

# Options for Extending your Work Permit for Care Workers Inside Canada

*This fact sheet explains the law in general. It is not intended as legal advice for your particular problem. Because each person's situation is different, you may need to seek legal advice. The information in this fact sheet was reviewed by a lawyer, and was last updated on 19 February 2021.*

Care workers already working in Canada have a pathway to permanent residence and several work permit options. This fact sheet will explain the different work permits and their benefits and drawbacks.

## What are the different kinds of work permits?

There are three types of work permits relevant to care workers in Canada: an employer-specific work permit, an occupation-restricted work permit, and an open work permit. They are explained in detail below.

The Live-in Caregiver Program (LCP) was a program for care workers to work in Canada where they were required to live in the home with their employer. This program stopped accepting new participants in November 2014. Very few care workers in Canada are working in this program.

### 1) Employer-specific work permit

Most care workers who are already in Canada started working with an employer-specific work permit. This means you can only work for the employer listed on your work permit and you can only do the job that is listed on your work permit. Workers who have this type of work permit are part of the Temporary Foreign Worker Program (TFWP).

New care workers coming to Canada are not eligible for an employer-specific work permit. Generally speaking, only workers already in Canada who have a valid work permit are eligible to apply for an employer-specific work permit from inside Canada.

Often, employer-specific work permits require your employer to get a Labour Market Impact Assessment (LMIA). The LMIA application includes information about your job duties, hours of work, and rate of pay. It is illegal for your employer to charge you for the cost of the LMIA. You will not be able to apply for your work permit until the LMIA is approved. The duration of your work permit will match the duration of the position specified in the LMIA, up to a maximum of two years. If your passport will expire before the end of that period, your work permit will not be valid for longer than your passport.

If you are not applying for a permanent resident program, the only way to renew or extend your employer-specific work permit is to get another employer-specific work permit. If your work permit is expiring or if you want to change employers, you will need your employer to get a new LMIA for you. Then you can apply for a new work permit with that LMIA.

For information about COVID-19-related rules about employer-specific work permits, including information about applying for interim work authorization or restoration of your status, please see MWC's fact sheet on *Loss of Status and Options for Renewing or Restoring Your Status*.

## 2) Occupation-restricted work permit

An occupation-restricted work permit is only available to some care workers who are applying to **enter** the permanent residence program available through the Home Child Care Provider Pilot (HCCP) or Home Support Worker Pilot (HSWP). This type of work permit allows you to work for any employer, but only as a child care provider or a home support worker. Holders of this type of work permit can only work in one of these occupations, but not both. No work in any other job is permitted under this work permit. Workers who receive this type of work permit are part of the International Mobility Program (IMP).

Your employer will not need an LMIA for you if you are applying for this type of work permit. The occupation-restricted work permit is designed to allow you to get at least 24 months of work experience to qualify you for permanent residence under the HCCP or HSWP. Occupation-restricted work permits are generally valid for 3 years, unless your passport expires sooner. The processing time of these work permits is approximately 12 months.

## 3) Open work permit

An open work permit allows a worker to work for any employer in any position, subject to any conditions imposed on the work permit. Holders of a valid open work permit can switch between jobs and/or employers without needing to apply for a different work permit. An open work permit may still have conditions listed on it that prohibit the holder from working in certain sectors or types of jobs.

Workers in the Temporary Foreign Worker Program are generally **not** eligible for an open work permit. However, if you have completed 24 months of work experience on an employer-specific work permit **and** are applying for permanent residence through the HCCP or HSWP, you may be eligible for an open work permit. Alternatively, if you have already applied to enter the HCCP or HSWP, have an occupation-specific work permit, and have finished 24 months of work experience so you can finalize your permanent residence, you may also be eligible to apply for an open work permit.

### How much will my work permit cost?

For each work permit you apply for, you also have to pay the requisite fees. To apply for a new employer-specific or occupation-specific work permit, the fee is \$155. If you are applying for an open work permit, there is an additional \$100 fee. If you are applying to restore your status, there is an additional \$200 fee.

### Am I eligible for permanent residence?

As a care worker, if you have a job offer in Canada or have Canadian work experience as a care worker, you may be eligible to apply for permanent residence through the HCCP or HSWP programs.

For the HCCP, only work experience in a National Occupation Classification (NOC) 4411 job will be considered. Your employer-specific work permit or the LMIA for your position will list your job's NOC. To be qualified as a NOC 4411 job, your work must be caring for children under the age of 18 in your employer's home. For the HSWP, only full-time work experience in a NOC 4412 job will be considered. This means that your work must be caring for someone who needs support in your employer's home.

Your qualifying work experience must be in **only** one of the aforementioned job categories. If you have work experience in both job categories, you must entirely rely on one type of work in your application. Work experience with a mix of NOC 4411 and NOC 4412 work would not meet the requirement. You must work full-time, meaning at least 30 hours of paid work per week. You must complete the 24 months of qualifying work within the 36-month period prior to your application.

Other eligibility requirements include:

- Canadian Language Benchmark (CLB) 5 in English for all four language skills. This means:
  - for CELPIP, a score of 5 in each skill, **or**
  - for IELTS, a score of 4 in reading and a score of 5 in writing, listening, and speaking;
- A completed post-secondary education credential of at least 1 year in Canada. This means:
  - if your education is from outside of Canada, you will need to get your education credential assessed to show that it is equal to the required Canadian credential;
  - if you started a program but did not finish it and did not receive the credential, or if you studied for less than 1 year, you may need to upgrade your education to be eligible;
- Being admissible to Canada. People may be inadmissible if they, or their family members:
  - committed certain crimes,
  - have certain medical conditions,
  - have misrepresented information in immigration applications, or
  - have not followed immigration rules; and
  - You are planning to live outside of Quebec.

### When should I apply for permanent residence?

If you meet all of the eligibility criteria, you can apply for permanent residence at any time. You can also submit an application for an open work permit along with your permanent residence application.

If you have some work experience, but less than 24 months, you can apply for to enter the HCCP or HSWP program any time after you meet the other eligibility requirements. You can submit an occupation-restricted work permit application at the same time. Then, after you have gotten 24 months of qualifying work experience, you can update your application with proof so that the application can be finalized.

You can decide whether you want to apply before or after you acquire the required work experience. It is worth noting that the processing time for an occupation-restricted work permit is approximately one year. If you will need to wait for this work permit to continue acquiring qualifying work experience, keep in mind that your 24 months of qualifying work must happen within the 36-month period prior to your application.

Every year, the HCCP can accept 2,750 applications and the HSWP can accept 2,750 applications. If that cap is reached for either program, IRCC will put a notice on the website (<https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/caregivers/child-care-home-support-worker.html>) that no applications will be accepted until the program reopens the following January 1. Any applications that are received after the yearly cap is reached will be returned and refunded. It is important to keep this in mind as you decide when to apply.

**I applied for an open work permit along with my permanent residence application, but I have not received it yet. My current employer-specific work permit is expiring. Do I need to apply to extend my current work permit with an LMIA if I want to continue working?**

If your current employer-specific work permit is about to expire or will expire after you have applied for your occupation-restricted or open work permit, your status will be automatically extended. This means that you will be allowed to continue working on the same terms as on your expiring work permit. You cannot start working for a new employer until you receive a new work permit. For more information, see our fact sheet on *Automatic Extension of Status*.

If you do not meet the eligibility criteria for permanent residence, if the program is full so your application will not be accepted, or if your application gets refused or returned for any reason, you will lose your implied status and therefore be out of status with no work authorization. To be safe, it is generally recommended that you also apply to extend your employer-specific work permit as long as your employer is willing to apply for another LMIA.