

Archived: December 23, 2021 10:14:34 AM

From: [Immigration Representatives / Représentants immigration \(IRCC\)](#)

Mail received time: Tue, 11 May 2021 13:40:02

Sent: Tue, 11 May 2021 13:40:02

To:

Cc: [Immigration Representatives / Représentants immigration \(IRCC\)](#)

Subject: FW: Postdocs holding Postdoc Association Positions -- REP-2021-0456

Sensitivity: Normal

Hello,

QUESTION: In the event that an international postdoctoral associate gets elected onto the executive team, are they legally allowed to perform the executive duties, and receive the honorarium, on their work permits? Being as these are elected positions, and only current postdocs are eligible to run, the honorarium and additional duties would not have been included on the employer portal submission for the work permits.

RESPONSE: The Immigration and Refugee Protection Regulations require that the employer provide the foreign worker with employment in the same occupation as that set out in the offer of employment and with wages and working conditions that are substantially the same as, but not less favourable than, those in the same offer [R209.2(1)(a)(iii)]. In this situation, assuming that the foreign worker must agree to be nominated, the occupation and work duties would not be viewed as 'less favourable than' just the duties of the post-doctoral occupation. The employer could justify the variance in duties by stating that the foreign worker agreed to the nomination, received extra experience and an honorarium, so therefore the variance was not detrimental to the worker.

In the future, I would suggest that the employer could add a line to the offer of employment indicating 'may be elected to PDAC Executive Team' which would cover them for any future offers of employment.

For more information on 'Variance in duties' and how IRCC assesses them you can review the officer guidance publically available here: [Assessing compliance conditions](#). Specifically, the section titled : **Occupation, wages and working conditions**

Thank you for contacting the Temporary Resident Program Division of IRCC. We are unable to respond to case-specific enquiries, but encourage you to contact the appropriate resource below for assistance:

- 1) For more information about IRCC programs, please visit our [Help Centre](#).
- 2) For case status updates, you can [check the status of your application online](#).
- 3) For other enquiries, please contact the Department using the appropriate method provided on the [Contact Us](#) page.
- 4) If you have already contacted the Client Support Centre or migration office, and submitted a request via the IRCC [Webform](#) on the processing of your application and the reasons for decision and require further information, then you may contact the [Cases and Advice Unit](#) of the Immigration Cases Division at Case Management Branch.

- 5) For technical issues with the Employer Portal, please contact the **Employer Portal Mailbox**. Employers should review the Employer Portal **Enrolment** and **User** Guides.
- 6) For employers wishing to hire temporary workers who are outside Canada and from visa-exempt countries who may be exempt from a Labour Market Impact Assessment (LMIA) or a work permit, you are encouraged to contact the **International Mobility Worker Unit** to seek an opinion. There are no costs associated with the opinion request. The opinion provided by the IMWU may be considered by the border services officer but will not guarantee that the temporary worker will be exempt from needing an LMIA / work permit or entry into Canada.

Nous vous remercions d'avoir communiqué avec la Division de la prestation des programmes des résidents temporaires d'IRCC. Nous ne pouvons répondre aux demandes de renseignements portant sur des cas précis, mais nous vous encourageons à communiquer avec la ressource compétente indiquée ci-dessous pour obtenir de l'aide.

- 1) Pour obtenir de plus amples renseignements au sujet des programmes d'IRCC, veuillez consulter le **Centre d'aide**.
- 2) Pour savoir où en est rendu le traitement de votre demande, vous pouvez **vérifier l'état de votre demande en ligne**.
- 3) Pour toute autre question, veuillez communiquer avec le Ministère selon le moyen approprié indiqué sur la page **Contactez--nous**.
- 4) Si vous avez déjà communiqué avec le Centre de soutien à la clientèle ou le bureau migration au sujet du traitement de votre demande et/ou des motifs de la décision, et avez besoin de renseignements supplémentaires, vous pouvez communiquer avec l'Unité des cas et **conseils au Règlement des cas** par courriel.
- 5) Si vous éprouvez des problèmes techniques avec le Portail de l'employeur, veuillez envoyer votre question à la **boîte aux lettres du Portail de l'employeur**. Les employeurs devraient s'assurer de réviser le **Guide d'inscription** ainsi que le **Guide d'utilisation** du Portail des employeurs.
- 6) Les employeurs qui souhaitent embaucher un travailleur qui se trouve à l'extérieur du Canada et qui vient d'un pays dispensé de l'obligation de visa et qui est possiblement dispensé d'une étude d'impact sur le marché du travail (EIMT) ou d'un permis de travail, peuvent envoyer un courriel à **l'Unité pour la mobilité internationale des travailleurs** afin d'obtenir un avis. Il n'y a pas de frais associés pour les demandes d'avis. Les avis fournis par l'Unité pour la mobilité internationale des travailleurs peuvent être pris en compte par l'agent des services frontaliers mais ne garantissent pas que le travailleur sera dispensé d'une EIMT ou d'un permis de travail ou qu'il sera admis au Canada.

From:

Sent: April 12, 2021 9:59 AM

To: Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-

Representantsimmigration.IRCC@cic.gc.ca>

Subject: Postdocs holding Postdoc Association Positions

Hello,

My name is _____, and I am a Regulated Canadian Immigration Consultant employed at the _____
I am hoping you can provide us an official opinion on the following, which was recently brought up to us from the _____

There are 6 executive team positions available on the PDAC, and each executive is elected into the position for a 12month term, and receives an honorarium of \$350 per month.

The question that has been brought up to us, is that there is a large international postdoctoral population here at the _____ a majority of which are in possession of C44-LMIA exempt employer specific work permits. In the event that an international postdoctoral associate gets elected onto the executive team, are they legally allowed to perform the executive duties, and receive the honorarium, on their work permits? Being as these are elected positions, and only current postdocs are eligible to run, the honorarium and additional duties would not have been included on the employer portal submission for the work permits.

Please note the additional following details that were provided to us from the PDAC:

1. The PDAC Executive Team is composed of 6 positions
2. All individuals who fill the Executive Team positions must be current postdocs at the _____
3. Each position receives an honorarium of \$350 per month, equating to \$4,200 per annual term
4. The term of each position is 12 months, every position goes through another election after the year _____
5. There is no minimum time commitment required of the PDAC executive team positions. Each elected position dedicates to the PDAC the time that their postdoctoral position permits. On average, most positions commit around 1-2hrs/week.

Based on the above, can you please provide us with an IRCC opinion to the question: In the event that an international postdoctoral associate gets elected onto the executive team, are they legally allowed to perform the executive duties, and receive the honorarium, on their C-44 LMIA-exempt employer specific work permits?

We appreciate any guidance you're able to provide. Please let m know if you need any further information.

Kind regards,