

26. Work Permit – Change of Conditions

The nominee must be in possession of a valid work permit throughout the permanent residency application process. They must work under the same conditions as those noted on their work permit. For nominees on closed work permits, they may only work for the employer as stated on their work permit until they obtain their Permanent Residency.

In some cases, a nominee may apply to change the conditions of their work permit location, employer and/or position. They require a support letter from OIM in order to successfully apply for a change of conditions. OIM may only assist nominees in changing their work permit conditions for valid reasons, including, but not limited to:

- The nominee is still employed at the same location, but has a new job title and new NOC Code;
- The nominee is working for the same employer, but is working in a different location in the province;
- The relationship between the nominee and their employer has broken down;
- The nominee wishes to move to a position that is higher pay, and/or more closely aligned with their career aspirations or education;
- The nominee has completed the required contract with the current employer and wishes to make a lateral move to another employer; and/or,
- The nominee has been laid off or lost their position through no fault of their own.

The nominee may leave their employment at some point in the permanent residency process through no fault of their own. The nomination will not immediately be affected, provided the reason for leaving the employment is valid (see above). The nomination will be placed on hold for four (4) weeks to allow time to secure a new job offer. The nominee will be instructed to immediately begin looking for a new position in the same NOC and field, and to keep OIM apprised of their job search. The nominee may be eligible to apply for Employment Insurance with Employment and Social Development Canada (ESDC).

OIM will not assist the nominee to change the work permits for individuals, if any of the reasons below apply to the nominee:

- The nominee has quit their position and does not have a new employer arranged;
- The newly arranged employer is not able or willing to undertake the requirements of IRCC's Employer Portal;
- The newly arranged employment location is outside of the province;
- The newly arranged employment is in a position in which the nominee has no qualifications, training or experience; and/or
- The IPDO (after consultation with the PNP Champion) is not satisfied that the request for a change of conditions is related to any of the valid reasons noted in this policy.

The nominee may also request an amendment to their work permit from IRCC in special situations. For more information on this, they should consult IRCC's website.

PROCEDURES:

1. The IPDO receives notification from the nominee about their intent to change the conditions of their work permit. The nominee must provide a clear and valid rationale for requesting a change in conditions to the work permit (as noted above).
2. In every case, the IPDO will update the nominee's file via the Online Internal Application Portal with all changes to the nominee's personal information (i.e., dependent details, contact information, etc.).
3. If the reason for requesting a change in conditions is due to a promotion within the same business, the IPDO shall contact the employer to verify the information provided by the nominee.
4. If the reason for requesting a change in conditions is due to the nominee wishing to switch employers, the IPDO will contact both the current and the prospective employer to verify the information provided by the nominee.
5. If the reason for requesting a change in conditions is due to the nominee completing the current contract and obtaining a better opportunity with another employer, the IPDO will contact both the current and the prospective employer to verify the information provided by the nominee.
6. If the IPDO (after consultation with the PNP Champion) is satisfied with the information received from the nominee and the employer(s), the IPDO will refer the file to the Manager of Immigration Programs and recommend that the request be approved or refused.
7. The Manager of Immigration Programs will review the file and determine if they support approval or refusal of the request. The Manager of Immigration Programs will inform the Director of their recommendation.
8. If the request is approved, the Manager of Immigration Programs will ask the IPDO to generate a letter of support to change the conditions of the work permit via the Internal Online Application Portal. The IPDO will send the support letter along with instructions on how to apply for a new work permit. Details on this decision will be included in the nominees file.
9. If the request is refused, the IPDO will inform the nominee and include a rationale for the decision. Details on this decision will be included in the nominees file.

EXCEPTIONS TO POLICY:

Requests for a change in conditions to work permits are not required for nominees who have valid post-graduate work permits or open work permits.

Work permit exempt individuals (e.g., clergy), as per federal requirements, must maintain their status as per the Temporary Resident Visa (TRV) requirements, and are not required to apply for a work permit.