



Hiring a Foreign Worker in Canada

October 2007

Can't find a person with the right skills and experience for a job you need to fill?

Have you considered hiring a foreign worker and bringing them to Canada?

Is this a realistic option for your company?

This guide has been prepared to help you understand the options that may exist to hire a foreign worker. It will also help you to navigate the options and relevant applications processes that might work for you - once you have identified the right candidate.

If there are questions you have that are not answered in this booklet, please call the Nova Scotia Office of Immigration at (902) 424-5230, or Service Canada at (902) 426-2625, or refer to the Citizenship and Immigration Canada web site: <http://www.cic.gc.ca/english/work/employers/hire-how.asp>.

Is hiring a foreign worker a good option for your company?

Hiring a foreign worker is not an option you should consider until you have made a significant effort to recruit a Canadian citizen or an immigrant who is already a permanent resident (formerly known as a landed immigrant) in Canada.

It only makes sense. Somebody already living in Canada, or better still, in Nova Scotia, is going to be able to adjust to living and working in this province.

In some circumstances, the federal government requires the employer to demonstrate the efforts that have been made to recruit a suitably qualified person from within Canada. Employers may also be required to request a 'labour market opinion' (LMO) from the federal government to determine the availability of qualified Canadian citizens or permanent residents to fill the position.

Bringing Foreign Workers to Nova Scotia: What are the Options?

Once you are satisfied that your employment need cannot be filled from within Canada, what options exist to bring a foreign worker to fill that need?

If you are looking to hire a person for a permanent position, then the Nova Scotia Nominee (NSNP) program may be the best option to pursue. If there is urgency to getting the person on the job quickly, then while the NSNP process is being followed, you should apply for a federal TWP as a temporary measure to get your intended employee candidate legally into Canada to work.

If your need for a foreign worker is temporary or for a specific period only, then the federal Temporary Foreign Worker Program (TFWP) is an option to pursue. The TFWP allows a foreign worker to live and work in Canada for a specific period of time. This program is administered by Service Canada through offices in every province.

What is NSNP?

It is a cooperative program of the Governments of Canada and Nova Scotia, which enables the Province to recruit and select immigrants who meet the labour market and economic needs of Nova Scotia. A person who is "nominated" or recommended by Nova Scotia through this program is eligible to apply for a permanent resident visa at a Canadian visa office under the Provincial Nominee Class.

It should be noted that with both the NSNP and the TFWP, it is the responsibility of the employer to recruit and identify potential employee candidates. The NSNP and TFWP are processes that can be used by employers to bring potential foreign employees legally to Canada, either temporarily or permanently.

Is your company, and are you as an employer, ready and able to accommodate someone joining you from a different culture, background and environment?

Working and living in a different country, a different culture, a different environment and possibly a different language poses quite a challenge.

How welcoming an environment would a foreign worker find at your company?

What support mechanisms are available to assist this new employee and his or her family to adjust to life in Nova Scotia? Remember, in addition to learning the new job, the new employee must adjust to the life, culture and climate of Nova Scotia. If this person or family is coming with no friends or family nearby, then it falls on the employer to be sure that needed support will be there.

If you are not sure about these sorts of considerations, you may wish to seek the advice and assistance of immigrant settlement organizations such as the Metropolitan Immigrant Settlement Association (MISA) in Halifax Regional Municipality, your own industry association or cultural community associations of the ethnicity of the prospective employee. Talking to other employers who have introduced foreign workers to their companies can also be of assistance.

How do These Programs Work?

Nova Scotia Nominee Program (NSNP)

If the employee is being recruited for a full time employment opportunity, the Skilled Worker Category of the NSNP is the most efficient option by which they can immigrate to Nova Scotia. The NSNP is an application for permanent residency to Canada, and therefore is a lengthy process.

The NSNP Skilled Worker stream helps employers hire workers whose skills may be in limited supply in the province. Often, employers are unable to find Canadian citizens or permanent residents with the needed skills. The stream helps employers recruit and retain immigrant workers with the required skills for these positions.

The stream is employer driven. The Skilled Worker must have a guaranteed, full-time permanent job offer in Nova Scotia from an employer before submitting an application to the NSNP. The NSNP will only consider certain types of jobs and occupations to approve for nomination. Applications are assessed on a case-by-case basis. Priority will be given to Skilled Workers whose employers:

- have made a genuine effort to recruit qualified Canadian citizens or permanent residents.
- can demonstrate that they will provide additional supports to assist newcomers with their settlement needs.
- have an acceptable strategy to recruit and retain immigrant workers in Nova Scotia.

To determine eligibility through the NSNP, an applicant must be able to meet each of the criteria established by the Nova Scotia Office of Immigration, which administers the program, for acceptance as a Skilled Worker.

Prior to making an offer, the employer should also determine whether the candidate is likely to be able to meet the criteria established by Citizenship and Immigration Canada for achieving permanent residency in Canada.

Please note that under the NSNP, the employer may offer the full-time job; however, the employee must submit a complete application package to the NSNP for approval. The employer will normally assist the applicant and his or her family with the process as well as with their coming to Nova Scotia.

