



Citizenship and  
Immigration Canada

Citoyenneté et  
Immigration Canada

# OP 14

## Processing Applicants for the Live-in Caregiver Program

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### Updates to chapter

#### Listing by date:

**Date: 2009-12-04**

The following changes have been made to link to updated information on the validity of Labour Market Opinions.

- Section 7.3, now directs to section 6 of chapter FW 1.
- Section 8.5, link to FW 1 has been updated.
- Appendix B, a link to HRSDC's table on regional wages and working conditions for the Live-in Caregiver Program, has been added.

**Date: 2009-XX-XX**

Both minor and substantial changes have been made throughout this chapter. It is recommended that any former version of this chapter be discarded in favour of this version. Substantial changes include the following:

- Section 4.1 now refers to IL 3.
- Sections 4.2 and 4.3 were deleted.
- Section 5.3 includes information concerning Canadian secondary school equivalency and the validity of the documents provided. The following bullet was also removed, as it does not directly pertain to the LCP: be able to compete in the Canadian labour market if they leave the care giving field after they become permanent residents.
- Sections 5.4 and 5.5 add clarification to the training and work experience requirements.
- Section 5.6 includes changes that reflect Operational Bulletin 071 – Live-in Caregiver Program Applicants and Official Languages.
- Section 5.7 removed reference to the HRSDC pilot project in BC. BC is now using the CIC application form that is filled out by the employer.
- Section 5.8 now includes clarification of full-time work in Canada.

Section 5.10 includes a new section to reflect Operational Bulletin 025 – Instructions to CIC officers concerning the validity period of Live-in Caregiver work permits as well as family members of Live-in Caregivers. It also contains clarification for situations where a live-in caregiver who applies for a work permit wishes to bring an accompanying family member with them to Canada. Section 5.11 adjusts the definition of family members to be consistent with OP 2.

- Section 6.0 has been removed and the definitions have been relocated to various sections of the document.
- Section 7 specifies that the HRSDC LMO may be issued for a period of up to three years plus three months.
- Section 7.2 replaces the role of the officer with LMO validity and work permit validity dates. It also reflects HRSDC's revised policy on the validity of LMOs.

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- Section 7.3 clarifies the difference between the LMO expiry date, the LMO duration date and the work permit expiry date.
- Section 8.3 (2b) provides detail for determining an applicant's work experience.
- Section 8.6 outlines the process for Quebec-bound live-in caregiver applicants.
- Section 9.5 includes clarification for the situation where a live-in caregiver applies for permanent residence and a non-accompanying family member wishes to become an accompanying family member during the processing period.

**Date: 2003-10-01**

The note at the end of [section 5.8](#) was changed and now reads:

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**Note:** If there is anything in the documentation provided by the applicant or the employer, or anything said by the applicant at the interview, that leads the officer to believe there could be insufficient income, the officer may request the employer to provide evidence of sufficient income from reliable or easily verifiable third-party Canadian sources. Affidavits would not be acceptable as such evidence.

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### 1. What this chapter is about

This chapter describes the overseas processing of work permit applications under the Live-in Caregiver Program (LCP), and the overseas processing of applications for permanent residence from live-in caregivers and their family members living outside Canada. The in-Canada processing is described in the IP 4.

According to the *Immigration and Refugee Protection Regulations* (IRPR), a live-in caregiver is a person who resides in and provides child care, senior home support care or care of the disabled without supervision in the private household in Canada where the person being cared for resides [R2].

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### 2. Program objectives

Citizenship and Immigration Canada (CIC) established this program to meet a labour market shortage of live-in caregivers in Canada, while providing an avenue for individuals to work and eventually apply for permanent residence from within Canada.

The LCP brings qualified temporary workers to Canada to provide in-home child care, senior home support or care of the disabled. The LCP allows applicants to apply for permanent residence from within Canada after being employed as a caregiver for at least two years within the three years immediately following their entry into Canada.

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### 3. The Act and Regulations

For legislation regarding the LCP, please refer to:

Definition of live-in caregiver	R2
Live-in caregiver class	R110
Processing	R111
Work permits: requirements	R111, R112
Permanent residence	R113
Family members: requirements	R114
Conformity: applicable times	R115

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#### 3.1. Forms required

The forms required are shown in the following table:

Form Title	Form Number
Application for a Work Permit Made Outside of Canada	IMM 1295B
Application for a Temporary Resident Visa Made Outside of Canada	IMM 5257B
Additional Family Information	IMM 5406E
Application for Permanent Residence in Canada	IMM 0008EGEN

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### 4. Instruments and delegations

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#### 4.1. Instruments and delegations

Section 6 of the *Immigration and Refugee Protection Act* (IRPA) authorizes the Minister to designate officers to carry out specific powers and to delegate authorities. It also states those ministerial authorities that may not be delegated, specifically those relating to security certificates or national interest.

The Minister of Citizenship and Immigration has delegated powers and designated those officials authorized to carry out any purpose of any provisions legislative or regulatory in instrument IL 3 - Delegation and Designation.

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### 5. Departmental policy

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#### 5.1. Where the initial work permit application is processed

To participate in the LCP, a live-in caregiver work permit application must be made at a Canadian visa office.

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#### 5.2. Eligibility criteria [R112]

Applicants who apply for a work permit under the LCP must meet the requirements in R112 whether they intend to eventually seek permanent residence in Canada or not.

R200(3)(d) requires such an individual to meet the eligibility requirements in R112.

Officers may issue a work permit to persons who will be working in nanny-like jobs under the International Youth Exchange Programs. Applicants should be assessed according to the criteria of the specific program for which they are applying.

Applicants under the International Youth Exchange Programs are not eligible to apply for permanent residence in Canada and their work permit cannot be extended beyond the prescribed period. These individuals are not live-in caregivers under the LCP. For further information, see FW 1.

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#### 5.3. Education [R112(b)]

An educational institution, as generally understood, requires the existence of a building or buildings devoted primarily to formal education, training and development.

Live-in caregivers must:

- have successfully completed the equivalent of Canadian secondary school.

Given the variation in school systems across Canada, this requirement cannot be regarded as simply a matter of counting the years of schooling until reaching the number twelve. Equivalency of achievement is what is important. For example, in the Philippines, 72 credits of post-secondary education is equivalent to the successful completion of Canadian secondary school. Fewer than 72 credits is not equivalent.

