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s.19(1)

Archived: June 2, 2025 10:31:48 AM
From: [redacted] Représentants [redacted] ([redacted]
Sent: Thu, 20 Feb 2025 19:19:27
To:
Cc: Immigration Representatives / Représentants immigration (IRCC)
Subject: FW: Clarification on new Spousal OWP changes on Jan.21 - REP-2025-0262 - Due 24-Feb-25
Importance: Normal
Sensitivity: None

Hello,

Please see our response to your question.

Question:

I am writing to seek your guidance regarding the interpretation of the new " Changes to open work permits for family members of temporary residents" effective January 21, 2025, specifically concerning the "Spouses or common-law partners of high-skilled workers who are not on a pathway to permanent residence"
As per the information on the official website
https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/permit/temporary/open-work-permit-spouses-dependent-children/apply.html#high-skilled-spouse ,
it is stated that proof is required to demonstrate that the principal applicant "is or **will be**" working. However, the requirement for "**will be working**" is unclear.

I have a case where the principal applicant (holding a PGWP - in Canada) has received a promise of employment in TEER 1, with the employment set to begin in two months, but they have not yet started working.
Could you please clarify what supporting documentation would be acceptable in this situation?
Would a formal job offer suffice as proof, or should the principal applicant begin their employment before the spouse can apply for an open work permit?

Response:

With regards to your question, with the application for an open work permit, officers should be satisfied that they have the following documentary evidence to make an assessment:

1. 1. evidence of a genuine relationship if the applicant is the spouse or common-law partner;
   - * For example, (but not limited to) marriage certificate, Statutory Declaration of Common-Law Union [IMM 5409]
2. 2. evidence that the principal foreign national **is, or will be employed in**, a TEER category 0 or 1, or select 2 or 3 occupation:
   - * For example, job contract, letter from employer indicating NOC TEER category and duties, business plan (if the principal foreign national is a business owner).
3. 3. evidence that their principal foreign national is authorized to work or is provisionally approved to work in Canada and the authorization is not within the exceptions stated in Eligibility
   - * For example, copy of work permit or copy of visitor record indicating work under section R186, or [redacted] showing period of authorized stay, evidence that their principal foreign national has been provisionally approved for a work permit (that the letter of introduction is issued).
4. 4. evidence that their principal foreign national's authority or provisional approval to work in Canada is valid for

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16 months or longer **after** the receipt date of the spousal's work permit application

- For [redacted] work permit [redacted] work (for work-permit exempt foreign nationals) or copy of the letter of introduction.

Please visit our website for more information on Spouses or common-law partners of foreign nationals authorized to work in high-skilled occupations TEER 0 or 1, or select occupations TEER 2 or 3 – [R205(c)(ii) – C41] – Canadian interest – International Mobility Program (IMP) - Canada.ca.
We hope this information is of assistance.

[redacted]

The Immigration Representatives Mailbox

From
Sent: [redacted] 26, 2025 9:33 AM
To: Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-Representantsimmigration.[redacted].gc.ca>
Subject: Clarification on new Spousal OWP changes on Jan.21

Dear Sir/Madam,

I am writing to seek your guidance regarding the interpretation of the new " Changes to open work permits for family members of temporary residents" effective January 21, 2025, specifically concerning the "Spouses or common-law partners of high-skilled workers who are not on a pathway to permanent residence"
As per the information on the official website
https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/permit/temporary/open-work-permit-spouses-dependent-children/apply.html#high-skilled-spouse ,
it is stated that proof is required to demonstrate that the principal applicant "is or **will be**" working. However, the requirement for "**will be working**" is unclear.

I have a case where the principal applicant (holding a PGWP - in Canada) has received a promise of employment in TEER 1, with the employment set to begin in two months, but they have not yet started working.
Could you please clarify what supporting documentation would be acceptable in this situation?
Would a formal job offer suffice as proof, or should the principal applicant begin their employment before the spouse can apply for an open work permit?

Your guidance would be greatly appreciated.
[redacted] and assistance.

Sincerely,