

Work Permits under the Temporary Foreign Worker Program

Course Summary: This course will discuss the steps involved in securing an individual employee a work permit following the approval of a Labour Market Impact Assessment (LMIA). The instructor will discuss the decision-making behind the approval of a work permit application, as well as many important considerations, such as the place of application, concurrent processing with an LMIA application, maintaining implied status as a worker and restoration of status. Common mistakes made by work permit applicants will be discussed as well as ethical issues arising in corporate practice and work permit applications.

Course Outline:

1. The Initial client assessment
 - Who will be the client
 - Timing and place of application
 - Getting the right facts from employer and employee
2. Relevant legislative sections and IRCC manuals
3. Where to apply for a work permit
 - Application made outside Canada
 - Port of Entry applications
 - Applications within Canada
4. Work permit application assessment
 - Steps followed by immigration officer
 - Factors prohibiting work permit issuance
 - Quebec workers
5. Practical considerations
 - Common mistakes made by work permit applicants
 - Tips for preparing work permit applications under the TFWP
 - Cover letters/submissions

6. Processing times and standards

- Global Skills Strategy
- Concurrent processing of LMIA and work permit application

7. Conditions imposed on work permit holders

- General conditions on temporary residents
- Specific conditions found in work permits
- 6-month prohibition for breach of conditions

8. Implied status and work under implied status

9. Restoration of status as a worker

10. Recommendations to clients and employers following approval of work permit under the TFWP

- Continuing to meet prevailing wage
- Meeting LMIA/WP conditions and recordkeeping

11. Ethical and professional responsibility issues arising in work permit applications

- Who is the client?
 - Employee alone vs. employer and employee
- Practice guidelines when handling joint retainers
 - Power imbalances between the clients
 - Mandatory content in the retainer agreement
 - Confidentiality disclosures
 - Alternatives to a joint retainer
 - Third party payor
 - Authorization to communicate/receive instructions from third party
- Conflicts of interest
 - Employer-employee conflicts
 - Competing interests
 - Avoiding, identifying and managing conflicts of interest
 - Withdrawal of representation

12. Questions and answers