Officers must be satisfied as to the validity of the diplomas/certificates being submitted and may refuse a work permit if sufficient proof is not provided. Officers must be confident that the testing that was completed was for the equivalency of the successful completion of secondary school for Canada.

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### 5.4. Training requirement [R112(c)]

Candidates for the LCP must have completed the training offered as part of a formal education program at an educational institution accredited by the appropriate local education authorities. However, accreditation is not necessarily an endorsement of quality.

Officers should assess the quality of the program and whether it is adequate in equipping the applicant to perform the duties required by the proposed job. Where there are caregiver training programs established primarily to provide training to meet Canadian requirements, it will be necessary to determine their legitimacy as well as the adequacy of the training (see section 5.5 below).

Full-time training must be taken for a duration of at least six months.

Training and experience must be in a field or occupation related to the employment sought. For example, potential live-in caregivers may have training or experience in early childhood education, geriatric care, paediatric or geriatric nursing. Caregiving experience in an institutional setting (day care, crèche, hospital, senior citizens' home, etc.) should be considered in assessing whether the applicant meets the experience requirement. Experience as a midwife or hospital technician is not acceptable as they do not have caregiving experience related to children, the elderly or people with disabilities.

Live-in caregiver training should be similar to the training offered by Canadian community colleges in child care or other related fields. The course load at Canadian community colleges averages 25 to 30 hours per week. This does not include activity assignments or a practicum. Thus, a student in an educational institution offering live-in caregiver training should be attending classes at least 25 to 30 hours per week.

It is acceptable to have some on-the-job training throughout the course as long as the classroom schedule demonstrates that there is a requirement for, and completion of, a full 6 months of full-time training in a classroom setting throughout that course.

There is no specific list of courses required by CIC, as CIC is not an education-regulating body. However, visa offices can assess the legitimacy, quality, adequacy and relevance of the training programs offered in their regions, including whether the hours of classroom training are sufficient.

Correspondence courses and part-time studies, such as training taken on weekends, do not meet the full-time training requirement.

The 6-month live-in caregiver training must be successfully completed prior to the date that the applicant applies for a work permit.

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**Note:** Officers should request assistance from the visa office in the country where the training centre is situated to verify the legitimacy of the centre and the substance of the training.

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### 5.5. Work experience requirement [R112(c)]

Caregiving experience in the applicant's own home would not normally qualify someone for the program, as the applicant would not have been in a paid employment situation. However, there may be legitimate situations where the applicant was employed as a live-in caregiver by a relative. Applicants are responsible for satisfying the officer that they were actually paid for the work performed and that their experience was an employment related one.

The total number of hours of work experience must equal or exceed the equivalent of one year of full-time paid employment. This work experience must have occurred within the three years immediately preceding the date that the application for a work permit is submitted. This work experience must include at least six months of continuous employment with the same employer.

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### 5.6. Language ability [R112(d)]

Live-in caregivers must have a level of fluency in English or French that enables them to communicate effectively and independently in an unsupervised setting. For example, they should be able to:

- respond to emergency situations by contacting a doctor, ambulance, police or fire department;
- read the labels on medication;
- answer the telephone and the door; and
- communicate with others outside the home, such as schools, stores or other institutions.

Live-in caregivers must be able to perform their job in an unsupervised setting. A proficiency in speaking, understanding and reading one of Canada's official languages will also ensure that caregivers understand their rights and obligations and are not dependent on their employers to interpret provincial labour legislation and employment standards. They will also be better equipped to seek outside assistance in the event of personal difficulties or if they find themselves in an unsatisfactory employment situation.

Missions must consult International Region if a refusal under R112(d) is being considered in cases where an applicant is fluent in one of Canada's official languages which is not the official language spoken in the employer's community.

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### 5.7. Mandatory employment contract [R112(e)]

The prospective employer in Canada must have their job offer approved by Human Resources and Skills Development Canada (HRSDC) and obtain from them a positive Labour Market Opinion (LMO). The prospective employer is responsible for ensuring that there is an employment contract with the prospective live-in caregiver. By law, the terms and conditions of the contract must be consistent with provincial employment standards. The signed contract and the employer's positive LMO from HRSDC are part of the documentation that must be sent by the caregiver to the visa office.

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**Note:** In addition to a legislated requirement, the employment contract is a tool that officers use in their assessment of the application. It also provides information that can be used in an interview.

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### 5.8. The contract/position/accommodation

The contract requirements are as follows:

- the job offer must be *bona fide*;
- the contract must clearly demonstrate that the employee's primary duty is live-in caregiving;
- all terms and conditions outlined in the contract must abide by provincial/territorial employment standards and labour laws;
- the live-in caregiver position being offered should be full-time;
- the accommodation for the live-in caregiver should ensure privacy, such as a private room with a lock;
- the employer must have sufficient income to pay the wages and benefits of a live-in caregiver. HRSDC will advise employers of the current acceptable wages to be paid, based on the equivalent wages for Canadian live-in caregivers;
- the employer must be residing in Canada; and
- the employer must supply suitable accommodation for the live-in caregiver in a private residence in Canada where they are providing child care, senior home support care or care for a disabled person.

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**Important:** Under the LCP, caregivers must be employed full-time in Canada for two out of three years from their date of entry. Periods of time worked outside of Canada do **not** contribute toward the caregiver's work requirement and may disqualify the caregiver from being eligible for permanent residence.

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### 5.9. Employment by diplomatic personnel

Diplomatic personnel may have their live-in caregiver enter and remain in Canada under the LCP, provided the individual is eligible under R112 to become a live-in caregiver and they obtain a work permit. The caregiver will be able to apply for permanent residence once they have met the requirements of R113. Such an individual will not be considered a member of the diplomat's personal suite.

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**Note:** Domestic staff who enter Canada as accredited members of a diplomat's suite are not live-in caregivers under the LCP and, as such, are not eligible for permanent residence.

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For more information, see section 5.3 of FW 1.

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### 5.10. Validity period of Live-in Caregiver Program work permits

The general policy is for visa officers to issue initial LCP work permits with a validity of up to 3 years plus 3 months provided the LMO is approved for the same duration by HRSDC.

The 3-year period corresponds to the amount of time allotted to a caregiver to complete the requirements of the LCP in order to apply for permanent residence and the additional 3 months allow a transition period to apply for permanent residence.

