

Citizenship and Immigration Canada

Operational Bulletin 434 - July 9, 2012

Clarifying the responsibilities of Service Canada, Citizenship and Immigration Canada and the Canada Border Services Agency in regard to assessing a Temporary Foreign Worker's eligibility to work in Alberta in a compulsory certification trade position

Summary

This Operational Bulletin provides information on the operational practices used by Citizenship and Immigration Canada (CIC) and Service Canada in assessing a Temporary Foreign Worker's (TFW) eligibility to work in the province of Alberta in a designated compulsory certification trade for the purpose of issuing a work permit (WP) and to reaffirm CIC's sole responsibility in this matter, **effective August 1, 2012**.

Background

The training and certification standards of tradespersons working in Alberta are the responsibility of Alberta industry, as represented by Alberta Apprenticeship and Industry Training ([AAIT](#)). To maintain industry standards in Alberta and to promote workplace safety, AAIT evaluates and tests out-of-country tradespersons destined to work in the province.

Temporary Foreign Workers who want to work in a compulsory certification trade in Alberta must be a certified journeyman holding one of the following:

- a valid Alberta Qualification Certificate, or
- a valid Canadian provincial/territorial trade certificate recognized by Alberta*, or
- an *authorization letter* from AAIT permitting a requesting employer to hire TFWs in specified occupations for specialty work, generally for shorter periods of time. This authorization must be obtained prior to the TFW coming to Canada, or
- an *approved application* for the Alberta [Qualification Certificate Program](#) (QCP) from AAIT (also referred to as an AAIT QCP approval letter), which must be obtained prior to coming to Canada in situations where an *authorization letter* from AAIT does not apply.

All TFWs with approved QCP applications are eligible to work in Alberta under the supervision of a certified journeyman.

The QCP application approval letter remains valid for a period of up to one year. Once the TFW arrives in Canada, he or she will have up to 12 months to challenge the QCP exams. Upon meeting all industry trade requirements, including passing the required trade examinations, an Alberta Qualification Certificate is issued to the TFW.

Current status

Up until now, Human Resources and Skills Development Canada (HRSDC)/Service Canada have required that the AAIT short term authorization letter, Canadian trade certificate, Alberta Qualification Certificate or

Alberta QCP application approval letter, as the case requires, be included with each Labour Market Opinion (LMO) request from an employer in Alberta wishing to hire a foreign skilled tradesperson. No positive named LMO was issued without evidence of the certificate, authorization letter or approval letter by AAIT.

Currently, CIC and Canada Border Services Agency (CBSA) officers generally issue work permits, based on the Service Canada LMO, without consideration of the AAIT letters.

Reaffirming CIC/CBSA's sole responsibility in the matter of TFW qualifications

Following HRSDC's review of the TFW Program, the assessment of TFW qualifications or certification (under IRPR 203) will now fall to CIC and CBSA officers, who have sole responsibility for determining whether the foreign national is able to perform the work offered, including verifying that the TFW has been assessed by AAIT and has the relevant letter and/or proper certification to enter Canada to work in a compulsory trade in Alberta.

CIC and CBSA officers have the authority to refuse a work permit request when these approvals or certificates have not been obtained by the employer and worker.

CIC and CBSA will exercise this responsibility **effective August 1, 2012**.

Information to be included in the LMO

As of August 1, 2012, Service Canada will issue an LMO without reference to a trade* certificate, authorization letter or QCP approval letter from AAIT. However, Service Canada will direct the employer to the AAIT website for information and describe the different types of documents the TFW must possess depending on the circumstances.

Service Canada officers will include notes in HRSDC's LMO letter as well as the Foreign Worker System (FWS) to advise CIC and CBSA officers that the foreign national must have the relevant trade certificate or letter from AAIT indicating, if required, that the TFW's qualifications were assessed and AAIT is satisfied that the foreign national has the work experience required under the Qualification Certificate Program to work in the trade while challenging the journeyperson exams.

The Service Canada LMO letter and FWS note to CIC/CBSA officers will read:

"For skilled trade positions with compulsory certification in Alberta, the TFW must be in possession of an Alberta Apprenticeship and Industry Training (AAIT) letter indicating that he/she is: (1) permitted to work in the province for a specified period of time, or (2) qualified to work in the province for a specified period of time prior to taking the trade certification exam(s), or (3) the TFW must be in possession of the relevant trade certificate.

