

The Agri-Food Pilot

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. A lawyer at MWC reviewed this information on 6 October 2023.

The Agri-Food Pilot is a pilot program that provides a pathway for permanent residency (PR) for certain agricultural workers. This fact sheet explains who can apply under the program, what the eligibility requirements are, and how to add a family member to your application.

What is the Agri-Food Pilot?

The Agri-Food Pilot provides a pathway to permanent residence for experienced, non-seasonal workers in specific industries and with specific occupations. Applications are being accepted until **May 14, 2025**. Once an application is submitted and approved, the applicant becomes a permanent resident in Canada.

A maximum limit of 2,750 applications are processed each year. There are no longer annual limits for individual occupations, which means limits for how many candidates can apply for a specific occupation are removed. This will provide an opportunity for more eligible candidates to apply.

If your application is rejected because the annual limit has been reached, a refund of your application fees will be provided.

Who can apply under the program for PR?

Migrant workers who meet the program's eligibility requirements may apply.

What are the eligibility requirements to apply for PR under the program?

The program provides a pathway for PR for experienced and non-seasonal agricultural workers in specific industries and occupations.

To apply for permanent residence under the Agri-Food Pilot, you must satisfy the following requirements:

1. You must work in an **eligible industry**;
2. You work in an **eligible occupation**;
3. You have the required **work experience**;
4. You have a **job offer** that meets the requirements;
5. You meet the **language requirements**;
6. You meet the **educational requirements**;
7. You have enough **settlement funds** (if applicable); and
8. You meet the **temporary residence status requirement** (if applying within Canada).

Each of these requirements is explained in detail below. We recommend that you seek legal advice before submitting an application if you are not sure whether your situation satisfies one or more of the requirements.

1. You work in an eligible industry

This means that you must be working for an employer in Canada in one of the following industries:

- NAICS - 1114 Greenhouse, nursery and floriculture production, including mushroom production
- NAICS - 1121 Cattle ranching and farming
- NAICS – 1122 Hog and pig farming
- NAICS – 1123 Poultry and egg production
- NAICS – 1124 Sheep and goat farming
- NAICS – 1129 Other animal production
- NAICS – 3116 Meat product manufacturing

2. You work in an eligible occupation

Occupations are classified by the National Occupational Classification (NOC) code. Eligible occupations for each eligible industry are listed below:

For meat product manufacturing (NAICS 3116), eligible occupations are

- NOC 63201 - Butchers - retail and wholesale
- NOC 65202 - Meat cutters and fishmongers - retail and wholesale
- NOC 94141 - Industrial butchers and meat cutters, poultry preparers and related workers
- NOC 82030 - Agricultural service contractors and farm supervisors
- NOC 84120 - Specialized livestock workers and farm machinery operators
- NOC 85100 - Livestock labourers
- NOC 95106 - Labourers in food and beverage processing

For greenhouse, nursery and floriculture production, including mushroom production (NAICS 1114), eligible occupations are

- NOC 82030 - Agricultural service contractors and farm supervisors
- NOC 84120 - Specialized livestock workers and farm machinery operators
- NOC 85100 - Livestock labourers
- NOC 85101 - Harvesting labourers

For animal production, excluding aquaculture (NAICS 1121, 1122, 1123, 1124 and 1129), eligible occupations are

- NOC 82030 - Agricultural service contractors and farm supervisors
- NOC 84120 - Specialized livestock workers and farm machinery operators
- NOC 85100 - Livestock labourers
- NOC 85101 - Harvesting labourers

3. You have the required work experience

Your Canadian work experience must be:

- A minimum of 1 year (1,560 hours) of non-seasonal, full-time work in the past 3 years;
- In 1 or more of the eligible occupations listed above;
- Through the Temporary Foreign Worker Program;

If you have switched between jobs, any work experience can still be included in counting the 12 months, as long as the work is within the eligible industries and occupations.

However, any work that is done on an open work permit, or any unauthorized work, will not count towards the 12-month requirement. Note: IRCC has announced plans to count work performed under a Vulnerable Worker Open Work Permit.

Paid vacation up to two weeks within a one-year period, whether inside or outside of Canada, can count as work towards the 12-month requirement.

How do I calculate my hours of work experience?