Quebec regulations allow the issuance of *Certificats d'acceptation du Québec (CAQ)* for those applicants destined for Quebec in a National Occupational Classification skill level of less than B, including live-in caregivers. A CAQ can be issued to live-in caregivers with a maximum validity period of 36 months. As such, live-in caregivers destined for Quebec may be issued a LCP work permit of up to three years.

The decision on the validity period remains that of the reviewing officer and they are free to depart from the general policy where circumstances warrant (e.g. passport validity, live-in caregivers destined to Quebec).

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### 5.11. Family members who wish to accompany a live-in caregiver on a LCP work permit

Family members do not normally accompany live-in caregivers who are coming to Canada on a LCP work permit. Even when an employer agrees that a family member may reside with the caregiver in the residence of the persons for whom they are providing care, there are no guarantees that any subsequent employer would agree to the same terms. Furthermore, the income of the caregiver may not be sufficient to care for and support a family member in Canada.

Live-in caregivers who wish to bring their family member(s) with them while they are on a work permit will not be permitted to do so unless they satisfy an officer that they have sufficient funds to care for and support the family member(s) in Canada and the family member(s) are not otherwise inadmissible and they have permission to live in the home of the person(s) for whom they are providing care.

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### 5.12. Family members of live-in caregivers who have applied for permanent residence

Live-in caregivers who enter Canada under the LCP are eligible to apply for permanent residence after they have worked for two years in the Live-in Caregiver Program within three years of their arrival in Canada. They must meet the requirements of R113.

All family members of live-in caregivers who have applied for permanent residence must be declared and included in the live-in caregiver's application for permanent residence. All family members, whether accompanying the principal applicant or not, are required to be examined. All

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eligible family members must undergo and pass medical, criminal and security checks. Live-in caregivers cannot become permanent residents if any of their eligible family members are inadmissible.

Normally, an inadmissible family member, whether accompanying or not, would render the live-in caregiver principal applicant and all family members inadmissible. There are, however, two exceptions to this rule described in R23. The first is a separated spouse/common-law partner and the second is a child who is in the legal custody of someone other than the applicant, or someone other than the applicant is empowered to act on behalf of that child by virtue of a court order, written agreement or by operation of law.

If an applicant's separated spouse/common-law partner or their children in the custody of someone else are inadmissible, their inadmissibility would not render the applicant inadmissible.

As separated spouses/common-law partners can reconcile and custody arrangements for children may change, examination is required in order to safeguard the future right to sponsor them in the family class. If these family members are not examined, they cannot be sponsored in the family class in the future under R117(9)(d).

Satisfactory documentary proof of a separation and of custody being with someone other than the applicant is required. A separation agreement or custody papers are examples of acceptable proof.

Officers will not issue a permanent resident visa to separated spouses or children in the custody of someone else, even if they are examined, as they are non-accompanying.

If these family members are genuinely unavailable or unwilling to be examined, the consequences of not having them examined should be clearly explained to the applicant and reflected in the CAIPS notes. Applicants should be counselled to sign and return a statutory declaration acknowledging the consequences or inform the Case Processing Centre and visa office that they want the child examined in order to preserve future sponsorship privileges.

For more details, see OP 2, section 5.12, and IP 4.

Live-in caregivers who apply for permanent residence may request concurrent processing for some or all of their family members residing in or outside Canada. Those who are processed concurrently at a visa office may be issued permanent resident visas once the live-in caregiver becomes a permanent resident.

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**Note:** Family members who are not processed concurrently may be sponsored as members of the family class once the live-in caregiver is a permanent resident.

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### 5.13. Responding to representations

Information concerning clients should be released only to the applicant or the applicant's authorized paid or unpaid representative (see IP 9, section 5.4). Prior to responding to a representation, officers should ensure that clients or their representative verify their identity. This applies whether the representation is made in person or by mail.

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## 6. Definitions

Nil.

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## 7. Procedure: Validation process – HRSDC roles and responsibilities

HRSDC/Service Canada (SC) is mandated pursuant to R203 to assess the impact that the hiring of the temporary foreign worker is likely to have on the Canadian labour market.

Employers in Canada interested in hiring live-in caregivers must contact their local HRSDC/SC Centre and apply for an LMO. An LMO assesses what impact hiring a foreign worker would have on Canada's labour market. The foreign caregiver's work permit application must include proof that the employer received a positive LMO from HRSDC/SC.

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Employers must complete a Foreign Live-in Caregiver Application (EMP5093) available on HRSDC's Web site. They can apply online or submit a paper application to:

Service Canada  
Foreign Worker Program  
P.O. Box 6500  
Toronto LCD  
Downsview A  
Toronto, ON M3M 3K4  
Fax: 416-954-3107  
Toll free: 1-866-720-6094

A full description of the conditions that an employer must meet to hire a live-in caregiver, instructions on how to complete the LMO application and a description of HRSDC/SC's assessment criteria and process can be found on their Web site at:

[http://www.hrsdc.gc.ca/eng/workplaceskills/foreign\\_workers/lcpdir/lcpone.shtml](http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/lcpdir/lcpone.shtml)

An HRSDC/SC Centre officer reviews the completed LMO application. In making the assessment, the officer considers such factors as:

- the employer is offering wages and working conditions that meet provincial/territorial labour standards;
- the job duties are that of a full-time live-in caregiver; and
- a reasonable search has been carried out to identify qualified and available Canadian citizens and/or permanent residents and unemployed foreign caregivers already in Canada.

If satisfied, the officer issues a positive LMO.

Details of the positive LMO are recorded in the HRSDC National Employment Service System (NESS) computer system and are available to CIC officers through the FOSS/NESS link.

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**Note:** An employer is issued only one positive LMO regarding an offer of employment at a time and it must be submitted to CIC within a maximum of 6 months from its issuance (see section 7.2 below).

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The HRSDC/SC Centre officer then:

- provides the employer with a letter confirming the positive LMO; and
- instructs the employer to send a copy to the prospective live-in caregiver employee.

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**Note:** If the offer of employment is rejected by HRSDC, the office issues a refusal letter to the employer.

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Anyone who employs a live-in caregiver under the LCP is required to:

- register as an employer with the Canada Revenue Agency (CRA);
- obtain a taxation number in order to make the proper deductions for income tax, employment insurance and the Canada Pension Plan;
- remit these deduction amounts to the proper federal authority; and
- provide their employee with a record of employment when the employee's job is finished.

