

WORK PERMITS FOR SPOUSES/PARTNERS OF FULL-TIME STUDENTS

If you are a **full-time student** AND hold a **valid study permit**, your spouse/common-law partner may be eligible to apply for and obtain an **open work permit** to work in Canada.

What is an open work permit? An open work permit does not list a specific employer so it allows the holder to work full-time in almost any occupation in any location in Canada. Some occupations where it is important to protect public health may require an additional medical exam (i.e: working in a daycare, school, health services field, agricultural sector). An offer of employment is not required in order to apply for this type of work permit.

If your spouse/partner is currently outside of Canada

Option 1:

- Spouse/partner applies to enter Canada as a visitor (depending on country of citizenship, they may need to apply for and obtain a Temporary Resident Visa or Electronic Travel Authorization). If the application is approved, spouse/partner enters Canada as a visitor.
- Once in Canada as a visitor, the spouse/partner can apply for an open work permit online or by paper through the IRCC office inside of Canada. If the application is approved, an open work permit will be issued and the spouse/partner can begin working.

Option 2:

- Spouse/partner applies for an open work permit at a visa office outside of Canada. If the application is approved, spouse/partner will be issued a Letter of Introduction for a Work Permit and also be issued a Temporary Resident Visa or Electronic Travel Authorization, if required.
- Spouse/partner enters Canada, is issued an open work permit and can begin working.

If your spouse/partner is currently inside of Canada

- If your spouse/partner has valid status as a visitor in Canada, they can apply for an open work permit online or by paper through the IRCC office inside of Canada. If the application is approved, an open work permit will be issued and the spouse/partner can begin working.

Frequently Asked Questions

What length of work permit is usually issued? Usually, an open work permit for a spouse/partner is issued for the same length of time as the student's study permit.

What documents should be included in an application for an open work permit? In addition to the documents requested by the specific visa office to which your spouse/partner is applying, you should provide the following documents to your spouse/partner to include with their application: copy of the picture page of your passport, copy of your study permit, proof of your full-time enrolment, and a letter of invitation. You may also wish to include a copy of your transcript. Your spouse/partner is also encouraged to write a letter of explanation.

Is a Temporary Resident Visa (TRV) or Electronic Travel Authorization (eTA) required? People from most countries require a TRV or eTA to enter Canada. If an application for a work permit or study permit is approved at a visa office outside of Canada, a TRV or eTA will be automatically granted if it is required and there is no need for a separate application. If they are not applying for a work or study permit, they will need to make a separate application for a TRV or eTA. To find out if you or your family members need a TRV or eTA to enter Canada, please see:

<http://www.cic.gc.ca/english/visit/visas.asp>

Is it guaranteed that my spouse/partner will get a Temporary Resident Visa (TRV) or Work Permit? Unfortunately, there is no guarantee that your spouse/partner will be issued a work permit or TRV. When an application for a work permit or TRV is made, the IRCC officer considers a number of factors including, but not limited to: does the applicant have enough financial means to provide for their expenses in Canada?; will the applicant leave Canada by the end of the period authorized for their stay?; does the applicant have a credible purpose for coming to Canada?; does the applicant have any inadmissibility issues?; etc.

My spouse/partner does not want to work in Canada. Can they come as a visitor or student? Yes, your spouse/partner can apply to come to Canada as a visitor or a student. If they are a visitor, they cannot work or study. If they are a student, they will need to apply for and obtain a study permit. In order to apply for a study permit, acceptance to a Designated Learning Institution is required.

Can I submit an application for my spouse/partner at the same time that I submit my initial study permit application?

Yes. You can apply for your spouse/partner's TRV or work permit application at the same time that you are applying for your initial study permit outside of Canada. However, many students have more success bringing their family to Canada after they have already actively studied for several terms in Canada.

What other documents are required in order to work in Canada? Once arriving in Canada and holding a work permit, your spouse/partner will need to visit Service Canada in Portage Place Shopping Centre (beside Staples) with their passport and study permit in order to be issued a Social Insurance Number (SIN).

Can my spouse/partner extend their work permit after I graduate?

Some students are eligible to apply for a Post-Graduation Work Permit after finishing their degree/diploma program. If you switch from being a student to a Post-Graduation Work Permit holder (worker), your spouse may NOT be eligible to extend their open work permit in Canada.

- In order for your spouse/partner to be eligible to extend their open work permit, you must hold a full-time job classified under the National Occupation Classification (NOC) system as NOC 0, A, or B. You must also have proof of employment for at least three pay periods. Use this tool to find a NOC code: <http://www.cic.gc.ca/english/immigrate/skilled/noc.asp>
- If you do not have a job classified as NOC 0, A, or B, your spouse/partner will not be eligible for an open work permit extension under this particular category. If your spouse/partner wishes to remain in Canada, they must extend their temporary resident status prior to the expiry of their current document (i.e: change status from a worker to a visitor before their current work permit expires). Obtaining a different type of work permit through another program is often not possible, but it depends on the spouse/partner's occupation and country of nationality.

Can I bring my child(ren) with me to Canada? In order to come to Canada your child(ren) may need to obtain a Temporary Resident Visa, study permit, and/or Electronic Travel Authorization. You must apply for a study permit for your child if they are currently outside of Canada and you intend for your child to study in Canada. If your child is already inside of Canada with valid visitor status, it may be possible for your child to study with visitor status.

Where can I obtain more information and application forms?

- Application forms and information for a work permit application **outside of Canada:**
<http://www.cic.gc.ca/english/information/applications/work.asp>
- Application forms and information for a work permit application **inside of Canada:**
<http://www.cic.gc.ca/english/information/applications/extend-worker.asp>
- Information about preparing to enter Canada, see 'Entering Canada':
<http://www.uwinnipeg.ca/student/intl/information-for-all-students/visas-study-permits.html>
- Contact an IIRSS immigration advisor at iirss@uwinnipeg.ca or 204-786-9469.

Spouses/Partners of ELP students

The eligibility of spouses/partners of ELP students to work in Canada is not well defined. Currently, immigration policy states that spouses/partners of full-time students at post-secondary institutions are eligible for a work permit. While the ELP is a program that takes place at The University of Winnipeg (a public, post-secondary institution), the ELP is not itself a post-secondary program of studies. Therefore, some spouses/partners of ELP students are refused when they apply for a work permit and told that they are not eligible. Spouses/partners of ELP students tend to have more success when making an in-Canada application for a work permit.

DISCLAIMER: This information sheet does not constitute legal advice, and should not be relied upon as a source of legal advice. It is a resource designed to provide general information on Immigration, Refugees, and Citizenship Canada's (IRCC) process for applying for a Work Permit or Temporary Resident Visa inside OR outside of Canada for spouses/partners of full-time international students at The University of Winnipeg and describes existing requirements under the Immigration and Refugee Protection Act and the regulations made under that Act in general terms. IRCC's regulations, policies and procedures are subject to change and may change without notice. For the most current information, please visit IRCC's website. This resource was produced by a Regulated Canadian Immigration Consultant in good standing with the Immigration Consultants of Canada Regulatory Council. Revised January , 2019.