



Information disclosed under the Access to Information Act

Wiseman.Ruth

L'information divulguée en vertu de la loi sur l'accès à l'information

From: Campbell.Tim
Sent: November 6, 2015 7:39 AM
To: ImmigrationRepresentatives
Subject: FW: visiting professors-REP-2015-2976-due by Nov. 27

Hello ImmRep Mailbox:

Below is the approved reply to: question #REP-2015-2976. Approval by A/Manager M. Fontaine.

Thank you!

Dear

This e-mail is in response to your query to the Citizenship and Immigration Canada Immigration Representatives mailbox.

Summarized Question: Can a foreign national who was admitted as a visiting professor under R205(b) of the Immigration and Refugee Protection Regulations extend their stay beyond two years, or apply for a new work permit without a break in service.

Answer: Visiting professors are only authorized for a period of "not more than two academic years" under R205(b). A stay of longer than two years implies the foreign national is no longer "visiting" Canada. However, other options exist. The academic institution could seek a Labour Market Impact Assessment (LMIA) from Employment and Social Development Canada (ESDC), depending on the specifics of the case. Please visit the "[Hiring Foreign Academics](#)" section of the ESDC website for more information. If a positive LMIA is issued, the foreign national could then apply for an employer-specific work permit and, if granted, remain in Canada.

Trusting this information is of assistance to you,

Tim Campbell
Senior Program & Policy Advisor | Conseiller Principal en Programmes et Politiques
NHQ - Operational Management and Coordination | AC - Gestion opérationnelle et coordination
Citizenship and Immigration Canada | Citoyenneté et Immigration Canada
365 Laurier Avenue West Ottawa ON K1A 1L1 | 365, avenue Laurier Ouest Ottawa ON K1A 1L1
Tim.Campbell@cic.gc.ca
Telephone | Téléphone 613-437-5693
Facsimile | Télécopieur 613-952-5382
Government of Canada | Gouvernement du Canada

From: Fontaine.Melanie
Sent: November 5, 2015 10:44 PM
To: Campbell.Tim
Subject: Re: visiting professors-REP-2015-2976-due by Nov. 27

Approved. Please proceed.

Melanie Fontaine



A/Assistant Director | Directrice adjointe, Direction
NHQ - Operational Management and Coordination | AC - Gestion opérationnelle et coordination
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365 Laurier Avenue West Ottawa ON K1A 1L1 | 365, avenue Laurier Ouest Ottawa ON K1A 1L1
Melanie.Fontaine@cic.gc.ca
Telephone | Téléphone 613-437-8861
Facsimile | Télécopieur 613-954-5896
Government of Canada | Gouvernement du Canada

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Campbell.Tim
Sent: Wednesday, November 4, 2015 10:02 AM
To: Fontaine.Melanie
Subject: FW: visiting professors-REP-2015-2976-due by Nov. 27

Hi Mel:

Here is the revised text with the exemption portion removed, as per ESDC's advice. For (Re-)Approval!

Dear

This e-mail is in response to your query to the Citizenship and Immigration Canada Immigration Representatives mailbox:

Summarized Question: Can a foreign national who was admitted as a visiting professor under R205(b) of the Immigration and Refugee Protection Regulations extend their stay beyond two years, or apply for a new work permit without a break in service.

Answer: Visiting professors are only authorized for a period of "not more than two academic years" under R205(b). A stay of longer than two years implies the foreign national is no longer "visiting" Canada. However, other options exist. The academic institution could seek a Labour Market Impact Assessment (LMIA) from Employment and Social Development Canada (ESDC), depending on the specifics of the case. Please visit the "[Hiring Foreign Academics](#)" section of the ESDC website for more information. If a positive LMIA is issued, the foreign national could then apply for an employer-specific work permit and, if granted, remain in Canada.

Trusting this information is of assistance to you,

Tim Campbell
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Tim.Campbell@cic.gc.ca
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Government of Canada | Gouvernement du Canada

From: valencia.dasilva@hrsdc-rhdcc.gc.ca [mailto:valencia.dasilva@hrsdc-rhdcc.gc.ca]
Sent: November 4, 2015 9:51 AM
To: Campbell.Tim
Subject: RE: visiting professors-REP-2015-2976-due by Nov. 27



Hi, Tim. There's one main change I'd make - namely, to the suggestion that the university seek an LMIA exemption from ESDC. The authority to determine whether an exemption applies rests solely with CIC; therefore, we normally advise employers inquiring about such to contact the relevant party.
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A few suggested edits below:

Answer: Visiting professors are only authorized for a period of "not more than two academic years" under R205(b). A stay of longer than two years implies the foreign national is no longer "visiting" Canada. However, other options exist. The academic institution could seek a Labour Market Impact Assessment (LMIA) or a LMIA Exemption from Economic Employment and Social Development Canada (ESDC), depending on the specifics of the case. Please visit the "Hiring Foreign Academics" section of the ESDC website for more information. If a positive LMIA is issued, the foreign national could then apply for an employer-specific work permit and, if granted, remain in Canada.

