

Knowing Your Rights Is Essential!

Guide for Temporary Migrant Workers and Case Workers in Quebec

2021



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Abbreviations

CUSMA	Canada-United States-Mexico Agreement
EI	Employment Insurance
CBSA	Canada Border Services Agency
eTA	Electronic Travel Authorization
CAQ	Certificat d'acceptation du Québec (Quebec Acceptance Certificate)
CBL	Canadian Language Benchmarks
CDPDJ	Commission des droits de la personne et des droits de la jeunesse (Human and Youth Rights Commission)
IRB	Immigration and Refugee Board of Canada
CNESST	Commission des normes, de l'équité, de la santé et de la sécurité du travail (Labour Standards, Pay Equity, and Occupational Health and Safety Commission)
NOC	National Occupational Classification
CSQ	Certificat de sélection du Québec (Quebec Selection Certificate)
ESDC	Employment and Social Development Canada
LMIA	Labour Market Impact Assessment
IRCC	Immigration, Refugees and Citizenship Canada
IWC-CTI	Immigrant Workers Centre of Montréal
LATMP	Loi sur les accidents du travail et les maladies professionnelles (Act respecting industrial accidents and occupational diseases)
IRPA	Immigration and Refugee Protection Act
LNT	Loi sur les normes du travail (Act respecting labour standards)
LSST	Loi sur la santé et la sécurité au travail (Act respecting occupational health and safety)
MIFI	ministère de l'Immigration, de la Francisation et de l'Intégration (Ministry of Immigration, Francisation and Integration)
CLB	Canadian Language Benchmarks
BOWP	Bridging open work permit
PNP	Provincial Nominee Program
PEQ	Programme de l'expérience québécoise (Quebec experience program)
IMP	International Mobility Program
AIPP	Atlantic Immigration Pilot Program
PSR	Private Sponsorship of Refugees Program
RSWP	Regular Skilled Worker Program
TRP	Temporary Resident permit
SAWP	Seasonal Agricultural Worker Program
TFWP	Temporary Foreign Worker Program
BOWP	Bridging open work permit
FSWP	Federal Skilled Worker Program
RAMQ	Régie de l'assurance maladie du Québec (Quebec Medical Insurance Board)
IRPR	Immigration and Refugee Protection Regulations
PPDP	Public Prescription Drug Insurance Plan
CPP	Canada Pension Plan
RQAP	Régime québécois d'assurance parentale (Quebec parental insurance plan)
RRQ	Régime des rentes du Québec (Quebec pension plan)

CMHC	Canadian Mortgage and Housing Corporation
SAAQ	Société de l'assurance automobile du Québec
TMT	Temporary Migrants Workers
GST	Goods and Services Tax
HST	Harmonized Sales Tax
TRV	Temporary Resident Visa
SST	Social Security Tribunal
HTV	Human Trafficking Victims

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Foreword

The text you are about to read is the product of years of field experience and individual and collective research. If this guide sees the light of day, it is largely thanks to a first model achieved by Jill Hanley and Lucio Castracani in 2015–2016 within the IWC-CTI. The idea of developing a guide for temporary migrant workers, but also for coordinators, had been circulating for years, but the lack of resources (human and time) dampened enthusiasm. I could therefore design the guide based on this first effort. For this reason, my first thanks go to these two key people, because without their first draft, I would not have been able to move forward as I would have liked.

I was able to resume this work, which was not completed at the time, thanks to a grant from the *Ministère de l'Éducation supérieure* (MES) through the *Fonds des services aux collectivités* (FSC) program. I would like to thank the Ministère for the confidence they had in the project that I proposed at the time. I am also grateful to the Canada Research Chairs Program, who made it possible me to make progress in several tools related to this guide, as well as for posting it online on my chair's website. I must also thank UQAC and particularly the Dean of Research and Creation with Mr. Yves Chiricota (former Dean) for supporting the project.

My acknowledgements to the Immigrant Workers Centre (IWC-CTI) and more particularly, Joey Calugay, Viviana Medina and Cheolki Yoon who read a first version of the guide. Without their comments, suggestions and verification, this guide would not have the same quality. I extend my gratitude to Mrs. Viviana Medina who has collaborated with me since the beginning of the project and who has always insisted on the importance of this work.

Thanks to Mrs. Valérie Mvogo Balla who helped me with some of the research, verification, and tables for this guide. As the project coordinator for this guide, she was of great assistance to me throughout the project.

Finally, I would like to inform readers that the content of this guide is up to date. As some of the laws, regulations and programs can change quickly over the course of a year, we have scheduled updates to the guide once or twice a year. It will therefore be important to make sure to have the most recent version, which can be found in two places (<https://intercultureltechnologies.ca/outils> and <https://iwc-cti.ca/know-your-rights/>). In addition, versions in English and Spanish are also available. Over time, we want to add other languages to make this guide as accessible as possible. This guide is a synthesis of various information and procedures found in many governmental and other websites, but also from interviews with ministerial or parapublic representatives and from information learned through experience. We have therefore taken information scattered across various departments and agencies and concentrated it in one place. For this reason, many of the tables or procedures are almost exact replicas in order to avoid errors in the transmission of information.

I hope that the guide will be useful to you in your work, in the defence of your rights or simply to clarify certain doubts. Enjoy reading!

Jorge Frozzini, Ph. D.
Chicoutimi, December 17, 2021

Introduction

Immigration is important to Canadian society as it is part of its history. Moreover, it is necessary for its economic and social development. However, for nearly fifteen years, we have been witnessing a major and progressive change from a system that was offering a path to territorial permanence to a system that favours temporary migration.

A temporary resident is a foreign national who is legally eligible to enter Canada for temporary purposes. A foreign national has temporary resident status when they are deemed to meet the legal requirements to enter and/or remain in Canada as a visitor, student, worker, or holder of a temporary resident permit. Only foreign nationals who are in Canada hold temporary resident status (IRCC, 2020).

This change means that Canada depends more and more on a temporary workforce without, however, putting in place effective measures to combat the problems of discrimination and exploitation that workers may experience.

Canada receives people from all over the world to meet labour needs. These individuals work in all industries, including healthcare, food processing, information technology, manufacturing, agriculture, and more. However, these people are not considered as equal, although they are essential for the development of Canada. Indeed, the Canadian government will separate them into two categories: skilled and unskilled workers. This categorization will have a major implication on access to services, the exercise of certain rights and the possibilities of remaining in the territory if they so desire.

Economic and temporary immigration to Canada includes two major programs. The International Mobility Program (IMP) which allows employers to hire a temporary worker without the need for a Labour Market Impact Assessment (LMIA)¹ and the Temporary Foreign Worker Program (TFWP) where the LMIA is required². The TFWP allows Canadian employers to source temporary migrant workers when they cannot fill positions due to labour or skills shortage created by the absence of Canadians or permanent residents who could fill these positions.

The idea behind these programs is to fill a need that is supposed to be there for a short period or to seek out qualified people for the benefit of the country's development. However, this type of program has existed since the end of slavery, and here in Canada, the TFWP was officially implemented in 1973. The question of the temporality of the positions to be filled is therefore called into question by the fact of having to continually appeal to these programs for the same positions year after year.

Today, the TFWP includes various components: the agricultural sector (agricultural component and the Seasonal Agricultural Worker Program) and high- and low-wage positions.

¹The LMIA is a theoretical assessment of the impact that offering employment to a temporary migrant worker will have on the Canadian labour market.

²Within the framework of the TFWP, there is a specific component (Global Talent Component) which is aimed at "innovative" and "high-growth" companies with support adapted to their needs. We will not deal with this aspect here. For more details, see the link in the appendix.

Usually, there are approximately 84,000 temporary migrant workers (TMT)³ arriving in Canada each year. Of this number, approximately 23,000 are usually present in Quebec (this figure tends to increase). It has been observed that since 2009, there has been a steady increase in the number of TMTs in Canada. Given this factor and the number of abuses reported to the Immigrant Workers Centre (IWC-CTI) over the years, the idea for this guide came from within their team to help TMTs and their allies.

The Immigrant Workers Centre supports the idea that all TMTs should have a quick and easy path to permanent residency if the desire to remain in Canada is present. The IWC-CTI also believes that all levels of government must ensure that migrant workers work in decent conditions, receive fair wages, and can access social benefits with the same rights as the Canadian-born workers and permanent residents enjoy.

Unfortunately, migrant workers sometimes do not know their rights, or their situation makes their application very difficult. This guide focuses on helping TMTs defend their rights by presenting relevant information to understand the structure of the various components of the TFWP in which TMTs participate and various essential subjects:

- The different immigration statuses (legal statuses)
- The functioning of the Temporary Foreign Workers Program (TFWP)
- Details on immigration rights
- Important points concerning labour standards in Quebec
- The social benefits offered to TMTs and the limits
- The possibilities of permanent residence available
- A simplified process for accompaniment
- Important links for finding information

The guide contains **hyperlinks** (words in blue and underlined that you can click to direct you to Web pages) in the text to facilitate the search for information in addition to a list of tool links in the appendices. [The guide is also supplied with](#) (1) a directory of resources making it easy to find the services of community groups to obtain more details, help on various questions or to refer to them; and (2) an **interactive map** about the presence of TMTs on Quebec territory.

1. Immigration Statuses in Canada

Every person present on Canadian territory has a legal status. The latter constitutes a classification of individuals according to the requirements of three laws: the [Immigration and Refugee Protection](#)

³We use this term and not that of “temporary foreign worker”, because the latter is not neutral and creates a distance with respect to the person and the process to which he is subject. Moreover, it induces a difference in relation to the rights of citizens. On the other hand, the term “temporary migrant workers” makes it possible to better describe the conditions of stay in Canada, the precariousness of the statuses and the effects of the legal and administrative framework of the migratory journey.

[Act](#), the [Citizenship Act](#) and the [Indian Act](#). Regarding immigration status, it constitutes a classification of people who are authorized to enter or stay on Canadian territory (permanently or not). These statuses are important for several reasons, including the right of access or not to the services offered by the various levels of government (social measures).

It should be noted that these statutes can also be considered as devices for marking membership or the degree of proximity to the idea of what constitutes a member of the nation (in this case, a Canadian) with the set of verifications and steps to demonstrate the merit necessary to become a citizen (for some only).

Chart 1: The legal status⁴

Legal status from most precarious to most secure	Brief description
Undocumented or status-less person	Person who does not have authorization to remain in Canada or whose period of authorization has expired.
Temporary Resident	A person authorized to stay in Canada for a limited period to work, study or visit.
Refugee	<u>Accepted refugee (protected person)</u> : individual recognized by Canada as a refugee within the meaning of the Geneva Convention or as a person in need of protection. <u>Asylum seeker (refugee status seeker)</u> : individual who has fled their country and who has applied for protection as a refugee and who is awaiting the decision.
Permanent resident	A person who has been granted permission to stay permanently in Canada.
Citizen	Person who, within the meaning of the Citizenship Act, is Canadian by birth or by naturalization (after three years of permanent residence in the territory).

Within the categories of temporary residents, refugees and permanent residents, there are several other types of categories related to programs implemented by the federal or provincial level. As mentioned earlier, we focus here on one of the categories of temporary residents, temporary migrant workers under the Temporary Foreign Worker Program.

⁴We have not included Indian status in order to reduce the complexity of the statuses.

2. Structure and Specificities of the Temporary Foreign Worker Program (TFWP)

The TFWP is a federal program officially implemented in Canada since 1973. It allows workers to come and work in Canada and contribute to the labour and expertise needs expressed by Canadian employers. Officially, these are temporary positions for short-term needs. However, employers call on these workers every year, rendering the idea of short-term need meaningless. In summary, the objectives are:

- To promote economic growth by meeting the needs of the Canadian labour market.
- Address labour needs/shortages.
- Maintain a balance between the interests of business and those of the Canadian workforce.

Employers can recruit workers from any country into any profession with legal status, provided both employers and workers meet specific program criteria and comply with compliance requirements⁵.

2.2. Role of ESDC, IRCC, CBSA, MIFI and the private sector in the TFWP

The Temporary Foreign Worker Program is based on the cooperation of four departments divided between two levels of government (provincial and federal).

Federal

- *Federal Employment and Social Development Canada (ESDC)* is the federal department responsible for the Temporary Foreign Worker Program.
 - It provides the Labour Market Impact Assessments (LMIAs) needed for employers to hire TMTs (see below) and sets out the rules for closed (employer-specific) work permits related to the LMIA.
 - It validates the employment contracts (salary, working conditions and occupation of the TMT) included in the LMIA application.
 - Receive complaints against employers, as ESDC must ensure that employers comply with all regulations related to the TFWP.
 - Performs inspections.
- *Immigration, Refugees and Citizenship Canada (IRCC)*
 - Grants right of entry to TMTs (several factors are considered, including identity verification, health, and security checks).
 - Delivers a letter of introduction which certifies that the work permit can be granted.
 - Issues the open work permit for vulnerable workers.
 - Issue visas.
- *Canada Border Services Agency (CBSA)*
 - Verifies all documentation and makes the final decision for entry into Canada.

⁵ The TFWP is governed by the Immigration and Refugee Protection Act: <https://laws-lois.justice.gc.ca/eng/acts/i-2.5/page-1.html>

- Provide work permits on site.
- Responsible for the removal of unauthorized persons.

Provincial

- The Ministry of Immigration, Francization, and Integration (MIFI)
 - Issues CAQ documents.
 - Gives its consent to the issuance of the LMIA.

The complexity and several difficulties related to the TFWP stem, among other things, from having to do business with this multitude of actors who share several powers that have a direct impact on the TMTs. The complexity of administrative procedures increases as well as the possibility of abuse with the presence of other actors in the private sector (not to mention employers) including placement and recruitment agencies or immigration consultants.

Private

- Recruitment Agencies
 - Recruit TMTs from outside the country and inside the country.
 - Those operating in Quebec must have a permit issued by the CNESST.
 - BEWARE: There are recurring issues with recruiters such as the exorbitant and illegal fees they may charge, the fact that they may act as an enforcer for the employer, they may threaten TMTs with deportation, they may have partners in countries of origin who put pressure on families (see Table 2).
- Placement agencies
 - Place workers in employment once in the Quebec territory. Often, they intervene when TMTs no longer work for the employer who has brought them in.
 - Many of these agencies may be fraudulent. It is therefore necessary to check [whether they have a permit issued](#) by the Commission for Standards, Equity, Health and Safety at Work (CNESST).
- Immigration consultants
 - To perform this task, these individuals [must be recognized](#) by the provincial Minister of Immigration.
 - They must also be members of [the Canadian Association of Professional Immigration Consultants](#). This association can receive complaints about their members.
- PLEASE NOTE: usually, the TMTs can perform all the procedures themselves without having recourse to these consultants.

2.3. How to enter the TFWP?

A person who wishes to work in Canada must first obtain a job offer from a Canadian employer. Thereafter, he must obtain from Immigration, Refugees and Citizenship Canada (IRCC) a temporary work permit with a letter from ESDC confirming that the employer has obtained a favourable LMIA. Here is a summary of the usual steps that the future TMT must take:

Chart 2: Summary of TMT procedures for working in Canada

TMT procedures	High-wage/low-wage TFWP	TFWP Agricultural component	Seasonal agricultural worker program (SAWP)
Job search process*	The individual can find, by himself, an employer who is ready to hire them. However, it is often by word of mouth and through recruitment agencies that the future TMT learns about job possibilities.	The individual can find, by himself, an employer who is ready to hire them. However, it is often by word of mouth and through recruitment agencies that the future TMT learns about job possibilities.	The individual can find, by himself, an employer who is ready to hire them. However, it is often by word of mouth and through government announcements that the future TMT learns about job possibilities.
Procedures with the employer	The future TMT provides all the information for applying for a CAQ and an LMIA (in particular, a signed contract). It may happen that the future TMT takes the steps for the CAQ.	The TMT provides them with all the information to apply for a CAQ and LMIA (including a signed contract).	The TMT provides them with all the information to apply for a CAQ and LMIA (including a signed contract).
Procedures with the Government of Canada	Apply for a work permit, biometric data, police certificate (if required) and visa (if required).	Apply for a work permit, biometric data, police certificate (if required) and visa (if required).	Apply for a work permit, biometric data, police certificate (if required) and visa (if required).
Pass a medical examination for the purpose of obtaining a work permit	With a doctor appointed by the IRCC, in the country of origin.	With a doctor appointed by the IRCC, in the country of origin.	With a doctor appointed by the IRCC, in the country of origin.
Other procedures	Low wages: For home care positions, TMT must meet training, contract, and work experience requirements		

*For the agriculture TFWP and the SAWP, see Chart 4 for the list of countries, because in these countries the recruiting agencies for the agriculture TFWP and the governments for the SAWP are the recruiters.

As mentioned, workers in all TFWP streams need the LMIA, the Quebec Selection Certificate (CAQ) and a work permit which is closed, in their cases⁶. It is only TMTs in the International Mobility Program who do not need an LMIA or CAQ. In the next sections, we present each of these documents in a few more details.

2.4. Types of permits: open or closed

TMTs must have a work permit issued by the federal level. This official document, issued by the IRCC, authorizes the individual to work in Canada and defines the conditions of the employment occupied. There are fees associated with the application starting at \$155 (paid by the worker). In terms of timelines, it is difficult to know depending on the circumstances, but on their website, the IRCC recommends [checking the application status](#) for updates on the application in question (where they are in terms of treatment).

TMTs may arrive with an approval letter (introduction) that they will present at the point of entry (usually the airport). This is when the TMT will receive the open or closed work permit. For TMTs participating in the TFWP, work permits will be closed.

A closed work permit allows the TMT to work only with the employer mentioned in the document and in the place specified in the document (if mentioned). In addition, this permit specifies the period during which the TMT can work in Canada (work permit validity period). This period of validity depends on:

- The job offer,
- the time period entered in the LMIA,
- the period of validity of the passport and,
- the period (time) entered in the CAQ.

Your occupation classification (NOC code) is shown on your permit. This classification (see next section) is important, as it indicates the level of qualification required to perform your job and has implications for your future immigration options. If the NOC code is not listed, you can find it next to your job title (see index).

The TMT may not perform any other type of work than that specified in the permit, or work for any employer other than that specified in the permit.

With these types of restrictions, it is difficult to change employers and access to certain services is limited (we will come back to this later).

An open work permit has no ties to an employer; it allows for freedom of movement (change sector of employment and employer). Access to services will vary depending on the case (we will come back to this later).

⁶ It is necessary to know all the elements, because depending on the program and the type of permit, access to services and to permanent residence varies. Moreover, TMTs often only know their program or the type of licence they have. Indeed, in most cases, it is the employer who will take care of the first steps without explaining them to the TMTs.

There are restrictions on two scenarios for which the permit will not be issued: an employer not eligible on the [list of employers who have failed to comply with conditions](#) or an employer who is in the business of strip dancing activities or erotic, escort or erotic massage services. In addition, only certain categories of people can have access to this type of permit. In the case of TMTs, the following may apply:

- You have a work permit linked to a specific employer and you [are the victim of violence or are at risk of violence in the course of your employment](#) in Canada.
- You have applied for permanent residence in Canada.
- You are a dependent [family member](#) of someone who has applied for permanent residence.
- You are the spouse or common-law partner of a skilled worker.
- You are a holder of a temporary residence permit.
- You are a young worker participating in special programs.

Work permit application procedure

The procedure varies whether the application is made outside of Canada, inside or at a port of entry⁷.

- Application submitted from outside Canada
 - Procedures may vary depending on how the application is submitted (online or paper) and the country of residence. [See specifications](#). However, you must have:
 - A CAQ.
 - A letter from a Canadian employer describing your employment.
 - A copy of the LMIA (a copy of the decision).
 - Proof that you have the prerequisites for this job (education and experience).
 - Proof of payment of work permit fees (copy of invoice or copy of payment with credit card).
- Application submitted from Canada
 - Certain conditions are required:
 - Have a valid work permit.
 - Your spouse, common-law partner or one of your parents has a valid study or work permit.
 - You or your spouse, common-law partner, or one of your parents has a temporary resident permit that is valid for six months or more.
 - You are awaiting a decision on an application for permanent residence under the
 - [Spouse in Canada category](#),
 - [Temporary Residence Permit Holders category](#).