The process that must be followed is clearly set out in the [Nova Scotia Nominee Program Skilled Worker Application Guide](#). It is available from the Nova Scotia Office of Immigration (or on the web at http://www.novascotiainmigration.com/nsnp/nominee/skilled_worker.html). Two other essential documents available on the same site are:

Form NSNP 100 - [Nova Scotia Nominee Program Skilled Worker Application Form](#), and

Form NSNP 200 - [Nova Scotia Nominee Program Skilled Worker - Employer Application Form](#)

Application is made through the Nova Scotia Office of Immigration, which is located at 1741 Brunswick Street, Suite 110A, Halifax, Nova Scotia. Telephone: (902) 424-5230, or toll free in Nova Scotia: 1-877-292-9597. Fax: (902) 424-7936. Email: nsnp@gov.ns.ca.

Temporary Foreign Worker Program (TFWP)

If an employee is to be brought to Nova Scotia for a specified temporary period of time, the Federal Government's TFWP is the process to use. This process may also be used to gain entry to Nova Scotia to begin work while the NSNP process is being completed.

The TFWP process is administered by Service Canada. There are four steps to this process. (Note: Details of the TFWP can be found in the Government of Canada document called How to Hire a Temporary Foreign Worker (TFW) at <http://www.cic.gc.ca/english/resources/publications/tfw-guide.asp>.

These four steps are:

1. Do you require a Labour Market Opinion (LMO)? This is an official judgment made by appropriate federal government officials that determines whether there are in fact Canadians or legal residents of Canada available to fill the position. If there is uncertainty to this fact, the employer must complete forms to request that a LMO be sought. If this is the case, then the employer must proceed to step 2: applying for an LMO.
2. If an LMO is required, the employer must complete an Application for a LMO. If the LMO determines that the hiring of a foreign worker for this particular position will not negatively affect job opportunities in Canada, then the employer will normally receive permission in writing to proceed with the hiring of the foreign worker under the TFWP.
3. Once the LMO process has determined the need for a foreign worker to fill the designated position, you should provide a copy of the LMO confirmation letter to your proposed foreign worker and have him/her apply for a temporary work permit to enter Canada.
4. Having successfully completed this process, the foreign worker will receive a letter explaining eligibility for a work permit, which they present to the Canadian Border Services Officer at their Point of Entry to Canada. On entry, the prospective employee will be required to present:
 - a. A passport or travel document that is valid from the country from which they are entering Canada;
 - b. A signed job offer and/or employment contract;
 - c. The copy of the authorization letter referred to in #3 above;
 - d. A copy of Service Canada's positive LMO (if applicable);
 - e. Evidence of credentials: education, professional and relevant work experience, if appropriate; and,
 - f. A temporary resident work visa if applicable.

Note:

The applicant may be denied a work permit or entry into Canada at the port of entry if the Border Services officer believes that they do not meet the requirements. Employers should satisfy themselves in advance that the prospective employee has this documentation.

Note:

For more information on this procedure and to download an application form, go to <http://www.cic.gc.ca/english/work/tfw-guide.html>.

The Service Canada Centre in Nova Scotia is located at:

99 Wyse Road, P.O. Box 1350

Dartmouth, NS B2Y 4B9

Phone: (902) 426-7140

Fax: (902) 426-4096

Conclusion

The option of seeking employees from other countries is certainly a viable idea. But, as indicated above, it requires a level of due diligence and commitment beyond that which would be undertaken in recruiting a new employee from within Nova Scotia or Canada. For the prospective employee, it is not just a matter of adjusting to a new job, but to a new country – possibly with quite different cultural, religious and linguistic attributes.

Employers should be prepared to provide support to the new employee as an immigrant coming to a new land, possibly with different language, culture and religion. This is particularly important if the prospective employee from abroad does not have any personal friends or relatives in Nova Scotia who can provide a support network.

Employers and prospective employees should bear in mind that the goal of permanent resident status in Canada can be facilitated through the NSNP. The TFWP will enable the prospective employee to come to Canada while the NSNP process is being completed.

Useful Links

- Nova Scotia Office of Immigration
<http://www.novascotiainmigration.com>
- Citizenship and Immigration Canada Temporary Worker Program
<http://www.cic.gc.ca/english/work/index.html>
- Citizenship and Immigration Canada: Becoming a Canadian Citizen
<http://www.cic.gc.ca/english/faq/citizen-1.html>
- Service Canada
<http://www.servicecanada.gc.ca/>
- Human Resources and Skills Development Canada Assessment for Labour Market Opinion
<http://www.hrsdc.gc.ca/en/epb/lmd/fw/tohrdcassess.shtml>
- Metropolitan Immigrant Settlement Association
<http://www.misa.ns.ca/>
- Aerospace and Defense Human Resources Partnership
<http://www.hrpartnership.ca/>

This guide has been published by the Aerospace and Defense, Human Resources Partnership with the support and cooperation of the Nova Scotia Office of Immigration, and the assistance of the Nova Scotia Division of Service Canada.

October, 2007