

Nass.Lana

From: Laporte.Amelie
Sent: February 22, 2017 1:28 PM
To: ImmigrationRepresentatives
Cc: Santini.Neida; Ahmad.Mona
Subject: RE: C12/T24 - ICT - Authorized to work at various sites across Canada-REP-2016-1931-due by Jan. 17

Hello,
Please see below approved answer. You can close the tasking. Thanks!

Dear

We apologize for the delay in responding.

Question:

I would like to request guidance on an issue pertaining to work permit employment location with respect to the below scenario:

- 1 - Offer of Employment form has a physical work address noted as well as the phrase "and across Canada" after physical work address;
- 2 - Job Duties section states: "Authorized to work at office locations, client and project sites across Canada" in addition to job duties;
- 3 - Approved work permit is restricted to one employment location only;
- 4 - Work permit condition states "Not authorized to work in any location other than stated"; and
- 5 - Work permit remarks section is left blank.

Is the individual authorized to work at various sites across Canada?

Response:

Based on the information you provided, it appears that the work permit does not authorize the individual to work at various sites across Canada. The work permit is restricted to a specific employment location and specify that the individual is not authorized to work at any other location.

If the offer of employment indicates multiple work locations across Canada, specifying the locations, the individual may correct the work permit by sending a [request to amend/correct a valid TR document](#). Please refer to the relevant [instruction guide](#) for further details.

For more information on completing the physical job location section of the offer of employment, please consult the [Employer Portal User Guide](#). The relevant section is below.

Physical job location

Enter the location where the temporary worker will be working.

Note: If there are multiple job locations, write 'multiple' at the start of the first street address in order to indicate multiple job locations and then list all the job locations in the *Main duties of the job field*.

Amélie Laporte-Lestage

Senior Program Advisor, Immigration Program Guidance
Immigration, Refugees and Citizenship Canada / Government of Canada
Amelie.Laporte@cic.gc.ca / Tel: 613-437-9039

Conseillère principale de programme, Orientation du programme d'immigration
Immigration, Réfugiés et Citoyenneté Canada / Gouvernement du Canada
Amelie.Laporte@cic.gc.ca / Tél.: 613-437-9039

From: ImmigrationRepresentatives

Sent: December 20, 2016 4:49 PM

To: Santini.Neida <Neida.Santini@cic.gc.ca>

Cc: Ahmad.Mona <Mona.Ahmad@cic.gc.ca>; ImmigrationRepresentatives <ImmigrationRepresentatives@cic.gc.ca>

Subject: FW: C12/T24 - ICT - Authorized to work at various sites across Canada-REP-2016-1931-due by Jan. 17

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

From:

Sent: December 20, 2016 11:35 AM

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

Subject: C12/T24 - ICT - Authorized to work at various sites across Canada-REP-2016-1931-due by Jan. 17

Hello IRCC - Investigations:

I would like to request guidance on an issue pertaining to work permit employment location with respect to the below scenario:

- 1** - Offer of Employment form has a physical work address noted as well as the phrase "and across Canada" after physical work address;
- 2** - Job Duties section states: "Authorized to work at office locations, client and project sites across Canada" in addition to job duties;
- 3** - Approved work permit is restricted to one employment location only;
- 4** - Work permit condition states "Not authorized to work in any location other than stated"; and
- 5** - Work permit remarks section is left blank.

Is the individual authorized to work at various sites across Canada?

We look forward to hearing from you at your earliest convenience.

Kind regards,

This e-mail is intended only for the person to whom it is addressed (the "addressee") and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use that a person other than the addressee makes of this communication is prohibited and any reliance or decisions made based on it, are the responsibility of such person. We accept no responsibility for any loss or damages suffered by any person other than the addressee as a result of decisions made or actions taken based on this communication or otherwise. If you received this in error, please contact the sender and destroy all copies of this e-mail.

Ce courriel est strictement réservé à l'usage de la personne à qui il est adressé (le destinataire). Il peut contenir de l'information privilégiée et confidentielle. L'examen, la réexpédition et la diffusion de ce message par une personne autre que son destinataire sont interdits. Nous déclinons toute responsabilité à l'égard des pertes ou des dommages subis par une personne autre que le destinataire par suite de décisions ou de mesures fondées sur le contenu de cette communication ou autrement. Si vous avez reçu ce courriel par erreur, veuillez communiquer avec son expéditeur et en détruire toutes les copies.