⁷After applying, in most cases, [biometric data](#) (fingerprints and a photo) must be provided. Individuals between the ages of 14 and 79 who are required to provide data, do so once every 10 years and pay the fee (\$85 individual request: \$170 maximum for a family requesting at the same time) upon request. The request will only be processed once the biometric data has been received.

- You are allowed to work Canada [without a work permit](#), but you must obtain a work permit for another employment (this does not apply to [business visitors](#)).
 - You are a trader, an investor, a person transferred within a company or a professional covered by the [Canada-United States-Mexico Agreement \(CUSMA\)](#).
- If you do not meet any of these conditions, you must apply for restoration of worker status if your permit has expired (see Section 3.6).
 - If you meet one of these conditions, you can apply [online](#) (preferred) or [on paper](#).
 - In all cases, you must provide a copy of the LMIA; a copy of the job offer or contract; the job offer number; proof that you meet the requirements of the position including a Canadian competency certificate (provincial) and educational requirements; a copy of the CAQ; and proof of payment of fees.
- Applying from a port of entry
- If you need a visitor visa to come to Canada, you cannot apply for a work permit at the port of entry. You must apply for a work permit before coming to Canada.
 - If you do not need a visitor's visa, then the first thing to do is to ensure that you meet the [eligibility criteria](#) and that you have passed a medical examination ([if necessary](#)). If it is a closed permit, you will need your passport (or other travel documents), medical certificate, job offer, copy of the LMIA, LMIA number and proof that you have the qualifications and experience required for the job. Also, in Quebec, you will need the CAQ.

Renewing a work permit

You can renew your work permit with the same employer if they have a valid LMIA and extend your work contract. In the case of a new employer, the TMT must obtain a CAQ if they do not have one. [The process is like that of the first application for a work permit](#). However, you must submit the application at least **2 to 3 months** before the expiry date of your current licence. Also, you need to check the expiration date of your passport, as you cannot extend the work permit beyond the expiration date of the passport. There is a \$155 fee.

It is recommended to apply [online](#), but you can also [download the documents](#), print them to fill them out and send them by mail.

2.5. Occupational skill levels according to the National Occupational Classification (NOC)

Each occupation in Canada is classified and described in the National Occupational Classification (NOC). Occupations are therefore classified according to the type of work performed. Several groupings are available⁸, but the one that has the most impact with TMTs is the skill-level

⁸Broad occupational categories, skill levels, major groups, subgroups, and core groups.

classification. So, while the level of skill assigned by government officials (ESDC or IRCC) based on the NOC may be arbitrary and not reflect the skills or training that are needed to perform a certain job, **the right of a TMT to apply for permanent residency depends on his job classification. Currently, Canada⁹ and Quebec are only accepting applications for permanent residency from people in Level 0, A, and B jobs.**

In Quebec, the regular skilled worker program can accept workers in category C and D jobs based on point compensation (although this is almost impossible).

Chart 3: Skill levels according to the NOC

Skill level	Type of training
0	Professions requiring a university education in the field of management.
A	Professions requiring a university education.
B	Occupations usually requiring college education or apprenticeship training.
C	Occupations requiring a high school diploma or on-the-job training, or both.
D	Occupations usually requiring on-the-job training.

Examples of classifications:

- 0: manager of mines, restaurants, managers, directors, etc.
- A: doctor, dentist, architect, computer programmer, engineer, teacher, etc.
- B: administrative assistant, carpenter, chef, electrician, plumber, welder, etc.
- C: butcher, food, or beverage server, etc.
- D: Fruit picker, cleaner, etc.

2.6. The Labour Market Impact Assessment (LMIA)

This is a document issued by the federal level and more specifically by Employment and Social Development Canada (ESDC). [The LMIA](#) is a document that the employer must obtain before hiring a TMT under the four streams of the TFWP (and in other programs).

The LMIA is a theoretical assessment that certifies that the TMT fills a need, and that no Canadian worker or permanent resident is available to do the job in question. The cost of this evaluation is

⁹There are pilot projects for professions with a lower level. See later in the text.

\$1,000 per position requested (employers must pay). The duration of the LMIA is that of the period indicated in the application. It will be the same as the one listed in the work permit (these documents are linked).

While the process for applying for an LMIA depends on the type of hiring program, several common elements are important to the LMIA application that the employer must complete:

- Pay the fee.
- Have the job advertisement posted in at least three different locations for four weeks ([several jobs are exempt from this requirement](#)).
- Have an employment contract signed by both employer and employee.
- Offer similar/competitive working conditions for the sector in question.
- Offer a job that respects the laws and regulations in force such as those of the labour standards of the province.
- Assume return air travel costs (with exceptions).
- Provide health insurance coverage equal to that of the province during the waiting period.

2.7. The Quebec Acceptance Certificate (CAQ) (at the provincial level)

This is an official document issued by the Ministry of Immigration, Francization, and Integration (MIFI) on behalf of the Government of Quebec. It confirms the decision to accept a candidate who wishes to stay temporarily in Quebec to work, study or receive medical treatment.

It is necessary to be able to work temporarily in Quebec, but is not enough to work, because a work permit (from the federal government) is also necessary.

There are CAQ exemptions:

- Employers who do not have to apply for an LMIA.
- Individuals who have an unpaid job.
- Jobs of less than 30 days.
- Individuals with a work permit exemption.

CAQ application procedure

TMTs from various TFWP programs must apply for temporary selection to obtain the CAQ. This application must be made at the same time as that of the LMIA and the employer must pay the cost of processing these documents, but in some cases can recover the \$205 processing fees from the CAQ. The TMT must make sure to complete (or have completed) the temporary selection application form and sign it.

➤ *The CAQ is delivered to the TMT*

- The employer initiates the temporary selection application at the same time as the LMIA application. Following the examination of the employer's file, they will

receive a letter signed jointly by the MIFI and Service Canada confirming the acceptance (positive LMIA) or the refusal (negative LMIA) of their job offer.

- If the job offer is accepted and the application for temporary selection of the worker targeted by the job receives a positive decision, the employer will receive two copies of the CAQ from the Ministry.
- The employer must forward both copies of the CAQ to the foreign worker, as well as a copy of the letter confirming acceptance of temporary employment, so that the worker can apply for a work permit from the Government of Canada.

➤ *The CAQ is denied to the TMT or to substitute a position*

- The employer who holds a valid LMIA, and whose foreign worker targeted by the job offer has not been able to obtain a CAQ or has not yet obtained a work permit, can submit a request to the Ministry to replace the foreign worker with another on the temporary job offer. This replacement request must be submitted at least sixty (60) calendar days before the expiration of the positive LMIA.
- An employer who holds an expired LMIA must submit a new LMIA application and pay the required fees again if he wishes to replace a foreign worker with another worker on an LMIA.

➤ *Steps to be taken by the TMT*

- The TMT who has received a CAQ must apply for a work permit from Immigration, Refugees and Citizenship Canada (see *Work Permit Application Procedure*).
- Unfortunately, in the case of a refusal of the CAQ, the TMT has no possible recourse.

2.8. The Temporary Resident Visa (TRV)

Depending on your nationality or your travel history, you will need to obtain a [Temporary Resident Visa](#) (TRV). This allows you to stay in Canada for a specified period. You can apply online or by mail (see the guide). You can apply [online](#) or by mail (see [the guide](#)).

Usually, if you are on Canadian territory, you must:

- Complete the Temporary Resident Visa application.
- Complete the documents for the representative or personal information disclosure, if necessary.
- Have a proof of payment of fees.
- Have a photocopy of the information page of your passport.
- Have two photos.
- Have a photocopy of your current immigration document (work permit).
- Have a proof of your current employment (letter from your employer).

Those who are abroad generally must:

- Complete the Temporary Resident Visa application.
- Complete the family information form.
- Complete the documents for the representative or the personal information disclosure, if necessary.
- Have a proof of payment of fees.
- Have a photocopy of the information page of your passport.
- Have two photos.
- Explain the purpose of your trip.
- Have a proof of your immigration status.

2.9. Electronic Travel Authorization (eTA)

Depending on your nationality or your travel history, you will need to obtain an [Electronic Travel Authorization](#) (eTA). It is an entry requirement for visa-exempt foreign nationals travelling to Canada by air. It is a document electronically linked to a traveller's passport and valid for a **maximum of five years** or until the passport expires. If you get a new passport, you must also get a new eTA.

The application is made [online](#) and costs \$7.

2.10. The TFWP Subprograms

Today, the TFWP includes various components: the agricultural component, the Seasonal Agricultural Worker Program, the High- and Low-Wage Program. Lastly, we present that of global talent, which is a category apart from TMTs.

As we mentioned in the introduction, the four components of the TFWP require obtaining an LMIA, a CAQ and a closed work permit. In any case, there must be a signed contract before arrival. However, we find some important differences between these sections:

Chart 4: Synthesis of the TFWP four components

Program	High-wage/low-wage TFWP	TFWP Agricultural component	Seasonal Agricultural Worker Program (SAWP)
TMT country of origin	No initial restrictions	No restrictions, but there are agreements with Guatemala, Honduras, and El Salvador.	Mexico and participating Caribbean countries: Anguilla, Antigua and Barbuda, Barbados, Dominica, Grenada, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines and Trinidad and Tobago.
Details concerning access to/recruitment in the program	High salary \geq QC median hourly salary Low salary $<$ QC median hourly salary	Direct recruitment by the company or by a recruitment agency with which a liaison organization has entered an agreement.	Recruitment and selection by the governments of the countries that have signed an agreement.
Requirements concerning certain documents	Closed permit, LMIA and CAQ		
Duration of contract	Maximum of 24 months.	Maximum of 24 months	Min. 240 hours over 6 weeks or—Max. 8 months, between January 1 and December 15.

Source: Hanley, Medina, Bouchard & Romagnon, 2020

Adaptation and update: Jorge Frozzini

Agricultural programs: TFWP agricultural component and the Seasonal Agricultural Worker Program (SAWP)

The workers in these two programs perform agricultural work, or certain types of labour related to animal production. Most of the work is done on a farm, tree nursery or greenhouse. The agricultural component of the TFWP is open to all TMTs, but agreements with the governments of Guatemala, Honduras and El Salvador allow for faster processing of applications. Regarding the SAWP, only TMTs from the 13 countries with an international agreement can come.

Eligible positions to be an agricultural worker in the agricultural component of the TFWP and in the SAWP in Quebec

Quebec currently allows for the hiring of TMTs in agricultural occupations through the agricultural component and the Seasonal Agricultural Worker Program, provided that the activity is related to the [primary agricultural](#) sector and that the production is part of the [National List of Agricultural Sectors](#)¹⁰. In Quebec, a few animal products are added to this list.

Chart 5: Eligible Positions for Agricultural Work

Primary Agriculture	Performed within the confines of a farm, nursery, or greenhouse.	<p>Include at least one activity like:</p> <p>Operating farm machinery.</p> <p>Housing, care, reproduction, cleaning, or other activities related to the maintenance of animals, other than fish, aimed at obtaining raw products for their marketing.</p> <p>The collection, handling and evaluation of such raw products, or the planting, tending, harvesting or preparation of crops, trees, turf, or other plants for marketing.</p>	<p>Corresponds to the following NOC codes:</p> <p>0821 — Managers in agriculture</p> <p>0822 — Managers in horticulture</p> <p>8252 — Agricultural service contractors, farm supervisors and specialized livestock workers</p> <p>8255 — Contractors and supervisors, landscaping, grounds maintenance and horticulture services</p> <p>8431 — General farm workers</p> <p>8432 — Nursery and greenhouse workers</p> <p>8611 — Harvesting labourers</p>
The production must be part of the list of agricultural sectors	Apiculture; maple syrup; trees grown in greenhouses and nurseries (including Christmas trees); cattle; ducks; cereals; mushrooms; horses; fruits and vegetables (including canning/processing if these products are grown on the farm); flowers; sod farms; sheep; oilseeds; pigs; dairy products; pedigreed rapeseed; corn seeds; tobacco; minks; poultry.		

¹⁰ When the production is not part of the National List of Agricultural Sectors, the employer must file the application in the regular stream of low-wage or high-wage positions.

High-Wage Positions component

High-wage positions are those where the TMT earns a salary equal to or greater than the provincial or territorial [median hourly wage](#). In Quebec, the median hourly wage since May 11, 2020, is \$23.08.

Among the types of employment in this stream, there are professionals (nurses, etc.), technicians (laboratory technicians, etc.) and skilled trades (nursing assistants, etc.).

The Low-Wage Position component

Low-wage positions are those where the TMT earns less than the provincial or territorial [median hourly wage](#). As of May 11, 2020, TMTs in this component earn less than \$23.08/hour.

Among the types of jobs in this section, there are workers with general tasks or specialized trades (beneficiary attendants, babysitters, butchers, housekeeping attendants, etc.).

Expenses related to the procedures for coming to Canada

Many expenses are related to the formalities necessary to come to work in Canada. Among these expenses, there are some which fall exclusively on the employer and others on the employee. However, it is not always clear or easy to remember which ones correspond to the TMT in a context where there are several that can be paid by the employer and subsequently recovered from the TMT. In addition, the complexity of the various programs, the language barriers and the lack of information concerning these payments lead to abuse. Here is a summary of the fees and particularities according to each of the components of the TFWP:

Chart 6: Summary of costs paid by the employer and by the TMT for coming to Canada

Program	High-wage/low-wage TFWP	TFWP Agricultural component	Seasonal Agricultural Worker Program (SAWP)
Recruitment	High wage/Low wage: Paid by the employer	Paid by the employer	Paid by the employer
Transportation (airplane, bus, etc.)	High wage: The worker is responsible Low wage: Transportation from the country of origin to Canada as well as the return is covered by the employer.	Transportation from the country of origin to Canada as well as the return is covered by the employer. Daily transport from work to the place of accommodation, if necessary, is at the employer's expense.	The transport from the country of origin to Canada as well as the return is covered by the employer, but the employer can recover part of the costs by payroll deduction (the maximum of the deductions must be specified in the contract). Daily transportation from work to accommodation is at the employer's expense.

Accommodation	<p>High wage: no obligation on the part of the employer.</p> <p>Low wage: The employer must provide suitable (that does not require major repairs) and affordable (that costs less than 30% of the TMT's pre-tax income) housing or ensure that such housing is available to the TMT.</p> <p>For the TMT caregiver who lives in the employer's residence, the latter provides them with rent and meals free of charge. In addition, the TMT must have an individual and furnished room, with a door equipped with a lock and a security lock on the inside, with a window and which meets the security standards of the municipality and the province or territory.</p>	The employer must provide it and can deduct from the pay a maximum of \$30/week or according to the standards of the province or territory. For skilled workers, the cost should not exceed 30% of the TMT's gross monthly salary. According to the ESDC , there are more details in the employment contracts.	The employer must provide. According to the ESDC , there are more details in the employment contracts.
Medical coverage	Paid by the employer (see Social Services section)	Paid by the employer (see Social Services section)	Paid by the employer (see Social Services section)
LMIA	Paid by the employer	Paid by the employer	Paid by the employer
CAQ	High wage/Low wage: The required fees can be assumed by the employer or paid by the TMT	Paid by the TMT (the employer can pay it and deduct it afterwards).	Paid by the TMT (the employer can pay it and deduct it afterwards).
Work permit	High wage/Low wage: Paid by the TMT.	Paid by the TMT.	Paid by the TMT.
Biometric data	High wage/Low wage: Paid by the TMT.	Paid by the TMT.	Paid by the TMT.
Health examinations	High wage/Low wage: Paid by the TMT.	Paid by the TMT.	Paid by the TMT.
Visa	High wage/Low wage: Paid by the TMT.	Paid by the TMT.	Paid by the TMT.

The Global Talent Stream

This [stream](#) ensures that some companies have a fast-track hiring process for processing LMIA and TMT work permit applications.

- LMIA in 10 days for occupations listed in the stream or based on recommendations made by ESDC partners.
- Processing of work permits in two weeks.
- Work permit exemption for a highly skilled worker (NOC skill levels 0 and A) who comes for a period of 15 days (every six months) or 30 days (every twelve months).

Or certain researchers as part of a research project for a period of 120 days (once a year).

3. Coming to Quebec as a TMT: some issues

3.1. Problems with housing?

In certain situations where TMTs reside in employer-provided housing¹¹, issues related to living conditions may arise¹². More particularly, overcrowding, water quality, air quality, the sanitation of the building (lack of maintenance), the structure of the building, the presence of hazardous materials nearby. A recent report¹³ by the Auditor General of Canada identifies recurring problems and severely criticizes the ESDC in this regard for not having provided solutions to long-standing concerns related to the accommodation of TMTs.

For example, a TMT may end up with problems with leaks, electricity, heating, mold, pest infestations, lack of smoke detectors or fire extinguishers. There may be structural issues with windows, doors, stairs, etc. When spaces are shared, there can be problems of overcrowding (access to the kitchen, the toilet, adequate furniture for the number of people, problems of distancing during a pandemic, etc.).

Housing standards and related inspections prior to the arrival of workers are the responsibility of the provinces and territories¹⁴. In some cases, responsibility is delegated to municipalities or private inspectors. In Quebec, the [Régie du bâtiment du Québec](#) and the municipalities are responsible for housing conditions.

In general, the federal government does not have the authority to inspect housing based on provincial, territorial, and municipal laws or regulations. However, it may notify the provincial or territorial government if potential concerns are identified during an inspection. In the context of COVID-19, the federal government has been granted limited authority to implement housing requirements and control them during TMT quarantines. Then, the employer must provide housing

¹¹In the case where there is a signed lease and housing is not provided by the employer, it is the [Tribunal administratif du logement](#) (Administrative Housing Tribunal) that must be contacted to file a complaint.

¹² To date, there are no minimum housing standards as a condition of eligibility for the TFWP.

¹³ Auditor General of Canada. (2021). *Pandémie de COVID-19 : La santé et la sécurité des travailleurs agricoles étrangers temporaires pendant la COVID-19* (Rapport No. 13). Ottawa, Canada : Bureau du vérificateur général du Canada. Found at https://www.oag-bvg.gc.ca/internet/docs/parl_oag_202112_02_f.pdf

¹⁴The employer must provide a report that certifies the housing's compliance with the rules of the municipality, province, or territory. Without this report (completed within 8 months before the arrival of the TMTs), the employer cannot obtain the LMIA. However, these reports cannot determine whether minimum standards are being met (see footnote 12).

during this quarantine period that is separate from that provided to people who are not in quarantine and that allows the foreigner to keep a distance of at least two meters from others. The employer must also provide cleaning products to regularly clean and disinfect the premises. In the event that a TMT is infected with COVID-19 or shows signs and symptoms, the employer must provide accommodation that has a single bedroom, with access to a private bathroom, which allows them to isolate themselves¹⁵.

In Quebec, it is the *Commission des normes, de l'équité, de la santé et de la sécurité au travail* (Commission for Standards, Equity, Health, and Safety at Work—CNESST), based on the Act respecting occupational health and safety (LSST), which receives complaints concerning living conditions given that the TMT lives in a building belonging to the employer.

Employers are expected to provide¹⁶ adequate accommodation (a term not defined by [209.3 \(1\) a\) \(vi\) of IRPR](#)¹⁷), however provincial, municipal or territorial regulations apply.

To file a complaint¹⁸ concerning housing, the worker can do so [online](#) or call the CNESST: 1844-838-0808 (Canada and the United States) or dial 1 514-906-3250.

During the call, the CNESST agent will ask you for the name of municipality where the worker lives. Subsequently, the agent will then contact the local CNESST inspector to perform the checks.

IMPORTANT: The CNESST inspector will explain the procedures to follow.

You can also file a housing complaint by [contacting the ESDC](#):

- [Online](#).
- By telephone: 1-866-602-9448
 - To speak with an agent: Monday to Friday (6:30 a.m. to 10 a.m. and 5 p.m. to 8 p.m.), weekends and holidays (9 a.m. to 3 p.m.).
 - It is possible to leave a message.
- In-person visits in all Service Canada Centres.
- By mail:

¹⁵During quarantine, the employer must also pay wages to the TMTs and must not take any measures preventing the TMT from complying with any decree issued under the Quarantine Act and the Quarantine Measures Act. nor should the employer take actions that prevent TMTs from complying with any provincial or territorial law that governs public health enacted in response to the COVID-19 pandemic.

