies before beginning the process of hiring foreign workers. **Contact information for each of the departments/agencies listed below can be found on the inside front cover of this booklet.**

### Service Canada

Service Canada is a one-stop service delivery network for access to a wide range of federal government programs and services. In most cases, employers need to obtain a Labour Market Opinion from Service Canada before proceeding to hire foreign workers. (Please see Appendix B for the categories of work that are excluded from requiring a Labour Market Opinion.)

### Citizenship and Immigration Canada

Citizenship and Immigration Canada controls and regulates the entry of all foreign nationals to Canada. Citizenship and Immigration Canada and its delivery agents in Embassy/Consulate/High Commission offices in other countries are responsible for issuing work permits, which the majority of foreign nationals must have to enter and work in Canada. (Please see Appendix C for the work categories that are exempt from requiring a work permit.) Workers from certain countries and territories may also need a temporary resident visa to enter Canada. (The list of these countries can be found at <http://www.cic.gc.ca/english/visit/visas.asp>.) Citizenship and Immigration Canada can only release information about the progress or status of a work permit or visa to the applicant (the worker) or their authorized agent.

### Canada Border Services Agency

Canada Border Services officers screen foreign workers at Canadian border crossings and airports to ensure they meet admissibility requirements before issuing work permits and allowing their entry to Canada. **Even if a foreign worker arrives at the border with all necessary paperwork, the worker can be refused entry to Canada if the Border Services officer believes they do not meet the requirements of the Immigration and Refugee Protection Act.**

**The Government of Prince Edward Island has an agreement with the Government of Canada that allows the province to play a more direct role in selecting immigrants who wish to settle in the province.** The province receives applications and nominates eligible foreign workers to Citizenship and Immigration Canada for permanent residency in Canada. Provincial nominees and their families receive expedited processing and typically obtain permanent resident status sooner than individuals who are not nominated.

### Island Investment Development Inc.

**The Prince Edward Island government agency that is responsible for the administration of the Prince Edward Island Provincial Nominee Program is Island Investment Development Inc.** Island Investment Development Inc. is mandated by the Prince Edward Island Department of Development and Technology to encourage and facilitate the immigration of foreign individuals who will make a positive contribution to the Prince Edward Island economy and culture.



*A Labour Market Opinion assesses the likely impact that hiring the requested foreign worker(s) may have on the Canadian labour market.*

*A positive Labour Market Opinion is required before proceeding with hiring most foreign workers.*

*A negative Labour Market Opinion can be reassessed if new information relevant to the decision becomes available for submission.*

### 3.0 A Temporary or Permanent Solution

If the labour shortage affecting your business is seasonal or short term, even when recurring on an annual basis, the **Temporary** Foreign Worker Program may provide a solution. This federal government program allows eligible foreign workers to work in Canada for an authorized period of time if employers can demonstrate that they are 1) unable to find suitable permanent residents to fill the job vacancies and 2) that the entry of these workers will not have a negative impact on the Canadian labour market. The components of this program of relevance to employers include:

- High Skill (NOC O, A&B), which is available to all industries.
- Lower Skill (NOC C&D), which is available to all industries.
- Seasonal Agricultural Worker Program, which is available to producers in the horticultural industry **only**.

If you are an employer that needs a **permanent** solution to a long-term skill shortage in your business, foreign Skilled Workers who obtain permanent resident status in Canada may be the answer. There are both federal and provincial programs that facilitate the entry of Skilled Workers and their families to live and work in Prince Edward Island.

- Federal Skilled Worker Class
- Prince Edward Island Provincial Nominee Program

The sections that follow provide detailed information on accessing foreign workers through the federal and provincial programs noted above. Many of the departments, agencies, programs and terms involved in the process of bringing temporary and permanent foreign workers to Canada are known by an acronym. (Please see *Appendix A* for a list of acronyms.)

*Depending on the number of foreign workers you have hired, the length of time they will be working here, and cultural differences and personalities, the degree of assistance the foreign workers will need to adjust to Prince Edward Island life will vary. However, it is reasonable to assume that some company resources will need to be redirected to managing foreign worker issues.*





## 4.0 Government of Canada Programs

### 4.1 High Skill Temporary Foreign Workers

The High Skill Foreign Worker Component of the Temporary Foreign Worker Program allows eligible foreign workers to work in Canada for an authorized period of time in positions categorized as being **Skill Level O, A or B according to the National Occupational Classification system**. The types of positions eligible for consideration usually require college education, apprenticeship training or university education. More information on the National Occupational Classification system is available at <http://www.hrsdc.gc.ca/en/workplaceskills/noc/index.shtml>.

Program application forms can be found at <http://www.hrsdc.gc.ca/en/epb/lmd/fw/forms.shtml> or by contacting Service Canada.

