

28. 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 the Office of Immigration and Multiculturalism in order to successfully apply for a change of conditions. The Office of Immigration and Multiculturalism may only assist nominees in changing their work permit conditions for valid reasons, including:

- 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;
- The nominee has completed the required contract with the current employer and wishes to make a lateral move to another employer;
- 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 nominee will be instructed to immediately begin looking for a new position in the same NOC and field. The nominee is eligible to apply for Employment Insurance with Employment and Social Development Canada (ESDC) if they expect an extended absence from work.

The Office of Immigration and Multiculturalism will not assist the nominee 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 new arranged employer is not able / willing to undertake the requirements of Immigration, Refugees and Citizenship Canada's Employer Portal;
- The new arranged employment location is outside of the province;
- The new arranged employment is in a position in which the nominee has no qualifications, training or experience;
- The Immigration Program Development Officer is not satisfied that the request for a change of conditions is related to any of the valid reasons noted above.

The nominee may 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 designated Immigration Program Development Officer receives notification from the nominee about their intent to change conditions on the work permit. The nominee must provide clear and valid rationale for requesting a change in conditions to the work permit (as noted above).
2. The Immigration Program Development Officer will, in every case, update the nominee's file via the Online Internal Application Portal with any and all changes to the nominee's personal information (i.e. dependent details, contact information).
3. If the reason for requesting a change in conditions is due to a promotion within the same business, then the Immigration Program Development Officer 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, then the Immigration Program Development Officer shall 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 has obtained a better opportunity with another employer, then the Immigration Program Development Officer shall contact both the current and the prospective employer to verify the information provided by the nominee.
6. If the Immigration Program Development Officer is satisfied with the information received from the nominee and the employer(s), the Officer will generate a letter of support to change the conditions of the work permit via the Internal Online Application Portal.
7. In every case, the nominee must wait until receipt of the new work permit before commencing work in the new position. This applies even if the nominee will be working for the same employer but in a different position.

EXCEPTIONS TO POLICY:

Requests for 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) must maintain their status as per the Temporary Resident Visa (TRV) requirements, and are not required to apply for a work permit.