



Top 5 Immigration Considerations for Employers When Hiring and Employing Foreign Workers

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Top 5 Considerations

1. Is a work permit required?
2. Work permit restrictions
3. Implications of nationality on work permit applications
4. Proper record keeping
5. Foreign worker employment considerations



1. Is a work permit required?

- Business visitor vs work permit required worker
- Routes to work permit:
 - Labour Market Impact Assessment (“LMIA”)
 - LMIA-exemption (e.g. Intra-Company Transferee, NAFTA, Emergency Repair)



2. Work permit restrictions

- Employer-specific work permit (limits employer, role, work location)
- Open work permit
- General restrictions (i.e. health services field occupations)



3. Implications of nationality

- Nationality can impact where work permit application is made
- Visa office abroad vs border application
- Timeline implications



4. Proper record keeping

Detailed personnel files:

- Work permits
- Resume
- Contract(s)
- Payroll
- LMIA or Employer Compliance Submission

6 YEARS

5. Employment Considerations

- General employment laws apply
- Termination of foreign workers (notice periods)

Conclusion



- Know enough to know when to seek advice
- Request work permits upfront
- Review work permits for restrictions
- Consider foreign worker specific employment requirements
- Keep good records



These materials are intended to provide brief informational summaries of legal developments and topics of general interest.

The materials should not be relied upon as a substrate for consultation with a lawyer with respect to the reader's specific circumstances. Each legal or regulatory situation is different and requires review of the relevant facts and applicable law.

If you have specific questions related to these materials or their application to you, you are encouraged to consult a member of our firm to discuss your need for specific legal advice relating to the particular circumstances of your situation.

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