



# RECRUITING INTERNATIONAL WORKERS

A Guide for Canadian Restaurateurs



# MESSAGE FROM RICHARD ALEXANDER

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At Restaurants Canada, we understand how complex and frustrating it can be to navigate the Canadian immigration system. At the same time, it has become increasingly necessary for our members to understand how the system works in order to grow their business.

We are facing growing labour shortages in the food service industry. Today, restaurants have the highest job vacancy rate in the country accounting for one of every six private-sector job openings. This is why food service professionals must often look to our immigration streams for solutions.

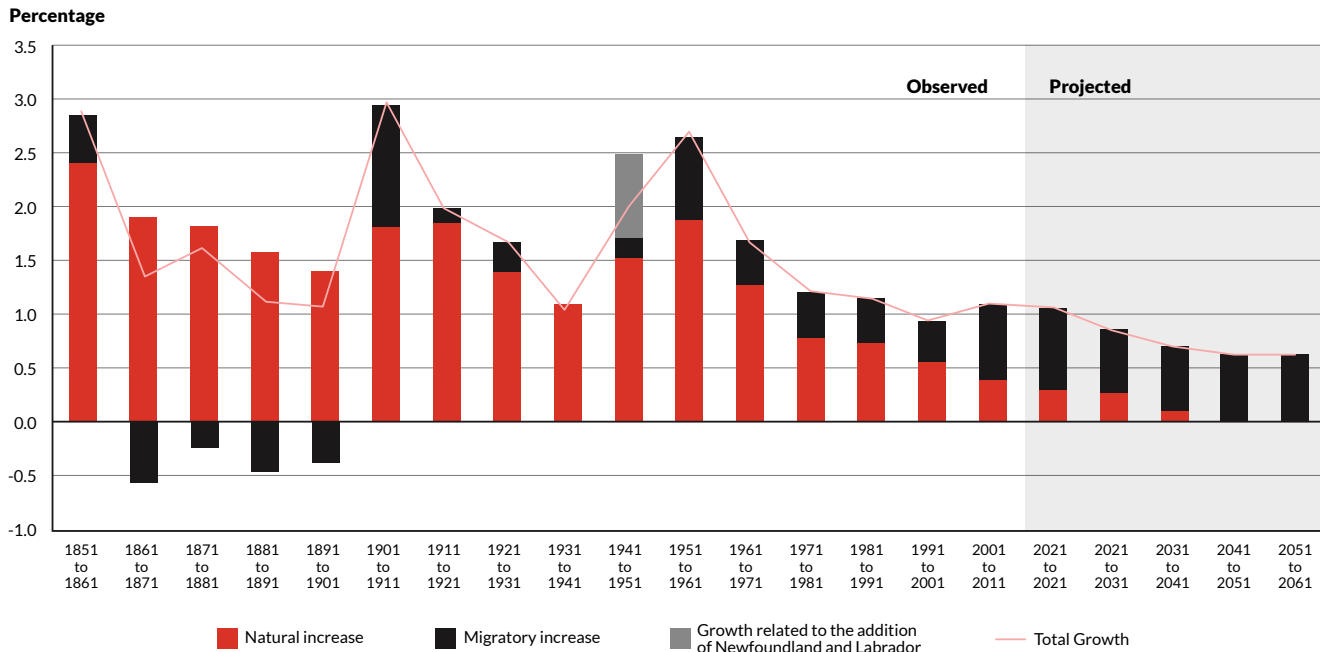
Restaurants have a strong history of employing newcomers to Canada. In fact, half of all Canadian restaurants are run by

people who came here as immigrants. We understand the importance of immigration, this is why we want to help our members better understand its processes.

This toolkit is designed to bring clarity to business owners seeking to make sense of the Canadian immigration system. We hope these tips and options will help streamline your recruitment.

## Canada's Population Growth

Annual average growth rate, natural increase and migratory increase per intercensal period, Canada, 1851 to 2061



Note: Data from 1851 to 2011 is observed and data from 2011 to 2061 is projected.  
Source: Statistics Canada, 2012. "Population growth in Canada: from 1851 to 2061," *Census in Brief*, Census of Population 2011, Catalogue no. 98-310-x



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**This toolkit was made available thanks to work and expertise of our valued member Recipe and their Head of International Recruitment, Amy Nhan.**

**On behalf of all members of Restaurants Canada we thank Amy and Recipe for their willingness to share their internal content with the general Restaurants Canada membership.**



# TYPES OF STATUSES AND PERMITS

## Types of statuses

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### **CITIZENS & PERMANENT RESIDENTS**

- Does not require a permit to work, live or study in Canada.
- Will have a SIN that starts with 1 to 8

### **REFUGEE CLAIMANTS**

- Must apply to an open work permit to work in Canada
- Will have a SIN that starts with 9
- Are able to live in Canada until a decision is made on their claim

### **TEMPORARY RESIDENTS**

- Must have a work permit or study permit to work in Canada
  - Will have a SIN that starts with 9
  - Can have a Visitor Record to live in Canada but not work
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## Types of permits

