

WORK PERMITS: NOC 8431 Farm Workers

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NOC Description - 8431

General farm workers plant, cultivate and harvest crops, raise livestock and poultry and maintain and repair farm equipment and buildings. This unit group includes operators of farm machinery. They are employed on crop, livestock, fruit, vegetable and specialty farms.

❖ NOC C occupation

❖ Examples of job titles:

| | |
|---------------------------|------------------------------|
| • Beef cattle farm worker | • Grain farm worker |
| • Cattle ranch labourer | • Harvester machine operator |
| • Dairy farm worker | • Hatchery worker |
| • Farm machinery operator | • Poultry farm worker |
| • General farm worker | • Vegetable farm worker |

❖ Not included in this NOC:

| |
|---|
| • Agricultural service contractors, farm supervisors and specialized livestock workers (8252) |
| • Harvesting labourers (8611) |
| • Managers in agriculture (0821) |

❖ Requirements:

- There are no specific education or training requirements. However, a college certificate or specialized courses related to farming, such as farm equipment mechanics, agricultural welding, tree pruning and pesticide application, are available.
- Basic farm knowledge, usually obtained from working on a family farm, may be required for employment.
- A course or certificate in first aid may be required.

❖ Main Duties

- Plant, fertilize, cultivate, spray, irrigate and harvest crops
- Feed and tend livestock and poultry
- Milk cows
- Perform or assist in performing breeding activities of farm animals
- Operate and maintain farm machinery and equipment
- Follow food safety and security and animal bio-security procedures

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- Detect disease and health problems in crops, livestock and poultry
- Examine produce for quality and prepare for market
- Set and monitor water lines, air flow and temperature in barns, pens and chicken coops
- Maintain or assist in the maintenance of facilities and farm infrastructure including cleaning stables, barns, barnyards and pens.

ELIGIBILITY ASSESSMENT FLOW

- ❖ Assess eligibility for all criteria except non-genuineness of job offer.
- ❖ If they do not meet any one of the criteria, refuse the application.
- ❖ If they pass all of the criteria, only then should you assess for non-genuineness of job offer.

ELIGIBILITY CRITERIA TO BE MET

1) Valid LMIA or LMIAE

- LMIA or LMIAE must be valid at the time of submission.
- Check number or document provided and ensure that it links to the ESDC portal in the IMM>TR>Employment details tab.
- For the “LMIA” sub-tab, click on the Refresh button to see the information.
- Check the “Comments” section for important information. This is also where you might find information if the LMIA has been cancelled.
- If the ESDC information does not populate in these tabs based on the number provided, it is fake. Send A40 PFL to pursue misrep.
- If missing or not provided, refuse for not having a valid LMIA/LMIAE.

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2) Basic Farm Knowledge

- If insufficient or no evidence provided, refuse under R200(3)(a).

3) Language ability

- Usually, this NOC has no language requirements.

- Officer discretion may be used to determine what evidence of language ability may be accepted – e.g. IELTS, TOEFL, PTE, high school courses, etc.
- Note that because language is not a requirement on the NOC or LMIA, you will have to PFL before refusing for this reason. This is a non-A40 PFL.

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- Sample Note:

- If the applicant has provided IELTS, TOEFL or PTE, look up what their scores mean and determine whether that level is sufficient to complete the duties of the job.

- Sample Note:

4) Purpose of Travel

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- Sample Note:

- Sample Note:

s.16(1)(b)

s.16(1)(c)

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5) Ties to Home Country

- Sample Note: (

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not satisfied that the applicant will depart from Canada at the end of his authorized stay. Refused under R200(1)(b).

6) Valid Job Offer

Clients applying for Work Permits in the profession of NOC 8431 Farm Worker generally apply for LMIA based Work Permits to work for a particular company. However, T13 Work Permit applications for the same profession are sometimes received before a client obtains Permanent Residence under the Provincial Nominee Program.

See the next section for more details.

s.16(1)(c)

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NON-GENUINE JOB OFFER

Key Resources

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Assessment Flow for Non-Genuine Job Offer

- 1) First navigate to the Employment Details – LMIA tab and click refresh.

The screenshot shows the GCMS interface with the 'Employment Details' tab selected. The page contains several sections:

- DETAILS:** File #, LMIA Receipt Date, NOC, LCP, Job Title, # of Positions, Decision, Decision Date.
- EMPLOYER:** Name, ID, # of Locations, Employment Location, Address, City, Province/State, Postal/Zip/Other Code, Phone #.
- JOB DETAILS:** Type of Request, Duration, Hours of Work, Hours Per, Wage, Benefits, Duties, Requirements.
- 3rd PARTY CONTACT INFO:** Name, Company, Address, City, Province/State, Postal/Zip/Other Code, Country, Phone #, Fax #, E-mail.