#### Key Employer Responsibilities

When an employer decides to apply to the Temporary Foreign Worker Program to hire a High Skill Foreign Worker they must be willing to:

- Demonstrate efforts to hire Canadian workers.
- Offer foreign workers the prevailing wage rate for the occupation.
- Arrange for Workers' Compensation or comparable coverage for the worker at no cost to the worker.
- Have a signed job offer/employment agreement with the worker.

#### Key Program Criteria

- Labour Market Opinions can be issued for a period of up to three years. A worker can apply to Citizenship and Immigration Canada for an extension at the end of this period.

#### Frequently Asked Questions

##### *How much will it cost?*

There are no costs for an employer to apply to the program but an employer may have the cost of hiring a recruiter or agency to find workers. Employers may also incur costs to ensure that workers have adequate medical coverage and workers compensation or similar occupational health and safety insurance. There are costs to the worker. These costs include the processing fees charged by the Embassy/Consulate/High Commission and travel costs. The worker may also have to pay for a medical examination.

##### *How do I find the workers?*

Recruiters and recruiting agencies can be hired to find foreign workers and manage the process for employers in the foreign country. Human Resource specialist firms such as law firms in the field of employment and immigration

and immigration consultants can be found through listings in the yellow pages, on the web and by contacting associations such as the Canadian Bar Association ([www.cba.org](http://www.cba.org)) and the Canadian Society of Immigration Consultants ([www.csic-scci.ca](http://www.csic-scci.ca)). Foreign workers can also find potential employers through job postings on company websites, international job fairs, or by hiring a placement agency.

##### *How long does it take to get the workers here?*

Upon receipt of a complete application, Service Canada issues a Labour Market Opinion within two to three weeks. The worker must then deal directly with the Embassy/Consulate/High Commission in their home country. Embassy/Consulate/High Commission offices may have different procedures to process work permit applications and workers must comply with the requirements of the Embassy/Consulate/High Commission in their home country. Information on the time it takes to process work permit applications at the various Consulate/Embassy/High Commission offices can be found at <http://www.cic.gc.ca/english/information/times/international/index.asp>.

##### *Do the workers require a medical examination?*

Generally, a medical examination is not required for employment terms of six months or less unless workers will be employed in an occupation in which the protection of public health is essential (see <http://www.cic.gc.ca/english/information/medical/medexams-temp.asp>) or the worker has resided for six or more consecutive months in the year preceding the submission of their application in a country deemed as 'designated' (the list of 'designated' countries is available at <http://www.cic.gc.ca/english/information/medical/dcl.asp>). A Citizenship and Immigration Canada approved practitioner must give the medical examination and the worker is responsible for paying the fee directly to the practitioner.

##### *Can the workers change employers when they get here?*

Yes, workers can change employers if they apply to Citizenship and Immigration Canada and are approved for a change in their work permit. The new employer would be required to receive a positive Labour Market Opinion from Service Canada.

##### *If an employer requires temporary foreign workers on an annual basis, is there a streamlined or expedited program available?*

No, employers must go through all steps of the process each time they need to hire temporary foreign workers.

*High skilled foreign workers are often needed on a long-term basis. Companies that hire a skilled foreign worker through a temporary program may wish to apply through the Prince Edward Island Provincial Nominee Program to achieve permanent resident status for the worker and their family in an expedited manner.*

*Can the same temporary foreign workers come back year after year?*

Yes, if they continue to meet program criteria. However, one of the underlying principles of the Temporary Foreign Worker Program is that the worker intends to return to their home country. Citizenship and Immigration Canada typically does follow up with Temporary Foreign Workers that have been in Canada (through approved extensions) or have returned to Canada on an annual basis for five years to assess their continued eligibility for the program.

### **Step - by - Step Guide for Employers**

1. Begin the process sufficiently in advance of the date you need the worker to start.
2. Recruit/advertise for Canadian residents and document your efforts and results.
3. Find the foreign worker(s) you want to hire.
4. Complete the following for submission to Service Canada.
  - The Foreign Worker Application Form (EMP 5239B) available at <http://www.hrsdc.gc.ca/en/epb/lmd/fw/emp5239e.pdf> or a Service Canada Centre. This form can be completed and submitted on-line.
  - Copy of the job advertisement and summary of results.
5. If a positive Labour Market Opinion is received from Service Canada, forward the following documentation to the foreign worker and advise them to apply for a work permit and if necessary, a temporary resident visa (see <http://www.cic.gc.ca/english/visit/visas.asp>).
  - A copy of the positive Labour Market Opinion.
  - Signed job offer/employment agreement.
6. Contact the foreign worker regarding the status of their work permit/visa application. The Embassy/Consulate/High Commission provides a written decision to workers on whether their application is approved or refused.
7. If a work permit has been approved, the worker makes travel arrangements.
8. Worker ensures that all documentation/paperwork is in order for presentation at the port of entry.
  - A valid passport or travel document
  - Signed job offer/employment agreement
  - Work permit authorization letter
  - Copy of positive Labour Market Opinion
  - Evidence of credentials, if applicable
  - A temporary resident visa, if applicable
9. Canada Border Services Agency accepts or rejects the foreign worker's entry to Canada as they cross the border.
10. Welcome individuals from another culture and help them adapt to life in Prince Edward Island.