¹⁶There is no legal obligation for a TMT to remain in employer-provided housing. However, several practical obstacles make it difficult to find affordable housing close to the workplace. It is therefore important to emphasize here that the separation of living conditions from those related to employment is a mistake since often there is no choice for TMTs but to accept housing provided by their own employers.

¹⁷It is taken from the definition given by the [Canada Mortgage and Housing Corporation](#) (CMHC), according to which adequate housing is affordable housing of suitable size and quality.

¹⁸In the case of fire risks, one can call on the firefighters who are responsible for the application of the regulations relating to fires with the municipalities.

- National Investigative Services
Integrity Services Branch
Service Canada
165, Hôtel-de-Ville Street, 6th Floor
Gatineau QC K1A 0J2
Canada

3.2. Can my family join me if I am a TMT?

Most TMTs can come with their families or have them come later. However, workers in **the low-wage streams, the TFWP agricultural stream, and the SAWP do not have access to this possibility.**

Family members who may accompany the TMT have the same social rights (see Table 8 and Section 5 for details). However, let us mention here that they have access to health services, children are entitled to free public school, your spouse can have an open work permit, take courses with a study permit, and follow francization courses.

3.3. Can I change employers?

You have the right to change employers. However, the employer must have a valid LMIA and must apply to change the conditions of the work permit (you must obtain a new work permit). You cannot work for your new employer¹⁹ if you do not have a new work permit. However, you can continue to work for your former employer if your work permit is still valid with that employer.

See the section on the work permit to see how to renew or change it.

Note

Both for the agricultural component of the TFWP and for the SAWP, an employer who holds a valid LMIA, and whose TMT covered by the job offer has not been able to obtain the CAQ or a work permit, may submit to the MIFI a request to replace the TMT with another TMT on the temporary job offer.

3.4. What happens if I lose my job?

If the TMT loses their job, their work permit becomes invalid, their temporary residence visa remains valid for the validity period indicated. However, they will have to take steps to find another employer or change status. The TMT has 90 days to restore their status.

¹⁹Recently (as of May 12, 2020), the IRCC introduced [a temporary policy allowing for the waiver of certain requirements](#) when a TMT changes jobs. The aim is to allow the TMT to start working more quickly while awaiting a final decision on their work permit application. TMTs can start the new job while their work permit applications are being processed.

Here, the concept of retained status (implied status) applies, if the TMT makes the request for renewal, extension or change within 90 days. The retained (implied) status of temporary residents is the extension of the period of stay authorized as a temporary resident by law until a decision is made on the application.

During this period when the person has retained (implicit) status, they may be eligible for employment insurance (see Section 5) while looking for a new employer with an LMIA.

Note that retained (implicit) status applies to people who reside in Canada. If the person leaves Canadian territory, they lose the retained (implicit) status and cannot return.

3.5. Can this offer or employment constitute human trafficking?

Article 3 of the United Nations [Trafficking in Persons Protocol](#) defines human trafficking in these terms:

“[...] the recruitment, transportation, transfer, harbouring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery, or practices like slavery, servitude or the removal of organs.”

We find 3 key elements:

- A physical act: for example, the recruitment, transport or harbouring of a person.
- Accomplished using means: such as threats, force, coercion or deception.
- With a specific purpose: the exploitation of victims.

TMTs can be subject to all these types of exploitation. However, forced labour (lack of freedom and violation of labour rights) is to be raised because of the risks they face due to factors such as language barriers, working in remote areas, lack of access to services or assistance, and lack of information about their rights.

If the TMTs think they are victims, they must report the act or acts quickly to 1833-900-1010 (a service open 24/7).

In these cases, the IRCC can issue a [Temporary Resident Permit](#) (TRP) valid for 180 days for Human Trafficking Victims (HTV). The TMT can obtain an open work permit and access health care through the [Interim Federal Health Program](#). There are no fees for obtaining the permit or for the work permit.

The TRP application must be made in person at one of the [IRCC offices](#).

Victims of human trafficking are not required to testify against the trafficker to obtain temporary resident status or permanent residence.

If the recruiter knowingly arranged for you to come to Canada through kidnapping, fraud, deception, or the use of threat, force, or coercion, they could be prosecuted under **Section 118** of the [Immigration and Refugee Protection Act](#).

3.6. The open permit for vulnerable workers

If the TMT is experiencing abuse/violence (financial abuse, physical, sexual or psychological abuse) or is at risk, they can apply for an [open work permit for vulnerable workers](#) (exempted from an LMIA) in order to help them get out of the situation (see [the guide](#)).

This permit has a **duration of 12 months** (and must not have a longer validity period than that of the TMT passport or travel document) and **cannot be renewed**.

To gain access, TMTs must:

- Be on Canadian territory.
- Have a valid work permit (closed) or in retained status (implied status) of this work permit.

There are **no fees associated** with this permit application and they **must be processed quickly, we are talking about 5 working days** from the moment of receipt of the application. However, delays may vary depending on the volume of requests received.

Note that the TMT must demonstrate that they are victims of violence, as IRCC officers must have reasonable grounds to believe that a TMT is a victim of violence or that they are at risk of being exposed to violence in the course of their employment.

The request is made [online](#). This request must include evidence describing the situation(s) of violence, for example:

- A description of the violence or risk of violence to which the TMT is exposed.
- A letter, statement or report from an abuse victim support organization, doctor, medical professional, etc.
- An official complaint submitted to a law enforcement agency (CNESST, Service Canada, Commission des droits de la personne et de la jeunesse, police or CBSA).
- Additional supporting documents: photos, victim statements, copies of emails, testimonials, etc.

Then, the burden of proof rests with the TMT. In addition, given the complexity of the procedure and the material required (internet access, computer tools, understanding of Canada's official languages), the TMT cannot necessarily make this request independently.

For a detailed description of the steps to follow to apply for a work permit for vulnerable individuals, see [the guide](#) or the [IWC-CTI](#) website.

3.7. Restoration of status

If a temporary resident (visitor, worker or student) loses their status ([Section 47](#) of the Immigration and Refugee Protection Act [IRPA]), they can apply for [restoration of temporary resident status](#) under [Section 182](#) of the Immigration and Refugee Protection Regulations. In the case of TMTs, this most often happens when they change employers or leaves an employer for various reasons (non-compliance with safety and health standards, abuse, etc.).

To make this request ([online](#) or [paper](#)), the person must comply with a few requirements:

- Apply **within 90 days** of losing temporary status.
- Meet the initial requirements of their period of stay.
- Stay in Canada until a decision is made.
- Comply with other conditions imposed by regulations [R183 and R185](#) (such as not having worked or studied without permission).
- Meet the requirements of the category under which they are applying for restoration of temporary resident status.
- The individual has lost his/her status because they did not comply for one of the following reasons:
 - Authorized period of stay.
 - Non-compliance with type of work, employer, and place of work.
- Continue to meet the requirements of a temporary resident and work permit requirements.

The fee for status restoration is **\$200** (non-refundable) plus [other related fees](#).

Procedure:

1. Send the application to the application centre in Edmonton (CTD-E).
2. Evaluation by an eligibility officer.
3. If eligible, there is an assessment of the application and requirement, if deemed appropriate, of a medical examination.
4. If the requirements are met, the individual receives a visitor record (or the appropriate permit) which sets out the conditions for restoration of status. The document is sent to them by mail.

In case of refusal, the applicant will be informed that they must leave Canadian territory immediately, but you can remain in Canada until the expiry date of your current residence.

If the application is rejected as “incomplete”, it will be deemed never to have been submitted and the TMT will have to resubmit the application. If their request is forwarded to a local office, that local office will then contact the TMT.

3.8. The bridging open work permit

Depending on the case, a TMT can apply for an open work permit which allows the transition between the expiry of the current work permit and the final decision relating to the application for permanent residence.

To qualify for a Bridging Open Work Permit (BOWP), the TMT must meet the following conditions:

- Be in Canada.
- Meet one of three criteria: (1) have temporary resident status and a valid work permit, (2) have maintained their status and authorization to work after applying for a renewal of the work permit, or (3) be eligible for restoration of temporary resident status with authorization to work (work permit).
- Have applied for permanent residence as the principal applicant in one of the following categories:
 - [Federal Skilled Worker Class \(FSWC\)](#)
 - [Canadian Experience Class \(CEC\)](#)
 - [Federal Skilled Trades Class \(FSTC\)](#)
 - [Childcare and high medical needs care class](#) (request must be sent before June 18, 2019).
 - [Provincial Nominee Program \(PNP\)](#) for applicants whose designation is not subject to any employment restrictions.
 - [Agri-Food Pilot \(AFP\)](#)
 - [Skilled workers class—Québec \(CTQQ\)](#)
- Be in one of the next stages of the application for permanent residence, [depending on their category and a favourable admissibility decision](#). For skilled workers in Québec:
 - The application for permanent residence is subject to a favourable completeness check, under the [Section R10](#).

[Documents to send:](#)

- The request to modify the conditions of stay, extend the stay or remain in Canada as a worker.
- Proof of payment of fees.
- Proof that the TMT has reached the permanent residence application stage corresponding to their permanent residence category and application submission.

Specific eligibility criteria for Quebec skilled workers (other [specific criteria](#) apply to other categories):

- A BOWP can only be issued if the application for permanent residence online or in the Quebec Skilled Worker Program has undergone a completeness check which is favorable ([Section R10](#)). *Please note: the applicant must attach their acknowledgment of receipt of their application for a bridging open work permit.*
- Have a validated CSQ at the time of submission of the application for permanent residence.
- The place of work indicated on the bridging open work permit must be limited to Quebec.

- The duration of the BOWP is initially 24 months or until the expiry of the passport to compensate for delays in the examination of applications under the Quebec Skilled Worker Program. A 12-month extension of the BOWP is possible.

For spouses, common-law partners and dependents of a BOWP applicant, [certain conditions apply](#) for them to also obtain an open work permit. Dependent children are not eligible for an open work permit. They must obtain an LMIA or an LMIA exemption (depending on their situation) to apply for a work permit.

4. The Labour Laws in Quebec

The minimum working conditions for all Quebec employees are set by the Act Respecting Labour Standards. This law then lays the foundations for a universal system of working conditions. It deals with wages, holidays and absences, the notice of termination of employment and the procedures that can be taken if an employee files a complaint.

The Labour Standards Act is a law of **public order**. This means that even if a worker signs a contract that does not include all the conditions required by law, the minimum conditions still apply. The working conditions established between the employer and the employee must not be inferior to what is provided for by the labour standards, even if there is a collective agreement or a decree, subject to an exception permitted by law.

The administration of this law, i.e., labour standards, is carried out by the *Commission des normes, de l'équité, de la santé et de la sécurité du travail* (CNESST—Commission for Standards, Equity, Health, and Safety at Work), which is a public body under the responsibility of the Minister of Labour.

4.1 What are the minimum working conditions in Quebec?

We present here the main aspects concerning the minimum standards of labour rights in Quebec. For more details, see the website of the [CNESST](#).

Who is covered by these minimum conditions?

All TMTs are covered by these minimum labour standards in the same way as other workers in Quebec.

However, if the TMT works in a company where there is a union, the collective agreement in place takes precedence. It is important to note that the collective agreement must be equivalent to or better than what is prescribed by the law on minimum labour standards in Quebec. This is so because the law provides minimum standards for employees whether they are unionized or not.

Minimum wage

In Quebec, any employee whether working full-time, part-time, piecework or on commission is entitled to a minimum wage determined by law. The employee cannot receive a salary lower than the current rate because the employer must pay them a salary equal to or higher than the minimum wage.

When the minimum wage rate increases, the employer does not have to adjust the worker's wage if the wage received is higher than the minimum rate.

The worker must receive at least the minimum wage even if certain benefits such as a car or housing are provided by his employer.

The wage rate increases on May 1 of each year.

The minimum wage rate is currently \$13.50 per hour since May 1, 2021, before deductions (taxes, QPP, QPIP, etc.). It is \$10.80 per hour for tipped wages. For employees assigned to picking strawberries, it is \$1.07 per kilogram and for raspberries it is \$4.01 per kilogram.

Note that if the person who works in picking performs other tasks in addition to picking, they must be paid the minimum wage for the entire pay period.

Working hours

A normal working week is 40 hours per week.

Beyond the 40th hour, overtime normally paid at “time and a half” begins, i.e., there is an increase of 50% of the salary per hour (or 1.5 times the salary basic).

For example, if you are paid \$13.50 per hour, and you have worked 55 hours this week, from the 41st hour of work you must be paid \$6.75 more per hour (50% of the 13, \$50). So: 40h at \$13.50 and 15h at \$20.25.

Premiums that are added to the hourly rate, such as those for nights or evenings, are not counted in the calculation of overtime.

In addition, the calculation of overtime does not apply to certain employees, including agricultural workers.

Note that the employee has the right to refuse to work beyond 50 hours per week (see [Section 59.01 LNT](#))

The right to rest involves two provisions:

- Right to a 30-minute break after 5 hours of work for the meal ([Section 79 LNT](#)). This break is usually not paid.
- Right to rest of 32 consecutive hours per week. In the case of an agricultural worker, this day of rest may be postponed to the following week if the employee agrees ([Section 78 LNT](#)).

If the employer offers other breaks during the day, they must be paid for by the employer.

Workers are entitled to absences for several reasons related to illness, accidents, etc.

The employee is entitled to 10 days of absence per year for family or parental reasons. Of these 10 days, the first two days taken annually are paid ([Section 79.7 LNT](#)). The method of calculation is provided for in Section 62 of the LNT, but it must be noted that the employee must have 3 months of continuous service in the company.

Employment contracts

An employment contract is an agreement between the worker and the employer to perform a task or work in exchange for remuneration.

As soon as a worker is hired, there is an employment contract. The contract can be verbal or written. However, it is preferable to have a written contract because it makes it possible to clarify the working conditions, the duration of the contract and the tasks that the employee will perform.

Any TMT has the right to sign a contract in a language that they understand. The contract must be compliant (respect labour standards), as if there are non-compliant clauses, it then is illegal.

The worker is entitled to a copy of the contract²⁰. Moreover, [employers are required to give a copy to the TMT](#) as part of their LMIA application prior to the start of the employment period. They must keep the copy of the employment contract.

Wages

After their first pay cheque, all employees must receive their salary at regular intervals (usually 16 days).

²⁰ This copy must be provided to them before arriving in Canada (if they are abroad), because [they need it to apply for the work permit for agricultural positions](#) and [keep a copy for high- and low-wage positions](#).

All workers must be paid if they are on the job site waiting for work to be performed or if they are on probation or training by the employer.

If an employee travels to work, at the request of the employer, and ends up not working or works less than 3 hours, the employer must pay them 3 hours of work.

Every employee must receive a pay stub for each pay cheque. This document is important as it allows you to verify the calculation of the salary and the deductions.

This document must contain all relevant information such as

- The name of the employer (address, etc.)
- The name of the worker
- The job title
- The period of work corresponding to the payment
- The date of payment
- The number of hours paid at the normal rate
- The amount of overtime hours
- The wage rates
- The amount of the gross salary (the salary before deductions)
- The nature and amount of the deductions
- The amount of net salary (salary after deductions)

Salary deductions

TMTs, like any other employee in Quebec, must contribute financially to collective well-being. For this reason, there are deductions at source (at the time of the pay) which are made, and which must be clearly indicated in the pay stub²¹.

The employer may deduct an amount from pay only to meet an obligation established by law, regulation, court order, collective agreement, decree, or pension plan.

To make any other wage deduction, the employer must have written authorization from the employee that states:

- The reason for the deduction
- The amount concerned
- The duration and frequency of the deduction
- Any other necessary information

The worker can cancel their authorization at any time, in writing.

²¹ See appendices for an example of a pay stub.

The employers cannot deduct amounts for expenses associated with the operation of their business. For example, charges for using a credit or debit card, etc.

In the case of work clothes or uniforms, the employer must provide them free of charge if they bear the company logo. If it is a uniform without a logo, it must be free for those paid minimum wage and for those earning more than the minimum wage, the deductions (purchase and maintenance of the garment) must not result in the reduction of their salary below the minimum wage.

It is prohibited for employers to oblige their staff to buy clothing or accessories which they trade, even if they offer them at a better price ([Sections 39.1 to 51.1 LNT](#)).

The same logic applies for materials, equipment (tools, etc.), raw materials or goods needed to do the job. People on the minimum wage don't pay. However, for those who earn more than the minimum wage, the employer can ask to pay for their materials and equipment, ensuring that these deductions do not have the effect of reducing their wages below the minimum wage ([Section 85.1 LNT](#)).

Meals and lodging expenses may be deducted from wages if the working conditions require that the employer must provide meals and lodging or ensure that they are provided to the employee.

Here are the current rates for the maximum amount that can be deducted as of May 1, 2021:

- \$2.29 per meal, up to a maximum of \$29.89 per week
- \$28.74 per week for a room
- \$34.50 per week for a unit where there is room to accommodate 5 or more workers
- \$51.71 per week for a unit there is room to accommodate 4 workers or fewer.

Each worker housed in a bedroom in a unit must have a bed and a dresser and have access to a toilet and a shower or bath.

If they are housed in a unit with at least one bedroom, they must also have access to at least a washer and dryer and a kitchen equipped with a refrigerator, a stove and a microwave.

It is forbidden to charge other costs related to accommodation, such as access to a lounge or an additional room. In the case of domestic aid workers, the employer cannot deduct amounts for room or board ([Sections 39.1 to 51.1 LNT](#)).

The following table presents the main payroll deductions found in a pay stub in Quebec:

Table 7: main payroll deductions

Payroll deductions	Definitions	Rate	Special features for TMTs
Federal tax	Taxation is set according to taxable income (income total—allowable deductions and exemptions)	The calculation can be checked against the withholding tables for 52 pay periods per year (Weekly) [PDF] and 26 pay periods per year (biweekly) [PDF]	Specifics for agricultural workers*
Provincial tax	Same as federal	There are 6 tables ²² of Quebec tax source deductions according to the pay period.	Specifics for agricultural workers*
Employment Insurance (EI)	EI can provide temporary financial assistance to workers who: <ul style="list-style-type: none"> • Lose their job and are looking for a new job. • Get sick. • etc. All employees working in Quebec (regardless of their province or territory of residence) must contribute to EI at a reduced rate.	Rate = 1.18% Maximum annual contributions = \$664.34	No specificity
Quebec Parental Insurance Plan (QPIP)	The QPIP ensures the payment of a benefit to the employees if they take maternity leave, paternity or adoption or parental leave during which they cease to be paid. Any employee earning an annual salary ≥ \$2,000 must contribute to the QPIP, regardless of age, place of residence, whether they benefit from the plan.	Rate = 0.494% Maximum annual contributions = \$412.49	No specificity
Quebec Pension Plan (QPP)	The QPP is a public and compulsory insurance plan for workers aged 18 and over whose annual income exceeds \$3,500	Rate = 5.9%. Maximum annual contributions = \$3,427.90	No specificity

²² Here are the links to consult the tables for 52 and 26 pay periods:

<https://www.revenuquebec.ca/documents/en/forms/tp/TP-1015.TI.52%282021-01%29.pdf>

<https://www.revenuquebec.ca/documents/fr/formulaires/tp/TP-1015.TI.26%282021-01%29.pdf>

Other deductions	Union deductions if any	Union deductions if any	According to the Government of Canada, the TMT under the SAWP pays a fixed amount each day to cover the costs of services (including meals and accommodation, see above).
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****For federal tax deductions (Canada)***

Foreign seasonal agricultural workers are exempt from tax deductions if they are considered a non-resident worker and they meet two conditions:

- be in Canada for 183 days or more in the year.
- be a resident of a country with which Canada has a tax treaty, such as Mexico, Barbados, Jamaica and Trinidad and Tobago.

*****For provincial tax deductions (Quebec)***

TMTs of the TFWP agricultural component and the SAWP can benefit from a tax deduction on their gross remuneration if they meet the following two requirements:

- They have obtained, for the purposes of the TFWP administered by the federal government, *the Personal Tax Credits Declaration form* (TD1), duly validated by a designated official who will have affixed an official stamp.
- Their estimated income from all sources for the year is less than \$31,456.