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### **CLOSED WORK PERMIT**

- Can only work for 1 employer within 1 economic region
- Requires a positive Labour Market Impact Assessment
- Has to work at least 35 hours per week

### **OPEN WORK PERMIT**

- Can work for any employer
- Has subtypes such as Coop, Post-Graduate, Spousal, etc.
- Can work any amount of hours per week

### **OPEN STUDY PERMIT**

- Permit states if they can work off campus or not
  - Has to work 20 hours or less per week while taking classes
  - Can work more than 20 hours per week during scheduled breaks
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# OPEN WORK PERMIT RECRUITMENT

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## **WORKING HOLIDAY**

Program to encourage young adults (ages 18 to 35) from partnered countries to come work in Canada for any employer. This program requires no action by an employer.

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## **FAMILY SPONSORSHIP**

Program that allows the spouse, common-law partner or child of an existing work permit holder to be granted an open work permit with no employer support or open study permit without proof of acceptance. For existing employees to sponsor their family member, the employer would provide employment verification.

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## **HUMANITARIAN**

Program that provides refugee claimants with an open work permit until a decision is made on their PR application through the protected persons grounds. It can take 1-2 years before a decision is made on their case.

Temporary humanitarian programs can be created based on global events. For example, Canada-Ukraine Authorization for Emergency Travel which offered 3 year open work permits to citizens of Ukraine.

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# CLOSED WORK PERMIT RECRUITMENT

<b>PROGRAM</b>	<b>WHAT IS THIS PROGRAM?</b>	<b>EMPLOYER COST PER HIRE</b>	<b>TIME TO HIRE</b>
<b>Temporary Foreign Worker Program</b>	Program for employers sponsor international workers to fill positions while on a Closed Work Permit for 2-3 years	\$4000-\$8000	8-18 months
<b>Mobilité Francophone</b>	Program to encourage French-speaking international workers to live and work outside of Quebec on a Closed Work Permit for 2 years. This program is LMIA exempt using code C16.	\$500-\$2000	3-6 months
<b>International Experience Canada-Young Professionals</b>	Program to encourage young graduates of post-secondary education (diploma, certificate or degree) to work on a Closed Work Permit for 1-2 years. This program is LMIA exempt using code C21.	\$500-\$2000	3-6 months
<b>Atlantic Immigration Program</b>	Program that allows candidates looking to work and live in NB, NL, NS or PEI to apply for PR and receive a Closed Work Permit for 1 year. This program is LMIA exempt but there are requirements for the employer, the position and candidate.	\$250-\$1500	8-18 months
<b>Canada-Peru &amp; Canada-Colombia Free Trade Agreements</b>	Program that allows citizens of Peru and Colombia to work in Canada as Chefs (NOC 62200) on a Closed Work Permit for 2 years. This program is LMIA exempt using code F52 or T25.	\$250-\$1500	6-8 months

# STUDY PERMIT RECRUITMENT

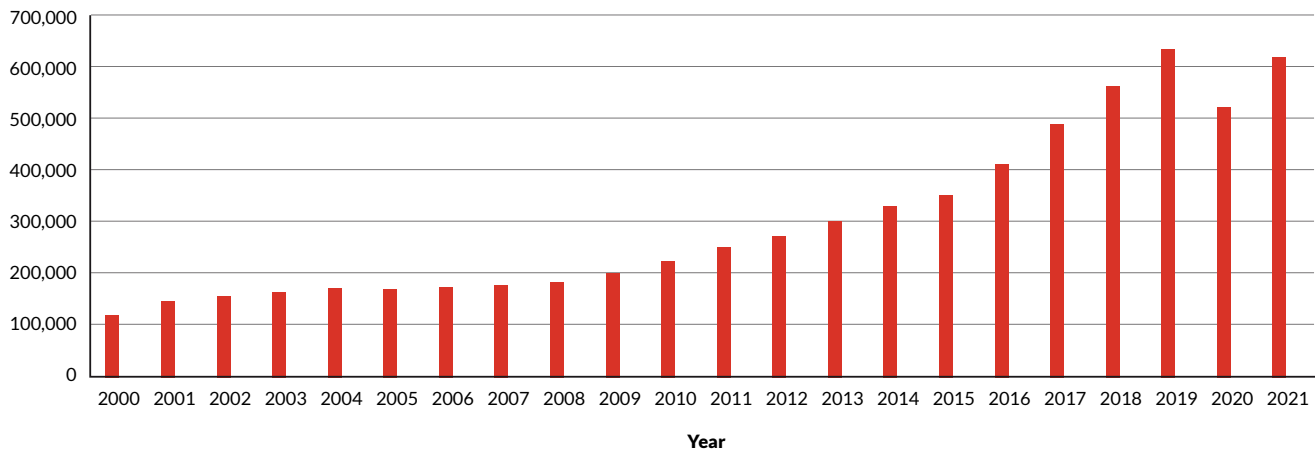
Employees with Study Permits issued before Oct 7, 2022 can work more than 20hrs per week until their Study Permit expires or Dec 31, 2023, whichever is earlier.