## **4.2 Lower Skill Temporary Foreign Workers**

The Lower Skill Foreign Worker Component of the Temporary Foreign Worker Program allows eligible foreign workers to work in Canada for an authorized period of time in positions categorized as **Skill Level C or D according to the National Occupational Classification system**. The types of positions eligible for consideration usually provide workers with some on the job training and/or may require workers to have some post-secondary or job specific training. More information on the National Occupational Classification system is available at <http://www23.hrdc-drhc.gc.ca/2001/e/generic/welcome.shtml> and <http://www23.hrdc-drhc.gc.ca/2001/e/generic/matrix.pdf>.

Program application and employer/employee agreement forms can be found on the Human Resources and Social Development Canada website at <http://www.hrsdc.gc.ca/en/epb/lmd/fw/forms.shtml> or by contacting Service Canada.

### **Key Employer Responsibilities**

When an employer decides to apply to the Temporary Foreign Worker Program to hire a Lower Skill Foreign Worker they must be willing to:

- Demonstrate efforts to hire Canadian workers.
- Offer foreign workers the prevailing wage rate for the occupation.
- Pay the foreign workers airfare to and from the foreign worker's country of origin.
- Ensure that appropriate and affordable housing is available or provide housing if necessary.
- Ensure the foreign worker is covered under private or provincial health insurance during their stay in Canada at no cost to the worker. **Provincial medical coverage is only available to foreign workers with a work permit of six months or longer.**
- Arrange for Workers' Compensation or comparable coverage for the worker at no cost to the worker.
- Sign the employer/employee agreement, which clearly outlines wages, duties, conditions related to transportation, accommodations and health and occupational safety coverage.

### **Key Program Criteria**

- Labour Market Opinions can be issued for a period of up to 24 months. A worker can apply to Citizenship and Immigration Canada for an extension at the end of this period.



## Frequently Asked Questions

### *How much will it cost?*

There are no costs to apply to the program but there are costs to the employer in bringing the workers here. As noted in the Key Employer Responsibilities section above, employers must pay for airfare, and may incur costs to ensure that workers have adequate medical coverage and workers compensation or similar occupational health and safety insurance. Employers may have to hire a recruiting firm to find the workers. There can also be unexpected costs to employers. For example, if airfare is paid in advance to take advantage of a seat sale and the workers do not receive their work permits or are not allowed to cross the border by the Canada Border Services Agency, there may be the loss of all or a portion of the airfare paid. An employer may have to provide a deposit or down payment to ensure appropriate and affordable accommodation is available for the workers when they get here.

### *How do I find the workers?*

Recruiters and recruiting agencies can be hired to find foreign workers and manage the process for employers in the foreign country. Human Resource specialist firms such as law firms in the field of employment and immigration and immigration consultants can be found through listings in the yellow pages, on the web and by contacting associations such as the Canadian Bar Association ([www.cba.org](http://www.cba.org)) and the Canadian Society of Immigration Consultants ([www.csic-scci.ca](http://www.csic-scci.ca)). Foreign workers can also find potential employers through job postings on company websites, international job fairs, or by hiring a placement agency.

### *How long does it take to get the workers here?*

Upon receipt of a complete application, Service Canada issues a Labour Market Opinion within two to three weeks. The worker must then deal directly with the Embassy/Consulate/High Commission in their home country. Embassy/Consulate/High Commission offices may have different procedures to process work permit applications and the workers must comply with the requirements of the Embassy/Consulate/High Commission in their home country. Information on the time it takes to process work permit applications at the various Consulate/Embassy/High Commission offices can be found at <http://www.cic.gc.ca/english/information/times/international/index.asp>.

### *Do the workers require a medical examination?*

Generally, a medical examination is not required for employment terms of six months or less unless workers will be employed in an occupation in which the protection of public health is essential (see <http://www.cic.gc.ca/english/information/medical/medexams-temp.asp>) or the worker has resided for six or more consecutive months in the year preceding the submission of their application in a country deemed as 'designated' (the list of 'designated' countries is available at <http://www.cic.gc.ca/english/information/medical/ddl.asp>). A Citizenship and Immigration Canada approved

practitioner must give the medical examination and the worker is responsible for paying the fee directly to the practitioner.

