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Archived: June 2, 2025 11:45:42 AM
From: Représentants
Sent: Mon, 10 Mar 2025 19:54:58
To:
Cc: Immigration Representatives / Représentants immigration (IRCC)
Subject: FW: Clarification on new Family Open Work Permits - REP-2025-0198- Due 17-Feb-25
Importance: Normal
Sensitivity: None

Hello,

Please see our response to your question.

Question:

The new guidelines indicate "the foreign worker must also have at least 16 months remaining on their work permit at the time when their spouse applies for the OWP".

Question 1: where an accompanying spouse is applying for their open work permit at the same time as the [redacted] issued a work permit for less than 16 months, is the spouse still eligible for an OWP?

Question 2: where an accompanying spouse is applying for their open work permit at the same time as the [redacted] issued a work permit for less than 16 months, is the spouse still eligible for an OWP, if the work permit is requested for both applicants for a duration of longer than 16 months? Example: principal applicant has a [redacted] nis made for 3 years.

Response:

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

With regards to your questions, significant changes have been made in respect to work permit access for **family members of temporary foreign workers**, in order to recalibrate the International Mobility Program to better align with economic objectives, labour market conditions, and community capacity.

These changes include

- * rolling back work permit access for spouses of low-skilled foreign workers and dependents of all foreign workers,
- * limiting eligibility to spouses of foreign workers in management/professional occupation or jobs linked to a critical sector or government priorities, where the worker's authorization is valid for at least **16 months** from the time of the spouse's application submission.
- * **For in-Canada applicants only:** applications received by IRCC on or after January 21, 2025, from family members of foreign workers applying for a work permit renewal with a requested duration that aligns with the principal foreign national's existing work authorization. For example, if the spouse received a shorter work permit [redacted]

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As of **January 21, 2025, 5:00 A.M. UTC** only spouses and common-law partners of foreign workers who meet the following criteria will be eligible for an open work permit under the administrative code C41.

The principal foreign national must:

- * Be employed or will be employed in either:
  - * any high-skilled occupation at the TEER category **0 or 1 of the NOC** at the time the spouse or common-law partner submits their application**, or**
  - * a select high-skilled occupation at the **TEER category 2 or category 3** of the NOC, **related to the natural and applied sciences, construction, health care, natural resources, education, sports, and military sectors**, at the time the spouse or common-law partner submits their application (See Annex A); and
- * have a valid work permit or work authorization of at least **16 months** at the time the spousal work permit application is received.

As such, the spouse in both scenarios will not be eligible to apply for an OWP because the principal applicant's work permit validity or work authorization **is less than 16 months**.

Please visit our website for more information on Program delivery update: Public policy, competitiveness or economy [R205(c)(ii) – C41, C46, C47, C48, C49] – Canadian interest – International Mobility Program - Canada.ca.

We hope this information is of assistance.

[redacted]

The Immigration Representatives Mailbox

De :
Envoyé : 20 janvier 2025 11:04
À : Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-[redacted]
Objet : Clarification on new Family Open Work Permits

[redacted]

I am a lawyer in good standing with the Law Society of Ontario

The new guidelines indicate "the foreign worker must also have at least 16 months remaining on their work permit at the time when their spouse applies for the OWP".

Question 1: where an accompanying spouse is applying for their open work permit at the same time as the principal [redacted] and will [redacted] work permit for less than 16 months, is the spouse still eligible for an OWP?

Question 2: where an accompanying spouse is applying for their open work permit at the same time as the principal [redacted] and will [redacted] work permit for less than 16 months, is the spouse still eligible for an OWP, if the work permit is requested for both applicants for a [redacted] from [redacted] application. In the application, the request for work permit duration nis made for 3 years.

Thank you in advance for your assistance.

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Kind regards,