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**Note:** The CRA provides employers with an information kit that contains the necessary forms and explains how to comply with the law. Employers can obtain the record of employment only if they are properly registered as an employer.

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### 7.1. When is a new labour market opinion required?

A positive LMO for an offer of employment is specific to the approved employer and job duties.

A change of employer will require a new positive LMO, a new employment contract and a new work permit. Officers should treat the new LMO request as a new application in the queue (cost recovery fees apply).

This measure is meant to deter abuse by those employment agencies that might try to use a list of fictitious employers in order to bring a “pool” of live-in caregivers to Canada. Once in Canada, these caregivers would be in a position of having entered into a contractual agreement with an employer who does not exist or for whom they will not work. These caregivers are thus in Canada illegally and are vulnerable to exploitation by the employment agency that brought them to Canada.

A new positive LMO is also required if it was not used within 6 months of its issuance (see section 7.2 below).

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### 7.2. Expiry date of the labour market opinion

As of May 19, 2009, all LMOs issued by HRSDC/SC to employers will be valid for the purpose of work permit applications for a maximum of 6 months from the date of issuance. An LMO that is not submitted to CIC to support a work permit application within this 6-month period will be deemed to have expired. The employer will be required to apply for a new LMO if they still wish to hire a temporary foreign worker.

The LMO expiry date identifies the 6-month period during which:

- the employer must notify the caregiver that the LMO was approved;
- the employer must send the LMO confirmation letter to the prospective live-in caregiver; and
- the prospective live-in caregiver must apply for a work permit to CIC (regardless of the start date of the job offer).

If these actions do not occur within the period of time identified, the LMO is no longer valid and if the employer still wishes to hire a live-in caregiver, they will be required to submit a new application.

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**Note:** This strengthens the integrity of LMOs by ensuring CIC has a reasonably accurate assessment of labour market conditions when evaluating an application for a work permit.

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**Procedure for the transition period:** All unused LMOs issued before May 19, 2009 will expire on November 19, 2009.

**Live-in caregivers destined for Quebec:** Due to administrative requirements, an LMO for a live-in caregiver in the province of Quebec is valid for 3 months after the *Certificat d'acceptation du Québec* is issued. This directive applies **regardless** of an expiry date that may appear on the LMO.

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### 7.3. Labour market opinion validity and work permit validity dates

Refer to chapter FW 1, section 6 – LMO validity and duration of employment as per the LMO.

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### 8. Procedure: Selecting live-in caregivers

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#### 8.1. How the process begins

The process is designed to ensure that the prospective employer and employee take responsibility for obtaining all the necessary information and application forms so that the visa offices can focus on the selection process.

After the employer in Canada obtains the job validation from HRSDC, HRSDC notifies the employer in a letter that the job has been validated and provides the system file number. The letter:

- asks the employer to forward a copy of the HRSDC LMO confirmation letter and the signed employment contract to the prospective live-in caregiver;
- tells the employer to have the caregiver applicant check the visa office's Web site for information about the work permit application process. The Web site will instruct the applicant to download the application forms or, in a few cases, contact the visa office to obtain the application forms; and
- suggests that employers download forms from the visa office's Web site and send them to the applicant if they are concerned about the applicant's access to the Internet.

The employer is told to instruct the applicant to send the work permit application, the related documentation, the signed mandatory employment contract and a copy of the LMO validation letter to the appropriate visa office.

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**Note:** The selection process begins when the visa office receives the completed application form and all other required documents from the applicant.

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The officer checks NESS (through the FOSS/NESS link) using the system file number provided in the validation letter to confirm that HRSDC has validated the offer of employment under the Live-in Caregiver Program.

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#### 8.2. Documents required with an LCP work permit application

In addition to the regular documentation required for a work permit (see [FW 1](#)), the applicant should provide:

- proof of the equivalent of Canadian secondary school graduation;
- proof of six months full-time training or twelve months experience within the last three years related to the job in question;
- a valid passport;
- a police certificate from all areas where the applicant has resided (not mandatory until the time of application for permanent residence, but easier to provide from the home country than from Canada. If this is not provided, it is not a reason to refuse a work permit unless the officer believes the applicant would be inadmissible on criminal grounds);
- an original birth certificate, original marriage certificate and, if separated or divorced, original certificates or, if certificates are not available, written evidence of marital status (this is particularly important in countries where legal separation or divorce is not possible);
- information on close family members (may not be required by all visa offices);

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- letters of reference from previous employers. Applicants must also provide proof of full-time employment, including proof that the mandatory deductions of that country have been paid. For example, in the Philippines, employers are required by law to pay monthly contributions to Philhealth and Social Security System for all employees without exception. Proof of contributions made is adequate proof that the employee was paid for this employment; OR
- in the case of overseas employment, applicants must also provide the employment contract listing duties, dates of employment, position, copy of passport pages containing the initial entry visa and subsequent work permits the applicant held to work in that country;
- a copy of the employer's valid LMO confirmation letter from HRSDC which provides the system file number of the job validation in NESS;
- a copy of the employment contract which sets out the terms and conditions of employment signed by the employer and applicant; and
- the processing fee (for details, see IRP Regulatory Amendments - Cost Recovery Fact Sheet, in Appendix A of IR 5).

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**Note:** Other documents may be necessary because of the legal requirements of the country in which the applicant resides or as a result of country conditions as determined by the visa office.

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### 8.3. Assessing the LCP work permit application

Once the documentation has been reviewed, officers will need to determine the following:

- does the applicant meet the definition of a live-in caregiver, as described in R2?
- does the applicant meet the eligibility criteria in R112, as described in the following table?