If the TMTs do not meet these requirements, their employer must withhold tax from a portion of the gross remuneration paid to them using the code deductions 0.

Leaves and vacations

In Quebec, workers have 8 paid statutory holidays: January 1 (New Year's Day); Good Friday or Easter Monday, at the choice of the employer; the Monday preceding May 25 (National Patriots' Day); June 24 (terms concerning the [Fête nationale](#)); July 1 (Canada Day). If this date falls on a Sunday, July 2; the first Monday in September (Labour Day); the 2nd Monday in October (Thanksgiving); and December 25 (Christmas Day).

There is [a calculation that the employer must make](#) to pay for each of these days.

Some businesses remain open due to their activities: hospitals, buses, hotels, gas stations, etc. If the employee has to work on a statutory holiday, they are entitled to their salary and to an indemnity or deferred leave (at the employer's choice) ([Sections 59.1 to 65 LNT](#)).

Workers are entitled to *maternity, paternity, and parental leave* (see Section 5.5). New parents must inform the employer 3 weeks before the departure date for the leave.

When they return to work, the employer must reinstate employees in their usual position and give them the salary and benefits to which they would have been entitled if they had not left work. If their position has been abolished during their leave, they also retain the same rights and privileges to which they would have been entitled if they had not left work. If the workers do not return to work on the scheduled date, their employer may consider that they have resigned.

Several other leaves are provided for by law ([Sections 79.6.1 to 81.17 LNT](#)), including one day of paid leave for the worker's wedding or civil union, death or funeral (of the wife, child, etc.).

Each year, workers, either full-time or part-time, are entitled to paid vacation, the dates of which are chosen by the employer ([Sections 66 to 67 LNT](#)). The [calculation of the duration of the vacation and the amount of the allowance](#), one must consider 3 factors:

- The reference year used by the company for calculation purposes
- The number of years of uninterrupted service of the employee
- The gross salary earned during the reference year.

Vacation duration and allowances:

- Individuals with less than one year of continuous service may have 1 day per full month of continuous service (not to exceed 2 weeks) for vacation duration and 4% of gross salary as an allowance.
- Those with 1 year and less than 3 years of continuous service have 2 continuous weeks for the vacation time and 4% of gross salary as an allowance.
- Those who have 3 years or more of continuous service have 3 continuous weeks for the vacation time and 6% of gross salary as an allowance.

The worker must receive a single payment for his vacation pay before he goes on leave or at the time of the pay covering the period of his vacation.

Termination of employment

Various circumstances can lead to the suspension of a contract or the termination of employment. Here are the main circumstances:

- *Termination of employment* is the definitive end of the employment relationship (the employee's services are no longer any needed) for economic, organizational or technical reasons. For example, financial difficulties²³, reorganization of tasks or the introduction of a technological innovation. A notice of termination of employment must be given within the time limits provided for by law.
- A *collective lay-off* occurs when the employment of 10 or more workers in the same establishment is terminated over a period of 2 months or when more than 10 employees are laid off in the same establishment for a temporary period of more than 6 months over a 2-month period. At the time of the dismissal or the regular pay following it, the employer

²³In the event of insolvency, bankruptcy or changes in the company, workers can take [steps to recover the amounts due](#).

must remit all sums due (salary, overtime amounts and vacation indemnities, [see the specifics](#) concerning the notice and allowances).

- A *layoff* is the temporary suspension of the employment contract for economic, organizational, or technical reasons. The worker may be called back to work. A notice of termination of employment must be given within the time limits provided for by law.
- *Dismissal* occurs when the employer terminates a worker's employment permanently for disciplinary or job-related reasons. A notice of termination of employment must be given within the time limits provided for by law.
- *Resignation* occurs when the employee decides to leave his job permanently. The worker must give notice of resignation within a reasonable time to the employer.

If the employer does not give the notice of termination of employment, or if he does not meet the deadline for doing so, the worker is entitled to a compensation (financial compensation). This compensation must be equal to the usual salary he would have received between the date on which the notice should have been given to them and the end of their employment. Compensation should not include overtime ([Sections 82 to 84 LNT](#)).

Notice of termination deadlines varies according to the length of the employee's continuous service:

- Employees who have a length of continuous service of 3 months to one year must receive the notice 1 week before the planned departure.
- Employees who have a length of continuous service of 1 to 5 years must receive the notice 2 weeks before the planned departure.
- Employees who have a length of continuous service of 5 to 10 years must receive the notice 4 weeks before the planned departure.
- Employees who have a length of continuous service of 10 years or more must receive the notice 8 weeks before the planned departure.

Occupational health and safety

If the prevention of accidents and occupational diseases is everyone's concern, the employer has special responsibilities. However, the CNESST has two responsibilities: (1) to help prevent accidents and work-related illnesses and (2) to compensate workers who are injured or sick in the course of their employment.

The CNESST acts like an insurance company. Employers pay CNESST contributions for each employee. So, if the employee becomes ill or injured at work, they can request compensation from the CNESST which will replace their salary and even medical expenses.

Among these responsibilities, the employer must provide the protective equipment necessary to perform the work (boots, gloves, goggles, etc.).

If the employee believes that the performance of work exposes them to a danger to their health, safety or physical integrity or may have the effect of exposing another person to a similar danger,

they may refuse to accomplish it according to the Occupational Health and Safety Act ([Section 12 LSST](#)).

If the worker has an accident at work²⁴ or is sick due to the products used in the workplace, the employer must take them to a hospital in order to receive a diagnosis and the necessary treatment.

If the doctor recommends light work, the employer must find tasks complying with the medical prescription.

An employer cannot send workers back to their country because they are sick or injured. Nor can the employer threaten to send them back to their country or fire them.

Advice

It is recommended that you find out if your workplace is unionized and who is your union representative so that you know who to contact in the event of a problem.

You should always also have a copy of your collective agreement, as it stipulates your rights and duties, but also the procedures in the event of a dispute. If you are not unionized, check with at the CNESST and the rights that are described below.

Keep copies of all important documents (contract, pay stubs, etc.).

It is always advisable to check and keep your pay stubs.

From time to time, there may be errors in the pay stubs; for this reason, it is suggested that the worker write down the hours worked each day in a small notebook. This will allow to check if there are errors in the pay stub and, therefore, request corrections (refunds of the amounts due).

Individually or collectively, talk to the employer about the problem situation and explain it to them. It is necessary to check whether the labour standards are respected.

If the employer does not seem receptive, send them a formal letter describing the situation as precisely as possible.

If it still does not work, you can file a complaint with the CNESST (see below). Make sure you meet the deadlines for filing a complaint.

If your rights are not respected, the chances of it happening to your colleagues are high. It is then important to unite with as many of your co-workers as possible to ensure that the workers in your

²⁴ A **work accident** is defined by the Act respecting industrial accidents and occupational diseases (LATMP) as “an unforeseen and sudden event attributable to any cause, occurring to a person by the fact or in the course of their work and which results in an employment injury for them” ([Section 2 LATMP](#)).

workplace are protected. Collective action is usually more effective than individual action. You can also contact organizations like the IWC-CTI for help.

4.3 What should I do if my rights are not respected?

Depending on the type of rights that are violated, there may be various resources available. We provide a summary of the main resource, but it should be noted that *one of the most important elements of an option is **to respect the time limits provided by law for filing a complaint***. Failure to meet the deadlines leads to the impossibility of filing a complaint with the CNESST.

The CNESST is responsible for the complaints process.

An organization like the IWC-CTI can make a complaint on behalf of an employee who consents to it in writing

([Section 102 LNT](#)).

A union member must go through their union to start the process according to their collective agreement.

To file a complaint, the worker can do so [online](#) or call the CNESST for more information: 1844-838-0808 (Canada and the United States) or dial 1 514-906-3250.

The recourses

Related to amounts due (monetary complaint)

The CNESST may, on behalf of an employee, claim unpaid wages from the employer: wages, overtime, vacation pay, statutory holidays or termination pay ([Section 98 LNT](#)).

The time limit for filing a complaint with the CNESST: 1 year from the time the amount should have been paid ([Section 115 LNT](#)).

Complaint related to dismissal without good and sufficient reason

To be entitled to file this type of complaint, you must be an employee with 2 years of uninterrupted service for the same company and have been dismissed. In addition, the employee must not have access to an equivalent recourse (for example with a collective agreement).

There may also be cases of *constructive dismissal*, meaning that the employer dismisses a person under the pretext that it is a dismissal or a layoff.

The employer cannot impose a *double penalty*, meaning reprimanding the worker twice for the same violation. For example, suspending a worker for misconduct and then dismissing him for the same events.

The time limit for filing a complaint with the CNESST: 45 days from the time of dismissal ([Section 124 LNT](#)).

Complaint for prohibited practice

The employee may file a complaint if they believe that they have been the victim of sanctions, discriminatory measures or retaliation prohibited by law. For example, when a worker uses their rights (claiming their salary, absence for maternity leave, being pregnant, providing information to the CNESST, etc.).

To have the right to file this type of complaint, you must

- Be an employee.
- Exercise a right provided for by the LNT or be in one of the situations listed in Sections 122 and 122.1 of the LNT.
- Have been subject to a measure provided for in Sections 122 and 122.1 of the ALS: suspension, sanction, dismissal, and retaliatory measures.
- Concomitance/simultaneity between the exercise of the right and the penalty.
- There is no continuous service criterion for exercising this recourse.

The time limit for filing a complaint with the CNESST: 45 days from the time of the exercise ([Sections 122 to 123 LNT](#)).

Complaints about disparity in working conditions

A worker who believes that their working conditions are different from those of their colleagues performing the same tasks, in the same establishment, solely because of their date of hire.

Disparities in working conditions based on seniority, professional qualifications, experience, performance, or quality of work, for instance, are possible as long as all workers with the same profile are treated the same.

The working conditions for which disparities, based on the date of hiring are prohibited, are those which are regulated by law, for example, salary, working hours, etc.

The time limit for filing a complaint with the CNESST: 1 year from the time the worker becomes aware of the distinction ([Section 87.1 LNT](#))

Complaint for maintenance of employee status

The worker can file a complaint if they believe that the employer has unfairly changed their status from employee to that of independent contractor or self-employed worker or if they disagree with this change.

Employees have the right to maintain their employee status. Employers cannot change this status to that of a non-employee if the changes they make to the way their business is run, do not justify it.

The time limit for filing a complaint with the CNESST: within a reasonable time after the modification of the status by the employer. In addition, the employee must still work for the

company.

([Section 86.1 LNT](#)).

Complaint for psychological or sexual harassment

Psychological harassment is defined as follows by the LNT:

“[...] a vexatious conduct manifested either by repeated behaviour, words, acts, or gestures, which are hostile or unwanted, undermining to the dignity or the psychological or physical integrity of the employee and resulting in a harmful working environment for them. For greater clarity, psychological harassment includes such conduct when it is manifested by such words, acts, or gestures of a sexual nature.

” ([Section 81.18 LNT](#))

If the complaint concerns discriminatory conduct, the worker may also file a complaint with the [Commission des droits de la personne et des droits de la jeunesse](#) (CDPDJ—Human and Youth Rights Commission).

Among the prohibited grounds of discrimination, we find race, colour, sex, gender identity or expression, pregnancy, sexual orientation, marital status, age, religion, political beliefs, language, ethnic or national origin, social condition, and disability.

The time limit for filing a complaint with the CNESST: 2 years from the last incident of the offending behaviour ([Section 123.7 LNT](#))

4.4 What happens if I am injured at work?

In the case of an illness or injury occurring at work, the CNESST is responsible for providing compensation, since most workers are covered by this group insurance ([Sections 7 to 17 LATMP](#)). Indeed, domestic workers must register with the Commission to benefit from the protection granted by law ([Section 18 LATMP](#)). If you are unsure whether you are covered by the law, you can contact the CNESST or the IWC-CTI.

If you are sick at work or have a work accident, there are a few steps to follow:

- 1) Notify your employer quickly
 - Your employer has an obligation to provide you with first aid. If you must go to the hospital, clinic or even home after your accident, your employer pays for the transportation costs (ambulance, taxi, public transportation, etc.).
 - Tell your employer about your accident even if you don't need medical attention. It is recommended to register the incident in the Accident, Incident and First Aid Register even if there is no consequence.
- 2) Consult a doctor

- You must consult a doctor of your choice who *must provide* a medical certificate. This certificate is important for making the worker's claim.
 - If the employee cannot work for the rest of the day, the employer must pay him 100% of his salary for the day of absence.
 - The return-to-work date is established by the doctor.
 - If the worker cannot return to work in the short term, the employer can offer a temporary assignment.
- 3) Submit the medical certificate to your employer.
- If the employee cannot return to work the day after the accident, he must submit the medical certificate to his employer.
 - The employer must complete the Avis de l'employeur et demande de remboursement (notice from the employer and request for reimbursement) for your first 14 days of absence, send it to the CNESST and give a copy to the worker.
 - The employer must pay 90% of the net salary for the days when the employee would normally have worked, without considering the day of the accident.
- 4) Fill out the worker's claim with the CNESST
- It allows you to claim benefits for days absent from work and to be reimbursed medical and travel expenses.
 - All relevant documents must be submitted at the same time (medical certificate, receipts, prescriptions).
 - A copy of this claim must be given to the employer.
 - This step includes the period of analysis of the request by the CNESST and a decision: complaint accepted or complaint refused (you can contest it).
 - If the claim is accepted²⁵, the CNESST pays the costs related to health services, care and treatment. It also covers income replacement benefits.
- 5) Pass all medical exams
- You must pass all medical examinations requested and follow all treatments prescribed by the doctor.
 - The CNESST and the employer may request other exams.
 - The worker is required to attend medical exams. There may be penalties on the amounts paid if you do not show up for the exams.
 - Follow the doctor's recommendations.
- 6) Return to work
- The employer can offer a temporary assignment until the worker is able to perform their job or a suitable job.
 - When the injury is healed or if it is stable and if the worker's condition allows it, the worker can return to their usual job.
 - If the worker is unable to perform their usual job, they, together with the CNESST and the employer, determine a suitable job.

²⁵See the eligibility criteria for a claim.

7) Relapse, recurrence, or aggravation

- In the event of a relapse, recurrence or aggravation of the injury or disease, the worker must file a new Worker's Claim.

Inform the CNESST of any change in the worker's situation.

- For example, changes in state of health, moving, etc.
- When the worker knows the return-to-work date, they must notify the employer and the CNESST.

****There is a period of 6 months to file a claim with the CNESST from the date of the accident.**

****The employer does not have the right to punish the employee because they are injured or because they have filed a claim with the CNESST. If the employer dismisses or punishes the worker, the employee can file a complaint with the CNESST within 30 days of the violation.**

4.5 The provisions of the *Loi sur les normes du travail* (LNT—Act Respecting Labour Standards) and the Regulation concerning recruitment agencies, placement agencies and TMTs

Recruitment agencies

Canadian companies often use these types of agencies to recruit workers outside of Canada. These agencies can promote jobs, select new employees, provide information or carry out administrative procedures to bring TMTs to Canada.

Unfortunately, this type of agency can opportunistically take advantage of TMTs due to lack of information concerning the rights, lack of regulation of these agencies, etc.

Recruitment and placement costs must be covered by the employer. It is therefore illegal to charge fees for recruitment or consultation according to the TFWP and the LNT ([Section 92.12](#)).

TMTs are often afraid of harming their chances of coming to Canada or staying in Canada because of their situation in their countries. In addition, often TMTs will go into debt (take out loans) or sell their assets to come to Canada (to pay a process fee). Agencies can opportunistically take advantage of or encourage these strategies while offering false information. For example, by offering jobs that do not exist, by exaggerating the amounts of pay offered, by offering false information about obtaining permanent residency or working conditions, by offering employment contracts that do not correspond to the originals, etc.

Placement agencies

This type of agency acts as an intermediary between the company and the worker, creating a triangular relationship. It offers labour rental services to the client company, which will pay the agency for the work performed.

The worker will therefore work in the company but will in turn be paid by the agency.

There are often problems with agencies paying below minimum wage or charging the client company much more without informing the worker. There are also many problems with agencies that disappear overnight (fly by night) and therefore do not pay the wages due to workers.

The worker must therefore ensure that the agency is legitimized (registered in the government registry) and know their rights.

Recruitment and placement agencies are governed by the LNT

([Sections 92.5 to 92.12](#)) and by the [Regulation respecting personnel placement agencies and recruitment agencies for temporary foreign workers](#).

Main provisions of the LNT

Recruitment Agencies

A recruitment agency is required to hold a permit issued by the CNESST to carry out its activities in Quebec ([Section 92.5 LNT](#))²⁶. The permit is valid for 2 years.

The company that hires a TMT has the obligation to inform the CNESST of the date of arrival of the worker and the duration of his contract ([Section 92.9 LNT](#)).

The company that hires a TMT has the obligation to inform the CNESST if the worker's departure date does not coincide with the end of their contract and the reasons for their departure ([Section 92.9 LNT](#)).

The CNESST can investigate and if it has reason to believe that a TMT has been the victim of an infringement of a right conferred by the LNT, it can, even without a complaint, exercise any recourse on behalf of the worker ([Section 92.10 LNT](#)).

It is forbidden for the employers to require that TMTs entrust them with their personal documents or property belonging to them ([Section 92.11 LNT](#)).

It is forbidden to charge fees related to their recruitment, other than those allowed by government programs

²⁶ Unfortunately, it is very difficult to regulate agencies that are located outside of Canadian territory.

([Section 92.12 LNT](#)).

Placement agencies

An employment agency is required to hold a permit issued by the CNESST to carry out its activities in Quebec ([Section 92.5 LNT](#)). The permit is valid for 2 years.

A client company cannot retain the services of an employment agency that has not obtained a permit issued by the CNESST ([Section 92.6 LNT](#)). The CNESST maintains a [Registre public des agences titulaires d'un permis](#) (public register of licensed agencies).

There is a joint liability between the placement agency and the client company (both are liable) with respect to the pecuniary obligations (amounts of money) set by the LNT or by the regulations ([Section 95 LNT](#)).

It is prohibited to grant an agency employee a salary rate lower than that granted to other employees of the company if they perform the same tasks in the same establishment ([Section 41.2 LNT](#)).

Regulation respecting personnel placement agencies and recruitment agencies for temporary foreign workers

Placement or recruitment agencies must obtain a permit.

In addition, there is the possibility of a permit being refused (or withdrawn) if, for example, the agency has not paid sums claimed in the application of a law, if it has a conviction in matters of discrimination, harassment or retaliation in the past 2 years, etc. ([Section 11 of the Regulation](#)).

An employment agency must provide a bond of \$15,000 (the deposit that serves as a guarantee for the payment, for example, of sums due to an employee) ([Section 27 of the Regulation](#)).

A placement agency must give the employee a document describing the working conditions applicable in the context of the assignment (salary, name and contact details of the company) ([Section 22 of the Regulation](#)).

A placement agency must also provide the employee with the information documents concerning the rights of employees and the obligations of the employer in matters of work made available by the CNESST ([Section 22 of the Regulation](#)).

The placement agency must remind the client company of the obligations in terms of occupational health and safety

([Section 22 of the Regulation](#)).

Prohibitions:

To demand fees from the employee for their assignment, for training required for this assignment or for assistance or advice to prepare for job interviews ([Section 23 of the Regulation](#)).

To prevent the hiring of the employee by the client company, after 6 months from the start of employment with the client company ([Section 23 of the Regulation](#)).

A TMT recruiting agency cannot charge a fee for recruiting or keep personal documents or property belonging to the TMTs ([Section 25 of the Regulation](#)).

5. Social Rights

In Quebec and in Canada, there are several types of benefits to which residents are entitled. However, for individuals, such as TMTs with a precarious status, access to certain services or programs become, in certain cases, more complicated or inaccessible. It is therefore important to have a good understanding of the various administrative mechanisms, and arrangements in order to facilitate access.

5.1 Health insurance

The *Régie de l'assurance maladie du Québec* (RAMQ) is the institution responsible for managing health insurance and the public drug coverage plan in Quebec. It manages individuals' eligibility for the plan and issues the health insurance card that provides access to services covered by the Quebec health insurance plan (visits to the doctor, examinations, diagnoses, therapies, surgery, etc.).