Many thanks for the opportunity to provide input.

Regards,

Valencia

Valencia da Silva

Senior Policy Analyst | Analyste principale des politiques
Temporary Foreign Worker Program (TFWP) | Programme des travailleurs étrangers temporaires (PTEET)
Employment and Social Development Canada | Emploi et Développement social Canada
Tel: 819-654-3288 | Fax: 819-997-5979
valencia.dasilva@hrsdc-rhdcc.gc.ca

From: Campbell, Tim [<mailto:Tim.Campbell@cic.gc.ca>]
Sent: 2015-11-04 7:53 AM
To: da Silva, Valencia [NC]
Subject: FW: visiting professors-REP-2015-2976-due by Nov. 27

Hello Valencia:

My name is Tim Campbell, and I'm with the foreign workers' team here at CIC. My colleague Ruth Wiseman suggested you might be the best person to reach out to about the proposed reply to a functional guidance question. Is it possible to review the very short answer below (highlighted for convenience) to ensure everything is accurate. We just want to make sure before we reply to:

Thank you!

Tim Campbell

Senior Program & Policy Advisor | Conseiller Principal en Programmes et Politiques
NHQ - Operational Management and Coordination | AC - Gestion opérationnelle et coordination
Citizenship and Immigration Canada | Citoyenneté et Immigration Canada
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Facsimile | Télécopieur 613-952-5382
Government of Canada | Gouvernement du Canada

From: Fontaine, Melanie
Sent: November 3, 2015 11:40 PM
To: Campbell, Tim
Subject: Re: visiting professors-REP-2015-2976-due by Nov. 27



Hi Tim,

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Did we reach out to our ESDC colleagues on information divulguée en vertu de la loi sur l'accès à l'information

Assuming we have, proposed response is approved and you may proceed. If we have not, perhaps a quick check in with our ESDC colleagues would be in order since we are sending this requester their way.

Thanks,
Mel

Melanie Fontaine
A/Assistant Director | Directrice adjointe, p.i.
NHQ - Operational Management and Coordination | AC - Gestion opérationnelle et coordination
Citizenship and Immigration Canada | Citoyenneté et Immigration Canada
365 Laurier Avenue West Ottawa ON K1A 1L1 | 365, avenue Laurier Ouest Ottawa ON K1A 1L1
Melanie.Fontaine@ci.gc.ca
Telephone | Téléphone 613-437-8861
Facsimile | Télécopieur 613-954-5896
Government of Canada | Gouvernement du Canada

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Campbell, Tim
Sent: Tuesday, November 3, 2015 9:24 AM
To: Fontaine, Melanie
Subject: RE: visiting professors-REP-2015-2976-due by Nov. 27

Hi Mel:

Carolyn gave me some guidance on this one. For approval.

Dear

This e-mail is in response to your query to the Citizenship and Immigration Canada Immigration Representatives mailbox.

Summarized Question: Can a foreign national who was admitted as a visiting professor under R205(b) of the Immigration and Refugee Protection Regulations extend their stay beyond two years, or apply for a new work permit without a break in service.

Answer: Visiting professors are only authorized for a period of "not more than two academic years" under R205(b). A stay of longer than two years implies the foreign national is no longer "visiting" Canada. However, other options exist. The academic institution could seek a Labour Market Impact Assessment (LMIA) or a LMIA-Exemption from Economic and Social Development Canada (ESDC), depending on the specifics of the case. Please visit the "[Hiring Foreign Academics](#)" section of the ESDC website for more information. The foreign national could then apply for an employer-specific work permit and, if granted, remain in Canada

Trusting this information is of assistance to you,

Tim Campbell
Senior Program & Policy Advisor | Conseiller Principal en Programmes et Politiques
NHQ - Operational Management and Coordination | AC - Gestion opérationnelle et coordination



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From: Fontaine.Melanie
Sent: November 2, 2015 4:34 PM
To: Campbell.Tim
Cc: Dunn.Christina
Subject: FW: visiting professors-REP-2015-2976-due by Nov. 27

Hi Tim,

Could you draft the proposed response for approval by **COB Thursday, November 26th**. Please consult team members as necessary.

Christina – could you track, please.

Thanks,
Mel

Melanie Fontaine
A/Assistant Director | Directrice adjointe, p.i.
NHQ - Operational Management and Coordination | AC - Gestion opérationnelle et coordination
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From: ImmigrationRepresentatives
Sent: November 2, 2015 4:10 PM
To: Fontaine.Melanie
Cc: ImmigrationRepresentatives; Delaney.Linda
Subject: FW: visiting professors-REP-2015-2976-due by Nov. 27

Hello,

For your action, see inquiry below.