### *Can the workers change employers when they get here?*

Yes, workers can change employers if they apply to Citizenship and Immigration Canada and are approved for a change in their work permit. The new employer would be required to receive a positive Labour Market Opinion from Service Canada. Employers cannot recoup airfare or other costs from temporary workers that leave their employ.

### *If an employer requires temporary foreign workers on an annual basis, is there a streamlined or expedited program available?*

No, employers must go through all steps of the process each time they need to hire temporary foreign workers.

### *Can the same temporary foreign workers come back year after year?*

Yes, if they continue to meet program criteria. However, one of the underlying principles of the Temporary Foreign Worker Program is that the worker intends to return to their home country. Citizenship and Immigration Canada typically does follow up with Temporary Foreign Workers that have been in Canada (through approved extensions) or returned to Canada on an annual basis for five years to assess their continued eligibility for the program.

## Step - by - Step Guide for Employers

1. Begin the process sufficiently in advance of the date you need the workers to start.
2. Recruit/advertise for Canadian residents and document your efforts and results.
3. Find the foreign worker(s) you want to hire.
4. Complete the following for submission to Service Canada.
  - The Foreign Worker Application Form (EMP 5239B) available at <http://www.hrsdc.gc.ca/en/epb/lmd/fw/emp5239e.pdf> or a Service Canada Centre. This form can be completed and submitted on-line.
  - Signed employer/employee agreement confirming your job offer to the worker. A sample agreement for occupations that usually require a high-school diploma or job-specific training can be found at <http://www.hrsdc.gc.ca/en/epb/lmd/fw/forms.shtml>.
  - Copy of the job advertisement and summary of results.
5. If a positive Labour Market Opinion is received from Service Canada, forward the following documentation to the foreign worker and advise them to apply for a work permit and if necessary, a temporary resident visa (see <http://www.cic.gc.ca/english/visit/visas.asp>).
  - A copy of the positive Labour Market Opinion.
  - Signed job offer/employment agreement.

*In today's labour market a company's competitive strategy is its human resource strategy. Key to success is knowing:*

- *what workers you need when,*
- *what you have to do to recruit and retain them, and*
- *how much time you need to complete the process.*

6. Contact the foreign worker regarding the status of the work permit/visa application. The Embassy/Consulate/High Commission provides a written decision to workers on whether their application is approved or refused.
7. If work permits have been approved, the employer makes travel arrangements for the workers.
8. Worker ensures that all documentation/paperwork is in order for presentation at the port of entry.
  - A valid passport or travel document
  - Signed job offer/employment agreement
  - Work permit authorization letter
  - Copy of positive Labour Market Opinion
  - Evidence of credentials, if applicable
  - A temporary resident visa, if applicable
9. Canada Border Services Agency accepts or rejects the foreign workers entry to Canada as they cross the border.
10. Make arrangements to meet and transport workers to accommodations/employment.
11. Welcome individuals from another culture and help them adapt to life in Prince Edward Island.

### 4.3 Seasonal Agricultural Worker Program

The Seasonal Agricultural Worker Program allows the organized entry of foreign workers from Mexico and signatories to the Caribbean Agreement (Barbados, Jamaica, Eastern Caribbean, Trinidad and Tobago) to work in agricultural labourer occupations in Canada. In Prince Edward Island this program is only available to the horticultural industry. An overview of the program is available at <http://www.hrsdc.gc.ca/en/epb/lmd/fw/seasagri.shtml>.

Through the terms of a negotiated agreement between Canada and these countries, two non-profit organizations, 1) Foreign Agricultural Resource Management Services (F.A.R.M.S.) and 2) Fondation des entreprises pour le recrutement de la main-d'œuvre étrangère (FERME), provide an administrative role to the program. Embassy/Consulate/High Commission services in the designated countries provide the recruitment, selection and documentation of the workers. **This is the only Temporary Foreign Worker Program where the employer is not responsible for finding the foreign workers.**

Program application and employer/employee agreement forms can be found on the Human Resources and Social Development Canada website at <http://www.hrsdc.gc.ca/en/epb/lmd/fw/seasagri.shtml> or by contacting Service Canada.

### Key Employer Responsibilities

When an employer decides to apply to the Seasonal Agricultural Worker Program they must be willing to:

- Demonstrate their efforts to hire Canadian workers.
- Pay foreign workers, at a minimum, the wage rate set for Prince Edward Island by the program.
- Ensure working conditions for the foreign workers comply with provincial employment standards legislation.
- Pay the foreign worker's airfare to and from the workers country of origin. A percentage of workers gross wages or a maximum amount (the employer/employee agreement lists the amount) can be recouped from a worker toward the cost of airfare through payroll deductions.
- Provide suitable and *inspected* accommodations without cost to the foreign workers. On Prince Edward Island, an Environmental Health Officer from the Environmental Health Branch of the Prince Edward Island Department of Health completes accommodation inspections. The department's phone number is 1-902-368-4970.
- Ensure the foreign worker is covered under private or provincial health insurance during their stay in Canada. Provincial medicare coverage is only available to foreign workers with a work permit of six months or longer.
- Arrange for Workers' Compensation/comparable coverage for the worker.
- Provide workers handling chemicals/pesticides with protective clothing at no cost to the worker and appropriate formal/informal training and supervision where required by law.
- Pay the immigration work permit-processing fee to Service Canada. This can be recouped through payroll deductions over the first six (6) week period of the foreign worker's employment.
- Pay a non-recoverable fee to Foreign Agricultural Resource Management Services or Fondation des entreprises pour le recrutement de la main-d'œuvre étrangère, the organizations that assist with the processing of the foreign workers.

### Key Program Criteria

- The foreign workers must receive a minimum of 240 hours of work in a term of six weeks or less. The normal workday is eight hours. Workers can work overtime if they are asked and give their approval.
- The maximum amount of time a foreign worker can be hired is 8 months per calendar year.
- Workers must leave Canada by December 15 of each year.
- Growers cannot transfer/loan workers to another employer or move to another area of employment without prior approval from the worker and Service Canada.

## Frequently Asked Questions

### *How much will it cost?*

There are recoverable and non-recoverable costs to the employer for this program, as noted in the Key Employer Responsibilities section above. Recoverable costs through payroll deductions include a portion of the two-way airfare, work permit processing fee and a portion of workers compensation comparable insurance. Non-recoverable costs include fees paid to Foreign Agricultural Resource Management Services or Fondation des entreprises pour le recrutement de la main-d'œuvre étrangère, accommodation costs, and transportation costs to and from the airport.

### *What happens if the employer is unhappy with the workers they receive?*

There is a 14-day trial period. If a worker demonstrates poor performance advise the Embassy/Consulate/High Commission. The employer can apply to the consulate to have the airfare for that worker reimbursed.

### *Can several employers participate in bringing a group of foreign workers to Prince Edward Island?*

Yes. A group of employers needing workers at different times can collaborate to share workers and thus share the costs of the airfare. Each employer would need to receive a Labour Market Opinion and indicate they will be involved in a transfer arrangement. However, certain restrictions apply, so it is important that employers contact Service Canada for further details.

## Step - by - Step Guide for Employers

1. Start the process at least eight weeks before the workers are required.
2. Recruit/advertise for Canadian residents and document your efforts and results.
3. Make arrangements to secure suitable and inspected accommodations for the workers.
4. Complete the following and submit to Service Canada's regional office in Charlottetown.
  - The Seasonal Agricultural Worker Program Application Form available at <http://www.hrsdc.gc.ca/en/epb/lmd/fw/forms.shtml> or a Service Canada Centre.
  - The Agreement for Mexican Seasonal Agricultural Worker Program OR the Agreement for Caribbean Seasonal Agricultural Worker Program available at <http://www.hrsdc.gc.ca/en/epb/lmd/fw/forms.shtml> or a Service Canada Centre.
  - Indicate the number of named and unnamed workers. Employers can request particular individuals but there is no guarantee that they will be supplied.
  - Copy of the job advertisement and summary of results.
  - Housing Inspection Letter issued by the Environmental Health Officer.

5. If a positive Labour Market Opinion is received from Service Canada, Service Canada sends a job order to Foreign Agricultural Resource Management Services or Fondation des entreprises pour le recrutement de la main-d'œuvre étrangère and the Seasonal Agricultural Worker Program Agreement to the Embassy/Consulate/High Commission.
6. Make travel arrangements for the workers. CanAg Travel Services can be used.
7. Wait for workers to be processed at the Embassy/Consulate/High Commission, travel to port of entry and receive their work permits at point of entry.
8. Make arrangements to meet and transport workers to accommodations/place of employment.
9. Welcome individuals from another culture and help them adapt for their stay in Prince Edward Island.

## 4.4 Federal Skilled Worker Class

Hiring a Skilled Worker and supporting their permanent residence in Prince Edward Island can be accomplished solely through the federal immigration system. Processing times for workers who apply through this program can vary widely depending on the worker's home country and their occupational classification. The time can range from 2-3 to 10-15 years for some overseas locations. A permanent job offer does not automatically allow a Foreign Worker to immigrate to Canada. The worker must meet the requirements of the Skilled Worker Class outlined below.

Application forms and more information on hiring Skilled Workers through the federal system can be found at <http://www.cic.gc.ca/english/immigrate/skilled/index.asp> and at [www.hrsdc.gc.ca/en/epb/lmd/fw/supperimm.shtml](http://www.hrsdc.gc.ca/en/epb/lmd/fw/supperimm.shtml).