Nass.Lana

From: Starkings.Suzanne
Sent: May 18, 2017 3:15 PM
To: ImmigrationRepresentatives
Subject: FW: C12/T24 - ICT - Authorized to work at various sites across Canada-REP-2017-0712

Response for sending (please forward this entire email as the response):

I kindly request clarification with respect to three additional scenarios, as outlined below, and would also like to confirm my understanding of the initial scenario listed below in your email (stated as Scenario 4 in this email). I apologize in advance for the very lengthy email.

Scenario 1:

- 1** - Offer of Employment form has a physical work address noted as well as the phrase "and across Canada" after physical work address;
- 2** - Job Duties section states: "Authorized to work at office locations, client and project sites across Canada" in addition to job duties;
- 3** - Approved work permit is restricted to one employment location only;
- 4** - Work permit condition section is left blank with respect to location; and
- 5** - Work permit remarks section is left blank with respect to location.

Questions for Scenario 1:

a) If the individual has to move to a new location in Canada not stated on the work permit, is the individual authorized to work at various sites across Canada without the need for filing a work permit amendment, as both condition/remark is blank on the work permit?

RESPONSE:

We do provide the following instruction to assist employers in providing accurate information in the [Employer Portal User Guide](#):

Physical job location

Enter the location where the temporary worker will be working.

Note: If there are multiple job locations, write 'multiple' at the start of the first street address in order to indicate multiple job locations and then list all the job locations in the *Main duties of the job field*.

In the scenario, the worker does not need to apply for a new work permit, because the Offer of Employment indicated that the worker would be working at various locations.

b) If the individual moves to a new location not stated on the work permit, is the individual required to file a new employer compliance application with the new work location, even though the initial employer compliance application stated the old work location along with the request to work across Canada?

RESPONSE:

No, since a new work permit is not required, then neither is a new Offer of Employment. This is because no specific 'location of work' was imposed as a condition and the Offer of Employment specified multiple work locations so there is no change in working condition.

c) Does the employer compliance application only need to be filed if the individual does not currently meet prevailing wage in the new location not stated on the work permit? If so, does the employer compliance application need to be filed to reflect the new annual salary which meets prevailing wage?

RESPONSE:

We assume that by “employer compliance application” you are referring to the Offer of Employment (that you submit through the Employer Portal).

IRCC does not assess ‘prevailing wage’ as a condition except in intra-company transferee situations. The condition imposed on the employer is that they must pay the wage specified in the offer of employment and that any change in the wage cannot be ‘less favorable than.’

d) Can you please confirm a new employer compliance application does not need to be filed if the individual already meets prevailing wage in the new location not stated on the work permit?

RESPONSE:

Please see the answer to (c)

Scenario 2:

- 1** - Offer of Employment form has a physical work address noted as well as the phrase "and across Canada" after physical work address;
- 2** - Job Duties section states: "Authorized to work at office locations, client and project sites across Canada" in addition to job duties;
- 3** - Approved work permit is restricted to one employment location only;
- 4** - Work permit condition is left blank with respect to location; and
- 5** - Work permit remarks section states authorized to work across Canada.

Questions for Scenario 2:

a) If the individual has to move to a new location in Canada not stated on the work permit, is the individual authorized to work at various sites across Canada without the need for filing a work permit amendment, as the remarks section authorizes various employment locations across Canada on the work permit?

RESPONSE:

Under R185(b)(iii) of IRPR, an officer can impose the location of work as a condition. This is not a ‘general condition’ automatically imposed on all temporary residents but must be specifically imposed by the officer. Therefore, if the officer added a remark stating ‘authorized to work across Canada’ then that is the location of work imposed. In this situation, the temporary worker could work anywhere in Canada for the employer and in the occupation listed on the work permit.

b) If the individual moves to a new location not stated on the work permit, is the individual required to file a new employer compliance application with the new work location, even though the initial employer compliance application stated the old work location along with the request to work across Canada?

RESPONSE:

You indicate in your scenario that the remark states ‘authorized to work across Canada’ therefore, the worker may work at any location in Canada. However, the condition on the employer is the location as listed in the Offer of Employment. If the statement ‘Authorized to work at office locations, client and project sites across Canada’ was included in the offer of employment then no new work permit or offer of employment is required for the temporary worker to change locations.

c) Does the employer compliance application only need to be filed if the individual does not currently meet prevailing wage in the new location not stated on the work permit? If so, does the employer compliance application need to be filed to reflect the new annual salary which meets prevailing wage?