- Please provide a response approved by your manager directly to the ImmigrationRepresentatives mailbox, before the due date indicated in the subject line.
- The response will be sent to the representative from the ImmigrationRepresentatives mailbox. Please do not respond directly to the representative as we are tracking all messages received and responses sent out. This will encourage representatives to use the mailbox and not direct their request to the officers and provide a more efficient way of responding to clients.
- If you are unable to provide a response within the 20 days service standard please send a message to the ImmigrationRepresentatives mailbox and we will inform the representative.

Thank you kindly



The Immigration Representatives Mailbox

Information disclosed under the Access to Information Act

L'information divulguée en vertu de la loi sur l'accès à l'information

From:

Sent: November 2, 2015 12:04 PM

To: ImmigrationRepresentatives

Subject: visiting professors-REP-2015-2976-due by Nov. 27

Hello,

I am a

If a visiting professor comes on a two year work permit, can this be extended or can they apply for a new work permit after two years with no gap?

For example, is a three year visiting professor position possible?

Thank you,

Visiting professors

Visiting professors may be issued work permits pursuant to R205(b), C22. They are people working for a period of not more than two academic years to take a position with a post-secondary institution and who retain their position abroad. Visiting professors may also include those on sabbatical who are doing collaborative research with a Canadian post-secondary institution.



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Wiseman.Ruth

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From: Laporte.Amelie
Sent: June 19, 2019 8:37 AM
To: Immigration Representatives / Représentants immigration (IRCC)
Subject: RE: Guidance re: Application of C22 - Visiting Professors--REP-2019-1627--Due 10-Jun-19

Hello,
See below response to the rep. You can close the tasking. Thanks!

**

Dear
We apologize for the delay in our response.

Question:
'retain their position abroad' – does the position abroad need to be as a professor?

Response:
Yes the position abroad need to be as a professor. LMIA exemption code C22 is for reciprocal employment therefore it is required that the visiting professor coming to Canada be a professor in their country.

Question:
are there any other guidelines as to what the qualifications are for a visiting professor?

Response:
For professor who do not qualify under LMIA exemption C22, the academic institution could seek a Labour Market Impact Assessment (LMIA) from Employment and Social Development Canada (ESDC), depending on the specifics of the case. Please visit the "[Hiring Foreign Academics](#)" section of the ESDC website for more information.

From:
Sent: May 13, 2019 11:16 AM
To: Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC@cic.gc.ca>
Cc: BurtT.Tracy <Tracy.BurtT@cic.gc.ca>
Subject: Re: Guidance re: Application of C22 - Visiting Professors

I am not a consultant, rather a BC lawyer, per my signature line. You can verify my identity at



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This email is intended for the individual or entity named above and contains information that may be subject to privilege. Its transmission is not a waiver of same. Any use of this communication by an unintended recipient is strictly prohibited. If you have received this in error please delete this message and attachments from your computer and servers without further use, and contact us by return email to notify us of the error. Thank you for your cooperation.

----- Original message -----

From: "Immigration Representatives / Représentants immigration (IRCC)"

<IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC@cic.gc.ca>

Date: 2019-05-13 7:34 AM (GMT-08:00)

To:

Cc: "Immigration Representatives / Représentants immigration (IRCC)" <IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC@cic.gc.ca>

Subject: RE: Guidance re: Application of C22 - Visiting Professors

Good day,

Thank you for contacting the Immigration Representative Mailbox.

In order for our technical team to assist in resolving this issue, please provide your Immigration Consultants of Canada Regulatory Council (ICCRC) membership ID.

Thank you,

The Immigration Representatives Mailbox

From:

Sent: May 10, 2019 6:23 PM

To: Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC@cic.gc.ca>

Subject: Guidance re: Application of C22 - Visiting Professors

Dear Immreps: Please can you assist in the interpretation of and provide guidance related to the application of the following IRCC website excerpt:

Visiting professors

Visiting professors may be issued work permits pursuant to R205(b), C22. They are people working for a period of not more than two academic years to take a position with a post-secondary institution and who retain their position abroad. Visiting professors may also include those on sabbatical who are doing collaborative research with a Canadian post-secondary institution.

The specific circumstances underlying this query relate to a professional who seeks to enter Canada to teach at a post secondary university in his field of expertise for one term. He has experience as a professor, having previously taught the intended courses overseas, but he does not currently hold a professorial position abroad. On return to his home



country, following a three month leave of absence he will return to his employment position in his professional field of qualification.

