

Smith.Adriana

From: Immigration Representatives / Représentants immigration (IRCC)
Sent: August 25, 2023 10:07 AM
To:
Subject: FW: Remote work under the IMP -- REP-2023-1576

Hello,

Please find the response to your inquiry below.

QUESTION 1: Can your offices share the Department's policy vis-à-vis permitting fully remote work or a hybrid remote work option for employer-specific work permit holders under the International Mobility Program?

RESPONSE 1: While IRCC does not currently have guidance for officers to assess work permit applications for fully remote or hybrid work situations specifically, they are guided by the principle of ensuring that the offer of employment is genuine as per R200(5). Officers must be satisfied that the offer of employment is reasonable in relation to the type of business the organization is engaged in and whether it meets the employer's needs. If the work is intended to be fully remote, officers may need evidence of why the worker is needed in Canada (versus working from their own country) before a work permit can be issued. It is recommended that Employer Agreements include any telework arrangements (hybrid or fully remote) that are planned.

QUESTION 2: Similarly, can you advise why under Canada's new tech talent strategy, the Department is encouraging foreign nationals holding H1B status in the USA AND Start-Up Visa work permit holders to come to Canada to work and permitting them to remotely for Canadian and/or foreign employers?

RESPONSE 2: The recruitment of foreign nationals holding H1B visas is intended to attract technical workers for reasons outlined in this Public Policy. Although they may continue working for their U.S. employers once in Canada, the hope is that these work permit holders may eventually integrate into the Canadian labour market. This Public Policy exempts work permit applicants from the requirements R200(1)(c): This means that there is no job offer assessment and the work permits are Open. This essentially allows the holders of work permits in the program to work for whom, and where, they like.

The Start Up Visa Work permit is for intending immigrants who will work for themselves in Canada to start their business. Their location of work would normally align with their business needs, and the guidelines are silent on the possibility of telework.

QUESTION 3: What is the reason for allowing fully remote work terms for some foreign nationals in Canada and not for others?

RESPONSE 3: As you may be aware, as per R2, work is defined in the Regulations as an activity for which wages are paid or commission is earned, or that competes directly with activities of Canadian citizens or permanent residents in the Canadian labour market. Work from Canada for a foreign employer does not meet the definition of work, hence a work permit would not be required by a foreign national visiting Canada who works remotely for a foreign employer.

QUESTION 4: Are there limitations on who may work remotely in Canada under an employer-specific work permit, either in a fully remote or hybrid remote work arrangement?

RESPONSE 4: Please see above. Please note that IRCC recognizes the value of allowing for remote work, as this practice has become increasingly common and indeed necessary for some employers and as such, we are currently assessing the needs of Canadian labour market.

We hope this information is helpful.

Thank you,
 Immigration Representatives Mailbox

From:
Sent: August 17, 2023 3:57 PM
To: Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC@cic.gc.ca>
Subject: Remote work under the IMP

Hello

Can your offices share the Department's policy vis-à-vis permitting fully remote work or a hybrid remote work option for employer-specific work permit holders under the International Mobility Program?

Similarly, can you advise why under Canada's [new tech talent strategy](#), the Department is encouraging foreign nationals holding H1B status in the USA AND Start-Up Visa work permit holders to come to Canada to work and permitting them to remotely for Canadian and/or foreign employers?

What is the reason for allowing fully remote work terms for some foreign nationals in Canada and not for others?

Are there limitations on who may work remotely in Canada under an employer-specific work permit, either in a fully remote or hybrid remote work arrangement?

As you may know, many employers are operating on a fully remote or hybrid remote work model. For reference please consult the following links:

<https://www.canada.ca/en/government/publicservice/staffing/common-hybrid-work-model-federal-public-service.html>

https://www.google.com/search?q=Hybrid+work+in+Canada&sc_esv=557804163&biw=2080&bih=1031&sxsrf=AB5stBi7xioBnq876HDvvClreWkknJfG5A%3A1692298517013&ei=FW3eZLU1vM_Q8Q_it6HoDA&ved=0ahUKEwj1k9efr-SAAxW8JzQIHeJbCM04ChDh1QMIDw&uact=5&oq=Hybrid+work+in+Canada&gs_lp=Egxnd3Mt d2l6LXNlcnAiFUh5YnJpZCB3b3JrIGluIENhbmFkYTIFEAAyGAAQyBhAAGBYHjIGEAAYFhgeMgYQA BgWGB4yCBAAGloFGIYDMggQABiKBRiGA0ioLIAAWL0qcAN4AZABAJgBsAGgAelSggEFMTEuMT K4AQPIAQD4AQGoAhTCAgcQlxjqAhgnwgIWEc4YAXiPARjqAhi0AhiMAXjIAtgBAcICFhAAGAMYj wEY6gIYtAIYjAMY5QLYAQHCAg0QLhiKBRjHARivARgnwgIHECMYigUYJ8ICBBAjGCfCAggQABiKBR

[iRAsICDhAuGIoFGMcBGNEDGJECwglIEAAYgAQYsQMYgwHCAhEQLhiABBixAxiDARjHARjRA8ICDhAuGIAEGLEDGMcBGNEDwglIEAAYgAQYsQPCAhoQLhiKBRjHARivARiXBRjcBBjeBBjgBNgBAsICERAuGIoFGLEDGMcBGNEDGJECwglQEAAAYgAQYFBiHAhixAxiDAcICDhAAGIoFGLEDGIMBGJECwglKEAAYgAQYFBiHAsICDRAAGIAEGBQYhwIYsQPCAgS QLhiABBjHARivAcICDRAAGIoFGLEDGIMBGEPCAgcQABiKBRhDwglKEAAYigUYsQMYQ8ICCxAAGIoFGLEDGJECwglIEAAYgAQYCsICBRAhGKAB4gMEGAAgQYgGAbogBggBEAEYC7oGBggCEAEYFA&sclient=gws-wiz-serp](#)

<https://www.benefitscanada.com/news/bencan/85-of-canadian-workers-interested-in-hybrid-or-fully-remote-positions-survey/>

I thank you in advance for a timely reply.

Sincerely,