s.19(1)

Immigration, Refugees and Citizenship Canada / Immigration, Réfugiés et Citoyenneté Canada
Information disclosed under the Access to Information Act
L'information divulguée en vertu de la loi sur l'accès à l'information

Archived: June 2, 2025 11:38:26 AM
From: Immigration Representatives / Représentants immigration (IRCC)
Sent: Fri, 7 Mar 2025 20:22:02
To:
Cc: Immigration Representatives / Représentants immigration (IRCC)
Subject: FW: Clarification on Open Work Permit Eligibility for Spouse of Self-Employed PGWP Holder - REP-2025-0274 - Due 25-Feb-25
Importance: Normal
Sensitivity: None

Good day,

[redacted] Immigration Representatives mail[redacted]. Please find below our response to your question.

Question:

I am writing to seek clarification regarding the eligibility of spouses of Post-Graduation Work Permit (PGWP) holders for an open work permit. Specifically, my query pertains to cases where the PGWP holder is **self-employed** in an occupation classified under **TEER 0 or 1**, or an eligible occupation in **TEER 2 or 3**, of the National Occupational Classification (NOC) system. According to the updated eligibility criteria published by IRCC (as of January 21, 2025), spouses or common-law partners of high-skilled workers may apply for an open work permit if the principal applicant meets the following conditions:

[redacted]

- * Is employed or holds a job offer in a high-skilled occupation classified under TEER 0 or 1 (or an eligible occupation in TEER 2 or 3).

However, I have noticed that the guidelines do not explicitly address whether **self-employed PGWP holders** working in the above-mentioned TEER occupations can support their spouse's application for an open work permit.
Could you kindly confirm whether self-employment in such occupations qualifies as "employment" under IRCC's criteria for spousal open work permits? If additional documentation or eligibility requirements apply in this context, I would greatly appreciate your guidance.

Response:

Setting aside the PGWP element, as this is a broader issue of whether spouses of self-employed who have an open work permit (NOC 0 or 1 or select TEER 2 or 3 occupations) are considered to be eligible to apply under the temporary measure, to respond to your question: Yes, spouses or common-law partners may be eligible to apply for an open work permit under the administrative code C41 if the applicant/spouse can provide proof that the principal foreign worker (open work permit holder) is **genuinely** self-employed in an eligible NOC.

Self-employed is a person who works for themselves as the owner of a business and rarely hires people outside of their family members. While the self-employed person manages the business as the owner, they usually also conduct the operational work of an employee, unlike an entrepreneur, who will hire employees to carry out the activities of the business while they manage it.

Documentary evidence may include: proof that the principal applicant is working the duties of the [redacted] example: if the self-employed is an industrial designer (TEER 2- 22211), the spouse's application should include proof that the principal applicant is performing the main duties described in the NOC. In addition, they should provide supporting documentation that shows the degree of ownership of the business, proof of business funds that established the business. The officer must be satisfied that the self-employed has taken some measure to put the business plan into action (evidence of having the financial ability to begin the business and pay expenditures, renting space, having a staffing plan, obtaining a business number, showing ownership documents or agreements, etc.).

Immigration, Refugees and Citizenship Canada / Immigration, Réfugiés et Citoyenneté Canada
Information disclosed under the Access to Information Act
L'information divulguée en vertu de la loi sur l'accès à l'information

s.19(1)

Additional guidance will be included in the following instructions: the 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] (for applications received on or after January 21, 2025 and in the client instructions Open work permits for family members of foreign workers: Who can apply.

Best regards,

De :
Envoyé : 27 janvier 2025 17:22
À : Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-Representantsimmigration.[redacted]
Objet : Clarification on Open Work Permit Eligibility for Spouse of Self-Employed PGWP Holder

[redacted] Refugees and Citizenship Canada (IRCC),

I hope this email finds you well.

I am writing to seek clarification regarding the eligibility of spouses of Post-Graduation Work Permit (PGWP) holders for an open work permit. Specifically, my query pertains to cases where the PGWP holder is **self-employed** in an occupation classified under **TEER 0 or 1**, or an eligible occupation in **TEER 2 or 3**, of the National Occupational Classification (NOC) system.

According to the updated eligibility criteria published by IRCC (as of January 21, 2025), spouses or common-law partners of high-skilled workers may apply for an open work permit if the principal applicant meets the following conditions:

- * Holds a valid PGWP or work permit with at least 16 months of validity at the time of the spouse's application; and
- * Is employed or holds a job offer in a high-skilled occupation classified under TEER 0 or 1 (or an eligible occupation in TEER 2 or 3).

However, I have noticed that the guidelines do not explicitly address whether **self-employed PGWP holders** working in the above-mentioned TEER occupations can support their spouse's application for an open work permit.

Could you kindly confirm whether self-employment in such occupations qualifies as "employment" under IRCC's criteria for spousal open work permits? If additional documentation or eligibility requirements apply in this context, I would greatly appreciate your guidance.

Thank you in advance for your assistance. I look forward to your response.

Best regards,

Page 806

is withheld pursuant to section

est retenue en vertu de l'article

19(1)

of the Access to Information Act

de la Loi sur l'acces a l'information