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My questions are these:

1. 'retain their position abroad' – does the position abroad need to be as a professor?
2. are there any other guidelines as to what the qualifications are for a visiting professor?

Many thanks for your guidance as to the application of this LMIA exemption.

This email is intended for the individual or entity named above and contains information that may be subject to privilege. Its transmission is not a waiver of same. Any use of this communication by an unintended recipient is strictly prohibited. If you have received this in error please delete this message and attachments from your computer and servers without further use, and contact us by return email to notify us of the error. Thank you for your cooperation.



Information disclosed under the Access to Information Act

Wiseman.Ruth

~~L'information divulguée en vertu de la loi sur l'accès à l'information~~

From: Wiseman.Ruth
Sent: April 7, 2017 7:35 AM
To: ImmigrationRepresentatives
Subject: Visiting professor - 2 year maximum-REP-2017-0408-due by Apr. 6

Approved response for sending...

QUESTION: whether the 2 year maximum for the visiting professor LMIA exemption (C22) is a time limit on each stay or whether it is a lifetime cumulative limit.

RESPONSE: Work permits for **visiting professors** are authorised for a **maximum period of two academic years**. Extensions beyond that period remain within an officer's authority, however, the officer must be satisfied that the exchange still exists and remains 'temporary' in nature. This limit has been in place for decades and reinforces the 'temporary' nature of these opportunities and mitigates potential impacts on Canadians' access to academic teaching opportunities.

From:
Sent: March 9, 2017 4:55 PM
To: ImmigrationRepresentatives <ImmigrationRepresentatives@cic.gc.ca>
Subject: Visiting professor - 2 year maximum-REP-2017-0408-due by Apr. 6

Dear Madam, Sir,

I would like to know whether the 2 year maximum for the visiting professor LMIA exemption (C22) is a time limit on each stay or whether it is a lifetime cumulative limit.

Best regards,



Information disclosed under the Access to Information Act

Wiseman.Ruth

L'information divulguée en vertu de la loi sur l'accès à l'information

From: Santini.Neida
Sent: August 11, 2015 11:24 AM
To: ImmigrationRepresentatives
Cc: Hou.Vicky
Subject: Teaching Job for Visiting Scholar Work Permit Holder - REP-2015-2432 - Due by August 14

Approved response for sending. Mailbox: pls close this item. Thanks, N.

=====

Dear

Thank you for your email to the Immigration Representatives mailbox.

Question:

I just wonder whether a Visiting Scholar work permit holder (no employer specified, case type 20) is authorized to take up a teaching job in a different education institution or not? Your kind advice would be highly appreciated.

Response:

Based on the information you provided, it appears that the foreign national has been issued an employer-specific work permit under Reciprocal employment – Academic exchanges [R205(b)] (exemption code C22), which means that the work permit holder may not change employers without applying for changes to their work permit. This Labour Market Impact Assessment (LMIA) exemption applies to visiting professors who are working for a period of not more than two academic years to take a position with a post secondary institution and who retain their position abroad. Visiting professors may also include those on sabbatical who are doing collaborative research with a Canadian post-secondary institution.

That being said, an open [or unspecified] work permit enables a person to seek and accept employment and to work for any employer for a specified period of time. An open work permit may, however, restrict the occupation or location. Please refer to the Program Delivery Instructions for additional information on the types of open work permits and the details on the categories that may be eligible to obtain an open work permit.

Trusting this information is of assistance.

From: ImmigrationRepresentatives
Sent: July 20, 2015 11:10 AM
To: Hou.Vicky
Cc: Delaney.Linda; ImmigrationRepresentatives
Subject: FW: Teaching Job for Visiting Scholar Work Permit Holder - REP-2015-2432 - Due by August 14

Hello,

For your action, see inquiry below.

- Please provide a response approved by your manager directly to the ImmigrationRepresentatives mailbox, before the due date indicated in the subject line.



- Information disclosed under the Access to Information Act / L'information divulguée en vertu de la loi sur l'accès à l'information
- The response will be sent directly to the representative from the ImmigrationRepresentatives mailbox. Please do not respond directly to the representative as we are tracking all messages received and responses sent out. This will encourage representatives to use the mailbox and not direct their request to the officers and provide a more efficient way of responding to clients.
 - If you are unable to provide a response within the service standard please send a message to the ImmigrationRepresentatives mailbox and we will inform the representative.

Thank you kindly

Government of Canada | Gouvernement du Canada

From:

Sent: July 18, 2015 2:30 PM

To: ImmigrationRepresentatives

Subject: Teaching Job for Visiting Scholar Work Permit Holder - REP-2015-2432 - Due by August 14

Dear Sir/Madam,

I just wonder whether a Visiting Scholar work permit holder (no employer specified, case type 20) is authorized to take up a teaching job in a different education institution or not? Your kind advice would be highly appreciated.