Eligibility

To be eligible, **TMTs must have a (closed) work permit specific to an employer in Quebec and valid for more than 6 months²⁷**. The employer is responsible for providing private insurance until RAMQ coverage is obtained (3-month waiting period to obtain it after registration). No cost for the employee.

TMTs in the SAWP are entitled to health insurance as soon as they arrive in Quebec. Those in the TFWP (low wage and agricultural component) from Guatemala, Honduras, Mexico and El Salvador also have access upon arrival. However, the employer must make the request as soon as they arrive in Quebec.

²⁷The TMT with an open work permit is not covered by RAMQ unless they have a work contract showing the intention to stay in Quebec for more than 6 months.

Quebec has entered agreements with certain countries. If the TMT is covered by the social security system of one of these countries, they have access to health insurance upon arrival. These countries are Belgium, Denmark, Finland, France, Greece, Luxembourg, Norway, Portugal, Romania, and Sweden.

Coverage for children born to parents with precarious immigration status

As of September 22, 2021²⁸, children who accompany their parents in Quebec, who have a work permit for more than six months that is not linked to a specific employer in Quebec, are covered by the health insurance plan and the general prescription drug coverage plan.

Then, all children of temporary migrant workers are eligible for the health insurance and drug coverage plans if they reside in Quebec for more than 6 months per year, whether or not they were born in Canada.

The medications covered by the prescription drug coverage plan are those on the list of medications: <https://www.ramq.gouv.qc.ca/en/about-us/list-medications>.

A minor child eligible for the health coverage plan is eligible for the Public Prescription Drug Insurance Plan (PPDP) free of charge. If one of the parents has access to a group insurance plan, they may, but is not required to, provide coverage for the child. If the parent decides to cover the child with their private plan, the child should not be registered with the PPDP.

How to register for health insurance?

There are three steps to register²⁹ and then, be able to benefit from health insurance:

- a) Gather the required documents: photocopy of the work permit (ensure that it contains the name of the employer and the place of employment).
- b) Contact the RAMQ upon arrival. There are two options for receiving the form to fill out:
 - a. Make a [telephone appointment online](#) for an agent to call the TMT.
 - b. [Call directly](#) to speak with an agent and to receive the form afterwards.
- c) Mail the full application (filled and signed form and required documents).

When these steps are completed, the TMT will receive a letter following the registration request process. This letter confirms whether the TMT is eligible or not and indicates the date from which the person is eligible for coverage. The TMT will receive the health insurance card 14 days following the date entered (there is no photo or signature: they will be added during the 1st renewal, if applicable).

²⁸ Bill No. 83 of June 2021:

<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=5&file=2021C23F.PDF>

²⁹ Documents written in a language other than French or English must be translated.

What to do in case of a refusal?

If access to the TMT is denied, the [decision can be challenged](#) **within 6 months of the date of the decision notice**. The form must be completed and mailed within the prescribed time. You must argue well around the elements you are disputing.

For more details, [see the procedure on the RAMQ website](#).

5.2 Employment insurance benefits

ESDC is the department responsible for administering Employment Insurance (EI). EI provides financial assistance (benefits) when you lose your job, become pregnant, care for a newborn or newly adopted child, or take care of a family member who is seriously ill or recovering from an illness.

There are various types of benefits depending on the circumstances. Here are a few³⁰:

- **Regular benefits:** if the person loses the job without being responsible (do not resign/leave the job).
- **Sickness benefits:** if the person cannot work because they are sick, injured or quarantined. None of these cases is work related.
- **Maternity and parental benefits:** if the person is pregnant, has recently given birth, adopted a child or is caring for a newborn.
- **Caregiver benefits and leaves:** if the person is providing care or support to someone who is seriously ill, injured or in need of end-of-life care.

Eligibility

Regular benefits are the most common category. To have access to it, the TMT must

- Have held one or more insurable jobs.
- Have had an interruption of earnings with an employer during the reference period.
- Have accumulated the number of hours of work necessary to qualify.

If this is the first job, the TMT must have accumulated 910 hours of insurable work before applying for benefits. In other cases, the person must have accumulated between 420 and 700 hours of insurable employment during the qualifying period. This number of hours depends on the region of residence at the time of application. In addition, it is essential that the person must be available for work and actively seeking employment.

³⁰ For more information: <https://www.canada.ca/en/services/benefits/ei.html>

It often happens that on the first application to receive the benefits, a TMT receives a refusal. However, we know that when the TMT objects with supporting evidence (copy of ESDC website where it says they are entitled to benefits), they win.

How much can I receive?

As a rule, the basic rate for calculating benefits is set at 55% of the average weekly insurable earnings, up to a maximum amount. Since January 1, 2021, the maximum annual insurable earnings is \$56,300. This means that you can receive a maximum amount of \$595 per week.

How long do I receive benefits?

A person can receive benefits for a period that varies between 14 and 45 weeks.

How do I apply?

Applications are made [online](#).

It is recommended to apply as soon as possible after job loss. In addition, among the documentation requested to make the application, the most important documents are:

- The social insurance number
- Proof of immigration status and work permit
- Your record of employment and,
- Name and address of all employers the TMT has worked for in the past 52 weeks, etc. See [departmental guidelines](#).

What to do in case of a refusal?

The individual can challenge the decision by requesting an administrative review from the Commission. The TMT has 30 days from the date the initial decision was communicated. We recommend consulting a rights organization to learn about your rights and obligations and to better organize your case. If the case is unsuccessful, two other steps can be added: an appeal to the Social Security Tribunal (Tribunal de la sécurité social - TSS) and a request for leave to appeal to the Appeal Division of TSS.

5.3 Quebec Pension Plan

The Quebec Pension Plan (Régime de retraite du Québec - RRQ) is compulsory public insurance for anyone aged 18 and over who works in Quebec and whose annual income exceeds \$3,500. It provides contributors (and their loved ones) with basic financial protection in retirement, death or disability.

A supplementary plan was set up on January 1, 2019, to provide better financial coverage during retirement. This bonus is carried out gradually.

The TMT must have contributed enough to receive a retirement pension. The amounts will vary according to the declared work income, according to the age at which you begin to receive the pension. In 2021, the contribution rate for the basic plan is 10.8% (shared equally between the employee and the employer).

TMTs can receive a retirement pension from age 60, but the amounts will be less than if they start at the normal retirement age of 65³¹. This logic only applies if they are contributing up to that point. As a rule, the more years of service and therefore of contributions, the higher the pension will be.

Eligibility

Have contributed to the Plan for at least one year.

A person who has worked elsewhere in Canada, Retraite Québec considers the contributions paid to the Canada Pension Plan to establish the amount of your retirement pension.

If the person no longer lives in Quebec, they are still entitled. However, it is necessary to check whether there are any social security agreements between the TMT country and Canada that may affect eligibility and tax obligations.

If the person receives an income replacement indemnity from the CNESST, an indemnity from the Société de l'assurance automobile du Québec (SAAQ) or if they are declared disabled by Retraite Québec due to the same incapacity.

The person must complete a form to receive the retirement pension. It is not automatic.

How to apply?

The applications are made [online](#). You must create a file and follow the procedure. **You must have your Notice of Assessment from Revenu Québec** to create a clicSÉCUR account.

What should I do if I am dissatisfied, or I receive a refusal?

If the person needs clarification, they can call the officers toll-free at 1800-463-5185 (Monday through Friday 8 a.m. to 5 p.m.).

If the person wishes to challenge a decision, they may submit a request for review within 90 days following the date on which Retraite Québec announced its decision.

³¹You can perform an ([online](#)) simulation of your retirement income. You must have a clicSÉCUR account.

The person can use the [Request for Review form](#) or write a letter with the reasons for the request. Additional evidence may be provided. All documents, social insurance number, and client number (listed in the decision) must be submitted through the [website](#) or by [mail](#).

You can [challenge the review decision](#) within 60 days. However, at this stage, the judgment will be final.

5.4 Canada Pension Plan

The retirement pension of the [Canada Pension Plan](#) (CPP) is a taxable pension that the person can receive from the age of 60.

The monthly benefit amount is based on average annual earnings, CPP contributions and the age at which the individual begins to receive the retirement pension.

Eligibility

To be eligible, you must be 60 years old and have made at least one valid contribution to the CPP.

It is necessary to [make a request](#), because the payment is not automatic.

However, individuals must contact Retraite Québec if:

- They worked only in Québec.
- They have worked in Quebec and in at least one other province or territory and the individuals live in Quebec.
- They worked in Quebec and are currently residing outside of Canada, and their last province of residence was Quebec.

The two agencies work together to ensure that everyone receives a retirement pension.

5.5 Parental insurance program

The Régime québécois d'assurance parentale (RQAP—Quebec Parental Insurance Plan) financially supports the parents of a newly born or adopted child so that they can devote more time to their children. It is an income replacement plan, meaning that employment income is required to qualify.

The plan provides benefits to all eligible workers taking maternity, paternity, parental or adoption leave. It replaces the special federal maternity and parental benefits under the Employment Insurance plan.

Paternity benefits and parental benefits **can begin the week of the child's birth** and **must end**, with some exceptions, no later than **78 weeks after the child's birth**. Under this provision, TMTs who have had children while in Quebec may benefit if they fall within this period and if they meet the eligibility criteria. They must apply before returning to their countries if they are about to do so.

There are several types of benefits with a basic plan and a specific plan for each (employees must choose which one suits them). Here are some elements of the basic plan (for more details, see [the RQAP Website](#)):

- **Maternity**
 - The person is entitled to 18 weeks of benefits at 70% of their salary.
- **Paternity**
 - The person is entitled to 5 weeks of benefits at 70% of their salary.
- **Parental**
 - Between 7 weeks (at 70% of salary) and 25 weeks (at 55% of salary) which can be taken by one of the parents or which can be shared between them.
- **Parental for multiple births**
 - 5 weeks (at 70% of salary) which can be taken by one of the parents or which can be shared between them.

Eligibility

The worker must meet all the following conditions:

- Be the parent of a child born or adopted on or after January 1, 2006;
- Be a [resident of Quebec](#) on the start date of your benefit period;
- Have stopped working or have experienced a decrease of at least 40% in your usual weekly employment income (salary);
- Have an [insurable income](#) (income considered in the calculation of the benefit amount) of at least \$2,000 during the [reference period](#), regardless of the number of hours worked;
- Have paid a RQAP premium during the reference period.

Before submitting the request:

- The worker must choose the time when they wish to receive the benefits according to their situation.
- Have all the necessary documentation (record of employment, social insurance number, etc.).
- Each parent must apply for the benefit (fill out an application).
- You can submit the application the day you stop working or on the day your salary is reduced by 40% in anticipation of the upcoming leave.
- In the case of TMTs, the request must be made before leaving Quebec.

How to apply?

There are two ways to do this:

- Online on the [RQAP](#) secure site (when the application is completed, there will be a confirmation number that must be kept).
- By phone at 1888-610-7727 (Option 4). You will complete the application with the agent, who will then offer you two options:
 - Submit the application yourself, using the RQAP online service.
 - Once the document is completed with the agent and you have signed it, you will mail it. You must then return it by mail.

What should I do if I am dissatisfied, or I receive a refusal?

If you do not agree with a decision rendered in your file, you can submit a request for review. You have 90 days from the date you received the notice of decision.

The review request can be made online with [clieSÉCUR](#) or by mail ([download the review request form](#)).

5.6 Family Benefits and Services

Various programs or services are available to family members accompanying a TMT. However, several restrictions or particularities can make the process more difficult.

For instance, when the wife, husband, partner, and children of TMTs are authorized to accompany them to Canada, they can benefit from various programs or services:

- The wife, husband, or partner, in principle, can obtain an open work permit.
- Unrestricted access to community welcoming and settlement/inclusion agencies.
- The wife, husband, spouse, and children³² can be covered by RAMQ if the TMT has access to it (same conditions).
- The wife, husband or partner has the authorization to study for a maximum of 6 months.
- A minor child in Canada is authorized to study there at the preschool, primary or secondary level free of charge in the public system. The TMT can choose the language of instruction for the children.
 - To register the children, you must go to the local school with the child's birth certificate, proof of the parents' status and proof of residence (for example, an invoice with the address).

³² All minor children who reside in Quebec for more than 6 months per year are eligible for the health insurance plan.

- Access to private and subsidized daycare.
- Wife, husband, partner, and dependent children (at least 16 years old) have access to francization courses.
- Access to provincial and federal family allowances if you have lived in Canada for the last 18 months.
- Access to the federal tax credit (GST-HST) if considered a resident of Canada for tax purposes.
- Access to the solidarity tax credit if you have lived in Canada for the past 18 months.
- Access to employment assistance agencies, housing search assistance and legal aid (depending on income).

Chart 8: Summary of service accesses according to the components of the TFWP

Program	High-waged TFWP	Low-waged TFWP	TFWP Agricultural component	Seasonal Agricultural Worker Program (SAWP)
Services and agencies	Yes, if you have one permit or several permits combined for a minimum of 12 months.			
Medical coverage	Yes, if work permit for at least 6 months.	Yes, if work permit for at least 6 months. TMTs from Guatemala, Honduras, Mexico, and El Salvador have access upon arrival.		Yes, as soon as they arrive.
Education	Training of 6 months or less. Not eligible for loans and scholarships.			No
Childcare centres	Yes	No, unless the spouse is eligible.		
Francization	Yes			
Financial Aid	Limited (no eligible to social welfare)			
Employment insurance	Yes			
Employment assistance resources	Yes, if loss of employment			No
Retirement pension	Yes			
Accommodation	Access to housing search assistance agencies. Not eligible for social housing facilities.			
Aide juridique (Legal assistance)	Yes (under conditions and according to income).			

*: TMTs from the TFWP agricultural component and those from the SAWP never arrive with their spouses.

Source: Hanley, Medina, Bouchard & Romagnon, 2020

Adaptation and update: Jorge Frozzini

6. Staying in Canada permanently

If, in practice, not all TMTs will one day be able to obtain permanent residence, there are some possibilities in Quebec, but also elsewhere in the other provinces with the help of specific federal programs.

6.1 Staying in Quebec

The Quebec Experience Program (PEQ—Quebec Experience Program)

The PEQ is a Quebec provincial government program that accelerates the process of obtaining permanent residency through the issuance of a Quebec Selection Certificate (CSQ).

The *Programme de l'expérience québécoise* (PEQ) allows the selection of skilled workers wishing to settle in Quebec permanently. This program is intended for Quebec graduates and temporary [foreign workers](#) who meet certain conditions, including that of demonstrating oral knowledge of French (oral comprehension and oral production) of a level equal to or greater than level 7 of the [Quebec scale of French proficiency levels for adult immigrants](#) or its equivalent. (MIFI, 2021)

This program, which was set up in 2010, was the subject of a reform that came into force on July 22, 2020. New conditions have been implemented for TMTs. In the following table, you will find the conditions to be eligible for the program:

Chart 9: PEQ Selection Criteria

Experience required	Have held a full-time job (level 0, A or B) in Quebec for at least 24 of the last 36 months preceding the submission of the application. Hold such a job when the request is made. TMTs in categories C and D are excluded from the PEQ ³³ .
Level of French required from the TMTs	French oral level 7 (intermediate) required.

³³ Some of these workers could be eligible for the Regular Skilled Worker Program (RSWP) in Arrima.

Level of French required for the spouses of the principal applicants	French oral level 4 (intermediate beginner) required from July 22, 2021. Applications submitted before this date are excluded from this requirement.
Proof of level of French	Examination result or successful completion of a course provided by a recognized institution
Application processing time	6 months maximum from the date of receipt of application.

As in all programs, the TMTs must have respected the conditions of their stay and be legally in Quebec at the time of the application. In addition, the TMT must demonstrate its capacity for financial autonomy³⁴ and intend to settle in Quebec to hold a job.

A job is considered full-time when the person has a minimum of 30 paid hours per week. Moreover, the person may have had multiple jobs or employers within the 24 months of experience required. However, each of these jobs must have been full-time.

To apply, the person must

1. Complete the *Permanent Selection Application Form*
2. Submit the application on the Arrima platform

Regular Skilled Worker Program (RSWP) in ARRIMA

The RSWP is one of four programs offered by the Quebec provincial government to skilled workers who wish to immigrate to Quebec allowing them to accelerate the process of obtaining permanent residency through the Quebec selection certificate (CSQ).

This program works with the Declaration of Interest Form, which means that the person must create a profile stating their desire to come to work and stay in Quebec. In other words, it is a labour pool from which the government will select the people or profiles it is looking for according to the specific needs of the province's economy. It is therefore the Government that will contact you, if your application is accepted, inviting you to apply for permanent selection.

RSWP Selection Criteria

To be part of those selected, the worker must have professional training and skills which, according to the Quebec government, will facilitate their integration into employment in Quebec³⁵.

³⁴ <https://www.quebec.ca/en/immigration/immigration-programs/quebec-experience-program/selection-conditions/capacity-for-self-sufficiency>

³⁵ The Quebec government has made available to those interested, a [self-assessment tool](#) to determine the score that the person can obtain by submitting a Declaration of Interest. This tool also makes it possible to assess the chances of receiving an invitation to apply for permanent selection. This tool is for guidance only, and the results it provides are not a guarantee.

Other factors are also considered according to specific criteria (see [selection grid](#)):

- Training
 - Professional Experience
 - Language proficiency
 - Age
 - Stay and family in Quebec
 - Characteristics of the accompanying spouse or partner
-
- A validated job offer
 - Children
 - Ability to be financially self-sufficient

RSWP process:

- 1) First, you must complete a Declaration of Interest to immigrate to Quebec. The Declaration of Interest Form is completed online for free according to the criteria presented in the following chart:

Chart 10: RSWP Selection Criteria

Conditions	<p>To submit a Declaration of Interest, you must</p> <ul style="list-style-type: none"> • Be 18 years of age or older • Intend to reside in Quebec • Have the intention of working in Quebec, in a job that you are capable of occupying.
Validity	<p>From the moment you submit your Declaration of Interest, it remains valid for 12 months (one year).</p> <p>If you have not received an invitation to apply for permanent selection during this period, your Declaration of Interest will become invalid. You must therefore create a new declaration (the information you entered in your first Declaration of Interest will be transcribed in your new declaration).</p>
Information to be provided	<ul style="list-style-type: none"> • Personal information • Contact Information • Family situation • Status in Quebec • Education • Professional Experience • If you have a job offer validated by the <i>Ministère de l'Immigration, de la Francisation et de l'Intégration</i> (Ministry of Immigration, Francization, and Integration) • Knowledge of French and English • Other additional information.

	<ul style="list-style-type: none"> • Information on your spouse who is accompanying you in your immigration project and on your children, whether they are accompanying you or not. • You can update your Declaration of Interest form at any time, even after you have submitted it.
Documents that could be useful for completing your Declaration of Interest.	<ul style="list-style-type: none"> • Results of French and English tests accepted by the Ministère de l'Immigration, de la Francisation et de l'Intégration; • Comparative evaluation of studies done outside Quebec • A validated job offer • Diplomas.
How to complete your Declaration of Interest form	You must create an account on the Arrima platform . You can then complete and submit the Declaration of Interest form.

After submitting your Declaration of Interest in the Arrima platform, it is added to the Declarations of Interest bank.

- 2) If your profile is selected, you will be invited to apply for permanent selection in the RSWP.
- 3) You must complete and submit the permanent selection application form. You will get the confidential information to access the form in your Arrima message centre. From the date you are invited, **you have a maximum of 60 days to submit your application and pay the fee for the review of your application.** After this period, your request can no longer be examined.
- 4) Your permanent selection application review begins when you have:
 - Completed and signed the permanent selection application form
 - Submitted the form within the set deadline
 - Provide the requested documents in the required format
 - Pay the fee for reviewing your application.

You may have to take part in an interview with an immigration consultant to verify, for example, the accuracy of the information provided in your application for permanent selection. The MIFI could also carry out additional checks.

- 5) After obtaining your Quebec Selection Certificate (CSQ), you must continue your immigration procedures with the Government of Canada by applying for permanent residence.

