

Management Alert



Canadian Immigration Updates

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The following alert is directed to organizations with a presence in Canada or who anticipate the need to place talent at a Canadian work site.

Seyfarth Shaw's Global Mobility Practice hosts attorneys licensed to practice in the UK, Canada, and Germany. The group has the capability to assist clients with obtaining work and residence visas for over 70 jurisdictions around the world. If we can assist you in placing talent, please call your Seyfarth attorney. We will be happy to help you.

1. Beginning December 1, 2016, Mexican Citizens Will Not Need a Visa for Canada

Beginning December 1, 2016, the Canadian government will no longer require Mexican citizens to obtain a Temporary Resident Visa (TRV) prior to entering Canada. Mexican citizens will still need to obtain a Canadian work permit in order to perform productive work activities in Canada; however, qualified applicants will be able to submit their applications at the Port of Entry for immediate adjudication. In light of the lengthy processing times to obtain a TRV or Work Permit at a Canadian consulate, this change will significantly expedite entry of Mexican citizens into Canada.

- Before November 30, 2016: Mexican citizens continue to require a TRV to enter Canada.
- After December 1, 2016: Mexican citizens will be required to obtain an eTA (similar to other visa-exempt nationals) if entering Canada by air. If a Mexican citizen enters by land or by sea, an eTA will not be required.

2. Canada Confirms New Deadline for the eTA Entry Requirement

On March 15, 2016, Immigration, Refugees and Citizenship Canada ("IRCC") introduced new entry requirements. Specifically, most visa-exempt nationals must obtain an electronic Travel Authorization (eTA) if he or she will travel by air to enter or transit through Canada.

However, from March 15, 2016 until September 29, 2016, travellers who have not yet obtained an eTA can board their flight, as long as they have appropriate travel documents.

After September 29, 2016, visa-exempt foreign nationals (including U.S. green card holders, work permit holders or visitors to the U.S. who enter Canada by air), must obtain an eTA before boarding their flight. Without the eTA, he or she will not be allowed to board the aircraft.

The following individuals do not need to submit a separate eTA Application:

- Visa-exempt individuals entering by land or by sea will not require an eTA.

- United States passport holders do not require an eTA.
- Those who have received a valid Temporary Resident Visa or Work Permit through a Canadian Consulate, will automatically be issued an eTA.

Every individual entering Canada will continue to be interviewed by a Canada Border Services Agency officer who will examine their travel documentation. Individuals who either have an eTA or are exempted from the requirement must continue to meet general entry requirements upon each entry to Canada.

Although there is a transition period, we strongly recommend that individuals requiring an eTA apply in advance to ensure that there are no unforeseen delays with obtaining the eTA. Applicants for entry can confirm whether they are required to obtain an eTA for entry by visiting the following website: <http://www.cic.gc.ca/english/visit/visas.asp>.

The eTA will electronically link to the passport and, once granted, will be valid for a period of five years from the day on which it is issued to the applicant unless the individual's passport or travel document is set to expire or the eTA is cancelled.

3. Canada Launches a New Work Permit Immigration Stream to Attract Francophone Skilled Workers to Communities Outside of Quebec

IRCC announced a very narrow but exciting new work permit category under the International Mobility Program ("IMP") that would allow Francophone high-skilled workers to obtain Canadian work authorization if they are destined to live and work in Francophone minority communities outside of Quebec. Applications are currently being accepted.

The IMP enables employers to apply for a Canadian work permit for their employees without first obtaining a Labour Market Impact Assessment ("LMIA"). The LMIA is an application filed by the Employer that requires a test of the Canadian Labour Market to determine if there are any qualified Canadian citizens or permanent residents available to fill the foreign national's position in Canada. It is a lengthy process that requires Canadian employers to provide significant documentation including, in many cases, proof of advertising.

If you would like further information, please contact your Seyfarth attorney, or [Pavan Dhillon](mailto:pdhillon@seyfarth.com) at pdhillon@seyfarth.com, [Gaberiel Mozes](mailto:gmozes@seyfarth.com) at gmozes@seyfarth.com, or [Michelle Gergerian](mailto:mgergerian@seyfarth.com) at mgergerian@seyfarth.com.

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