



Immigration, Refugees and Citizenship Canada

Immigration, Réfugiés et Citoyenneté Canada

s.21(1)(a)

s.21(1)(b)

Deputy Minister

Sous-ministre

Ottawa K1A 1L1

F-1328102

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MEMORANDUM TO THE MINISTER

OPTIONS FOR MANAGING WORK PERMITS ISSUED TO FAMILY MEMBERS OF TEMPORARY FOREIGN WORKERS

FOR DECISION

SUMMARY

- The purpose of this memorandum is to seek your decision on options to reduce and better manage access to open work permits for family members of foreign workers, whose eligibility is based on the principal applicant's work authorization.
- Options include ()
in addition to limiting eligibility to spouses of foreign workers in a management/professional occupation or shortage sector, with work authorization that is valid for a minimum of 16 months at the time of application.
- We recommend that you approve Option 3 by checking the corresponding box and signing this memorandum as soon as possible to allow the Department time to prepare public communications and implement the change in a timely fashion.

BACKGROUND:

- Internal analysis indicates that additional measures will be needed to meet the objective to decrease the temporary resident (TR) volume to 5% of Canada's population by the end of 2026. This memorandum presents options to manage growth in open work permits for family members of workers.
- Spousal open work permits are a key contributor to the unprecedented growth in the International Mobility Program (IMP). In 2023, of the estimated 760,000 people issued a work permit for work purposes, 13% were family members of workers; this volume has more than doubled since 2019.
- Historically, only spouses of high-skilled workers in the Temporary Foreign Worker Program (TFWP) and IMP were eligible. In January 2023, access was extended to spouses and dependants of low-skilled workers – except for the low-wage/agriculture streams of the TFWP – to help relieve COVID-related labour shortages (which have now eased) and to facilitate family reunification.

Canada

OPTIONS:

- All options would exclude spouses covered by free trade agreements (FTAs), or family members of principal applicants transitioning to permanent residence (PR). FTAs with dedicated labour market test exemptions for spouses are legally binding, and eligibility changes cannot be unilaterally imposed by Canada. Family members on a PR pathway should be facilitated to keep family units together during the transitional period.

Option 1:

Option 2:

Option 3: Roll back work permit access for spouses of lower-skilled TFWs and dependents, and further limit eligibility to spouses of foreign workers in a management/professional occupation or shortage sector, where their work permit is valid for at least 16 months. (RECOMMENDED)

- Spousal eligibility would be limited to where the principal foreign national is in (1) TEER 0 (management) or TEER 1 (professional) occupations, which typically require a university degree and significant job experience; or
- This approach would ensure that employers who rely on highly specialized and globally mobile professionals (e.g., academia, research, transnational/high-growth corporations) remain competitive in attracting talent such as C-suite executives, scientists, engineers, lawyers, professors, technicians, and a broader range of construction workers. It would also complement other initiatives, like the Global Skills Strategy and proposed Post-Graduation Work Permit Program reforms.

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- The proposed change would require the principal foreign national to be approved to work in Canada for a minimum of 16 months at the time of the application (versus current minimum of six months). After accounting for current processing times of up to 120 days for work permits, this would ensure that spousal work permits – of which durations are aligned with those of the principal foreign national – would be valid for a minimum of one year, which may increase the likelihood for labour market participation by the accompanying spouse.

CONSIDERATIONS:

- It is possible that more restrictive requirements could deter certain foreign workers from coming to Canada due to extended family separation. However, family members may still apply for a work permit under the TFWP or IMP on their own merits or opt to accompany the foreign worker as a visitor without work authorization.

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- There is limited data on the labour market participation rates/outcomes for accompanying family members. Internal analysis using the Canadian Employer-Employee Dynamics Database indicates that in 2019, 58% of spousal open work permit holders had T4 earnings, with the median being \$22,300 (in 2019 constant dollars). Key sectors of employment include accommodation/food services; retail trade; and administrative support, waste management and remediation services, which typically encompass occupations that are lower skilled or not considered to be in shortage.
- Restrictions to open work permit access is more likely to impact those coming from the top source countries for family members, including India (43%), Philippines (7%), and Mexico (5%). Moreover, while open work permit eligibility does not remove the need to assess *bona fides*, it does help facilitate the entry of family members from visa-required countries.
- The focus on management/professional occupations and shortage sectors is consistent with the government's labour market and permanent immigration objectives. However, these options would likely result in criticism regarding the uneven treatment of high- and low-skilled workers.

CONSULTATIONS:

- Consultations with Employment and Social Development Canada, Innovation, Science and Economic Development Canada (ISED) and Agriculture and Agri-Food Canada (AAFC) indicate broad support for the recommended option.

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- ISED notes that the Canadian industry would likely support the recommended option, as it would enable more temporary workers to work for a longer duration, which may help reduce staffing demands associated with higher turnover levels. AAFC notes that the recommended option is unlikely to heavily impact the agriculture and agri-food or food and beverage manufacturing sectors as the eligibility change would not affect these groups.

RESOURCE IMPLICATIONS:

- Option 3 introduces additional eligibility criteria, which may increase processing time for each application, though the operational impact may be offset as application volume is expected to decrease significantly.

DIGITAL CONSIDERATIONS:

- There are no system changes associated with the proposed options.

LEGAL CONSIDERATIONS:

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COMMUNICATIONS IMPLICATIONS:

- Concerns have been raised in both traditional and social media that an arbitrary reduction in TR numbers could hurt certain sectors' abilities to hire necessary workers. In particular, stakeholders, advocate groups, and applicants are likely to have a pronounced negative reaction to these volume reduction measures, given that the family member expansion was only announced in December 2022. The Canadian public, however, will likely be receptive.
- A high-profile, proactive communications approach is recommended for all options to ensure transparency to prospective applicants and to reassure Canadians that progress is being made to reduce TR levels. An in-person ministerial announcement is recommended. Messaging will focus on the need to better align the TR population with Canada's labour market, balancing the need to reduce the number of TRs in Canada while ensuring that prospective applicants know that Canada remains a competitive option for high-skilled foreign talent and their families.

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RECOMMENDATION:

- We recommend that you approve Option 3, to roll back the January 2023 eligibility expansion and impose additional criteria related to the work authorization duration and occupation of the principal foreign national, by checking the corresponding box and signing this memorandum as soon as possible.

NEXT STEPS:

- Upon approval, Immigration, Refugees and Citizenship Canada could implement the changes to the family member work permit policy quickly, as the authority to update eligibility criteria has been delegated to department officials.
- The Department will update officer guidance and public-facing material, with a target implementation date of six to eight weeks after approval.

Scott Harris
Associate Deputy Minister



DM approved August 13, 2024
Dr. Harpreet S. Kochhar
Deputy Minister

I concur

Option 1 -

Option 2 -

Option 3 (RECOMMENDED) – Roll back work permit access, and for spouses of high-skilled TFWs, where the principal foreign national has work authorization valid for at least 16 months and is in a management/professional occupation or shortage sector

I do not concur



The Hon. Marc Miller, P.C., M.P.
Minister of Immigration, Refugees and Citizenship