Permanent immigration pilot programs

In 2021, the Quebec government implemented three permanent immigration pilot programs for certain TMTs in the skilled worker category: (1) Permanent Immigration Pilot Program for Workers in Food Processing; (2) Permanent Immigration Pilot Program for Orderlies, which includes two components (work and work-study); and (3) Permanent Immigration Pilot Program

for Workers in the Artificial Intelligence, Information Technologies, and Visual Effect Sectors. These programs allow the selection of a maximum number of 550 people per year (**for each** of the three programs) as well as their family members.

Chart 11: Permanent Immigration Pilot Program for Workers in Food Processing

Quick description of the program	This program allows TMTs in food processing in Quebec to settle in Quebec permanently. It came into effect on March 24, 2021 and will end on January 1, 2026.
Eligibility criteria	<ul style="list-style-type: none"> • Be 18 years of age or older • Intend to settle in Quebec to hold a job • Have complied with the conditions of your stay in Quebec • Have obtained a diploma corresponding at least to a high-school diploma or a diploma of professional studies of Quebec, obtained in a full-time study program of at least one year. • Be effectively employed in an eligible job in an eligible sector in Quebec • Have held an eligible job for a period of at least 24 months • Check that you answer both: <ul style="list-style-type: none"> ✓ Full-time ✓ In Quebec ✓ In an eligible area ✓ During the 36 months preceding the date of submission of your application. • Have a knowledge of spoken French at level 7 according to the Quebec Scale of French Proficiency Levels for Adult Immigrants or its equivalent. • Demonstrate your capacity for financial autonomy.
Eligible work experience	<p>To be eligible, your work experience must have been:</p> <ul style="list-style-type: none"> • Obtained legally • Remunerated • Full-time (30 hours per week or more) or equivalent. <p>Your work experience must be related to the professions targeted by the program. In addition, your work experience and the job you hold must also be part of one of the eligible sectors under the North American Industry Classification System (NAICS) of the Government of Canada:</p> <ul style="list-style-type: none"> • NAICS 311 – Food Manufacturing • NAICS 3121 – Beverage Manufacturing
Professions covered by this program	<p>To be eligible, your work experience and the job you hold must correspond to one or other of the following professions according to the National Occupational Classification (NOC):</p> <ul style="list-style-type: none"> • NOC 9462 – Industrial butchers and meat cutters, poultry preparers and related workers • NOC 9617 – Labourers in food, beverage, and associated products processing • NOC 9618 – Labourers in fish and seafood processing • NOC 6732 – Specialized cleaners • NOC 9461 – Process control and machine operators, food, beverage, and associated products processing • NOC 8431 – General farm workers, but work title “Chicken catcher” uniquely • NOC 9463 – Fish and seafood plant workers.

Chart 12: Permanent Immigration Pilot Program for Orderlies and patient service associates

	Work	Study-work
Quick description of the program	This program allows TMTs who are orderlies and patient service associates in Quebec to settle permanently in Quebec. It entered into force on March 31, 2021, and will end on January 1, 2026.	
Eligibility criteria	<ul style="list-style-type: none"> • Be 18 years of age or older • Have complied with the conditions of your stay in Quebec • Work as an orderly or patient service associates in Quebec when you apply • Have a knowledge of oral French that is equivalent to level 7 of the <i>Quebec scale of French proficiency levels for adult immigrants</i>. • Intend to settle in Quebec to hold a job • Demonstrate your capacity for financial autonomy. 	
	<ul style="list-style-type: none"> • Hold a diploma related to the profession of orderly or patient service associate. This diploma must have been obtained at the end of a study program: <ul style="list-style-type: none"> ✓ Of at least one year ✓ Full-time ✓ Corresponding at least to a diploma of professional studies in Quebec. 	<ul style="list-style-type: none"> • Have obtained a diploma of professional studies from Quebec³⁶ leading to the profession of patient service associate during the 24 months preceding your application
Eligible work experience	<p>To be eligible, your work experience must have been:</p> <ul style="list-style-type: none"> • Obtained legally • Remunerated • Full-time (30 hours per week or more) or equivalent. 	
	<p>Have acquired the following work experience:</p> <ul style="list-style-type: none"> • At least 24 months as an orderly or patient service associate in Quebec during the 36 months preceding your application; or • At least 12 months in a health profession related to basic person care outside Quebec and at least 12 months as an orderly or patient service associate in Quebec during the 36 months preceding your application. 	<ul style="list-style-type: none"> • After completing your study program, you must be hired by a Quebec employer and obtain a work permit • Have at least 12 months of work experience as an orderly or patient service associate in Quebec, obtained during the 24 months preceding your application and after the end date of your study program.

Occupations targeted for the Labour component

In addition to the general eligibility conditions for the permanent immigration pilot program for orderlies or patient service associates, the TMT who applies for the Labour component must:

³⁶ To be eligible for the Work-Study component, you must have successfully completed the Home and Institutional Assistance program (870 hours of continuing education) and hold a high-school vocational diploma.

- Practise as an orderly or patient service associate. This corresponds, in the National Occupational Classification, to NOC 3413—Nurse aides, orderlies and patient service associates.
- If a person has practised a profession other than that of orderly or patient service associate outside Quebec, they must be in the health sector and related to basic patient care. This occupation must correspond to one or more of the following occupations, according to the National Occupational Classification (NOC):
 - NOC 3011 — Nursing co-ordinators and supervisors
 - NOC 3012 — Registered nurses and registered psychiatric nurses
 - NOC 3124 — Allied primary health practitioners
 - NOC 3233 — Licensed practical nurses
 - NOC 4412 — Home support workers, housekeepers, and related occupations, only when the applicant primarily performs one or more of the following functions in an institutional setting: providing patient care, providing bedside and personal care, and administering routine medical care.

Permanent Immigration Pilot Program for Workers in the Artificial Intelligence, Information Technologies, and Visual Effects

The program has two components: *Artificial Intelligence* (275 people per year) and *Information Technology and Visual Effects* (275 people per year). Each component includes two profiles: **Francophone and Francization**. However, **apart from the French language-level requirements**, the eligibility criteria are explained in relation to the two components (and not according to the two profiles). This program came into effect on April 22, 2021 and will end on January 1, 2026.

Chart 13: Artificial intelligence component

Permanent Immigration Pilot Program for Workers in the Artificial Intelligence, Information Technologies and Visual Effects		
Artificial intelligence component		
	TMTs	Quebec graduates
Eligibility criteria	<ul style="list-style-type: none"> • Be 18 years of age or older • Intend to settle in Quebec to hold a job • Have complied with the conditions of your stay in Quebec • <u>Demonstrate your capacity for financial autonomy.</u> 	
	If you are currently working in Quebec as a TMT, you must have met the conditions of your stay in Quebec: <ul style="list-style-type: none"> • Under the TFWP the IMP; Or • Within the framework of a youth exchange programme, for example with a permit: <ul style="list-style-type: none"> ✓ Working Holiday ✓ Young professionals ✓ Internship Co-op International. 	You must: <ul style="list-style-type: none"> • Have stayed in Quebec for the main purpose of studying there, for at least half of your study program • Have obtained a university degree issued by an educational institution in Quebec during the 24 months preceding the presentation of your application, confirming <ul style="list-style-type: none"> ✓ Specialized higher education (DESS);

Eligible work experience and studies	<p>You must also:</p> <ul style="list-style-type: none"> • Have obtained a diploma corresponding at least to a Quebec bachelor's degree • Have acquired work experience in Quebec or abroad in a level 0, A or B job according to the National Occupational Classification: <ul style="list-style-type: none"> ✓ Full-time ✓ For a period of at least 24 months during the 60 months preceding the submission of your application <p>Or</p> <ul style="list-style-type: none"> • Have obtained a diploma that corresponds at least to a master's degree or a doctorate from Quebec in the 12 months preceding the presentation of the application <p>And</p> <ul style="list-style-type: none"> • Hold or have accepted a job in Quebec: <ul style="list-style-type: none"> ✓ Full-time ✓ In the artificial intelligence sector and for which your skills profile allows you to meet the requirements ✓ Whose gross annual salary is at least \$75,000 if your employer is established outside of the <i>Communauté métropolitaine de Montréal</i> (CMM - Montreal Metropolitan Community) territory or at least \$100,000 if established in the CMM. 	<ul style="list-style-type: none"> ✓ Master's degree ✓ A Ph.D. <ul style="list-style-type: none"> • If you hold a specialized higher education diploma (DESS), you must have held a job in Quebec: <ul style="list-style-type: none"> ✓ Level 0, A or B according to the National Occupational Classification (CNP) ✓ Full-time ✓ For a period of at least 6 months during the 12 months following the date of the end of your study program. • Hold or have accepted a job in Quebec: <ul style="list-style-type: none"> ✓ Full-time ✓ In the artificial intelligence sector and for which your skills profile allows you to meet the requirements. <p>You are not eligible as a Quebec graduate if you have a scholarship with a return to your country clause unless you have already complied with this condition.</p>
Committee of experts	<p>When you submit your application for permanent selection in the artificial intelligence section, you must provide a notice issued by a committee of experts administered by the <i>Comité sectoriel de main-d'œuvre des technologies de l'information et des communications</i> <i>Techno-compétences</i> (Sectoral Committee for the Workforce of Information and Communications Technologies Techno-skills). This must confirm that the position offered to you is in the artificial intelligence sector and corresponds to your skills profile³⁷.</p>	
French level requirements according to the Francophone and Francization profiles	<p><u>Francophone profile</u></p> <p>To be selected for the Francophone profile, you must have a knowledge of oral French that corresponds to at least level 7 of the <i>Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes</i> (Quebec scale of French language proficiency levels for immigrant adults) or its equivalent.</p> <p><u>Francization profile</u></p> <p>When you apply for permanent selection in the Francization profile, you must sign a francization commitment. If you are selected as part of the Francization profile, you will automatically be registered with the integration service for immigrants, Accompagnement Québec. This measure aims to promote your learning of French and your integration into Quebec society.</p>	

³⁷ Note that if you receive a positive notice from this committee, it is not guaranteed that you will obtain the CSQ. Any other relevant information or documents you provide will also be considered by MIFI in the decision.

Chart 14: Information Technologies and Visual Effects component

Permanent Immigration Pilot Program for Workers in the Artificial Intelligence, Information Technologies, and Visual Effects	
Information Technologies and Visual Effects component	
Eligibility criteria	<ul style="list-style-type: none"> • Be 18 years of age or older • Intend to settle in Quebec to hold a job • Have complied with the conditions of your stay in Quebec • Demonstrate your capacity for financial autonomy.
Eligible work experience and studies	<p>If you are currently working in Quebec as a TMT, you must have met the conditions of your stay in Quebec:</p> <ul style="list-style-type: none"> • Under the TFWP the IMP; Or • Within the framework of a youth exchange programme, for example with a permit: <ul style="list-style-type: none"> ✓ Working Holiday ✓ Young professionals ✓ Internship Co-op International. <p>In all cases, you must also:</p> <ul style="list-style-type: none"> • Hold a diploma that corresponds at least to a diploma of technical college studies from Quebec or a bachelor's degree from Quebec • Have held an eligible job in Quebec or abroad: <ul style="list-style-type: none"> ✓ Full-time ✓ For a period of at least 24 months ✓ During the 60 months preceding the submission of your application for permanent selection. • Occupy or have accepted eligible employment in Quebec: <ul style="list-style-type: none"> ✓ Full-time ✓ Whose hourly wage is equivalent to the maximum wage of the average wage for your profession³⁸
Eligible jobs	<p>To be eligible, your job must correspond to one of the following occupations, according to the NOC:</p> <ul style="list-style-type: none"> • NOC 2171 – Information systems analysts and consultants • NOC 5241 – Graphic designers and illustrators, but only if your job is in the visual effects industry • NOC 0213 – Computer and information systems managers • NOC 2173 – Software engineers and designers • NOC 2133 – Electrical and electronics engineers • NOC 5131 – Producers, directors, choreographers, and related occupations, but only if your job is in the visual effects industry • NOC 2174 – Computer programmers and interactive media developer • NOC 5225 – Audio and video recording technicians, but only if your job is in the visual effects industry • NOC 2281 – Computer network technicians • NOC 2241 – Electrical and electronics engineering technologists and technicians.
French level requirements according to the Francophone and Francization profiles	Same as Chart 13.

³⁸ **Before submitting your application:**

- Visit [Exploring trades and occupations](#) page.
- Enter the National Occupational Classification (NOC) code that corresponds to your occupation.
- Check the corresponding maximum salary.

For you to be eligible for this program, the hourly wage for the job you hold or that you have accepted must be equal to or greater than the maximum wage for your profession, which is equivalent to the 9th decile of the wage for your profession according to Emploi-Québec.

Chart 15: Steps in the selection application for the three permanent immigration pilot programs

	Pilot immigration program to meet the specific needs of the Quebec labour market		
	Permanent Immigration Pilot Program for Workers in Food Processing	Permanent Immigration Pilot Program for Orderlies and patient service associates	Permanent Immigration Pilot Program for Workers in the Artificial Intelligence, Information Technologies, and Visual Effects
Applying for permanent selection	<p>To submit an application for permanent selection³⁹, you must follow these steps:</p> <ol style="list-style-type: none"> 1. Complete parts 1 and 2 of the permanent selection application form using the form that corresponds to your program or section (see the point <i>The different forms to be completed depending on the profile of the TMT and the program for which he is applying</i>). 2. Prepare the supporting documents for your application that appear on the list of documents to be submitted in Part 2 of the permanent selection application form⁴⁰. 3. Create your account in Arrima. If you already have an account, sign in. 4. Submit your application for permanent selection in Arrima <ul style="list-style-type: none"> • Provide information on the family members accompanying you • Upload your supporting documents and your permanent selection application form • Pay the fees for reviewing your application • Submit your file. <p>You will receive a notification by email and in the Arrima message centre to confirm receipt of your request.</p> <p>You can add documents at any time. If any documents are missing during the processing of your application, you will be informed.</p> <p>You can add or remove a family member after submitting your application.</p>		
Financial self-sufficiency	<p>When you submit your application, you must sign the Financial self-sufficiency contract — Skilled workers (PDF, 260 ko) which commits you to providing for your needs and those of the members of your family accompanying you, during at least the first three months following your arrival in Québec.</p>		
Processing fees	<p>Pay the fees for the examination of your application starting at \$1,174, i.e.:</p> <ul style="list-style-type: none"> • Principal applicant: \$822 • Spouse or common-law partner: \$176 • Each dependent child: \$176. <p>These fees are adjusted every January 1st. They must be paid by credit card.</p>		
Delays in processing	<p>No processing time is specified except that the main applicant has 60 days to provide them with the missing elements in your file.</p> <p>For more information, see Review for Your Application.</p>		
Attestation of Learning of	<ul style="list-style-type: none"> • When your application is processed, you will receive in your Arrima account a request from the Minister of Immigration, Francization, and Integration to obtain an Attestation of Learning of Democratic Values and Quebec Values. 		

³⁹ If the applicant so wishes, he may [be represented to submit an application for permanent selection](#).

⁴⁰ Original colour documents must be scanned and saved in PDF format. If a document has multiple pages, scan them together into a single document. If you cannot provide one of the required documents, you must attach an explanatory letter. This letter must justify why it is impossible for you to obtain and transmit this document. No priority or special treatment will be given to you if you use the services of an immigration professional.

If you still decide to use the services of a paid person to represent you, consult the page:

[Use the paid services of an individual.](#)

Democratic Values and Quebec Values	<ul style="list-style-type: none"> • You will then have 60 days to obtain the attestation. The members of your family included in your application (spouse or spouse aged 16 and over and dependent children aged 18 and over) must also obtain the attestation within this period. Otherwise, your request will be rejected. • You will not receive this request if you and your family have already obtained your attestation.
Decisions	<p>After reviewing your application, one of the following three decisions is made:</p> <ul style="list-style-type: none"> • You are selected. You and your family members receive the CSQs and information to apply to the federal government for permanent resident status; • Your request is refused. You are asked to provide certain documents and information. Depending on your reply within the time frame, the examination of your request will continue. You will then receive a decision of acceptance or refusal⁴¹; • Your request is rejected. You must present compelling evidence to dispel the grounds for rejection communicated to you in the letter⁴².

Forms to be completed according to the profile of the TMT and the

- *Permanent Immigration Pilot Program for Orderlies*, use the [Application for Permanent Selection Form — Permanent Immigration Pilot Program for Orderlies](#) (PDF 785 Ko);
- *Permanent Immigration Pilot Program for Workers in Food Processing*, use the [Application for Permanent Selection Form — Permanent Immigration Pilot Program for Workers in Food Processing](#) (PDF 842 Ko);
- *Artificial Intelligence* component, use the [Permanent Immigration Pilot Program for Workers in the Artificial Intelligence, Information Technologies and Visual Effects \(PP IA/TI-EV\) — Component IA \(A-0524-AF\)](#) (PDF 862 Ko);
- *Technologies and Visual Effects* component, use the [Permanent Immigration Pilot Program for Workers in the Artificial Intelligence, Information Technologies and Visual Effects \(PP IA/TI-EV\) — Component TI-EV \(A-0524-BF\)](#) (PDF 846 Ko) form.

Knowledge of French for the three pilot programs in Quebec (except for the francization component)

You must have a knowledge of oral French that corresponds at least to level **7** the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes* (Quebec scale of French proficiency levels for adult immigrants) or its equivalent. Oral knowledge of French includes oral comprehension and oral production.

When you submit your application for permanent selection, you must complete a declaration on your knowledge of French. You must also accompany your declaration with one of the following supporting documents:

- A final transcript of marks attesting that you have successfully completed at least 3 years of studies:

⁴¹ If you do not reply within the requested time, your request will be refused. However, you have the option of filing a request for administrative review.

⁴² Depending on your reply, within the requested time frame, the examination of your request will continue. You may also be called for an interview. You will then receive a decision of acceptance or rejection. If you do not reply within the requested time, your request will be rejected. However, you have the option of filing a request for administrative review.

- Secondary or post-secondary
 - Full-time
 - Done entirely in French.
- You must also provide a certificate from your educational institution indicating the duration of your study program and the language of instruction if:
 - The official language of your country of origin is not French.
 - Your educational institution is not entirely French-speaking.
- A certificate of French test results or diplomas accepted by the Quebec Ministry for Immigration, Francization, and Integration (MIFI). They are
 - [*Test d'évaluation du français adapté pour le Québec*](#) (TEFAQ - Test of evaluation of French adapted for Quebec) of Chambre de commerce et d'industrie de Paris Île-de-France (CCIP-IDF);
 - [*Test de connaissance du français pour le Québec*](#) (TCF-Québec) of France Éducation International;
 - [*Test d'évaluation du français*](#) (TEF- Test of Evaluation of French) of the CCIP-IDF
 - [*Test d'évaluation du français pour le Canada*](#) (TEF Canada) of the CCIP-IDF;
 - [*Test de connaissance du français*](#) (TCF) of France Éducation International ;
 - [*Diplôme d'études en langue française*](#) (DELAF - Diploma of French language studies) of France Éducation International
 - [*Diplôme approfondi de langue française*](#) (DALF - Advanced French Language Diploma) of France Éducation International.
- Electronic versions of the above results certificates are also recognized. You must take these tests at a centre approved by the organization providing them.
- Only certificates of test results issued by the Chambre de commerce et d'industrie de Paris-Île de France et France Éducation International are recognized by the ministère de l'Immigration, de la Francisation et de l'Intégration (MIFI).
- Your results must be two years old or less at the time of your application.

Financial self-sufficiency for the three pilot programs in Quebec

The following amounts in effect for the year 2021, in Canadian dollars, that you must have available. These vary depending on the number and type of dependents accompanying you:

Chart 16: Amounts of financial self-sufficiency (2021)

Basic needs of a family unit for the three-month period covered by the contract (in effect from January 1 to December 31, 2021)		
Number of children under the age of 18 accompanying you	One adult	Two adults
0	\$3,284	\$4,816
1	\$4,413	\$5,395
2	\$4,981	\$5,822
3	\$5,549	\$6,251

Add \$1,531 per dependent child aged 18 and over.

6.2 In the rest of Canada

We have divided the options available to TMTs for residing in Canada into three categories: Express Entry categories, pathways, pilot programs, and alternatives to permanent residency.