Employees with Study Permits issued after Oct 7, 2022:

- If original study permit expires in 2023, they can work over 20 hours off campus until the day it expires.
- If original study permit expires in 2024, they can work up to 40 hours off campus until April 1st, 2024.

## Study permit holders in Canada with a valid permit on December 31<sup>st</sup>, total unique persons, 2000 to 2021

Total unique persons



# PERMIT FLOW CHART

## STUDY PERMIT

### They are graduating within 3 month.

1. Ask your employee for the date they expect to receive their Letter of Completion and gauge their career aspirations.
2. Encourage them to apply for their Post-Graduate Open Work Permit the day they receive their Letter of Completion if they graduated from a designated learning institution.

### They applied for a new status before their Study Permit expired.

1. Obtain their confirmation they applied for a new status update their Implied Status in your records.

## WORK PERMIT

- Check the Government of Canada Newsroom to see if an extension has been announced.

### They have an Open or Closed Work Permit expiring within 6 months and want to apply for a Closed Work Permit.

#### Consider the following:

- Is the employee a high performer and you'd like to retain their employment?
- Decide if you'd like to use an immigration consultant or not.
- Can you afford the costs for an LMIA application, recruitment fee and possible consultant fees?
- Can you and the employee meet the conditions for a minor modification

### They have an Open or Closed Work Permit expiring within 6 months and they want to apply for Permanent Residence.

#### Does the employee meet the requirements for any immigration programs for permanent residency?

If their points are not high enough, consider supporting them by:

- Filling out the Employer Form if the employee meets Provincial Nominee Program requirements
- Helping to improve their Canadian Language Benchmark
- Submitting a Permanent Residence LMIA



# PILOT PROGRAMS

Programs IRCC created temporarily to help address labour shortages.

PROGRAM	WHAT IS THIS PROGRAM?	START	END
<b>Rural and Northern Immigration Pilot</b>	<p>Program to encourage immigration to 11 rural communities in AB, BC, MB, ON and SK by offering PR status to candidates who meet the IRCC and community requirements.</p> <p>Employers must also meet federal eligibility and complete mandatory training.</p> <p>Candidates can receive a Closed Work Permit for 1 year while they wait for PR. This program is LMIA exempt using the code C15.</p>	September 1, 2019	July 31, 2024
<b>2024 Recognized Employer Pilot</b>	<p>Program to reduce the administrative burden for repeat TFWP employers who demonstrate a history of complying with program requirements.</p> <p>Food service supervisors, Food counter attendants, cooks and servers are included in the occupations list.</p> <p>Recognized employers can benefit from validity periods of up to 36 months for LMIA applications that receive a positive decision. They can also access a simplified LMIA application when hiring additional workers.</p>	Agriculture: September 2023 All Other Sectors: January 2024	Applications Deadline: Sept 2024 Simplified LMIA Ends Fall 2026

# OUR RECOMMENDATIONS

Given the unique characteristics, challenges, and opportunities of the restaurant industry, as part of the larger tourism sector, the government must introduce immigration policy measures that are targeted and tailored to the sector.

## Primary Restaurants Canada Immigration Recommendation: Revive the Destination Employment Program

In 2018, IRCC introduced the Destination Employment program. This program was designed to help newcomers to Canada gain meaningful employment in hospitality organizations. Through this program, newcomers were able to obtain the experience as well as access industry-specific training courses needed to build a successful future in Canada in their chosen field. Programming included job interview coaching as well as language training specific to working in hospitality.

However, despite early successes, the program was interrupted due to the COVID-19 pandemic and was unable to reach full maturity. Given that the necessary infrastructure exists within IRCC, the department should revive this program and readjust its scope through the lens of post-pandemic recovery as well as the Government's Tourism Growth Strategy.

## Secondary Restaurants Canada Recommendations:

### IMMEDIATE TERM

- Issue permits that allow international students to work for multiple employers.
- It is currently in effect that international students' spouse or common-law partner may be eligible for an open work permit. Issue open work permits to

the spouses and working-age dependents of newly admitted international students.

### SHORT TERM

- Consider opportunities to remove the need for a Labour Market Impact Assessment (LMIA). If not completely removed, the cost of an LMIA should be reduced.
- Provide targeted funding for resettlement services that support newcomers working in hospitality.
- Conduct an end-to-end assessment of application processes to identify the steps that should be digitalized in the short term.
- Develop a roadmap to full digitalization of immigration processes.

### MEDIUM TERM

- Organize in-person job fairs to connect hospitality employers with foreign nationals that are in Canada on a temporary basis (e.g., international students, TFWP participants).
- Engage with hospitality stakeholders to develop Canada's immigration targets for 2025-2027.
- Build into the 2025-2027 immigration targets an automatic PNP level top up for spots dedicated to tourism occupations.

### LONG TERM

- Complete the full digitalization of immigration processes by 2025.



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