If the TFW has not obtained either the relevant AAIT letter or a trade certificate, CIC/CBSA will not issue a work permit. Otherwise, a work permit will be issued with the duration based on the validity specified in the AAIT authorization letter (generally up to 90 days for any TFW) or QCP approval letter (12 months for TFWs who are uncertified at the time of arrival and 24 months for TFWs who are certified at the time of arrival)."

****ADDITIONAL NOTE FOR FWS:** Generally speaking, Service Canada will not be aware of the TFW's certification status, and thus an LMO for a compulsory trade position may be issued with an employment duration of 24 months. However, when issuing the WP, the CIC/CBSA officer must do so with primary reference to whether the TFW is trade certified (therefore eligible to receive a 24 month WP), or possesses an AAIT letter (therefore eligible to receive a WP adhering to the AAIT letter's validity period).

A new LMO will be required to support a work permit **extension** application."

Consistent with current procedure, LMOs will still be issued with a 6-month expiry date, which refers to the date by which the TFW must submit his or her work permit application to CIC/CBSA.

CIC/CBSA Instructions for issuing work permits to TFWs

Along with a positive LMO letter, CIC/CBSA officers will require a copy of the relevant trade certificate or letter issued by AAIT indicating the circumstances under which the foreign worker is permitted to work in Alberta.

The onus remains with the employer and the worker to procure the relevant AAIT letter, or trade certificate and include it with the work permit application.

***Trade certificates issued by non-Alberta regulatory authorities**

- TFWs that have a Certificate of Qualification from any Canadian province/territory other than Alberta, with or without the Interprovincial Red Seal endorsement, **would be eligible** to work in Alberta without applying for and/or acquiring an Alberta Qualification Certificate. The trade certificate must be recognized in the Province of Alberta; information on AAIT certification requirements to work in a trade in Alberta can be found at www.tradesecrets.alberta.ca.
- AAIT has agreed to accept the Certificate of Completion of Apprenticeship issued by the USA International Association of Bridge, Structural, Ornamental, and Reinforcing Iron Workers for USA tradespersons who wish to come to Alberta to work in the **Ironworker** trade without these individuals having to complete an application and have an assessment of their work experience in the trade. The trade names that may appear on these certificates are: **Ironworker, Ironworker – Structural/Ornamental, Ironworker – Reinforcing**. CIC is requested to accept this certificate as AAIT approval for these applicants to work in the Ironworker trade in Alberta and its craft areas as indicated above.

Alberta Apprenticeship and Industry Training (AAIT)'s Qualification Certificate Program (QCP) for TFWs requiring certification

The AAIT Qualification Certificate Program approval letter will advise all foreign nationals and their employers that the approval letter will need to be included with a work permit application that is submitted to a visa office — or inland for an extension — or presented to the CBSA officers at a Port of Entry.

Upon arrival in Alberta, the foreign national will be authorized to work at the employer's site, and will be required to challenge a theory and/or practical exam before the expiry of the work permit. Alberta expects the foreign national to achieve trade certification within 12 months.

CIC can issue an initial WP for a 12-month duration with a condition that the application for extension must be accompanied by the Alberta Qualification Certificate.

If the foreign worker fails the examination(s), and AAIT has permitted the candidate to re-write the examinations, a new LMO may need to be obtained if the TFW's work permit needs to be extended. A permit may be issued **only** if the new application is supported by a new QCP approval letter from the International and Provincial Assessment Services Branch within AAIT.

Otherwise, if the TFW has passed the certification exams and acquired the trade certificate, the employer can apply for a second LMO and the TFW can apply for a work permit extension, prior to the expiry of their current WP, to cover the remainder of the intended employment duration.

The effect of an employer or foreign national not respecting the rules surrounding trade certification of foreign workers in compulsory trades would essentially result in a violation of Alberta's *Apprenticeship and Industry Training Act*.

More information about AAIT's QCP can be found at the following link:

<http://www.tradesecrets.alberta.ca>



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