

WORK PERMITS: Caregivers Processing Cheat Sheet

DEFINITIONS

NOC 4411 – Home Child Care Providers:

- Home child care providers care for children on an ongoing or short-term basis.
- They care for the well-being and physical and social development of children, assist parents with child care and may assist with household duties.
- They provide care primarily in their own homes or in the children's homes, where they may also reside.
- They are employed by private households and child-care agencies, or they may be self-employed.

NOC 4412 – Home Support Workers

- Home support workers provide personal care and companionship for seniors, persons with disabilities and convalescent clients.
- Care is provided within the client's residence, in which the home support worker may also reside.
- They are employed by home care and support agencies, private households, or they may be self-employed.

LMIA APPLICATION RECEIVED ON OR AFTER 2019/06/18

Important links:

- <http://cicintranet.ci.gc.ca/connexion/tools-outils/temp/work-travail/permit-permis/caregiver-aide/refusal-refus-eng.aspx>
- <http://gazette.gc.ca/rp-pr/p1/2019/2019-06-29/html/notice-avis-eng.html#na4>

Ministerial instructions dated 2019/06/18 state to refuse to process all caregiver WP applications which meet the following criteria:

- a) NOC is 4411 (excludes foster parents) or 4412 (excludes housekeepers).
- b) Applicant is outside of Canada.
- c) Applicant is not currently holding a valid work permit.
- d) Job is outside of Quebec.
- e) LMIA application was received by ESDC on or after 2019/06/18. To see this date in GCMS, navigate to the IMM>TR>Employment Details>LMIA tab and look for the "LMIA Receipt Date".

DETAILS		EMPLOYER		JOB DETAILS		3rd PARTY CONTACT INFO	
File #:		Name:		Type of Request:		Name:	
LMIA Receipt Date:	2019/06/06	ID:		Duration:	24 Months(s)	Company:	
NOC:	4412	# of Locations:	1	Hours of Work:	8/40	Address:	
LCP:	N	Employment Location:		Hours Per:	Day/Week	City:	
Job Title:	Home support w	Address:		Wage:	19.25 / hr	Province/State:	
# of Positions:	1	City:	Chatham	Benefits:	No benefits	Postal/Zip/Other Code:	
Decision		Province/State:	British Columbia	Duties:	• Shop for food and household	Country:	
Decision:	Confirmed	Postal/Zip/Other Code:	V1	Requirements:	Some secondary education	Phone #:	
Decision Date:	2019/05/31	Country:	Canada			Fax #:	
Valid To:	2019/11/30	Phone #:				E-mail:	
Reason for Refusal:	Not Applicable						

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For all Quebec caregiver WP cases, you can process as normal, but must use "LSP" as a Special Program Code and use Case Type 53.

OFFICERS:

- 1) Enter a note in GCMS: *LMIA application was received on _____ . As per MI dates 2019/06/18, I am refusing to process this application. Application cancelled.*
- 2) Go to IMM>TR>History screen. Change status to "Cancelled". Use App Status Reason "Ministerial Instructions".
- 3) Do not worry about the refund. Cost Recovery Team will query for these applications and refund all fees provided.
- 4) Send all paper files to the designated PA to be returned to the applicant with their "refusal to process" letter.

PA:

- 1) Associate fees.
- 2) Enter the LMIA date of receipt as the only preassessment note.
- 3) Give the file to assigned officer for cancellation.

There is a query in our dashboard under "Correspondence" where a PA will be assigned daily to send refusal to process letters for all these cases. The refusal to process letter template can be found in *T:\Templates-Modèles\Office Specific Templates - Modèles spécifiques à votre bureau\International\New Delhi - New Delhi\TRU* and is labelled "Work Permits - Caregivers - refusal to process letter".

This MI expires on 2024/06/17, which means it is valid for 5 years.