### Key Program Criteria

To qualify for the Skilled Worker Class, the worker must:

- Meet current regulations for minimum work experience, proof of funds, language skills and receive a pass mark of 67 on six selection factors 1) education, 2) official languages, 3) experience, 4) age, 5) arranged employment in Canada, and 6) adaptability. More information is available at <http://www.cic.gc.ca/english/immigrate/skilled/apply-who.asp>
- Have one year of work experience in a professional, managerial or technical occupation under Canada's National Occupational Classification system.

## Frequently Asked Questions

### *Are there costs to apply to the Federal Skilled Worker program?*

Yes, for the worker. However, an employer may wish to offer the worker assistance with their relocation fees as part of their employment contract. When a Skilled Worker comes



to Prince Edward Island as a permanent resident they are also responsible for travel costs, any processing fees at the Consulate/Embassy/High Commission, and the right of permanent residence fees for themselves and their dependants (for more information on fees go to <http://www.cic.gc.ca/english/information/fees/index.asp>).

#### *How do I find the workers?*

Recruiters and recruiting agencies can be hired to find foreign workers and manage the process for employers in the foreign country. Human Resource specialist firms such as law firms in the field of employment and immigration and immigration consultants can be found through listings in the yellow pages, on the web and by contacting associations such as the Canadian Bar Association ([www.cba.org](http://www.cba.org)) and the Canadian Society of Immigration Consultants ([www.csic-scci.ca](http://www.csic-scci.ca)). The foreign workers can also find potential employers through job postings on company websites, international job fairs, or by hiring a placement agency.

#### *Can someone who has been hired as a Temporary Foreign Worker apply through this program?*

Yes, provided they meet all provincial and federal requirements. It may be necessary to apply for an extension of their temporary work permit as immigration through the federal Skilled Worker program can take in excess of three years. Information on the various processing times at Embassy/Consulate/High Commission offices abroad can be found at <http://www.cic.gc.ca/english/information/times/international/index.asp>.

#### **Employer Options**

If an employer wants to strengthen the application of a Skilled Worker for permanent immigration to Canada they can:

1. Submit an application for a Labour Market Opinion to Service Canada. Receiving a Labour Market Opinion will allow the employer to start the process whereby a worker gets a temporary work permit and is allowed to work in Canada for a specific period of time before receiving their permanent resident visa.

OR

2. Submit an application for an Arranged Employment Opinion. An Arranged Employment Opinion supports a worker's application for permanent residence but does not allow the person to work in Canada. Through this process the Skilled Worker does not begin to work for an employer until after they have obtained their permanent resident visa, which can be a lengthy process.

#### **Step - by - Step Guide For Employers - Labour Market Opinion Application**

1. Find the foreign worker you want to hire. Note: The individual may already be working with your company having gained a work permit through the Temporary Foreign Worker program. In this case you can proceed to Step 9.
2. Submit a Foreign Worker Application (available at <http://www.hrsdc.gc.ca/en/epb/lmd/fw/emp5239e.pdf> or a Service Canada Centre.) to Service Canada for a Labour Market Opinion and indicate you are offering a permanent position to the Skilled Worker.
3. If a positive Labour Market Opinion is received from Service Canada, forward the following documentation to the foreign worker and advise them to apply for a work permit and if necessary, a temporary resident visa (see <http://www.cic.gc.ca/english/visit/visas.asp>).
  - A copy of the positive Labour Market Opinion.
  - Signed job offer and contract.
4. Contact the foreign worker regarding the status of the work permit/visa application. The Embassy/Consulate/High Commission provides a written decision to the workers on whether their application is approved or refused.
5. Once the worker has received approval and has all other documentation in order they can travel to a port of entry.
6. Canada Border Services Agency accepts or rejects the foreign workers entry to Canada as they cross the border.
7. If accepted, the worker receives their work permit at the port of entry, enters Canada and begins working.
8. Welcome individuals from another culture and help them to adapt to life in Prince Edward Island.
9. The worker completes and submits forms and documents required by the Embassy/Consulate/High Commission to get a Skilled Worker permanent resident visa. Each Embassy/Consulate/High Commission has a specific checklist that applicants must follow. For temporary workers already in Prince Edward Island this is usually the Consulate in Buffalo, New York.
10. Citizenship and Immigration Canada decides whether to give the Skilled Worker a permanent resident visa.
11. Citizenship and Immigration Canada provides the worker with a written decision on their application. If unfavourable, the Skilled Worker can usually continue to work under the terms of the Work Permit but will have to leave Prince Edward Island at the end of the term unless an extension has been granted.

