



Immigration, Refugees
and Citizenship Canada

Immigration, Réfugiés
et Citoyenneté Canada

Deputy Minister

Sous-ministre

Ottawa K1A 1L1

s.16(1)(b)

s.16(1)(c)

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UNCLASSIFIED

MEMORANDUM TO THE MINISTER

WORK PERMIT INVENTORY REDUCTION: A PROCESSING APPROACH FOR RETURNING TEMPORARY FOREIGN WORKERS

FOR INFORMATION

SUMMARY

- The purpose of this memorandum is to inform you of the establishment of a systematic “Returning Worker” model to minimize the resources required to process non-complex cases of work permits for workers who have previously held an employer-specific work permit and have applied for a new work permit for the same employer and occupation.

BACKGROUND:

- The Department has committed to an Action Plan to reduce inventories, improve client service and reduce labour shortages in Canada. Reducing the inventory of temporary residence applications, including work permit applications, aligns with this Action Plan. Immigration, Refugees and Citizenship Canada (IRCC) is also collaborating with the Department of Employment and Social Development Canada on its Ministerial mandate to simplify work permit renewals for the Temporary Foreign Worker Program.
- In regular processing, an officer assesses each work permit applicant individually to establish that the applicant has the ability to perform the work sought and that all requirements of the regulations are met. This assessment includes a review of the applicant’s experience, education, language ability, physical capacity, and any licensing requirements.
- The officer also assesses the genuineness of the offer of employment by reviewing if the employer is actively engaged in their business, has financial capacity to pay wages, that the occupation is required by the employer, and that the employer is compliant with all federal or provincial laws that regulate employment.
- Workers in the agri-food sector who return to work with the same employer, or in the same program.

CURRENT STATUS:

- As with returning agri-food workers noted above, the processing approach will be similar and apply to all cohorts who are returning to the same employer and occupation, whether they are applying for a work permit from abroad or renewing their permit from within Canada.
- To achieve this, daily Global Case Management System (GCMS) application pulls will sort work permit applications into folders
This processing approach is not considered automation.
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- The number of workers who were issued two or more work permits with the same employer and occupation, from January 1, 2017, to August 31, 2022, was 71,955 applications. Moving forward, this indicates that a significant portion of incoming work permit applications will benefit from this processing approach
IRCC's current inventory of returning worker applications is roughly over 1,700 (non-CUAET applications).
- To be eligible for processing under the proposed processing approach, workers inside or outside of Canada would need to:
 - **have been issued an employer-specific work permit** at least once in the past five years with no discrepancies from the previous application;
 - **have submitted a complete work permit application** for a new employer-specific work permit;
 - **be returning to work in the same occupation** (and the same National Occupation Code);
 - **have provided biometrics prior to or with their application** (if required); and,
 - **be admissible**; no changes to admissibility screening processes.

LEGAL CONSIDERATIONS:

- This processing approach does not appear to give rise to significant legal risk, but much depends on design features and the role of the officer in the processing approach. The automation of a process, or of part of a process, does not alter the need to have a process that satisfies the applicable statutory criteria and related administrative law principles (procedural fairness, exercise of discretion and avoidance of fettering, reasonableness of a decision (intelligible, rational and justified) and bias). While IRPA s. 186.1(5) authorizes automated decisions, such decisions still have to comply with these substantive principles. Legal will review the characterisation of this as a “partial eligibility assessment” to determine any additional implications.

COMMUNICATIONS IMPLICATIONS:

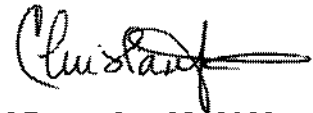
- The Department will take care in any external communications to clearly explain how tools, such as Chinook, function and how they improve client service and provide faster processing. The use of these tools, as described above, will increase IRCC's processing capacity, as it streamlines the work of our officers.
- This initiative largely affects parts of the application process of which applicants are not aware. However, for transparency purposes as the launch date approaches, consideration will be given to issuing a stand-alone web notice.

NEXT STEP:

- The Department will proceed with manual GCMS application pulls of applications to enable streamlining of this processing as soon as possible.

Scott Harris
Associate Deputy Minister

Arun Thangaraj
Associate Deputy Minister



DM approved December 29, 2022

Christiane Fox
Deputy Minister