

Work permit information for foreign postdoctoral fellows

The information on this page is based on my own personal experience as a postdoc with the Citizenship and Immigration Canada, and should NOT be considered legal advice. Immigration requirements can change substantially over time and the information on this page may become out-dated.

As a general rule, foreign citizens who wish to work in Canada require a [work permit](#). Depending upon your country of citizenship you may also require a [Temporary Resident Visa](#); this is a more complicated issue and is beyond the scope of this article. For most occupations, obtaining a work permit requires the employer to first obtain a [Labor Market Opinion \(LMO\)](#) to ensure that foreign workers are not unfairly displacing Canadian workers and that the pay and conditions for foreign workers is equitable.

Luckily for us, postdoctoral fellows are [generally exempt](#) from the requirement to obtain an LMO, theoretically allowing greater flexibility and streamlining the employment process for both the employer and the employee. In my experience the system works very well, however there are a few things you should know that can help ensure your work permit application is processed smoothly.

- When you receive your job offer, make sure that it specifically states that you are being employed as a postdoctoral fellow. It can also be useful for the offer to state that the position is highly skilled and requires you having submitted or completed your PhD.
- It pays to know your NOC Skill Level and Code prior to preparing your application. The NOC Skill matrix can be found [here](#) and job list can be found [here](#). For example, as a Physiologist with a PhD I am NOC Skill level A, Major Group 21, Code 2121.
- As a worker in NOC Skill Level O, A or B, your spouse/partner/dependent should be eligible to apply for an [open work permit](#), allowing them the flexibility to seek a wide range of employment within Canada. You would typically apply with yourself as the primary applicant and simultaneously prepare their application as a dependent, selecting 'Open Work Permit (OWP)' as the work permit type on their application form. Depending on the nature of the relationship, you may need to produce a marriage certificate, complete a [declaration of common law union](#), and supply supporting documentation.
- A detailed but concise 'Letter of Explanation' can usually be included as supporting information during the application process, and can greatly clarify the details of the LMO exemption, the status of your spouse/partner/dependent, and that they are requesting an open work permit. An example letter very similar to the one I have personally used for work permit application can be found on DPS website.
- The online application with fillable forms is less flexible with respect to filling out certain details, but is almost always faster to process than a paper copy.
- Work permits have an expiry date, after which you are legally required to stop working and leave Canada. As such, you will need to apply for a new permit if you are offered a contract extension or a new contract with another employer. **You should absolutely try to ensure that you apply for a new work permit or work permit extension well before your existing work**

permit expires. If you have submitted an application that is still in-process, and a decision has not been made, and your work permit expires you are allowed to keep working at your existing employer. This is called '[Implied Status](#)', but should not be relied upon. For example, if you leave Canada temporarily you may have difficulty re-entering, and you will lose Implied Status and are not allowed to return to work. Depending on institutional policy, Implied Status can also prevent you from being paid.

- In Nova Scotia, having a work permit valid for at least 12 months is an absolute requirement for initially qualifying for provincial health insurance (MSI). After this initial qualification, coverage only extends for the duration of your work permit, and copies of new work permits are required to maintain MSI coverage. However, if your work permit completely expires, so does your MSI coverage, and you will have to completely reapply and requalify.
- You cannot obtain a work permit beyond the expiry date of your current passport. Even if you only plan to be in Canada for a short time, it can be highly beneficial to obtain a new 10-year passport before leaving your home country.
- If you wish to stay and live in Canada permanently, the work experience you gain as a postdoc can count significantly towards a permanent residency application through either the Canada Experience Class (CEC) of Federal Skilled Worker Programs (FSWP). However, the legality of continuing to work and/or change employers while PR applications are in progress are somewhat tricky and change frequently. Furthermore, obtaining PR can take a great deal of time – many months or even years! So plan ahead to get your PR application in early, while you still have a good length of time left on your work permit.

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For corrections or dead links ONLY, contact a.west@dal.ca