

Global Immigration alert

January 2025

Canada

Canada changes eligibility for open work permit for family members of temporary residents

Executive summary

On 14 January 2025, the government of Canada announced new eligibility criteria for open work permits for certain accompanying family members of temporary foreign workers. The new restrictions will come into effect on 21 January 2025.

Historically, spouses of high-skilled workers had been able to benefit from open work permits, and this eligibility was expanded to include lower-skilled workers and working-age dependent children in January of 2023. Open work permits allow temporary residents to work for any employer in any location and in any occupation, with some limitations.

These changes, which limit the availability of open work permits to a smaller number of dependents of foreign workers and international students, are part of the general tightening in restrictions in Canadian immigration introduced in the last year and designed to reduce immigration levels between 2025 and 2027.

Open work permit restrictions for family members of foreign workers

As of 21 January 2025, open work permits will no longer be granted to children of foreign workers. In addition, for the spouse of a foreign worker to qualify for a work permit, the foreign worker must be employed in a NOC TEER 0 or 1 occupation or in select NOC TEER 2 or 3 occupations in sectors with labor shortages or linked to government priorities, which will include occupations in natural and

applied sciences, construction, health care, natural resources, education, sports and military sectors. A more complete list will be available on 21 January 2025.

In addition, eligibility will be restricted to spouses of foreign workers holding a work permit that is valid for at least 16 months from the time of the application. This means that spouses of foreign workers holding work permits of less than 16 months in duration, or with less than 16 months of validity left at the time of application, will not qualify for open work permits regardless of the TEER level of the foreign worker's occupation.

Extensions of current open work permits

Open work permits that were approved under the previous measures and have not expired will remain valid. In situations where a family member of a foreign worker received a shorter work permit than the principal applicant's, they can apply to renew their open work permit under the previous criteria, as long as they are applying under the same conditions as the current work permit and the requested duration of the renewal matches that of the principal applicant's existing work permit.

Family members who will no longer qualify for an open work permit may still join the worker in Canada as visitors but will need to qualify and apply for a work permit on their own merits if they seek to work in Canada.

Family members not impacted by these changes

Spouses of workers covered by free-trade agreements and those transitioning to permanent residence will not be impacted by these changes.

Restrictions for family members of international students

Although previously announced, this is also a reminder that open work permits will be restricted to family members of international students who are enrolled in master's programs longer than 16 months in duration, doctoral programs, or select professional and eligible programs, which include the following:

- ▶ Doctor of Dental Surgery (DDS, DMD) B
- ▶ Bachelor of Law or Juris Doctor (LLB, JD, BCL)
- ▶ Doctor of Medicine (MD)
- ▶ Doctor of Optometry (OD)
- ▶ Pharmacy (PharmD, BS, BSc, BPharm)
- ▶ Doctor of Veterinary Medicine (DVM)
- ▶ Bachelor of Science in Nursing (BScN, BSN)
- ▶ Bachelor of Nursing Science (BNSc)
- ▶ Bachelor of Nursing (BN)
- ▶ Bachelor of Education (BEd)
- ▶ Bachelor of Engineering (BEng, BE, BASc)

Key steps

With these changes, there is a very small window of time for individuals who are negatively impacted by this announcement to submit a work permit extension before 21 January 2025. Also, it is worth keeping in mind that where a principal foreign worker has a relatively short assignment in Canada and obtains a work permit that is less than 16 months in duration, accompanying family member work permits will generally not be available.

EY Law will continue to monitor changes and will provide updates as announced. Should you have any questions with respect to these new measures, please do not hesitate to contact your EY Law LLP professional.

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