#### Live-in Caregiver Program: Eligibility criteria for applicants

Criteria	Background information	How to evaluate
1. Successful completion of the equivalent of Canadian secondary education.		<ul style="list-style-type: none"> <li>• Studies must be completed in a vocational, technical or academic stream, or any combination of these.</li> <li>• Studies at a community college or university may also qualify.</li> </ul> <p>Using knowledge of the host country's education and training system, the officer must be satisfied that:</p> <ol style="list-style-type: none"> <li>a) the institution is a legitimate establishment;</li> <li>b) the purpose of the institution is formal education;</li> <li>c) the program has a formal curriculum;</li> <li>d) examination results are successful;</li> <li>e) the diploma and supporting documents are valid; and</li> <li>f) if diplomas are not available,</li> </ol>

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		<p>report cards and letters from the institution attesting to the applicant's educational achievement are genuine.</p> <p><b>Note:</b> Applicants who provide false transcripts will be refused under A16(1), A40(1) and A36.</p>
<p>2. (a) Successful completion of six months full-time classroom training in a field or occupation related to the job in question; <b>OR</b></p>	<ul style="list-style-type: none"> <li>Allows for applicants who are well qualified through their education, but may not have experience.</li> <li>If a host government has sanctioned a training program for governesses, caregivers of the elderly or jobs of a similar nature, then the program may satisfy the LCP criteria. Officers should screen training programs for legitimacy and adequacy.</li> </ul>	<p>Officers must be satisfied that:</p> <ul style="list-style-type: none"> <li>a) the transcripts of individual courses within the degree/ diploma program include six months related to caregiving;</li> <li>b) training has been completed in a classroom setting and does not include activity assignments. The intent is that hours spent working cannot be credited as hours spent training;</li> <li>c) the courses taken relate directly to the job being offered.</li> </ul>
<p>2. (b) Completion of one year of full-time paid employment, including at least six months of continuous employment with one employer in that field or occupation within three years immediately prior to the day on which the person submits an application for a work permit to a visa office.</p> <p>Note: Applicants must meet either 2(a) or 2(b).</p>	<ul style="list-style-type: none"> <li>This allows experienced applicants who have no formal training to apply.</li> </ul>	<ul style="list-style-type: none"> <li>The applicant must have at least six months continuous work experience with the same employer. This criterion disqualifies persons who change employers frequently.</li> <li>Work experience must be within three years immediately prior to the application.</li> <li>Work experience in an institutional setting where the applicant's duties include caregiving (day care, crèche, hospital, senior citizens home) may also be considered.</li> <li>Experience as a mid-wife or hospital technician is not acceptable as they do not have caregiving experience related to children, the elderly or persons with disabilities.</li> <li>The caregiving work experience must be related to the Canadian job offer.</li> </ul>

## OP 14 Processing Applicants for the Live-in Caregiver Program

		<p><b>Note:</b> Applicants who submit forged employment references will be refused under A16(1) and A40(1).</p>
3. Ability to speak, read and understand either English or French at a level sufficient to communicate effectively in an unsupervised situation.		<ul style="list-style-type: none"> <li>If an officer has reason to doubt an applicant's language ability, then the officer should interview the applicant.</li> <li>The officer should carefully document how language ability was assessed in refusal cases.</li> </ul>
4. Have an employment contract with their future employer.	<ul style="list-style-type: none"> <li>The employer will send the contract to the applicant.</li> <li>The applicant will sign the contract indicating agreement and return it to the employer. The signed contract is sent to the visa office with the work permit application form and other required documents.</li> <li>There is a sample contract available on CIC's "Information for Canadian employers" Web page at: <a href="http://www.cic.gc.ca/english/work/apply-how-caregiver.asp#contract">http://www.cic.gc.ca/english/work/apply-how-caregiver.asp#contract</a></li> </ul>	<ul style="list-style-type: none"> <li>The officer should electronically receive validated job offers from HRSDC/SC Centres.</li> <li>The contract should include information on:             <ol style="list-style-type: none"> <li>the duties of the caregiver and a detailed job description;</li> <li>the hours of work and schedule;</li> <li>wages and overtime rates;</li> <li>days off, vacation and sick leave;</li> <li>health insurance and other benefits;</li> <li>the cost of room and board;</li> <li>accommodation; and</li> <li>terms of separation.</li> </ol> </li> <li>The officer should be able to clearly substantiate from the information provided that the potential employee will primarily be providing care.</li> <li>The contract should outline what care requirements are needed (child-care, elderly and/or care of persons with disabilities) and should clearly outline employee duties that meet the employer's requirements.</li> <li>By law, the terms and conditions of the contract must be consistent with provincial labour standards.</li> <li>At the interview, the</li> </ul>

## OP 14 Processing Applicants for the Live-in Caregiver Program

		<p>caregiver's understanding of the job duties, working conditions, wages, etc., should be consistent with the information in the contract.</p> <ul style="list-style-type: none"><li>• If there is anything in the documentation provided by the applicant or the employer, or anything stated by the applicant at the interview, that leads the officer to believe there could be insufficient income, the officer may request the applicant to provide, from the employer, evidence of sufficient income from a reliable or easily verifiable third-party Canadian source. Affidavits would not be acceptable as such evidence.</li></ul>
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### 8.4. Statutory requirements for admissibility

The applicant must undergo the following admissibility checks in addition to meeting the LCP eligibility criteria:

- medical examination;
- security check for certain applicants; and
- compliance with normal visitor requirements (see OP 11).

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**Note:** Live-in caregivers are permitted by regulation to apply for permanent residence after working full-time as a live-in caregiver for two years of employment within three years of their arrival in Canada. It is therefore difficult to apply the normal requirement that temporary residents leave Canada by the end of the period authorized for their stay. Insofar as is possible, given the difficulty of establishing future intentions, officers should satisfy themselves that an applicant for the LCP has the intention of leaving Canada should the application for permanent residence be refused. The question is not so much whether the applicant will seek permanent residence but whether the person will stay in Canada illegally.

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### 8.5. Finalizing the application for a LCP work permit

When all the requirements are met, the work permit is **approved** by the visa office and **issued** by the port of entry for a period of up to three years plus three months for a specific job and a specific employer. The validity period is determined based on the duration of employment indicated on the LMO. See section 6 of FW 1 for details.

National Occupational Classification code 6474-200 is used on LCP work permits and permanent resident status documents.

The code "LCP" should also be entered in the special program box of the work permit.

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To complete the process, officers should:

- enter the details concerning the applicant's marital status into CAIPS notes, including details of the applicant's separated or divorced spouse/partner (e.g. spouse's name, date of birth, date of divorce);
- enter details of the police certificate, if available. The Case Processing Centre in Vegreville (CPC-Vegreville) will access these details when the applicant applies for permanent residence;
- make decisions based on the requirements of the Act and Regulations and document them;
- indicate in the case notes how the assessment was conducted and what documents were considered. If the application was refused, indicate which criteria the applicant failed to meet;
- if the decision is negative, send the appropriate letter to the applicant informing them of the outcome of their application (see the refusal letter in Appendix A); and
- if the employer withdraws the offer of employment, the application must be refused (see the refusal letter titled "Withdrawal of offer of employment" in Appendix A).

