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Archived: June 3, 2025 8:06:16 AM
From: [redacted] Representatives / Représentants [redacted] (I[redacted]
Sent: Thu, 3 Apr 2025 14:38:52
To:
Cc: [redacted] Representatives / Représentants [redacted]
Subject: FW: Policy Clarification - Open Work Permits for Spouses of Provincial Nominees - REP-2025-0600 - Due 19-03-2025
Importance: Normal
Sensitivity: None

Good day,

[redacted] **Representatives Mailbox.**

Please note that this mailbox is intended for general guidance and does not provide responses to case-specific inquiries but have provided the following information as guidance. If you have case specific questions about a file, you are encouraged to submit the IRCC Web form.

Please see our response to your question.

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If at the time of decision on the family member application, the principal applicant's restoration application is still pending, then the family member would not be eligible for an open work permit. The family member should wait for the principal applicant's restoration application to be assessed first before submitting an application for an open work permit.

For the dependent family member to be eligible under subparagraph R205(c)(ii) (administrative codes C41 or C4) the principal foreign national must, at the time of decision on the family member application, meet all of the following requirements.
The principal foreign national must:

- hold a valid work permit or are approved for a work permit (employer-specific or open work permit under a non-family member work permit category).
- hold a work permit valid in Canada for at least 6 months after reception of the family member's open work permit application.
- live and work in Canada or you plan to live and work in Canada
- Hold a work permit that was issued or approved because they applied for an economic class permanent residence program or pilot.

For more information, please consult the following webpages:

- You're a temporary foreign worker who applied for permanent residence through one of the eligible economic immigration programs or pilots
- Open work permits for family members of foreign workers: Who can apply - Canada.ca
- Family members of foreign nationals authorized to work in high-skilled occupations (TEER 0, 1, 2 or 3) – [R205(c)(ii) – C41 and C46] – Canadian interest – International Mobility Program (IMP) - Canada.ca
- Restore your status and get a work permit - Canada.ca

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[redacted] s.19(1)

The Immigration Representatives Mailbox

From:
Sent: [redacted] 19, 2025 6:04 PM
To: Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC/@[redacted]
Cc: Immigration Representatives / Représentants immigration (IRCC) <IRCC[redacted]atives-[redacted]IRCC[redacted]
Subject: Policy Clarification - Open Work Permits for Spouses of Provincial Nominees

[redacted]

We request policy clarification regarding the eligibility of spouses of Provincial Nominees to apply for an open work permit (LMIA exemption code C41) in situations where the Provincial Nominee (principal foreign national) has applied for restoration of status under LMIA exemption code T13.

The eligibility requirements outlined in IRCC's published instructions (https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/foreign-workers/public-policy-competitiveness-economy/c41-c46.html) provide that:

> "For the dependent family member to be eligible under subparagraph R205(c)(ii), administrative codes C41 or C46, the principal foreign national must, **at the time of decision** on the family member application, meet all of the following requirements:
>
> - The principal foreign national must be authorized to work in Canada by reason of either a valid work permit or provisional approval (that the letter of introduction has been issued)… **and**
> - be authorized (that the work permit issued or authorized to work under R186) or be provisionally approved (that the letter of introduction was issued) to work in Canada for a period of at least 6 months or longer **after the receipt date** of the family member's open work permit application. For example, if the open work permit application was submitted on March 1, 2024, the principal foreign national's work authorization must be valid until September 1, 2024 (6 months)."

Question: Would the spouse of a Provincial Nominee be eligible to apply for a C41 open work permit while the Provincial Nominee's restoration application is still pending a decision?

We appreciate your guidance on this matter.

Sincerely,