Best regards,



Information disclosed under the Access to Information Act

Wiseman.Ruth

L'information divulguée en vertu de la loi sur l'accès à l'information

From: Rowe.Leslie
Sent: December 19, 2016 3:36 PM
To: OMC-GOC-Immigration
Cc: Ahmad.Mona
Subject: sessional instructor - C22/C44 FW: IM-2016-1058 FW: LMIA/LMIA Exempt Question

please send out the reply below from your mailbox

Thanks!

Leslie

Please send see below for our approved reply to your question.

Question:

....trying to decipher whether or not the employer ought to have applied for a second work permit, and whether or not that second work permit should have been under the TFWP rather than the IMP.

Response:

From the information provided, it would appear that the foreign national would need to obtain a Labour Market Impact Assessment and additional work permit in order to teach the second course as a sessional instructor.

Under LMIA exemption C22, the following requirements would need to be met:

Guest Lecturer:

- invited by a post-secondary institution to give a series of lectures and who occupy a temporary position of a non-continuing nature (which **does not comprise a complete academic course**) for a period of less than one academic term or semester.

Visiting Professor:

- people working for a period of not more than two academic years to take a position with a post-secondary institution;
- retain their position abroad
- may also include those on sabbatical who are doing collaborative research with a Canadian post-secondary institution.

It does not appear either of these scenarios apply.

From: Mason.Benjamin
Sent: December 15, 2016 3:00 PM
To: OMC-GOC-Immigration <OMC-GOC-Immigration@cic.gc.ca>
Subject: FW: IM-2016-1058 FW: LMIA/LMIA Exempt Question

Hello,

Just following up on this request.

Thank you,



Information disclosed under the Access to Information Act

Ben Mason

NHQ - Case Management | AC - Règlement des cas
Immigration, Refugees and Citizenship Canada | Immigration, Réfugiés et Citoyenneté Canada
300 Slater Street Ottawa ON K1A 1L1 | 300 rue Slater Ottawa ON K1A 1L1
Office | Bureau JETN A914
Telephone | Téléphone 613-437-7751
benjamin.mason@cic.gc.ca

L'information divulguée en vertu de la loi sur l'accès à l'information

From: OMC-GOC-Immigration

Sent: December 1, 2016 10:51 AM

To: Mason.Benjamin <Benjamin.Mason@cic.gc.ca>

Cc: Santini.Neida <Neida.Santini@cic.gc.ca>; Ahmad.Mona <Mona.Ahmad@cic.gc.ca>; OMC-GOC-Immigration <OMC-GOC-Immigration@cic.gc.ca>

Subject: IM-2016-1058 FW: LMIA/LMIA Exempt Question

Thank you for your e-mail. IPG will endeavor to respond to all standard internal inquiries within 10 business days. When a request is deemed complex and cannot be concluded within 10 business days, we will advise the requestor within 5 business days of this and provide an expected response time.

Please note your unique tracking number (**IM-2016-1058**). Please refer to this number in all correspondence related to your e-mail.

Thank you.

Merci pour votre courriel. L'OPI s'efforcera de répondre à toutes les demandes de renseignements ordinaires des clients internes dans les 10 jours ouvrables. Quand elle juge une demande complexe et ne peut y répondre dans les 10 jours ouvrables, nous aviserons l'auteur du courriel dans les 5 jours ouvrables et lui indiquera dans quel délai il peut s'attendre à recevoir une réponse.

Veuillez noter que nous avons assigné un numéro de suivi unique à cette demande (**IM-2016-1058**). Veuillez indiquer ce numéro dans toute correspondance en lien à cette demande.

Merci.

Immigration Program Guidance- Orientation du programme d'immigration-
IPG- OPI Mailbox

From: Mason.Benjamin

Sent: December 1, 2016 10:33 AM

To: OMC-GOC-Immigration <OMC-GOC-Immigration@cic.gc.ca>

Subject: RE: LMIA/LMIA Exempt Question

Hello,

Please see attached.

Thank you,

Ben Mason

NHQ - Case Management | AC - Règlement des cas
Immigration, Refugees and Citizenship Canada | Immigration, Réfugiés et Citoyenneté Canada
300 Slater Street Ottawa ON K1A 1L1 | 300 rue Slater Ottawa ON K1A 1L1



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benjamin.mason@cic.gc.ca

Information disclosed under the Access to Information Act
L'information divulguée en vertu de la loi sur l'accès à l'information

From: OMC-GOC-Immigration
Sent: December 1, 2016 10:22 AM
To: Mason.Benjamin <Benjamin.Mason@cic.gc.ca>
Cc: OMC-GOC-Immigration <OMC-GOC-Immigration@cic.gc.ca>
Subject: RE: LMIA/LMIA Exempt Question

****PLEASE READ FOR ALL QUERIES TO THE MAILBOX****

Please go to the following link and fill out the functional guidance request form. This is a standard form for anyone sending queries to the mailbox.