Live-in caregivers should be given the booklet *The Live-in Caregiver Program*, a fact sheet on employment standards legislation (Appendix B), a listing of employment standards contacts (Appendix C), the counselling fact sheet *Important Information for Live-in Caregivers* (Appendix D) and live-in caregiver/domestic worker association contacts (Appendix E).

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### 8.6. Quebec-bound applicants

Paragraph 22(b) of the Canada-Quebec Accord states that Quebec's consent is required in order to admit into the province any temporary foreign worker whose admission is subject to Canada's requirements relating to the availability of Canadian workers. A Quebec-bound live-in caregiver candidate must obtain a *Certificat d'acceptation du Québec* (CAQ) prior to submitting a work permit application. The *Ministère de l'Immigration et des Communautés culturelles* (MICC) issues a CAQ following a review of the file based on their selection criteria.

All candidates must satisfy a Canadian visa officer that they meet the eligibility criteria in R112. The federal visa officer must ensure that *all* criteria are met. The evaluation for the issuance of a CAQ is not a legal substitute for the evaluation of qualifications in OP 14 and in R112.

**Staff at** visa offices must process live-in caregivers going to Quebec in the same way as any other cases and in the order in which they are received in the queue.

When an applicant has obtained a CAQ but does not meet federal requirements, the federal Regulations take precedence. These applicants should be refused. Issuance of a CAQ under the federal Live-in Caregiver Program does not automatically guarantee a work permit.

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## 9. Procedure: Processing family members abroad

This process usually takes place after the live-in caregiver has completed the LCP and applied for permanent residence.

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### 9.1. Requirements for the visa office

Upon notification that a live-in caregiver applicant (principal applicant) has dependent family members residing abroad, the visa office will:

- forward an Application for Permanent Residence in Canada (IMM 0008EGEN) to family members and indicate the time limit for responding;

## OP 14 Processing Applicants for the Live-in Caregiver Program

- open an LC2 file in all cases, whether the family members are undergoing concurrent processing or not;
- confirm the identity and determine the relationship of family members;
- show the case as "passed" at the paper screening and selection stage, whether family members are being processed concurrently or not;
- show whether or not the processing and right of permanent residence fees have been paid;

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**Note:** The codes "FPC" and "LFC" should be entered if the principal applicant has paid the processing and right of permanent residence fees in Canada.

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- insert the exemption code "999" for family members who are not processed concurrently and "LFN" to show that they are exempt from paying the right of permanent residence fee. An explanation should also be included in the remarks box (e.g. LC2 not applying for permanent residence); and
- initiate medical and background examinations.

---

### 9.2. Quebec cases

A *certificat de sélection du Québec* (CSQ) is required for the live-in caregiver and all accompanying family members who are to reside in the province of Quebec.

The officer requests a CSQ to be issued for accompanying family members by contacting the responsible *Bureau d'immigration du Québec* office and providing a list of the accompanying family members abroad. The list should contain the name and date of birth of the accompanying family members and of the principal applicant, including their CPC client ID number.

---

**Note:** The officer should inform the NHQ/Immigration Branch if there are any problems with the issuance of the CSQ.

**Note:** The officer should not request that non-accompanying family members complete a *Demande de certificat de sélection* (DCS).

---

### 9.3. Contacting family members

The officer will try to contact family members residing abroad either directly or by enlisting the live-in caregiver applicant's assistance. The inland officer's assistance in contacting overseas family members should be limited only to exceptional situations. A valid, complete and up-to-date mailing address for all family members is required. A telephone number is also very useful.

The CPC will inform the visa office whenever it receives a change of address for live-in caregivers whose family members are being processed abroad.

If family members do not return a completed Application for Permanent Residence in Canada (IMM 0008), or do not provide documentation as requested within the stated time limit, the officer has specific instructions to follow up with the family members (see IP 4, section 9.13). A copy of the form should also be sent to the principal applicant in Canada (and a copy to CPC-Vegreville if the visa office is not using CAIPS). The officer may try to contact the principal applicant at anytime during this process.

The letter will state that, if documentation is not provided within a certain period of time (as appropriate), the file will be closed and the applicant in Canada could be refused (see section 8.5).

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### 9.4. Finalizing approved cases

After identity, relationship and statutory requirements have all been met, the officer provides the CPC with the results of statutory checks, their period of validity and the visa office file number for both accompanying and non-accompanying family members.

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**Note:** The results can be communicated by email to CPC-Vegreville-Enquiries@cic.gc.ca. All e-mail messages are to be addressed to the attention of Client Services.

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### 9.5. Processing files for accompanying family members

The visa office file for accompanying family members will be left open until the inland Canada Immigration Centre confirms that the live-in caregiver applicant has been granted permanent resident status.

For the purpose of R114, all family members (both accompanying and non-accompanying) must be included in the original application for permanent residence. A non-accompanying family member can, during the processing of the application, become an accompanying family member by making a request to do so and paying the appropriate fees at the time of the request. The request must be made before permanent residence is granted to the live-in caregiver in Canada.

A newly created family member (e.g. newborn, new spouse) does not need to be included in the original application for permanent residence. These family members can be added to the application during the processing of the application of the live-in caregiver.

Upon notification that the principal applicant has been granted permanent resident status in Canada, the visa office verifies that the family members underwent parallel processing as accompanying family members. The case is then shown as "approved" and the visa office issues permanent resident visas to accompanying family members, provided that medical and background checks are still valid.

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### 9.6. Processing files for non-accompanying family members

If the family members are non-accompanying, the officer shows the case file disposition as "withdrawn," inserts a note in CAIPS, e.g. "LC2 family member did not seek permanent residence," and informs the CPC of examination results.

An applicant for permanent residence in the live-in caregiver class and all of his or her family members, whether living in Canada or abroad, and whether accompanying the applicant or not, must take a medical examination

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**Note:** Permanent resident visas are not to be issued to non-accompanying family members. These family members can be sponsored as members of the family class at a later date, provided that they were examined at the time the caregiver applied for permanent residence. Family members who are sponsored at a later date must meet all requirements applicable at that time.

---

### 9.7. Finalizing refused cases

The visa office:

- informs the CPC of negative results for accompanying and non-accompanying family members;
- informs the CPC if family members have not undergone examination within the allocated period of time or could not be located (see section 9.3 above); and
- shows the final disposition of its LC2 file as "refused" for accompanying family members and as "withdrawn" for non-accompanying family members.

