Immigration, Refugees and Citizenship Canada | Immigration, Réfugiés et Citoyenneté Canada
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Archived: June 2, 2025 10:04:57 AM
From: Immigration Representatives / Représentants immigration (IRCC)
Sent: Mon, 13 Jan 2025 18:30:00
To:
Cc [redacted] Representatives / Représentants immigration (IRCC)
Subject: TR: Policy Clarification on CEC Eligibility for Clinical Fellowship Work Experience - REP-2025-0004 - Due 29-Jan-25
Importance: Normal
Sensitivity: None

Good day,

[redacted] **Immigration Representatives Mailbox**

Please note that this mailbox is intended for general guidance and does not provide responses to case-specific inquiries. 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.

Question:

1. 1. Work performed during such fellowships in Canada, under valid work permits, would qualify as **Canadian work experience under CEC**, particularly when remuneration is paid:
   a. Entirely by foreign sources (Scenario A).
   b. By private, non-tax-funded Canadian sources (Scenario B).
2. 2. The absence of Canadian tax documents (e.g., T4 slips) impacts the assessment of whether such experience qualifies as "paid work."

Answer:

A foreign national who holds a work permit under LMIA-exemption code C45 for a one-year post-doctoral medical fellowship is working. Under the International Mobility Program which covers C45, the foreign national is part of the Canadian labour force despite the lack of a Labour Market Impact Assessment.

For a fellowship position which is foreign funded , i.e. no Canadian employer is paying them, they do not enter the Canadian labour market, therefore this experience would not constitute Canadian work experience. Additionally, as the foreign worker would need to comply with all requirements of the fellowship and return to their home country as required upon completion of the fellowship, this may raise concerns regarding their intent to become a permanent resident of Canada.

Work is defined in Section 73(2) of the Immigration and Refugee Protection Regulations as follows: Despite the definition work in section 2, for the purposes of this Division, work means an activity for which wages are paid or commission is earned.

While a fellowship may be considered work for the purposes of their work permit, please note that if they are receiving a stipend or allowance, where the primary purpose is to cover expenses, this would not generally be considered wages (and therefore the work would not count for permanent residence).

The candidate could be eligible for points for Canadian work experience if the candidate meets the requirements under section 15 of the Ministerial Instructions respecting the Express Entry system. Section 15(7)(a) of the same Ministerial Instructions would preclude any time during which the candidate was engaged in full time studies.

Please be advised that the assessment of an application is based on a case-by-case basis; each application will be considered on its own merits, with a final decision based on a review of all the information available to the officer at the time of decision. The onus is always on the applicant to provide sufficient documentation to satisfy an officer that they meet the requirements.

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We trust that this information will assist you.

Sincerely,

The Immigration Representatives Mailbox

De :
Envoyé : 1 janvier 2025 22:31
[redacted]
Objet : Re: Policy Clarification on CEC Eligibility for Clinical Fellowship Work Experience

This is a follow up. We have note received the response which is beyond 20 days.

Sent from my iPhone

On 22 Nov 2024, at 20:25, wrote:

Name:
License

[redacted]

I am writing to request clarification on a policy question regarding eligibility for clinical fellowship work experience in Canada under the **Canadian Experience Class (CEC)**.

I have reviewed Federal Court cases and found no such case law clarifying the exclusion or inclusion of such experience.

Scenario:

Many foreign medical professionals, such as doctors, come to Canada for clinical fellowships to specialize in their respective fields. These fellowships often result in certificates granted by university-affiliated hospitals such as UBC or McGill, and the fellows obtain relevant experience letters. This work is typically performed under a **University-specific work permit** (e.g., authorized under **R205(c)(ii) – C45**), not under a study permit.

Fellows also obtain the required licenses from provincial bodies to practice patient care during their fellowship, and their work is aligned with TEER 0 or 1 occupations under NOC (e.g., NOC 31301 - Specialist Physicians).

However, remuneration for these fellowships often originates from foreign institutions. For instance:

1. 1. **Scenario A:** The wage is paid entirely by the fellow's home institution (e.g., a foreign hospital or university).
2. 2. **Scenario B:** The wage is paid by private (non-tax-funded) Canadian sources, such as stipends or grants administered by the host university in Canada.

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Key Question:
Under the **CEC eligibility criteria**, work experience must be paid, authorized, and aligned with the required TEER categories. However, the CEC Ministerial Instructions and IRPR do not explicitly state whether the **source of remuneration** (foreign vs. Canadian) affects eligibility.

Could you confirm whether:

1. 1. Work performed during such fellowships in Canada, under valid work permits, would qualify as **Canadian work experience under CEC**, particularly when remuneration is paid:
   a. Entirely by foreign sources (Scenario A).
   b. By private, non-tax-funded Canadian sources (Scenario B).
2. 2. The absence of Canadian tax documents (e.g., T4 slips) impacts the assessment of whether such experience qualifies as "paid work."

Context:
This clarification is essential for foreign nationals considering clinical fellowships as a pathway to permanent residence under CEC, particularly given the ambiguity regarding remuneration and documentation requirements.

[redacted] to this matter. I appreciate your guidance and look forward to hearing back from you.

Regards,