<http://cicintranet.ci.gc.ca/connexion/tools-outils/authors-auteurs/provide-donne-omc-goc-eng.aspx>

Veuillez aller au lien suivant et compléter la demande d'orientation fonctionnelle

<http://cicintranet.ci.gc.ca/connexion/tools-outils/authors-auteurs/provide-donne-omc-goc-fra.aspx>

Merci !

Immigration Program Guidance- Orientation du programme d'immigration-
IPG- OPI Mailbox

From: Mason.Benjamin
Sent: December 1, 2016 8:31 AM
To: OMC-GOC-Immigration <OMC-GOC-Immigration@cic.gc.ca>
Subject: LMIA/LMIA Exempt Question

Hello,

Would you be able to indicate whether or not a sessional (temporary) professor/lecturer at a university is a position which would require an LMIA? We are presently dealing with a case where a postdoctoral fellow was brought over under exemption C44 and then was asked to teach a course in addition to his research duties. He was compensated for this new position in addition to the compensation which he was receiving for his postdoctoral position. The employer indicated in email correspondence that acting as a sessional lecturer is not necessary a part of the postdoctoral position. Hence, we are trying to decipher whether or not the employer ought to have applied for a second work permit, and whether or not that second work permit should have been under the TFWP rather than the IMP. The two relevant LMIA exemptions to this case are C44 (postdoctoral fellows and award recipients) and C22 (exchange professors, visiting lecturers). However, the sessional lecturer position does not ultimately appear to fall under either of these exemptions. I have contacted you first before contacting ESDC and the TFWP unit.

Please let me know if I can provide any additional information.

Thank you,

Ben Mason

NHQ - Case Management | AC - Règlement des cas
Immigration, Refugees and Citizenship Canada | Immigration, Réfugiés et Citoyenneté Canada
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Office | Bureau JETN A914
Telephone | Téléphone 613-437-7751
benjamin.mason@cic.gc.ca



Information disclosed under the Access to Information Act

Wiseman.Ruth

L'information divulguée en vertu de la loi sur l'accès à l'information

From: Rowe.Leslie
Sent: March 8, 2017 11:43 AM
To: Lipo.Illir; Li.Jobina
Cc: Dib.Suzanne; Ahmad.Mona
Subject: FW: IM-2017-225 Seeking your assistance Lecturers in Canada.

Hello,

FYI - Please see below for information we provided to Susan Scarlett (Protocol) regarding visiting professors.

Regards,

Leslie Rowe

Program/Policy Advisor, Immigration Program Guidance
Immigration, Refugees and Citizenship Canada / Government of Canada
Leslie.Rowe@cic.gc.ca

Conseiller/Analyste des programmes, Orientation du programme d'immigration
Immigration, Réfugiés et Citoyenneté Canada / Gouvernement du Canada
Leslie.Rowe@cic.gc.ca

From: Rowe.Leslie
Sent: March-07-17 12:23 PM
To: susan.scarlett@international.gc.ca
Cc: xdc-ircc@international.gc.ca; Ahmad.Mona <Mona.Ahmad@cic.gc.ca>
Subject: IM-2017-225: Seeking your assistance Lecturers in Canada.

Dear Susan,

Under the International Mobility Program (IMP), certain academics may enter the Canadian labour market without a Labour Market Impact Assessment (LMIA) based on reciprocity or public policy and competitiveness to facilitate temporary academic work at educational institutions, not to fill permanent or tenure-track positions.

Under the reciprocity provision [R205(b)] of the IMP, academic exchanges include guest lecturers, visiting professors, exchange elementary and secondary teachers. This group is facilitated under the assumption that opportunities exist for Canadians or permanent residents to take similar positions in foreign institutions abroad.

Work permits for **visiting professors** are authorised for a **maximum period of two academic years**. Extensions beyond that period remain within officer's authority. This limit has been in place for decades and reinforces the 'temporary' nature of these opportunities and mitigates potential impacts on Canadians' access to academic teaching opportunities.