A 'Refresh' button is located at the top left of the main content area, and a 'No Records' message is displayed on the right side.

- 2) Check that the LMIA is valid, the number of positions, and the company details.

This screenshot shows the same GCMS interface after refreshing. The 'DETAILS' section now includes 'Valid To' and 'Reason for Refusal' fields. The '3rd PARTY CONTACT INFO' section includes 'Fax #' and 'E-mail' fields. A '1 of 1+' indicator is visible in the top right corner of the main content area.

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GCMS File Edit View Navigate Query Tools Help

Site Map Report(s)

My Office:

Search IMM Activities Addresses IMM Clients CIT Home Profiles Events

Management Decision Makers Non-Decision Makers **My Office**

Medical Activities
 Medical Activities - to be sent
 Approved but Meds Outstanding
 TR - query for offloads by PPT # or UCI
 TR - Valid Visas with Expired Meds - List of Cases
 TR - Valid Visas with Expired Meds - Counterfoil Status

▲ **INTERVIEWS**
 Interviews - Not Yet Scheduled
 Interview Schedule

▲ **MISREP - A40**
 A40 Misrep Cases

s.16(1)(b)

s.16(1)(c)

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Other Considerations

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A40 PFL

Enter concerns in GCMS notes. Sample note:

**** *DO NOT DISCLOSE: The following contains information that is to be exempted from release under the Access To Information Act 16 (1) (b) and (c), 17 and/or the Privacy Act 22 (1) (b)* ***

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PFL template (only yellow sections to be amended):

This refers to your application for a Canadian work permit visa.

I have reviewed your application and documents you submitted in its support. Subsection 11(1) of the Immigration and Refugee Protection Act provides that a foreign national must, before entering Canada, apply to an officer for a visa or any other document required by the Regulations. The visa or document shall be issued if, following an examination, the officer is satisfied that the foreign national is not inadmissible and meets the requirements of this Act.

I am not satisfied that you have fulfilled the requirement put upon you by section 16(1) of the Immigration and Refugee Protection Act, which states:

16(1) A person who makes an application must answer truthfully all questions put to them for the purpose of the examination and must produce a visa and all relevant evidence and documents that the officer reasonably requires.

Specifically, I have concerns that the job offer in Canada is not genuine in that the employer and/or job may not actually exist; and/or the employer does not have the financial capability to hire the temporary foreign worker(s) listed on your LMIA. ADD DETAILS

I would like to provide you with the opportunity to respond. You will have **XX days** from the date of this letter to submit evidence and documentation you deem will address these concerns. Be advised that a letter, affidavit or statement from the employer or yourself is insufficient to address this concern.

Please note that if you are found to have engaged in misrepresentation in submitting your application for a Temporary Resident Visa, you may be found to be inadmissible under Section 40(1)(a) of the **Immigration and Refugee Protection Act**. A finding of such inadmissibility would render you inadmissible to Canada for a period of five years according to section 40(2)(a):

40(1) A permanent resident or a foreign national is inadmissible for misrepresentation (a) for directly or indirectly misrepresenting or withholding material facts relating to a relevant matter that induces or could induce an error in the administration of this Act

40(2) The following provisions govern subsection (1): (a) the permanent resident or the foreign national continues to be inadmissible for misrepresentation for a period of five years following, in the case of a determination outside Canada, a final determination of inadmissibility under subsection (1) or, in the case of determination in Canada, the date the removal order is enforced.

If you do not respond to this request within the time outlined above, your application will be refused.

Once response to PFL is received:

- 1) Save documents i
- 2) If satisfied with response to PFL, move towards an approval.
- 3) If not satisfied with response, you may recommend misrep.

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APPROVALS

Sample note:

PA seeking LMIA based WP to work for Atlantic Farms Inc.

Employer appears to be of sufficient operational size, owning 500 hectares of land and employing 12 other workers.

Satisfied LMIA/Eligibility requirements met. Approved.

The following are remarks to be entered in the User Remarks field of the permit once the case has been finalized (based on the length of the LMIA): *WP for two years.*

Validity date of visa: End date of employment contract, length of LMIA, or validity of passport, whichever comes first.

Control documents status:

- Counterfoil = Generate
- Permit = Authorized