Express Entry and its Programs

Express Entry is an online system used by IRCC to manage permanent residency applications for skilled workers. More concretely, IRCC selects skilled workers based on their skills and their ability to contribute to Canada's economy. [Express Entry](#) handles applications for three economic immigration programs:

- Federal Skilled Worker Program
- Federal Skilled Trades Program
- Canadian Experience Class

Provinces and territories can also recruit candidates from the Express Entry pool under the [Provincial Nominee Program \(PNP\)](#) to meet their labour market needs.

Chart 17: Express Entry Components

	Express Entry			
	Federal Skilled Trades Program (FSTP)	Federal Skilled Trades Program	Canadian Experience Class	A part of Provincial Nominee Program (PNP)
Quick description of the program	This program is for skilled workers with work experience abroad who want to immigrate to Canada permanently.	This program is for skilled workers who want to become permanent residents because of their qualification in a skilled trade.	This program is for skilled workers who have work experience in Canada and who want to become permanent residents.	This program is intended for workers who: <ul style="list-style-type: none">• Have the skills, training and experience required to contribute to the economic development of a particular province or territory• Want to reside in that province

				<ul style="list-style-type: none"> Want to become a permanent resident of Canada.⁴³
Eligibility criteria	<ul style="list-style-type: none"> CLB 7⁴⁴ 	<ul style="list-style-type: none"> CLB 5 in speaking and listening comprehension CLB 4 in writing and reading 	<ul style="list-style-type: none"> NCLC 7 if your NOC is 0 or A NCLC 5 if your Noc is B 	<p>The PCP worker must:</p> <p>1-Verify that they meet the criteria for admission to the Express Entry pool, including the requirements of at least one of the 3 federal immigration programs, you will be placed in the pool of Express Entry candidates. At least 2 years of work experience in a skilled trade.</p> <p>2-Create an Express Entry profile</p> <p>3-Obtain a nomination under an Express Entry stream. To do so, they must either:</p> <ul style="list-style-type: none"> Communicate directly with the province or territory
<ul style="list-style-type: none"> French or English language skills 				
<ul style="list-style-type: none"> Type of skill and level of work experience 	Canadian or foreign experience in one of these NOC groups: 0, A, B (see point 2.2 of this document)	Canadian or foreign experience in a skilled trade under one of the NOC groups at skill level B	Canadian or foreign experience in one of these NOC groups: 0, A, B	
<ul style="list-style-type: none"> Duration of work experience 	One continuous year in Canada or elsewhere in the past 10 years (combination of part-time, full-time or more than one job in their main occupation)	2 years in the last five years (full-time or part-time work combination)	At least 12 months of skilled work experience in Canada in the last three years (full-time or part-time work combination)	
<ul style="list-style-type: none"> Job offer 	Not required. But the worker will be able to obtain points	Required: <ul style="list-style-type: none"> A full-time job offer valid for a total duration of at least one year, or a certificate of qualification in that skilled trade issued by a Canadian 	Not required	

⁴³ Each province and territory has its own "components" (immigration programs that target certain groups) <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/provincial-nominees/works.html>

⁴⁴ The Canadian Language Benchmarks (CLB) are the Canadian standard used to describe, measure and recognize the French proficiency of adult immigrants and prospective immigrants who wish to live and work in Canada or apply for citizenship. The Canadian Language Benchmark (CLB) is used to assess English language skills. There are four language proficiency tests: writing, reading, listening, and speaking.

	(TQF) ⁴⁷ if they have a valid job offer.	provincial, territorial or federal authority		<p>45</p> <ul style="list-style-type: none"> • Indicate in their Express Entry profile the provinces and territories for which they have an interest. In this case, the worker must wait for a province or territory to send a “Notice of Interest” to their account.
➤ Studies	<p>Secondary or post-secondary education required.</p> <p>But the worker will be able to obtain additional points (FSWP) if they have completed post-secondary studies. At least 67 points in the points grids of the program.</p>	<p>A job offer in the skilled trade for 1 year, or a Canadian Certificate of Qualification in that skilled trade.</p>	<p>Secondary or post-secondary education.</p>	<p>4-Receive the nomination electronically as soon as the province or territory issues it</p> <p>5-Be reassured that the province or territory has confirmed their nomination with IRCC⁴⁶</p> <p>6-Accept (in their account) the nomination once it is confirmed with IRCC. IRCC will send you a message.</p> <p>If you accept the designation, the system will verify that you meet the PNP requirements, and you will receive a letter confirming your designation in your account. Your profile will be placed in the Express Entry pool and you will earn an additional 600 points, which will help you receive an invitation to apply.</p>

⁴⁷ [Selection criteria point grid](#), the current pass mark is **67 points**.

⁴⁵ Visit the website [of a province or territory](#) to find out the criteria for the Express Entry stream of their PNP

⁴⁶ [Communicate directly with the province or territory](#) by providing them with your Express Entry profile and your job seeker validation code.

Steps to be taken by the workers	
➤ Create your Express Entry profile at IRCC	<p>The workers have 60 days to complete and submit their Express Entry profile at Submit a profile with the following documents:</p> <ul style="list-style-type: none"> • Passport and travel document⁴⁸, • the language test results • proof of study in Canada or an educational credential assessment for immigration purposes if: <ul style="list-style-type: none"> ✓ You are applying under the Federal Skilled Worker Program, or ✓ You want to earn points for education you did outside of Canada • The nomination by a province (if you have one) • The job offer provided by an employer in Canada (if you have one) • Proof of work experience • The certificate of qualification in a skilled trade issued in Canada by a province or territory (if you have one) • Proof of funds⁴⁹
➤ Applying for permanent residency	<p>Once you have received the invitation to apply for permanent residency, you will have 60 days to submit a complete application by attaching:</p> <ul style="list-style-type: none"> • All the documents in your profile (above) • Police certificate • Medical exams • Proof of sufficient funds • Birth certificates • Use of a Representative Form (PDF, 215 Ko) (if applicable) • Marriage Certificate (PDF, 2.30 Mo) (if applicable) • Divorce certificate and legal separation agreement (if applicable) • Death certificate (if you are widowed) • Adoption certificate (if a dependent child is adopted) • Any other document you may be required to submit
➤ Processing fees	<p>Starting at \$1,325 for the principal applicant, more specifically:</p> <ul style="list-style-type: none"> • The processing fees (\$825) and • The fees relating to the right of permanent residence (\$500) <p>Include the same amount for the spouse (\$1,325); \$225 per dependent child and, if applicable, biometric data fees.</p>
➤ Delays in processing	6 months

Pilot immigration programs

Depending on the priorities of the various governments and the context (international, national, provincial, or territorial, etc.), various pilot programs can be implemented by the government in power. A pilot project is usually supposed to last a short time to test it (propose changes to improve them and implement them definitively) or to meet an immediate need without intending to leave it permanently.

⁴⁸ Venezuela passport holders may need to [complete extra steps when you create a profile or fill out your application](#);

⁴⁹ The workers must demonstrate that they have [sufficient funds to settle in Canada with your family](#), except if they have the right to [work legally in Canada](#) at the present time or if they have a [valid job offer](#) from an employer in Canada

Here are charts summarizing various pilot programs present in the rest of Canada.

Chart 18: Atlantic Canada Immigration Pilot Programs

	Atlantic Canada Immigration Pilot Program (AIP)		
	Atlantic Canada International Graduate Program	Atlantic Canada Intermediate Skilled Program	Atlantic Highly Skilled Program
Quick description of the program	<p>The AIP allows qualified candidates for certain positions to obtain permanent residence in Atlantic Canada⁵⁰. These candidates may live abroad or be temporarily established in Canada. The AIP has 3 programs.</p> <p>The government has committed to making this pilot program permanent due to its success.</p>		
Eligibility criteria	<ul style="list-style-type: none"> • Hold a degree, diploma or other credential awarded by a publicly funded institution in an Atlantic Province. • Have lived in an Atlantic Province for at least 16 months in the two years prior to obtaining your degree, diploma, or credential. • Take a language test to demonstrate that you can communicate in French or English. • Prove that you can support yourself and your family in Canada. 	<ul style="list-style-type: none"> • Have worked in a job that requires a high school diploma or job-specific training for at least one year. • Hold at least a Canadian high school diploma or the equivalent. • Take a language test to demonstrate that you can communicate in French or English. • Prove that you can support yourself and your family in Canada. 	<ul style="list-style-type: none"> • Have held a management position, a professional job or a technical or specialized job for at least one year. • Hold at least a Canadian high school diploma or the equivalent. • Take a language test to demonstrate that you can communicate in French or English. • Prove that you can support yourself and your family in Canada.
Work experience	Not required	required	required
Job offer	required	required	required
	The employer must also meet certain criteria		

⁵⁰ The Atlantic provinces of Canada are: [New Brunswick](#), [Nova Scotia](#), [Prince-Edward-Island](#), and [Newfoundland and Labrador](#).

How to Apply	Apply to the Atlantic Canada International Graduate Program.	Apply to the Atlantic Canada Intermediate Skilled Worker Program.	Apply for the Atlantic Canada Highly Skilled Worker Program.
Processing fees	Starting at \$1,325 for the principal applicant, more specifically: <ul style="list-style-type: none"> The processing fees (\$825) and The fees relating to the right of permanent residence (\$500) Include the same amount for the spouse (\$1,325); \$225 per dependent child and, if applicable, biometric data fees		
Delays in processing	Not specified (but 141 days to obtain the 1st permanent residency card)		
For more details	Read the full regulations for the Atlantic Canada International Graduate Program	Read the full regulations for the Atlantic Canada Intermediate Skilled Worker Program	Read the full regulations for the Atlantic Canada Highly Skilled Worker Program

Chart 19: Rural and Northern Immigration Pilot

Rural and Northern Immigration Pilot	
Quick description of the program	It allows small communities to recruit skilled foreign workers who wish to live and work in one of the participating communities ⁵¹ .
Eligibility criteria	<ul style="list-style-type: none"> Check that you meet both: <ul style="list-style-type: none"> ✓ IRCC eligibility criteria ✓ Community-specific requirements Find a job eligible with an employer in one of the participating communities After receiving a job offer, submit your Community Recommendation to the community
Work experience	Refer to community requirements
Job offer	Requested (for a permanent job)
How to Apply	If you obtain a community recommendation, <ul style="list-style-type: none"> Read the Instruction Guide (IMM 0118) and Apply for permanent Residency.
Processing fees	Starting at \$1,325 for the principal applicant, more specifically: <ul style="list-style-type: none"> The processing fees (\$825) and

⁵¹ Each community sets its own additional eligibility requirements; its job search processes and its own community referral process.

	<ul style="list-style-type: none"> The fees relating to the right of permanent residence (\$500) Include the same amount for the spouse (\$1,325); \$225 per dependent child and, if applicable, biometric data fees
Delays in processing	Not specified (but 141 days to obtain the 1st permanent residency card)

One-year closed work permit

If a worker has applied for permanent residency under the Rural and Northern Immigration Pilot Program, they may also be eligible for a one-year closed work permit. This closed work permit allows you to work while your application for permanent residency is being processed.

To be eligible for a work permit, you must

- Have received a [qualifying job offer from your employer](#)
- Have obtained a [recommendation from a participating community](#)
- [Be able to ask for a work permit](#)
- Have received an [acknowledgement letter](#) from the government.

This work permit:

- Is only valid under the Rural and Northern Immigration Pilot Program
- Is valid for one year
- Authorizes you to work only for the employer who offered you work in the participating community.

Work permits for spouses and common-law partners

Your spouse or [common-law partner](#) can apply for an [open work permit](#) when you apply for your one-year work permit. Their work permit will allow them to work only in the same community as you.

Chart 20: Agri-Food Pilot Program

	Agri-Food Pilot Program (In force until May 2023)
Quick description of the program	It addresses the labour needs of the Canadian agri-food sector by hiring experienced non-seasonal workers in certain industries and professions.
Eligibility criteria	<ul style="list-style-type: none"> Have qualifying Canadian work experience in one or more of the qualifying industries or occupations; Have received an offer for full-time, non-seasonal employment from a Canadian employer in one of the eligible industries and occupations (outside Quebec); Meet or exceed language requirements; Meet or exceed the education requirements; Have the funds for settlement (if applicable); Have retained temporary resident status (if you are already in Canada).
Work experience	required
Job offer	required

How to Apply	<ul style="list-style-type: none"> • Read the Instructions Guide (IMM 0117) and • Send your complete application by mail to the address indicated in the instruction guide.
Processing fees	<p>Starting at \$1,325 for the principal applicant, more specifically:</p> <ul style="list-style-type: none"> • The processing fees (\$825) and • The fees relating to the right of permanent residence (\$500) <p>Include the same amount for the spouse (\$1,325); \$225 per dependent child and, if applicable, biometric data fees</p>
Delays in processing	Not specified (but 141 days to obtain the 1st permanent residency card)

Other alternatives for obtaining permanent residency

TMTs sometimes find themselves in other situations that may allow them to be eligible for other programs such as sponsorship, application for refugee status, or application on humanitarian grounds.

Chart 21: Sponsorship

	Sponsorship
Quick description of the program	<p>Sponsorship of a family member allows family members of a permanent resident or citizen to become permanent residents of Canada. This sponsorship can take 3 forms, namely</p> <ul style="list-style-type: none"> • Sponsoring your spouse, common-law partner or child • Sponsoring other members of your family⁵² • Sponsoring your parents or grandparents⁵³
Eligibility criteria	<p>Important: You cannot sponsor if you are a temporary resident. To be eligible, you must:</p> <ul style="list-style-type: none"> • Be a foreign Canadian citizen or permanent resident (living in Canada). • Be 18 years of age or older. • Prove that you are not receiving social assistance for a reason other than a disability. • Prove that you can meet the basic needs of those you wish to sponsor. • You must be able to support them financially; and to ensure that they do not have to apply for social assistance from the government.⁵⁴

⁵² Orphaned brother, sister, nephew, niece, grandson, or granddaughter, etc. under the age of 18 (see the web link at the end of the guide for more information).

⁵³ Your **own** parents and your biological or adoptive grandparents (see the web link at the end of the guide for more information).

⁵⁴ In most cases, there is no income requirement to sponsor your spouse, common-law partner, or dependent child. You must show that you have enough money to meet the income requirements **only if:**

- You are sponsoring a dependent child who has one or more dependent children, **or**

	<ul style="list-style-type: none"> • If your dependent child is under 22 years of age and do not have a spouse or common-law partner. Other requirements. Use the online tool to check if a child qualifies as a dependent. • Follow the instructions for sponsoring a adopted child. • Make sure that the sponsored individuals are eligible. See the full Instruction Guide to learn more about eligibility requirements.
Steps to follow	<p>There are 2 applications to submit to sponsor your spouse, common-law partner, conjugal partner, or child:</p> <ul style="list-style-type: none"> • You must apply to become a sponsor. • Your spouse, common-law partner, conjugal partner, or child must apply for permanent residency. <p>Note: the 2 applications for sponsorship and permanent residency must be sent together.</p> <p>There are 4 steps to sponsor your spouse, common-law partner, conjugal partner, or child:</p> <ul style="list-style-type: none"> • Obtain an Application Kit • Pay fees online (will open in a new tab). • To apply: <p>les Mailing instructions are in the Application Guide.</p> <ul style="list-style-type: none"> • Send additional information during the treatment (medical examinations, police certificates, and biometric data).
Processing fees	<p>Starting at \$1,050 for sponsoring a spouse, common-law or conjugal partner:</p> <ul style="list-style-type: none"> • Sponsorship fee (\$75) • Processing fee for principal applicant (\$475) • Right of permanent residency (\$500) <p>Starting at \$150 for the sponsorship of a dependent child</p> <ul style="list-style-type: none"> • Sponsorship fee (\$75) • Processing fees (\$75) <p>Include, if applicable, fees for biometric data.</p>
Processing times	<ul style="list-style-type: none"> • Sponsoring a spouse, common-law spouse, or conjugal partner: approximately 12 months • Sponsoring a child: time varies depending on the country <p>The sponsored person may be required to provide their biometric data after submitting the request. This processing time includes the time required to provide the biometric data. See application processing times.</p>

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- You are sponsoring a spouse, common-law partner or a partner who has a dependent child, and that dependent child has one or more dependent children.

The [instructions for completing the Financial Situation Assessment form](#) explain how much money you will need and how to complete the form.

Chart 22: Refugees

Refugees	
Quick description of the program	<ul style="list-style-type: none"> • Canada offers asylum or refugee status on its territory to certain individuals who fear persecution or who would be in danger if they were to leave. <i>Examples of factors that can influence the fear of returning to one's country: race, religion, gender, sexual orientation, political beliefs, or membership of a particular social group.</i> • Canada considers 3 kinds of refugees⁵⁵: <ul style="list-style-type: none"> ✓ Government-assisted refugees. ✓ Privately sponsored refugees. ✓ Protected individuals and refugees within the meaning of the Convention or determined as such by the IRB.
Eligibility criteria	<p>To make a refugee claim⁵⁶, you must:</p> <ul style="list-style-type: none"> • Be in Canada⁵⁷; • Not be the subject of a removal order. • Having complied with the Safe Third Country Agreement, which remains in effect⁵⁸ <p>In addition, IRCC will decide whether your asylum claim can be submitted to the IRB⁵⁹</p>
Steps to follow	<ul style="list-style-type: none"> • Create your online account <p>Submit your refugee claim online through the Canadian Refugee Protection Portal https://portal-portail.crp-cpr.apps.cic.gc.ca/</p> <ul style="list-style-type: none"> • You can also apply for a work permit in your online application (apply for a work permit). If your asylum claim is deemed admissible and can be referred to the IRB and you have undergone a medical examination, you will be issued a work permit.
Processing fees	<p>From \$1,100 for protected individuals:</p> <ul style="list-style-type: none"> • Processing fee for the principal applicant (\$550); • Spouse, common-law or conjugal partner processing fee (\$550); <p>Include \$150 per dependent child.</p>
Processing times	Protected individuals and Convention refugees in Canada (or according to IRB): 22 months

⁵⁵ A refugee in the first 2 categories below cannot apply directly as a refugee. They must be sponsored under the (PPPR) or [Government-Assisted Refugee Program](#), the [Private Sponsorship of Refugees Program](#) (PSR), or [Blended Visa Office-Referred Program](#).

⁵⁶ For more information on [making a refugee claim in Canada](#), visit the [Immigration and Refugee Board of Canada](#) (IRB) website.

⁵⁷ If you are outside of Canada, you may [be resettled to Canada](#) as a refugee or [immigrate to Canada through one of our programs](#).

⁵⁸ According to this agreement, if you enter Canada from the United States at a land port of entry, you cannot claim asylum in Canada. However, in some cases, this [rule does not apply](#) (for example, if you have family in Canada).

⁵⁹ The [Immigration and Refugee Board of Canada](#) (IRB) is an independent tribunal that makes decisions relating to immigration and asylum.

Chart 23: Humanitarian considerations

Humanitarian considerations	
Quick description of the program	Humanitarian and compassionate consideration is an exceptional measure that Canada grants to individuals who are not authorized to apply for permanent residency while in Canada, since they do not meet the criteria admissibility of an immigration category, whose application can be made in Canada, or if they are inadmissible.
Eligibility criteria	<ul style="list-style-type: none"> • Be a foreign national currently residing in Canada. • Need a waiver from one or more requirements of the Immigration and Refugee Protection Act (IRPA) or the Immigration and Refugee Protection Regulations (IRPR) in order to present, in Canada, an application for permanent residency. • Deem that humanitarian and compassionate considerations justify granting the exemptions you need; and • Not be eligible to apply for permanent residency from within Canada under any of the following categories: <ul style="list-style-type: none"> ✓ Spouse or common-law spouse. ✓ Live-in caregivers. ✓ Live-in caregivers: childcare or care for people with high medical needs. ✓ Protected individuals and Convention Refugees. ✓ Holder of a temporary residence permit.
Steps to follow	<ul style="list-style-type: none"> • Use the document checklist (IMM 5280) that is included in the kit to gather the necessary documents (see the link to access the kit at the end of this guide). • Complete all the following forms: <ul style="list-style-type: none"> ✓ Generic Application Form for Canada [IMM 0008] (PDF, 0,72 Mo)⁶⁰ ✓ Additional Dependents/Declaration [IMM 0008DEP], if applicable (PDF, 0,72 MB) ✓ Appendix A — Background/Declaration [IMM 5669] (PDF, 2,058 Mo) ✓ Additional information about the family [IMM 5406] (PDF, 2,363 Mo) ✓ Additional information — Humanitarian Considerations [IMM 5283] (PDF, 2,757 Mo) ✓ Document Checklist — Humanitarian and Compassionate Considerations [IMM 5280] (PDF, 0,523 Mo) ✓ Use of a Representative [IMM 5476], if necessary (PDF, 2,021 Mo) ✓ Authority to Release Personal Information to a Designated Individual [IMM 5475], if necessary (PDF, 2,013 Mo) • Pay your fees online and attach a copy of this receipt to your completed application. Keep the second copy for your records. • Sign and date the request before sending it. • Be sure to use and complete the Document Checklist (IMM 5280) and submit it along with the forms and supporting documents for your application.