The following three options could be considered:



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- **Significant cultural benefit/LMIA exemption C10:**
 - Issuance under the significant benefit provision [R205(a)] LMIA exemption code C10 could be considered, provided relevant requirements are met including documentation supporting the claim of significant social, cultural or economic benefit to Canada.
- **Reciprocity/LMIA exemption C20:**
 - If reciprocity is demonstrated, a new work permit could be considered under the cultural agreement between Canada and Italy [R205(b)] - C20. [R205(b)] allows for admission of workers where reciprocity is demonstrated by the Canadian employer. Lecturers may apply for LMIA-exempt work permits under the general Reciprocal Employment C20, which includes facilitation under the provisions of cultural agreements.
 - To ensure that work permit applications for visiting professor receive consideration under the C20, we would encourage the foreign worker to reference that they are applying to take employment under the terms of between Canada and Nevertheless, the merits of each work application are assessed on a case-by-case basis, and an officer's decision is based on a variety of eligibility and admissibility factors.
- **Labour market test:**
 - The could seek an LMIA from Employment and Social Development Canada (ESDC), depending on the specifics of the case. If a positive LMIA is issued, the foreign national could then apply for an employer-specific work permit and, if granted, remain in Canada. This would address possible concerns from a labour market perspective.
 - Academics can also enter under the Temporary Foreign Worker Program (TFWP), requiring a positive or neutral Labour Market Impact Assessment. Special hiring criteria have been developed in cooperation with universities, degree-granting colleges, and unions representing Canadian academics as safeguard for career development and employment of Canadian academics.

We noted that the employer

However, if an employer believes that a foreign national is eligible for a LMIA exemption or a work permit exemption, they can request an opinion from one of IRCC's International Mobility Worker Units (IMWU) if the foreign worker is from a visa-exempt country and is currently outside Canada. The opinion given by the Unit is considered by border services officers at the port of entry. Requests and supporting documentation must be submitted **at least 30 days before the date of the worker plans to enter Canada**. IMWUs contact information can be found here: <http://www.cic.gc.ca/english/work/employers/apply-who.asp>.

For further information on specific cases, the foreign national may contact the Cases and Advice Unit via e-mail at: Case-Review-im-enquiry@cic.gc.ca.

Regards,

Leslie Rowe



Program/Policy Advisor, Immigration Program Guidance
Immigration, Refugees and Citizenship Canada / Government of Canada
Leslie.Rowe@cic.gc.ca

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Conseiller/Analyste des programmes, Orientation du programme d'immigration
Immigration, Réfugiés et Citoyenneté Canada / Gouvernement du Canada
Leslie.Rowe@cic.gc.ca

From: Susan.Scarlett
Sent: March-06-17 5:59 PM
To: Dib.Suzanne <Suzanne.Dib@cic.gc.ca>; Rowe.Leslie <Leslie.Rowe@cic.gc.ca>
Cc: xdc-ircc@international.gc.ca
Subject: Seeking your assistance - Lecturers in Canada.
Importance: High

Hello from XDC

The [redacted] is seeking guidance and information about [redacted] Lecturers in Canada (see below). There is the particular issue of specific case and the bigger issue of this profile of case.

Would it be possible for someone to have a look at these cases and this profile of employment?

Thanks in advance

Susan Scarlett
Senior Advisor and Liaison Officer for Immigration, Refugees and Citizenship Canada | Conseillère principale et agente de liaison pour Immigration, Réfugiés et Citoyenneté Canada
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I am writing to you further to our discussions regarding the situation of our Lecturers in Canada, particularly with regards to the status of

On the basis of the [redacted] Between the Government of Canada and the Government of the [redacted] wishing to intensify cultural cooperation and strengthen the bonds of friendship between Canada and the [redacted] has for years assigned Lecturers to [redacted] and to [redacted] The Lecturers are appointed by ad hoc Ministerial Decrees, typically for a duration of a maximum of 10 years.



These Lecturers are Public Servants that, while abroad, are paid their salaries and benefits directly by the Embassy and by the Consulate General respectively. They do not receive any other form of remuneration, in kind or otherwise. The information divulguée en vertu de la Loi sur l'accès à l'information, all administrative tasks including holidays, sick leave, reimbursements, performance evaluations, etc. are the direct responsibility of the Embassy and the Consulate General. They are not accredited but they are issued official

The current Lecturer assigned to () She was initially issued a Work Permit n. () upon her arrival on () which has since been renewed for one year. () date of birth, is ()

Getting to () situation, attached is a letter from () the () with which he advised our Consul General () that, according to IRCC regulations, it will not be possible to renew () position beyond () assumed her duties at () she was recently issued a new Work Permit () by IRCC () as a Visiting Lecturer as her initial Permit expired on () The current Permit () has an expiry date of () For your information, her date of birth is ()

In the past, our previous Lecturer, () was issued a multi-year Work Permit without having to submit a LMO and without fees, according to exemption R2059b) C20 (cultural exchange), as per section 5.33 (formerly 5.36) of the Foreign Worker Manual which I have pasted below and highlighted for your convenience. In this respect, we were also wondering if there is any specific legislative reason why our Lecturers are now considered as Visiting Lecturers/Faculty (see attached letter from () from an immigration point of view.