RESPONSE: This is the same response as in Scenario 1.

d) Can you please confirm a new employer compliance application does not need to be filed if the individual already meets prevailing wage in the new location not stated on the work permit?

RESPONSE: This is the same response as in Scenario 1.

Scenario 3:

- 1** - Offer of Employment form has a physical work address noted as well as the phrase "and across Canada" after physical work address;
- 2** - Job Duties section states: "Authorized to work at office locations, client and project sites across Canada" in addition to job duties;
- 3** - Approved work permit is restricted to one employment location only;
- 4** - Work permit condition states only authorized to work in employment location noted on work permit; and
- 5** - Work permit remarks section states authorized to work across Canada.

Questions for Scenario 3:

a) Does the remarks section override the condition section, on the work permit?

RESPONSE:

Under R185(b)(iii) an officer can impose the location of work as a condition. This is not a 'general condition' automatically imposed on all temporary residents but must be specifically imposed by the officer. In this scenario, if the condition is that 'not authorized to work in any other location' and then the Remarks section states 'authorized to work across Canada' then the officer has imposed the 'location of work' as 'across Canada.' The specific destination stated in the field 'Location' is added to the locations (i.e. across Canada) listed in the Remarks.

b) If the individual has to move to a new location in Canada not stated on the work permit, is the individual authorized to work at various sites across Canada without the need for filing a work permit amendment, as the remarks section states authorized to work across Canada?

RESPONSE:

You indicate in your scenario that the remark states 'authorized to work across Canada' therefore, the worker may work at any location in Canada. However, the condition on the employer is the location as listed in the Offer of Employment. If the statement 'Authorized to work at office locations, client and project sites across Canada' was included in the offer of employment then no new work permit or offer of employment is required for the temporary worker to change locations.

c) If the individual moves to a new location not stated on the work permit, is the individual required to file a new employer compliance application with the new work location, even though the initial employer compliance application stated the old work location along with the request to work across Canada?

RESPONSE:

Since the Remarks on the work permit state 'authorized to work across Canada' what location would not be stated on the work permit? The specific destination stated in the field 'Location' is added to the locations (i.e. across Canada) listed in the Remarks.

d) Does the employer compliance application only need to be filed if the individual does not currently meet prevailing wage in the new location not stated on the work permit? If so, does the employer compliance application need to be filed to reflect the new annual salary which meets prevailing wage?

RESPONSE: Same answer as in Scenario 1

e) Can you please confirm a new employer compliance application does not need to be filed if the individual already meets prevailing wage in the new location not stated on the work permit?

RESPONSE:

Same answer as in Scenario 1

Scenario 4 (INITIAL SCENARIO AS DESCRIBED BELOW):

- 1** - Offer of Employment form has a physical work address noted as well as the phrase "and across Canada" after physical work address;
- 2** - Job Duties section states: "Authorized to work at office locations, client and project sites across Canada" in addition to job duties;
- 3** - Approved work permit is restricted to one employment location only;
- 4** - Work permit condition states "Not authorized to work in any location other than stated"; and
- 5** - Work permit remarks section is left blank.

Questions for Scenario 4:

a) We note that a work permit amendment will need to be filed. Can you please confirm that this work permit amendment may be filed at OSC in Ottawa, and not at CPC-Vegreville. Would this restriction on location be considered to be an error on part of the Officer, as it was initially requested in the initial work permit application and employer compliance application? If the request to work across Canada is not considered to be an error on the part of the Officer as it can be determined that this is at the discretion of the Officer to issue multiple employment locations across Canada, will this application need to be filed at CPC-Vegreville?

RESPONSE:

The Department determines where an application will be processed based on many factors. We can not confirm in advance what processing office will have the responsibility of processing the application. If you believe that the initial officer made an administration error when processing the work permit you may submit a Request to Amend the Record of Landing, Confirmation of Permanent Residence or Valid Temporary Resident Documents.

Under R185(b)(iii) an officer may impose a condition regarding the location of work in Canada on a worker. If the officer imposed a specific location, they are authorized to do so.

All applications for a change in conditions must be sent to the Case Processing Centre in Vegreville or submitted using the online application platform

b) If the individual moves to a new location not stated on the work permit, is the individual required to file a new employer compliance application?

c) Does this employer compliance application need to be filed with respect to prevailing wage, if the individual does not currently meet prevailing wage in the new location not stated on the work permit?