- **Do** count the hours worked in full-time jobs
 - The hours can be in different eligible occupations and with different employers
 - The hours must have been worked over a total period of at least 12 months (Note: working more than 30 hours per week does not shorten this period)
- **Don't** count
 - Hours you weren't paid for (volunteering or unpaid internships)
 - Hours worked when you were self-employed
 - Hours worked in part-time or seasonal positions
 - Hours where your work was not authorized

4. You have a job offer that meets the requirements

You must have a genuine job offer at the time you apply for PR under the program. The job you're offered must meet **all** of the following requirements:

- In an eligible occupation listed above;
- Full-time (at least 30 hours per week);
- Non-seasonal;
- Employment must be permanent (no set end date);
- Outside of Quebec; and
- Must meet the prevailing (median) wage
 - Please note that the prevailing wage is the median wage (rather than the minimum wage) of the occupation in your region. Median wages by occupation can be searched at: <https://www.jobbank.gc.ca/trend-analysis/search-wages>.

5. You meet the educational requirements

You must have at least:

- A Canadian high school diploma, **or**
- An educational credential assessment (ECA) report from a designated organization or professional body showing that you completed a foreign credential secondary school level or above
 - The ECA report must be less than 5 years old on the date of your application
 - The original ECA report must have been issued on or after the date the organization was designated

For more information on getting your ECA, visit:
<https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/agri-food-pilot/education-assessed-how.html>

NOTE: IRCC has announced plans to only require applicants meet either the job offer requirement OR the education requirement, not both. As of 6 October 2023, this measure was not yet put in place. Please double check active requirements at the time of your application.

6. You meet the language requirements

You must prove your ability in English or French.

The minimum language requirements are **Canadian Language Benchmarks (CLB) Level 4** in:

- Reading
- Writing
- Speaking
- Listening

You must submit your results from an approved language test. These results must be less than 2 years old when you apply.

7. You have enough settlement funds (if applicable)

This requirement does not apply if you are already working in Canada at the time you apply. If you are not working in Canada at the time you apply, you will need to prove that you have enough funds to settle in Canada. You'll need to prove that you have enough funds to support yourself and any family members you may have, even if they're not coming to Canada with you.

For more information on settlement funds, including how much funds are required for your specific family size, visit: <https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/agri-food-pilot/proof-funds.html>

8. You meet the temporary residence status requirement (if applying within Canada)

If applying from within Canada, you must maintain your temporary resident status during the processing of the application.

Can I add family members to my application?

Yes. If you are eligible to apply under the program, you can add family members as dependents to your application, including your spouse or common-law partner, your dependent children and your spouse or common law partner's dependent children. Please note that you must disclose all dependents in your application, even if they are not accompanying you to Canada.

Upcoming Changes

On May 8, 2023, Immigration, Refugees, and Citizenship Canada (IRCC) announced the extension of the Agri-Food Pilot, which will now run until May 14, 2025. The IRCC also introduced the following new changes to the pilot in stages, including:

- Expanding open work permit access to family members of Agri-Food Pilot applicants
 - Family members, dependents, and dependents of dependents (i.e. grandchildren) of Agri-Food Pilot principal applicants, regardless of the applicant's job skill level, **may** be able to apply for an open work permit

- Unions will be able to attest to a candidate's work experience as an alternative to employer reference letters
- Applicants residing in Canada can **either** meet the job offer requirement **or** the education requirement
 - Job offer will need to be a full-time, non-seasonal job from a Canadian employer in one of the eligible industries and occupations (outside of Quebec) and include the wage requirement.
 - Education requirement will continue to include the ECA verification showing the completion of a foreign credential at the secondary school level or above.
- Work experience gained under an open work permit for vulnerable workers will be accepted.
 - Eligible work experience still must be in an eligible industry and occupation, but can be work under an open work permit for vulnerable workers (LMIA exempt).

For more information about the upcoming changes, please check out the following link:

<https://www.canada.ca/en/immigration-refugees-citizenship/news/2023/05/canada-announces-extension-to-the-agri-food-pilot-facilitating-access-to-permanent-residence-for-workers-and-their-families.html>

Note: Details for these changes are still in development and aren't in effect yet. Further details on these changes, including implementation date, will be provided at a later date.