I would greatly appreciate your kind assistance in clarifying the status of our Lecturers with the hope of confirming the application of the C20 regulations that will permit the issuance of a multi-year Work Permit in order to avoid the precarious situation of having to renew annually.

I also cc in this message the ()

With best regards,



5.33

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Professional Canadian teams, for which foreign athletes would require a work permit, include, but are not limited to, those in: the National and American Hockey Leagues, the Canadian Football League, Major League Baseball and its affiliates at the A, AA and AAA levels, the National Basketball Association, the Canadian Soccer League as well as the Major League Soccer league.

Canada World Youth Program

<http://cwy-jcm.com/>

This is an international exchange involving young people from a number of foreign countries whose brief living and working experience in Canada provides them and their Canadian hosts with a better appreciation of different cultures. Participants normally spend from 89 to 110 days in Canada and "work" full-time for the entire period at a variety of jobs, including farm work and social/community services, e.g., schools institutions, for the aged and handicapped. The "work" performed is strictly voluntary.

Participants will receive open unrestricted work permits (fee exempt). For this reason, they must have a medical examination.

Supporting documentation: a letter from Canada World Youth.

Cultural agreements

Persons entering Canada to take employment under the terms of cultural agreements between Canada and the following countries: Belgium, Brazil, Germany, Italy, Japan and Mexico. Fee exempt.

Cultural agreement between the Government of Canada and the Government of France

Allows for temporary employment under the cultural agreement between the Government of Canada and the Government of France, or under the terms of any educational, cultural, scientific, technical or artistic agreement made between France and a province of Canada within the framework of that agreement, provided that the applicants present to the officer a letter of acceptance by the appropriate governing body. Fee exempt.

Supporting documentation: letter from the appropriate governing body.

Cultural exchange between the Government of Canada and the People's Republic of China

Under the terms of the cultural exchange program relating to the arts, archives, libraries, journalism, radio, television, film, literature, translation, architecture, social sciences and sports. Fee exempt.



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Wiseman.Ruth

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From: Rowe.Leslie
Sent: September 22, 2017 2:51 PM
To: Immigration Representatives / Représentants immigration (IRCC)
Subject: RE: Duration of Work Permit under the Visiting Professor Category - LMIA Exemption Code C22 - REP-2017-1562

Please send out the below reply and close this tasking.
Thanks,

Leslie

Thank you for your questions on visiting professors. Please see below for further information.

Question:

How is the two years' maximum period calculated? For Example, is the 2-year limit applicable to each work permit application, or is it the maximum eligibility under C22 for the applicant's life time? If a Visiting Professor obtained a one-year work permit first, is he/she eligible to apply for another one for a 2-year period?

Response:

Under the International Mobility Program (IMP), certain academics may enter the Canadian labour market without a Labour Market Impact Assessment (LMIA) based on reciprocity or public policy and competitiveness under paragraph 205(b) of the *Immigration and Refugee Protection Regulations (IRPR)*. The intent is to facilitate temporary academic work at educational institutions, however not to fill permanent or tenure-track positions.

Under reciprocity employment, academic exchanges include guest lecturers, visiting professors, exchange elementary and secondary teachers. This group is facilitated under the assumption that opportunities exist for Canadians or permanent residents to take similar positions in foreign institutions abroad.

Work permits for visiting professors are authorised for a maximum period of two academic years. If a Visiting Professor obtained an initial one year work permit, they may apply to extend for another year reaching the two year limit. Extensions beyond that period remain within an officer's authority, however, the officer must be satisfied that the exchange still exists and remains 'temporary' in nature. This limit has been in place for decades and reinforces the 'temporary' nature of these opportunities and mitigates potential impacts on Canadians' access to academic teaching opportunities.

We trust this information will be of assistance.

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From:
Sent: September 6, 2017 6:01 PM
To: ImmigrationRepresentatives <ImmigrationRepresentatives@cic.gc.ca>
Subject: Duration of Work Permit under the Visiting Professor Category - LMIA Exemption Code C22

Good afternoon,



I hope to have a bit more information regarding the length of work permits under the Visiting Professor category (Exemption Code C22).
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As indicated on the IRCC website:

“Visiting professors may be issued work permits pursuant to R205(b), C22. They are people working for a period of not more than two academic years to take a position with a post-secondary institution and who retain their position abroad. Visiting professors may also include those on sabbatical who are doing collaborative research with a Canadian post-secondary institution.”

My question is how the two years' maximum period is calculated? For Example, is the 2-year limit applicable to each work permit application, or is it the maximum eligibility under C22 for the applicant's life time? If a Visiting Professor obtained a one-year work permit first, is he/she eligible to apply for another one for a 2-year period?

Any insights/clarifications would be highly appreciated!