### Step - by - Step Guide For Employers - Arranged Employment Opinion

1. Recruit/advertise for Canadian residents and document your efforts and results.
2. Find the foreign worker you want to hire.
3. Make a permanent, full-time, non-seasonal job offer to the Skilled Worker.
4. Submit an Arranged Employment Application (available at <http://www.hrsdc.gc.ca/en/epb/lmd/fw/emp5275e.pdf> or the local Service Canada office) for Skilled Workers to Service Canada. The application must include copies of:
  - The permanent job offer, signed and on company letterhead.
  - Copies of Canadian Revenue Agency remittance forms for the previous 12 months to demonstrate that the company has employees.
  - Evidence that the business has been in operation for at least one year.
5. Wait to receive an Arranged Employment Opinion letter of confirmation.
6. Send a copy of the Arranged Employment Opinion letter to the Skilled Worker.
7. The Skilled Worker includes the Arranged Employment Opinion letter, written permanent job offer and all other documentation required by the Consulate/ Embassy/High Commission for their application for a Skilled Worker permanent resident visa.
8. Citizenship and Immigration Canada decides whether to give the Skilled Worker a permanent resident visa.
9. Citizenship and Immigration Canada provides the worker with a written decision on their application.
10. If the worker receives approval and has all other documentation in order they travel to a port of entry.
11. Canada Border Services Agency accepts or rejects the foreign workers entry to Canada as they cross the border.
12. If accepted, the worker enters Canada and begins working.
13. Welcome individuals from another culture and help them to adapt to life in Prince Edward Island.



## 5.0 Prince Edward Island Provincial Nominee Program

*Foreign workers and their families will need assistance in accessing services such as driver testing, medical services or getting a credit card or mortgage without a credit history.*

The Prince Edward Island Provincial Nominee Program is a shared responsibility, whereby the province recruits, selects and nominates qualified immigrant applicants, with the federal government completing security and health background checks and giving final approval. The Prince Edward Island Provincial Nominee Program is equivalent to an “immigrant class”; therefore, Prince Edward Island rules apply, rather than those relating to the familiar Canadian immigrant classes (skilled worker, etc). One of the categories under the Prince Edward Island Provincial Nominee Program is the Skilled Worker Category, which is designed to help Prince Edward Island businesses hire foreign workers on a full-time permanent basis to fill labour market gaps. Skilled workers who are nominated under the Skilled Worker Category of the Prince Edward Island Provincial Nominee Program usually receive permanent residence status within 12 to 24 months.

The Skilled Worker Category under the Prince Edward Island Provincial Nominee Program can be utilized in a number of ways:

- Employer finds foreign worker and brings them here on a temporary work permit. After a period of time (4 to 6 months) if both the employer and foreign worker are happy then the foreign worker would submit an application to the Skilled Worker Category under the Prince Edward Island Provincial Nominee Program. If nominated, the foreign worker submits the Prince Edward Island Provincial Nominee letter of support and their application for permanent resident status for further processing to the Embassy/Consulate/High Commission responsible for the region. This process takes approximately 12 to 24 months.
- Employer finds foreign worker and offers position. The foreign worker would submit an application to the Skilled Worker Category under the Prince Edward Island Provincial Nominee Program. If nominated, the foreign worker submits the Prince Edward Island Provincial Nominee letter of support and their application for permanent resident status for further processing to the Embassy/Consulate/High Commission responsible for the region. The foreign worker would not begin work until permanent resident status is obtained. This process takes approximately 12 to 24 months.

More information and application forms on the Skilled Worker Category of the Prince Edward Island Provincial Nominee Program can be found at [www.gov.pe.ca/immigration](http://www.gov.pe.ca/immigration).

### Key Program Criteria

- The employer offers the foreign worker a full-time permanent position with his/her company in Prince Edward Island.
- The foreign worker has education and training consistent with the position offered. Be aware that education and training credentials can differ greatly from country to country and that it is the employer's responsibility to assess and verify the foreign workers education and work experience.
- The foreign worker has a moderate command of English, and/or French language as required for the position.
- The foreign worker has the intention to settle in Prince Edward Island.

### Frequently Asked Questions

#### *Are there costs to apply to the Prince Edward Island Provincial Nominee Program?*

All costs are the responsibility of the foreign worker. However, an employer may wish to offer the worker assistance with their relocation fees as part of their employment contract. There is an application fee payable to the Prince Edward Island Provincial Nominee Program (for more information on fees go to [www.gov.pe.ca/immigration](http://www.gov.pe.ca/immigration)). When a foreign worker comes to Prince Edward Island as a permanent resident they are responsible for all costs associated with the processing of their application at the Consulate/Embassy/High Commission (for more information on federal fees go to <http://www.cic.gc.ca/english/information/fees/index.asp>). The foreign worker would also be responsible for travel and other relocation costs associated with moving to Prince Edward Island.

