Immigration, Refugees and Citizenship Canada / Immigration, Réfugiés et Citoyenneté Canada
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Archived: June 2, 2025 11:37:51 AM
From: Immigration Representatives / Représentants immigration (IRCC)
Sent: Wed, 5 Mar 2025 20:20:38
To:
Cc: Immigration Representatives / Représentants immigration (IRCC)
Subject: FW: Clarification on Spouses of Workers Under Free-Trade Agreements: SOWP - REP-2025-0301 - Due 27-Feb-25
Importance: Normal
Sensitivity: None

Hello

[redacted] correspondence to Immigration, Refugees and Citizenship Canada's Immigration Representatives mailbox. We appreciate your patience.

Note that this service provides guidance and not case-specific advice.

Please find the answers to your questions below:

Questions

1. 1. **FTA Spouses**: Does this exemption refer exclusively to the spouses of workers who are specifically covered under FTAs that allow spousal work permits (e.g., Colombia T25, Korea F36, CETA T45, CPTPP T53), or does it also apply to the spouses of any *worker who holds a work permit under a free-trade agreement*, regardless of any FTA's spousal provisions (i.e. CUSMA)?
2. 2. **Eligibility for Spousal Open Work Permits**: In particular, if the primary worker is covered by an FTA that does not explicitly have a provision for spouses, such as CUSMA T36 University Teacher (NOC 41200) and the primary worker holds a LMIA-Exempt [R204(a) – T36] work permit valid for 12 months, does this mean the spouse remains eligible for a spousal open work permit and will not be impacted by these changes?

Responses

If the spouse is covered by a Free Trade Agreement (FTA) , they are subject to the requirements outlined in the relevant FTA.

The spousal work permit can be issued to the same validity as the PA regardless of the length of validity.

Those who are not covered under their FTA are subject to the new requirements including the 16 months rules. 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) – [C41]

For more information, please consult the following webpages:

International Mobility Program: International free trade agreements - Canada.ca

We hope this information is of assistance. Do not hesitate to reach out again if you required further clarification.

Sincerely,

Immigration, Refugees and Citizenship Canada / Immigration, Réfugiés et Citoyenneté Canada
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Immigration Representatives Mailbox

De :
Envoyé : 29 janvier 2025 14:17
À : Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-Representantsimmigration. [redacted]
Objet : Clarification on Spouses of Workers Under Free-Trade Agreements: SOWP

[redacted]

UBC is seeking clarification on the recent policy change as outlined in the IRCC notice, specifically regarding the statement: *"Spouses of workers covered by free-trade agreements and those transitioning to permanent residence will not be impacted by these changes."*

From the information provided, we understand that the IRCC LMIA-Exemption Code website page [under R204(a) Canada-international exemption codes] specifies which FTAs explicitly cover work permits for spouses and common-law partners of workers, and that other FTA's, such as CUSMA does not include such coverage.

Could you please clarify:

1. 1. **FTA Spouses**: Does this exemption refer exclusively to the spouses of workers who are specifically covered under FTAs that allow spousal work permits (e.g., Colombia T25, Korea F36, CETA T45, CPTPP T53), or does it also apply to the spouses of any *worker who holds a work permit under a free-trade agreement*, regardless of any FTA's spousal provisions (i.e. CUSMA)?
2. 2. **Eligibility for Spousal Open Work Permits**: In particular, if the primary worker is covered by an FTA that does not explicitly have a provision for spouses, such as CUSMA T36 University Teacher (NOC 41200) and the primary worker holds a LMIA-Exempt [R204(a) – T36] work permit valid for 12 months, does this mean the spouse remains eligible for a spousal open work permit and will not be impacted by these changes?

To summarize, we would appreciate clarification on what **free-trade agreements** IRCC is referring to. Is it all free trade agreements or just the ones with spouses specifically included in the free trade agreements wording? Specifically, if a primary worker held a LMIA-exempt work permit under [R204(a) – T36] valid for 12-months at the time of the spousal open work permit application, would their spouse be impacted by the policy?

We would appreciate any guidance or clarification on these points to ensure we fully understand the scope.

[redacted] and assistance.

Kind Regards,