⁶⁰ Download and complete the form online. The Generic Application Form for Canada [IMM 0008] **must be validated by 2D barcodes**. Read and follow the steps given to help you complete the application form.

	<ul style="list-style-type: none"> • Be sure to include the last page which contains barcodes. This page only appears when you complete your form electronically (on the computer). • Mail⁶¹ the application to: IRCC — Humanitarian Migration Vancouver # 300-800, Burrard Street Vancouver (British Columbia) V6Z 0B6
Processing fees	<p>Starting at \$1,050 for the main applicant, i.e.:</p> <ul style="list-style-type: none"> • The processing fees (\$550) and • The fees relating to the right of permanent residence (\$500) <p>Include the same amount for the spouse (\$1,050); \$150 per dependent child and, if applicable, biometric data fees</p>
Processing times	<ul style="list-style-type: none"> • 22 to 36 months

⁶¹ Do not fold your documents. Do not use staples, binders, plastic sleeves, folders, or albums to submit your application. Rubber bands or paper clips to attach photos are acceptable. You should make a photocopy of all documents and forms, as well as the receipt, that you send to keep them for your personal records.

Conclusion

This guide raises several reflections about the limits inscribed in the legal statutes of the TMTs and in the various components of the TFWP. It is clear that we are dealing with a concrete case of systemic discrimination that places TMTs in a situation of vulnerability and precariousness.

If the TFWP had been created with the intention of meeting specific labour needs in specific sectors, this is no longer the case today, because after more than 40 years of existence of the first program, there has been an exponential increase in programs related to the use of these programs by employers, which has had the effect of increasing the number of TMTs that we find on the territory. This upward trend in the use of the program goes in parallel with government intentions or directions. Recently, and despite an anti-immigration rhetoric from the Coalition Avenir Québec (CAQ) government in Quebec, the provincial government has requested changes to the program to increase the number of eligible trades and professions in the low-wage stream among other changes⁶². We have also observed for years the creation of time-limited pilot programs to allow a tiny part of the TMTs to stay. This was the case recently on the federal side with Temporary Resident to Permanent Residence Pathway (health care, workers not associated with health care, and foreigners recently graduated from a Canadian institution⁶³) which was implemented on May 6, 2021, and ended on November 5, 2021⁶⁴. This type of program, although it allows access to people who have been able to apply, perpetuates precariousness with high requirements within a process that is difficult to go through for most TMTs (requirements linked to the programs, difficulties with the website navigation, etc.).

This dependence on TMTs demonstrates the needs, but also the desire to maintain thousands of people in a situation of dependence, because they are linked to a program that only perpetuates the temporality of their stay and their contract, which contributes to the precariousness of their situation. There are countless studies and reports of cases of TMT abuse and discriminatory practices such as the payment of recruitment fees, the payment of fees that are usually the responsibility of the employer, the withholding of documents such as passports, the imposition of working in dangerous conditions, unpaid overtime, psychological or sexual abuse, unfair dismissal, threats of deportation or dismissal to try to assert one's rights, etc.⁶⁵

Despite these recurring problems in a system fostering this type of abuse, TMTs hope for a better future for themselves and their families.

⁶² See the article from Le Devoir : <https://www.ledevoir.com/economie/644451/emploi-quebec-veut-donner-un-coup-de-fouet-a-l-immigration-temporaire> (last visit, 24 november 2021).

⁶³ <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/tr-pr-pathway.html>

⁶⁴ <https://www.canada.ca/en/immigration-refugees-citizenship/news/2021/04/new-pathway-to-permanent-residency-for-over-90000-essential-temporary-workers-and-international-graduates.html>

⁶⁵ See, among others: Basok, 2003; Bernier, 2014; Bernstein et Vallée, 2014; CAC et al., 2020; Carpentier & Fiset, 2011; Castracani, 2017; Côté, Dubé & Frozzini, 2021; Douvergne & Marsden, 2014; Frozzini, 2017; Frozzini & Law, 2017; Frozzini, Medina & Salamanca, 2021; Goldring & Landolt, 2013; Gravel et al., 2017; Hanley et al., 2014; Hanley, Larios & Koo, 2017; Hanley et al., 2018; Soussi, 2019.

The Immigrant Workers Centre, like many other organizations across Quebec, Canada and elsewhere, is fighting for changes to the program to promote a good life (better working and living conditions) for these workers. who are among us in all sectors of activity and who contribute considerably to the well-being of our society. Among other things, the Centre is claiming:

- Quick and easy access to permanent residency for all TMTs.
- Provide Immediate access to an open work permit for all temporary migrant workers to leave their jobs if they consider them unsafe.
- The regularization of all undocumented migrants.
- Access to the RAMQ, regardless of the person's legal status.
- An increase in the minimum wage to \$18 per hour, etc.

If you want to participate or help the Centre, do not hesitate to join them. Visit their website (<https://iwc-cti.ca/>).

Finally, this guide, which contains a wealth of information that may change depending on the context and various government trends, will be updated once or twice a year.

Visit these two sites for updates:

<https://iwc-cti.ca/know-your-rights/>

<https://intercultureltechnologies.ca/outils>

Final note: everybody is welcome to contact the writers with suggestions for next editions.

Appendix 1: Useful links

Arrima (provincial platform)

<https://www.immigration-quebec.gouv.qc.ca/en/informations/arrima/index.html>

Assurance maladie du Québec

Knowing eligibility conditions (RAMQ)

<https://www.ramq.gouv.qc.ca/en/citizens/health-insurance/know-eligibility-conditions>

Registering for health insurance as a worker (steps)

<https://www.ramq.gouv.qc.ca/en/citizens/health-insurance/register/r2-q1r2>

Request a review of a decision

<https://www.ramq.gouv.qc.ca/en/contact-us/request-review-decision>

Employment insurance

General information and procedure

<https://www.canada.ca/en/services/benefits/ei.html>

Unemployed workers advocacy group

<http://macmtl.qc.ca/>

National Occupational Classification (NOC) codes, checking and searching (federal)

By NOC code

<https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/express-entry/eligibility/find-national-occupation-code.html>

By code and position title

<https://noc.esdc.gc.ca/Search/QuickSearchJobTitleResults/cc65415183a84f91a9b395edf661f99f>

Certificat d'acceptation du Québec — CAQ-Quebec Acceptance Certificate (provincial)

Supporting documents for the CAQ

<https://www.quebec.ca/en/immigration/work-temporarily/temporary-foreign-worker-program/authorizations>

Form (always ensure that you have the latest version)

https://cdn-contenu.quebec.ca/cdn-contenu/immigration/formulaires/en/FO_application-temporary-selection-A0506CA.pdf

CAQ exemption

<https://www.quebec.ca/en/immigration/work-temporarily/temporary-foreign-worker-program/authorizations>

Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST - Commission for standards, equity, health and safety at work)

<https://www.cnesst.gouv.qc.ca/en>

Employment contracts (standard contracts in Quebec)

TMT general

<https://www.immigration-quebec.gouv.qc.ca/fr/formulaires/formulaire-titre/contrat-travail-travailleurs-temporaires.html>

TMT farm workers

<https://www.immigration-quebec.gouv.qc.ca/fr/formulaires/formulaire-titre/contrat-travailleurs-agricoles.html>

COVID-19 and the Temporary Foreign Worker Program (TFWP)

<https://www.canada.ca/en/employment-social-development/campaigns/foreign-worker-rights/covid19-guide.html>

Processing times, verification (federal)

For a general idea according to the type of document: <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/check-processing-times.html>

Check the status of your request: <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/check-status.html>

Report abuse of a TMT

Online, by phone, by mail or in person:

<https://www.canada.ca/en/employment-social-development/services/foreign-workers/report-abuse.html>

Biometric data

<https://www.cic.gc.ca/english/visit/biometrics.asp>

Labour Market Impact Assessment (LMIA)

<https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/hire-temporary-foreign/find-need-labour-market-impact-assessment.html>

Application fees (federal)

<https://www.cic.gc.ca/english/information/fees/fees.asp>

Immigration glossary (federal)

<https://www.canada.ca/en/services/immigration-citizenship/helpcentre/glossary.html>

Application guides

<https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides.html>

Guide for TMTs about COVID-19 (federal)

http://infotetquebdev.wpengine.com/wp-content/uploads/2021/03/2A31_NTS-TFW_COVID19GuideforWorkers_FINAL-FR_PDF-1.pdf

Labour standards (Quebec)

<https://www.legisquebec.gouv.qc.ca/en/document/cs/n-1.1>

Immigration laws and regulations (federal)

Immigration and Refugee Protection Act

<https://laws.justice.gc.ca/eng/acts/i-2.5/page-1.html>

Immigration and Refugee Protection Regulations

<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/>

Citizenship Act

<https://laws-lois.justice.gc.ca/eng/acts/c-29/page-1.html>

Laws and regulations on immigration (provincial)

Quebec Immigration Act

<https://www.legisquebec.gouv.qc.ca/en/document/cs/I-0.2.1>

Quebec Immigration Regulation

<https://www.legisquebec.gouv.qc.ca/en/document/cr/I-0.2.1,%20r.%203>

Special measures under the TFWP in relation to the COVID-19 pandemic

<https://www.canada.ca/en/employment-social-development/campaigns/foreign-worker-rights/covid19-guide.html>

Canada Recovery Benefit (CRB)

<https://www.canada.ca/en/revenue-agency/services/benefits/recovery-benefit/crb-who-apply.html>

Work Permit (federal)

<https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/permit/temporary/work-permit.html>

<https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/permit/temporary/work-permit-types.html>

Open work permits for vulnerable workers: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/foreign-workers/vulnerable-workers.html>

Public policy on exemptions to work permit conditions when changing employment: COVID-19 program delivery <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/service-delivery/coronavirus/temporary-residence/work-permit/changing-employment.html>

Work permit Exemption (LMIA)

<https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/hire-temporary-foreign/international-mobility-workers-unit.html>

Licence to practice as an employment agency

<https://www.cnesst.gouv.qc.ca/fr/demarches-formulaires/agences-placement-personnel-recrutement/permis-agences/demande-renouvellement-permis>

Quebec Experience Program (PEQ)

<https://www.quebec.ca/en/immigration/immigration-programs/quebec-experience-program>

Temporary Foreign Worker Program (TFWP)

Federal

<https://www.canada.ca/en/employment-social-development/services/foreign-workers.html>

Quebec

<http://www.immigration-quebec.gouv.qc.ca/en/informations/content-not-available-employers.html>

Permanent Immigration Pilot Programs (Quebec)

<https://www.quebec.ca/en/immigration/immigration-programs>

Permanent immigration pilot program for workers in food processing

<https://www.quebec.ca/en/immigration/immigration-programs/food-processing>

Permanent immigration pilot program for orderlies

<https://www.quebec.ca/en/immigration/immigration-programs/orderlies>

Permanent immigration pilot program for workers in the artificial intelligence, information technologies and visual effects

<https://www.quebec.ca/en/immigration/immigration-programs/artificial-intelligence>

Regular skilled worker program (RSWP)

The Program

<https://www.quebec.ca/en/immigration/immigration-programs/regular-skilled-worker-program>

Selection grid

https://cdn-contenu.quebec.ca/cdn-contenu/immigration/publications/GR_Selection_Travailleurs_Qualifies.pdf?1616677921

Self-evaluation tool

<https://arrima.immigration-quebec.gouv.qc.ca/monespacepublic/calculette/accueil>

Temporary Foreign Worker Program Agriculture Stream

Federal

<https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/agricultural/apply.html>

Quebec

<http://www.immigration-quebec.gouv.qc.ca/en/informations/content-not-available-employers.html>

<http://www.immigration-quebec.gouv.qc.ca/en/informations/content-not-available-employers.html>

Seasonal Agricultural Worker Program (SAWP)

Federal

<https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/seasonal-agricultural/apply.html>

Quebec

<http://www.immigration-quebec.gouv.qc.ca/en/informations/content-not-available-employers.html>

<https://services.immigration-quebec.gouv.qc.ca/fr/employeurs/embaucher-temporaire/recrutement-travailleurs-agricoles/exigences-saisonnier.html>

The High-Wage Positions Stream

Federal

<https://www.canada.ca/en/employment-social-development/services/foreign-workers/median-wage/high.html>

Quebec

<https://www.quebec.ca/en/immigration/work-temporarily/temporary-foreign-worker-program/authorizations>

The Low-Wage Positions Stream

Federal

<https://www.canada.ca/en/employment-social-development/services/foreign-workers/median-wage/low/requirements.html>

Quebec

<https://www.quebec.ca/en/immigration/work-temporarily/temporary-foreign-worker-program/authorizations>

Model contract

<https://www.quebec.ca/en/immigration/work-temporarily/temporary-foreign-worker-program/authorizations>

Steps for homecare providers

<https://www.quebec.ca/en/immigration/work-temporarily/temporary-foreign-worker-program/authorizations>

Canada Pension Plan (CPP)

<https://www.canada.ca/en/services/benefits/publicpensions/cpp.html>

Quebec Pension Plan (RRQ)

https://www.rrq.gouv.qc.ca/en/programmes/regime_rentes/Pages/regime_rentes.aspx

Québec Parental Insurance Plan (QPIP)

<https://www.rqap.gouv.qc.ca/en/what-is-the-quebec-parental-insurance-plan>

Restoration status

<https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/visitors/restoration-status.html>

Provincial/Territorial Median Hourly Wage

<https://www.canada.ca/en/employment-social-development/services/foreign-workers/median-wage.html>

Find a new employer in Canada who already has an LMIA

<https://www.jobbank.gc.ca/temporary-foreign-workers>

Find a Panel Physician

<https://secure.cic.gc.ca/pp-md/pp-list.aspx>

Global Talent Stream

<https://www.canada.ca/en/employment-social-development/services/foreign-workers/global-talent.html>

<https://www.canada.ca/en/employment-social-development/services/foreign-workers/global-talent/requirements.html>

Payroll deductions for TMTs

<https://www.canada.ca/en/revenue-agency/services/tax/businesses/topics/payroll/what-deducted-your-pay.html>

<https://www.revenuquebec.ca/en/businesses/source-deductions-and-employer-contributions/>

Verification of the Recognition of an Immigration Consultant (Quebec Registry of Immigration Consultants)

<http://www.mifi.gouv.qc.ca/fr/reglementation-consultants/index.html>

Pathway

<https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/tr-pr-pathway.html>

Atlantic Canada Immigration Pilot Program (AIP)

<https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/atlantic-immigration.html>

Agri-Food Pilot Program

<https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/agri-food-pilot/about.html>

Rural and Northern Immigration Pilot Program

<https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/rural-northern-immigration-pilot.html>

Appendix 2: Simplified Three-Step Approach for TMT Support

1. Understanding the request or need

When helping a TMT, the first step is to understand the worker's request or the need. Questions must therefore be asked to ensure that we have all the information necessary to understand the situation.

Before the meeting, it is preferable to ask the TMT to bring all of their documentation in order to avoid multiple meetings. If the TMT does not have all the information at hand (documents, etc.), it is recommended to make another appointment where the missing information is available.

To facilitate the work, preparing a sheet containing all the basic information to be collected from the TMT can make the process easier and avoid forgetting details (see Annex 2 for a template).

*Sometimes during this first step, there may be misunderstandings on both sides. It is important not to remain in doubt and to ask questions. It is recommended to allow time for this step and not to rush the TMT.

2. Get the right information

Once the TMT's request and the situation are understood, be sure to seek or verify information, if necessary.

Since the programs and their regulations often change, it is always recommended to inquire about them. Ideally, one should keep oneself well informed, but occasional research on certain information can help.

*Often, TMTs are required to complete government paperwork. Since these change from time to time, it is best to check if we have the latest version on the web.

If the situation or case is too complex and we do not have the necessary knowledge, resources or skills, it is essential to refer the person or group of people to a resource who will be able to guide them well.

3. Explain the information and the possibilities

During this step, it is necessary to ensure that the TMT understands the information as well as the possibilities offered to provide a solution.

Also, the TMT must make the decision by themselves, because they are the only person who knows what is best for them. We can only present them with the options and guide them with the relevant information.

During the whole process, you must allow yourself time. When people are struggling, it is sometimes difficult to get coherent explanations. In addition, it must be added that the various

administrative processes that may be required are not always understood by the TMTs or have never been correctly explained to them. Likewise, we must not forget that we may have to deal with people with different professional profiles, with different levels of education and with different origins/belongings. Therefore, one must be aware that TMTs may have native tongues that are not those to which we are accustomed. For instance, there are people who come from indigenous communities in Guatemala, Mexico, etc., for whom Spanish is not their mother tongue.

The ideal in this approach is always simplicity in explanations, and the posture we adopt with the TMTs. In other words, we must treat them as our equals to establish a much-needed relationship of trust in the whole process and to reduce the stress and anxiety that TMTs may have.

Appendix 3: Typical Type of Information to Look for When Meeting With a TMT

Date:

Name of the person responsible for taking the case:

Name of the TMT:

Address:

Telephone:

E-mail:

Language spoken or understood:

Country of origin:

Migratory status:

Type of work permit and characteristics:

Type of work:

Employee number:

Employer and name of company:

Supervisor:

Address:

Telephone:

E-mail:

Website:

Date of hiring:

Last day of work:

Unionized environment or not:

Union name and local

Telephone:

E-mail:

Website:

Union representative and contact information:

Problem (no pay, conditions of employment, unfair treatment, etc.)

(Describe the situation in a few words—a summary)

CNESST

File number:

Contact information:

Telephone:

E-mail:

Date of accident at work:

Actions and follow-up

(Describe the action taken and the elements for which it is necessary to carry out a follow-up.)

Description of the situation

(Take the time to describe the events with as much detail as possible).

Appendix 4: Pay Slips or Pay Stub

It must contain all the relevant information to identify the employer, the employee, the salary and the deductions:

- The name of employer
- The name of the worker
- The job title
- The period of work corresponding to the payment
- The date of payment
- The number of hours paid at the normal rate
- The amount of overtime hours paid or replaced by leave, with the rate that applies
- The nature and number of bonuses, indemnities, allowances, or commissions paid
- The salary rates
- The amount of the [gross salary](#)
- The nature and number of the deductions taken
- The amount of the net salary that the worker receives
- The number of tips that the worker declared or that the employer attributed to him

Example of a pay slip

Identification			
Nom du salarié ou de la salariée		Prénom du salarié ou de la salariée	
Emploi du salarié ou de la salariée		Nom de l'employeur	
Date du paiement	<div>Année</div> <div>Mois</div> <div>Jour</div>	Période de travail correspondant au paiement	<div>du</div> <div>Année</div> <div>Mois</div> <div>Jour</div> <div>au</div> <div>Année</div> <div>Mois</div> <div>Jour</div>

Salaire	Déduction
Heures rémunérées au taux régulier <div> <div></div> X <div></div> = <div></div> \$ </div> <div> <div>Taux horaire</div> <div>Nombre d'heures</div> </div>	Impôt fédéral <div></div> \$ Impôt provincial <div></div> \$ Régime des rentes du Québec (RRQ) <div></div> \$ Assurance-emploi <div></div> \$ Régime québécois d'assurance parentale (RQAP) <div></div> \$ Régime d'assurance collective - Assurance maladie <div></div> \$ - Taxe sur les assurances <div></div> \$ Cotisation syndicale ou cotisation à un comité paritaire <div></div> \$ Total des déductions <div></div> \$
SALAIRE BRUT (salaire + indemnités) = <div></div> \$	SALAIRE NET (salaire brut - déductions) = <div></div> \$