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**Note:** The visa office does not inform family members of the final disposition of the case.

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The CPC:

- informs the applicant regarding the status of their case. Additional time may be allowed for response; and

## OP 14 Processing Applicants for the Live-in Caregiver Program

- refuses the case. The refusal letter to the live-in caregiver applicant will state that both the applicant and all family members, in Canada or abroad, are refused (see the refusal letter in Appendix A).

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**Note:** If a family member is inadmissible, the principal applicant and family members cannot be granted permanent resident status.

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Applicants who still have valid status will be informed in writing that their status and work permit may not be extended and that they should leave Canada.

In cases where the basis for refusal is that the applicant's spouse or common-law partner or dependent children did not undergo medical and background checks, the CPC must verify the application to ensure that:

- the applicant's spouse, common-law partner or dependent child were indeed subject to examination, i.e. were not a separated spouse or child in the custody of the other parent; and
- the visa office did inform the applicant that the family member's lack of cooperation in undergoing medical and background checks could result in the refusal of the live-in caregiver's application for permanent residence in Canada (see section 9.3 above). The CPC can verify that reminder letters were sent by reviewing the case notes in CAIPS.

---

**Note:** Procedural fairness requires that the applicant be aware of factors which may contribute to a negative decision and be afforded the opportunity to respond.

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### 9.8. Ineligible family members

When the visa office determines that listed relatives do not meet the definition of "family members" according to the Regulations or that they are family members but not subject to examination (e.g. separated spouses or former common-law partners), the officer will take the following steps:

- inform the CPC of their findings;
- instruct these ineligible or separated family members to ignore any previous requests from the visa office to undergo examination or provide documentation; and
- close the LC2 file by showing it as "withdrawn" and entering in the CAIPS case notes the reason why the family member was found ineligible or not subject to examination.

The CPC will:

- inform the live-in caregiver applicant that the ineligible or separated family member cannot be part of the application; and
- finalize processing of the application minus the ineligible persons.

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**Note:** When a visa office has informed the CPC that a family member is ineligible, the CPC should contact the applicant, explain the situation and allow the applicant an opportunity to either provide additional information within a stated pre-determined time, or apply for a refund of the right of permanent residence fee if the fee was paid for the ineligible family member.

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It is not necessary for applicants to delete ineligible family members from their application, only that they be given an opportunity to provide additional evidence that the ineligible family members are indeed eligible.

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**Note:** A separated spouse, former common-law partner or child in the custody of another person who was not examined cannot later be sponsored as a member of the family class since they are excluded from the family class as per R117(9)(d).

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## OP 14 Processing Applicants for the Live-in Caregiver Program

### Appendix A Sample letters

#### Refusal letter – LCP work permit – Applicant does not meet program requirement

Insert letterhead

Our Ref.:

Insert address

Dear:

I have completed my assessment of your application for a work permit in Canada as a live-in caregiver. I have determined that you do not meet the requirements of the Live-in Caregiver Program.

The requirements for issuance of a work permit as a live-in caregiver are set out in section 112 of the *Immigration and Refugee Protection Regulations*:

112. A work permit shall not be issued to a foreign national who seeks to enter Canada as a live-in caregiver unless they
- (a) applied for a work permit as a live-in caregiver before entering Canada;
  - (b) have successfully completed a course of study that is equivalent to the successful completion of secondary school in Canada;
  - (c) have the following training or experience, in a field or occupation related to the employment for which the work permit is sought, namely,
    - (i) successful completion of six months of full-time training in a classroom setting, or
    - (ii) completion of one year of full-time paid employment, including at least six months of continuous employment with one employer, in such a field or occupation within the three years immediately before the day on which they submit an application for a work permit;
  - (d) have the ability to speak, read and listen to English or French at a level sufficient to communicate effectively in a unsupervised setting; and
  - (e) have an employment contract with their future employer.

I have determined that you do not meet these requirement(s) because (*set out reasons*).

Subsection 11(1) of the *Immigration and Refugee Protection Act* states that:

11. (1) A foreign national must, before entering Canada, apply to an officer for a visa or for any other document required by the regulations. The visa or document shall be issued if, following an examination, the officer is satisfied that the foreign national is not inadmissible and meets the requirements of this Act.

Subsection 2(2) of the Act specifies that:

2. (2) Unless otherwise indicated, references in the Act to “this Act” include regulations made under it.

Following an examination of your application, I am not satisfied that you meet the requirements of the Act and Regulations for the reasons explained above. I am therefore refusing your application.

Please inform your employer in Canada of this decision. You should disregard any previous instructions that may have been sent to you from this office. Thank you for your interest in Canada.

Yours sincerely,

Officer

cc: HRSDC/Service Canada Centre: (include name of employer)

## OP 14 Processing Applicants for the Live-in Caregiver Program

### Refusal letter – LCP work permit – Withdrawal of offer of employment

Insert letterhead

Our Ref.:

Insert address

Dear:

I refer to your application for a work permit as a live-in caregiver. I have been informed that your prospective employer in Canada has withdrawn the offer of employment made on your behalf.

One of the requirements for the issuance of a work permit as a live-in caregiver set out in section 112(e) of the *Immigration and Refugee Protection Regulations* is that an applicant must have an employment contract with their future employer. Because your future employer has withdrawn the offer of employment, your application does not meet this requirement.

Subsection 11(1) of the *Immigration and Refugee Protection Act* states that:

11. (1) A foreign national must, before entering Canada, apply to an officer for a visa or for any other document required by the regulations. The visa or document shall be issued if, following an examination, the officer is satisfied that the foreign national is not inadmissible and meets the requirements of this Act.

Subsection 2(2) of the *Immigration and Refugee Protection Act* specifies that:

2. (2) Unless otherwise indicated, references in the Act to “this Act” include regulations made under it.

Following an examination of your application, I am not satisfied that you meet the requirements of the Act and Regulations for the reasons explained above. I am therefore refusing your application.

If you have been requested to forward additional information, to undergo a medical examination, or to appear for an interview at this office, you should now disregard these requests and consider them cancelled. We can consider a new application only if you obtain another offer of employment that has been validated by a Service Canada Centre of Human Resources and Skills Development Canada.

Thank you for your interest in Canada.