#### *How do I find the workers?*

Recruiters and recruiting agencies can be hired to find foreign workers and manage the process for employers in the foreign country. Human Resource specialist firms such as law firms in the field of employment and immigration and immigration consultants can be found through listings in the yellow pages, on the web and by contacting associations such as the Canadian Bar Association ([www.cba.org](http://www.cba.org)) and the Canadian Society of Immigration Consultants ([www.csic-scci.ca](http://www.csic-scci.ca)). The foreign workers can also find potential employers through job postings on company websites, international job fairs, or by hiring a placement agency.



*Can someone who has been hired as a temporary foreign worker be nominated for permanent status through this program?*

Yes, provided they meet all provincial and federal requirements. In fact, hiring a foreign worker through the temporary foreign worker program first and then supporting their application for permanent residency through the Prince Edward Island Provincial Nominee Program is an ideal solution for employers.

### **Step - by - Step Guide for Employers**

1. Recruit/advertise for Prince Edward Island/Canadian residents and document your efforts and results.
2. Find the foreign worker you want to hire.
3. Issue a full-time permanent job offer to the foreign worker.
4. Obtain and provide Labour Market Opinion to worker (if applicable).
5. Foreign worker completes and submits the provincial and federal forms and provides supporting documentation as outlined in the Prince Edward Island Provincial Nominee Program website Skilled Worker Category section [www.gov.pe.ca/immigration](http://www.gov.pe.ca/immigration).
6. Prince Edward Island Provincial Nominee Office informs the foreign worker whether they have met the Prince Edward Island requirements.
7. If the foreign worker does not meet the Prince Edward Island requirements the application will be declined.
8. If the foreign worker does meet the Prince Edward Island requirements then the Prince Edward Island Provincial Nominee office issues a nomination certificate to the appropriate Embassy/Consulate/High Commission.
9. The foreign worker then submits the completed forms, supporting documentation and Prince Edward Island Provincial Nominee letter of support to the Embassy/Consulate/High Commission that is responsible for their region. For temporary workers already in Prince Edward Island this is usually the Consulate in Buffalo, New York. Please note that each Embassy/Consulate/High Commission has a specific checklist that applicants must follow.
10. The Embassy/Consulate/High Commission provides a written decision to the foreign worker on whether their application is approved or refused.
11. If approved, Canada Border Services Agency accepts or rejects the foreign workers entry to Canada as they cross the border.
12. Welcome individuals from another culture and help them to adapt to life in Prince Edward Island.



## APPENDIX A - List of Acronyms

CBSA	Canada Border Services Agency
CIC	Citizenship and Immigration Canada
EHO	Environmental Health Officer
F.A.R.M.S	Foreign Agricultural Resource Management Services
FERME	Fondation des entreprises pour le recrutement de la main-d'œuvre étrangère
IIDI	Island Investment Development Inc.
LMO	Labour Market Opinion
NOC	National Occupational Classification
PEI PNP	Prince Edward Island Provincial Nominee Program
SAWP	Seasonal Agricultural Worker Program
TFW	Temporary Foreign Worker
TRV	Temporary Resident Visa

## APPENDIX B - Work Categories Exempt From A Labour Market Opinion \*

Entrepreneurs, Company Transfers  
Exchange Programs  
International Agreements  
Religious Work  
Some Exceptions

Humanitarian Reasons

Self-Support

Spouses \*\*

Students Doing Co-op

\* It is important to go to <http://www.cic.gc.ca/english/work/index.asp> for more details and check directly with Citizenship and Immigration Canada before assuming a Labour Market Opinion exemption applies.

\*\* Spouses and common-law partners of certain skilled foreign workers, spouses and common-law partners of certain foreign students, and spouses and common-law partners of a work permit holder doing post-graduation employment do not need a Labour Market Opinion from Service Canada.

## APPENDIX C - Work Categories Exempt From A Work Permit \*

Accident or Incident Inspector  
Athletes and Coaches  
Business Visitors  
Civil Aviation Inspector  
Clergy  
Convention Organizers  
Crew  
Emergency Service Providers  
Examiners and Evaluators  
Expert Witnesses or Investigators  
Family Members of Foreign Representatives  
Foreign Government Officers  
Foreign Representatives  
Health Care Students  
Implied Status  
Judges and Referees  
Military Personnel  
News Reporters  
On-Campus Employment  
Performing Artists \*\*  
Professional and Semi-Professional Coaches and Athletes  
Public Speakers

\* It is important to go to <http://cic.gc.ca/english/work/apply-who-nopermit.asp> for more details and check directly with Citizenship and Immigration Canada before assuming a work permit exemption applies.

\*\* Foreign artists and their essential supporting staff coming to Canada to perform do not need a permit if they are only performing in Canada for a limited period of time and will not be performing in a bar or restaurant. Artists working in Canada in this category may not enter into an employment relationship with the Canadian group that has contracted for their services. Artists must also not perform for the production of a movie, television or radio broadcast.