C91: SPOUSES OF BRIDGING OWP (BOWP) HOLDERS

Important link: www.canada.ca/en/immigration-refugees-citizenship/news/2019/06/canada-caring-for-caregivers.html

An announcement was made on 2019/06/15 of the launch of two new PR pilots for Home Child Care Providers and Home Support Workers for which two years of Canadian work experience in these fields will make them eligible to apply for PR.

A75 WP holders are bridging open work permit (BOWP) holders who have a PR application in progress under FSWC, CEC, FSTC or PNC (only if their Provincial nomination is unrestricted except for province of destination – must be that province who is providing the nomination). These BOWP holders must have valid status in Canada.

If the HOF in Canada (caregiver pilot applicant) has obtained a BOWP, the following applies to a spouse applying for an OWP:

- All principal foreign workers' work permits must be valid for 6 months or longer.
- Federal skilled worker class (FSWC) applicants: the BOWP holder must be performing work that is at a level that falls within NOC skill levels 0, A or B.
- Provincial nominee class (PNC) applicants: the spouse or common-law partner is eligible for an open work permit for the duration of the work permit held by the principal PNC applicant, irrespective of the skill level of the principal PNC applicant's occupation.

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- Canadian experience class (CEC) applicants: there are no set preconditions to be met by the principal CEC applicant.
- Caregiver applicants (caring for children class or caring for people with high medical needs class): the BOWP holder must be performing work within one of the qualifying occupations in NOC skill level 0, A or B.

Spouse or common-law partner and dependants

Accompanying spouses or common-law partners and dependants at age of majority (see note below) are eligible for an open work permit under LMIA exemption code C91 for family members of caregivers, under the authority of [paragraph R205\(a\)](#), if the principal applicant was issued a BOWP. The work permit is coded as follows:

Note: The age of majority is 18 years in Alberta, Manitoba, Ontario, Prince Edward Island and Saskatchewan.

The age of majority is 19 years in British Columbia, New Brunswick, Newfoundland and Labrador, Nova Scotia, the Northwest Territories, Nunavut and the Yukon.

- **LMIA exemption code:** C91
- **NOC:** 9999
- **Intended Occupation:** open
- **Case Type:** 20
- **Duration:** same expiry date as principal applicant

IMPORTANT WEBSITES

- [NOC website](#) – enter the occupation title and it will return NOC code matches.
- [Wage rates in Canada](#) – to determine if they will be paid at least the minimum wage for the that occupation.

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GCMS QUERY FOR CASES FOR OFFICER REVIEW

- 1) Navigate to the IMM>TR screen.
- 2) Press Query.
- 3) Enter the following fields:
 - Primary Office = **New Delhi**
 - App Status = **Open**
 - Rec'd Via: **On-line**
 - Category = **WP**
 - NOC = **4411* AND 4412***
 - Eligibility = **Review Required**
 - Final = **IS NULL**
 - Assigned To = **RC-6029**
- 4) Press Go.
- 5) Click on the Rec'd Date column title to sort the cases according date of receipt.
- 6) Press ALT + Enter.
- 7) Assign no more than five cases at a time to yourself. Once you have done this, go to your GCMS Homepage and work off your application assignments list. This will prevent you from processing cases assigned to another officer.
- 8) Assess the application.
- 9) Update the Eligibility decision.
- 10) Ensure you follow steps outlined in "GCMS Actions for Officers" any other actions you need to take on the file.
- 11) Once you have completed as much as you can with that first batch of files, start again from Step 1 to pull the next set of files to work on. In lieu of Step 3, follow the steps below on how use your saved query to pull up a list of files.

HOW TO SAVE YOUR QUERY

- 1) At Step #4 above, press ALT + S to save your query. A dialogue box will appear. Name your query so you can easily identify it later. Then, press OK.
- 2) The next time you want to make this same query, navigate to the IMM>TR screen. On the top right corner of your screen, there is a white rectangular box (it looks like a text field). Click on the drop-down arrow on the right side of the field and select the query you have just named. This will automatically pull up a list of cases ready for officer review.