Immigration, Refugees and Citizenship Canada / Immigration, Réfugiés et Citoyenneté Canada
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Archived: June 2, 2025 11:37:58 AM
From: [redacted] Representatives / Représentants [redacted]
Sent: Wed, 5 Mar 2025 20:34:23
To
Cc: Immigration Representatives / Représentants immigration (IRCC)
Subject: FW: Inquiry: Open Work Permits for Spouses of TFWs under Free Trade Agreements - REP-2025-0332 - Due 28-Feb-25
Importance: Normal
Sensitivity: None

Hello [redacted]

[redacted] 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:

Question

Does this exception to the new rules only apply where there is an LMIA Exemption code for spouses under an FTA, or does it also apply where there is no specific LMIA Exemption code but the principal TFW's work permit is issued under an FTA. For example, T25 is the exemption code for spouses of workers under the Canada Colombia Free Trade Agreement. We understand that the spouse of a CCOFTA work permit holder would therefore not be captured by the new rules and would use the coding T25 for their open spousal work permit. However for the spouse of a CUSMA work permit holder, there is no specific exemption code and we must therefore use the general code C41. Does this mean that the spouse of a CUSMA work permit holder is subject to the new rules?

Response

If the spouse is covered by a Free Trade Agreement (FTA) , they are subject to the requirements outlined in the relevant FTA.
For example, the spousal work permit would be issued to the same validity as the PA's document 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 : 30 janvier 2025 18:57
À : Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC[redacted]
Cc : [redacted]
Objet : Inquiry: Open Work Permits for Spouses of TFWs under Free Trade Agreements

Hello,

The changes to open work permits for family members of temporary residents, implemented January 21, 2025, indicates the following exception to the new rules:

> Spouses of workers covered by free-trade agreements and those transitioning to permanent residence will not be impacted by these changes. Family members who will no longer qualify for a family OWP can apply for any type of work permit they are eligible for under Canada's work permit programs.
>
> *Source:* Changes to open work permits for family members of temporary residents - Canada.ca

Question:

Does this exception to the new rules only apply where there is an LMIA Exemption code for spouses under an FTA, or does it also apply where there is no specific LMIA Exemption code but the principal TFW's work permit is issued under an [redacted] T25 is the exemption code for spouses of workers under the Canada Colombia Free Trade Agreement. We understand that the spouse of a CCOFTA work permit holder would therefore not be captured by the new rules and would use the coding T25 for their open spousal work permit. However for the spouse of a CUSMA work permit holder, there is no specific exemption code and we must therefore use the general code C41. Does this mean that the spouse of a CUSMA work permit holder is subject to the new rules?

Regards,

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