



Thora Sigurdson

Q&A

Q: Employers need to align their international recruitment strategy with their overall business plan. What should they keep in mind from an immigration perspective?

ASK A LAWYER

A: Begin by asking yourself, "When do I need the person to start work?" If the candidate is not a Canadian citizen or permanent resident, he or she will need a temporary work permit to become employed in Canada. The overall process could take one day; it could take several months. The matter of 'when' you can obtain the necessary approvals will most certainly affect your business plan. Consider:

1. Do you need a Labour Market Opinion (LMO)? An LMO is Service Canada's opinion that the candidate will not negatively affect employment opportunities for Canadians. However, the Immigration and Refugee Protection Act, NAFTA and other treaties exempt certain positions from the LMO requirement, including intra-company transferees, business visitors and NAFTA professionals. If the position is not LMO-exempt, the employer must advertise the position in the prescribed manner and then - if no qualified Canadian applies - submit an application for an LMO. Currently, it takes approximately six to eight weeks to advertise the position, screen responses, submit the application and receive a response from the agency.
2. Does the candidate require a medical examination? If the employment candidate will be working with children or in the health-care sector, or has spent more than six consecutive months in the past year in a country that Immigration has identified as having potential health concerns, the candidate must pass an immigration medical. While it varies between regions, it typically takes from two to six months for Health Canada to assess and approve a medical examination.
3. Where can the candidate apply for the work permit? It depends on the candidate's nationality, and whether an LMO is required. In some cases, the application may be made to the immigration officer at the Port of Entry upon arrival. If the paperwork is in order and there are no issues of inadmissibility, these are usually processed on the spot. If the application must be made at a Canadian visa office abroad, processing times vary dramatically: anywhere from one day to several months.

Your recruitment strategy should complement your business plan. Contemplate your staffing needs early, focus your recruitment initiative on countries whose citizens can obtain work permits in the time frame that meets the company's needs, and seek legal advice to ensure your recruitment strategy is appropriate.

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