RESPONSE:

Please see above for response.

Any information you can provide in regards to the above would be much appreciated.

I very much look forward to hearing from you!

Kind regards,

Dear

We apologize for the delay in responding.

Question:

I would like to request guidance on an issue pertaining to work permit employment location with respect to the below scenario:

- 1 - Offer of Employment form has a physical work address noted as well as the phrase "and across Canada" after physical work address;
 - 2 - Job Duties section states: "Authorized to work at office locations, client and project sites across Canada" in addition to job duties;
 - 3 - Approved work permit is restricted to one employment location only;
 - 4 - Work permit condition states "Not authorized to work in any location other than stated"; and
 - 5 - Work permit remarks section is left blank.
- Is the individual authorized to work at various sites across Canada?

Response:

Based on the information you provided, it appears that the work permit does not authorize the individual to work at various sites across Canada. The work permit is restricted to a specific employment location and specify that the individual is not authorized to work at any other location.

If the offer of employment indicates multiple work locations across Canada, specifying the locations, the individual may correct the work permit by sending a [request to amend/correct a valid TR document](#). Please refer to the relevant [instruction guide](#) for further details.

For more information on completing the physical job location section of the offer of employment, please consult the [Employer Portal User Guide](#). The relevant section is below.

Physical job location

Enter the location where the temporary worker will be working.

Note: If there are multiple job locations, write 'multiple' at the start of the first street address in order to indicate multiple job locations and then list all the job locations in the *Main duties of the job field*.

Regards,

The Immigration Representatives Mailbox

From:

Sent: December 20, 2016 11:35 AM

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

Subject: C12/T24 - ICT - Authorized to work at various sites across Canada-REP-2016-1931-

Hello IRCC - Investigations:

I would like to request guidance on an issue pertaining to work permit employment location with respect to the below scenario:

- 1** - Offer of Employment form has a physical work address noted as well as the phrase "and across Canada" after physical work address;
- 2** - Job Duties section states: "Authorized to work at office locations, client and project sites across Canada" in addition to job duties;
- 3** - Approved work permit is restricted to one employment location only;
- 4** - Work permit condition states "Not authorized to work in any location other than stated"; and
- 5** - Work permit remarks section is left blank.

Is the individual authorized to work at various sites across Canada?

We look forward to hearing from you at your earliest convenience.

Kind regards,

Sumeena

This e-mail is intended only for the person to whom it is addressed (the "addressee") and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use that a person other than the addressee makes of this communication is prohibited and any reliance or decisions made based on it, are the responsibility of such person. We accept no responsibility for any loss or damages suffered by any person other than the addressee as a result of decisions made or actions taken based on this communication or otherwise. If you received this in error, please contact the sender and destroy all copies of this e-mail.

Ce courriel est strictement réservé à l'usage de la personne à qui il est adressé (le destinataire). Il peut contenir de l'information privilégiée et confidentielle. L'examen, la réexpédition et la diffusion de ce message par une personne autre que son destinataire sont interdits. Nous déclinons toute responsabilité à l'égard des pertes ou des dommages subis par une personne autre que le destinataire par suite de décisions ou de mesures fondées sur le contenu de cette communication ou autrement. Si vous avez reçu ce courriel par erreur, veuillez communiquer avec son expéditeur et en détruire toutes les copies.

This e-mail is intended only for the person to whom it is addressed (the "addressee") and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use that a person other than the addressee makes of this communication is prohibited and any reliance or decisions made based on it, are the responsibility of such person. We accept no responsibility for any loss or damages suffered by any person other than the addressee as a result of decisions made or actions taken based on this communication or otherwise. If you received this in error, please contact the sender and destroy all copies of this e-mail.

Ce courriel est strictement réservé à l'usage de la personne à qui il est adressé (le destinataire). Il peut contenir de l'information privilégiée et confidentielle. L'examen, la réexpédition et la diffusion de ce message par une personne autre que son destinataire sont interdits. Nous déclinons toute responsabilité à l'égard des pertes ou des dommages subis par une personne autre que le destinataire par suite de décisions ou de mesures fondées sur le contenu de cette communication ou autrement. Si vous avez reçu ce courriel par erreur, veuillez communiquer avec son expéditeur et en détruire toutes les copies.