Yours sincerely,

Officer

## OP 14 Processing Applicants for the Live-in Caregiver Program

### Appendix B Fact sheet on employment standards legislation

#### Applicable to live-in caregivers or domestic workers

This fact sheet briefly outlines employment standards provisions applicable to live-in caregivers in each province and territory.

Although the *Live-in Caregiver Program* is run by the federal government, employment standards legislation pertaining to caregivers and domestics falls within provincial and territorial jurisdiction. Federal legislation (namely the *Canada Labour Code* and Regulations) applies only to certain specific sectors such as banking, interprovincial and international transportation, telecommunications, broadcasting, grain handling and uranium mines.

It should be noted that the provisions in provincial and territorial employment standards legislation and their scope may vary from one jurisdiction to another. This means that minimum working conditions prescribed by law are not identical across Canada for live-in caregivers or domestic workers.

Under the *Immigration and Refugee Protection Act* and Regulations, employers and live-in caregivers must sign an employment contract that clearly defines the rights and responsibilities of both parties. The terms and conditions of the employment contract must by law be consistent with provincial employment standards. In some provinces and territories, employment standards legislation does not, in whole or in part, apply to live-in caregivers. Where there is no minimum wage applicable in a particular province or territory, Human Resources and Skills Development Canada (HRSDC) determines the wage rate to be paid by employers. In some parts of the country, HRSDC requires employers to pay wages higher than the minimum wage rate, based on the prevailing wage paid for this type of work.

For more information on employment standards in provinces and territories, please consult the following Web sites. Please note that the information is subject to change.

Also note that HRSDC's Web site provides a table of [Regional Wages, Working Conditions and Advertisement Requirements for the Live-In Caregiver Program](#).

#### BRITISH COLUMBIA

Web site: [www.labour.gov.bc.ca/esb/](http://www.labour.gov.bc.ca/esb/)

#### ALBERTA

Web site: [www.employment.alberta.ca/SFW/1224.html](http://www.employment.alberta.ca/SFW/1224.html)

#### SASKATCHEWAN

Saskatchewan's *Labour Standards Act* and *Regulations* do not apply in the same way to "care providers" as they do to domestic workers (these two categories have their own definitions). The minimum employment standards also vary depending on whether or not the employee lives with the employer.

Web site: [www.labour.gov.sk.ca/LS/](http://www.labour.gov.sk.ca/LS/)

#### MANITOBA

Web site: [www.gov.mb.ca/labour/standards/](http://www.gov.mb.ca/labour/standards/)

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### ONTARIO

Web site: [www.labour.gov.on.ca/english/es/index.html](http://www.labour.gov.on.ca/english/es/index.html)

### NEW BRUNSWICK

New Brunswick's *Employment Standards Act and Regulations* do not apply to persons working in private homes. Therefore, live-in caregivers have no protection under provincial employment standards legislation, which makes it all the more important to clearly spell out the working conditions in the employment contract.

Web site: [www.gnb.ca/0308/index-e.asp](http://www.gnb.ca/0308/index-e.asp)

### NEWFOUNDLAND AND LABRADOR

Web site: [www.hrle.gov.nl.ca/lra/labourstandards/faq.htm](http://www.hrle.gov.nl.ca/lra/labourstandards/faq.htm)

### NOVA SCOTIA

Web site: [www.gov.ns.ca/lwd/employmentworkplaces/](http://www.gov.ns.ca/lwd/employmentworkplaces/)

### NORTHWEST TERRITORIES AND NUNAVUT

Web site: [www.ece.gov.nt.ca/Divisions/Labour/](http://www.ece.gov.nt.ca/Divisions/Labour/)

### PRINCE EDWARD ISLAND

Web site: [www.gov.pe.ca/cca/index.php3?number=1004723&lang=E](http://www.gov.pe.ca/cca/index.php3?number=1004723&lang=E)

### QUEBEC

The *Live-in Caregiver Program* operates differently in Quebec compared to the other provinces and territories. Under the *Canada-Quebec Accord*, Quebec plays a role in the selection of foreign workers. In order to work in Quebec, caregivers have to obtain a *Certificat d'acceptation du Québec (CAQ)*, which is contingent, in part, on the signing of an employment contract between the employee and the employer. The *Act respecting labour standards* does not apply to an employee whose exclusive duty is to provide care, in a dwelling, to a child or to a sick, disabled or aged person (s. 3(2) of the Act). However, live-in caregivers may be covered by the provisions of the Act if they also do housework that is not directly related to the immediate needs of the care recipient. In such cases, they are deemed to be domestics.

Web site: [www.cnt.gouv.qc.ca/en/home/index.html](http://www.cnt.gouv.qc.ca/en/home/index.html)

### YUKON TERRITORY

Most provisions of the *Employment Standards Act* apply to domestics, including domestic homemakers. However, the Act does not cover sitters working in a private residence solely to attend to a child, or to a disabled, infirm or other person (*General Exemption Regulations*).

Web site: [www.community.gov.yk.ca/labour/index.html](http://www.community.gov.yk.ca/labour/index.html)

## OP 14 Processing Applicants for the Live-in Caregiver Program

### Appendix C Provincial and territorial employment standards

#### Contact list

If you have questions, difficulties or complaints regarding your employment as a live-in caregiver, you can call or visit the labour or employment standards branch for your province or territory. The counsellors at these offices will answer questions you may have about your rights, and help you if you are having any work-related difficulty with your employer. Sometimes you will hear a pre-recorded message when you call these numbers. Just stay on the line and follow the directions that you receive. If the recorded message does not answer your question, a counsellor will eventually come on the line. These numbers are used frequently, and it may take more than one try to get through. Be patient.

If you prefer, you can write to the office listed. Just write a letter indicating your question or concern and mail it to the address shown. Be sure to include your name and occupation (what you do) and how you can be reached (phone number and address). If it is important that you get assistance quickly, remember that calling is faster than writing. Do not hesitate to contact these people. They are here to help you.

Please visit the following Web site for further details:

<http://www.cic.gc.ca/english/work/caregiver/arriving.asp#standards>

## OP 14 Processing Applicants for the Live-in Caregiver Program

### Appendix D Counselling fact sheet

#### Important information for live-in caregivers

The following Web page provides information on the rights of temporary foreign workers and the law: <http://www.cic.gc.ca/english/work/tfw-rights.asp>.

You should confirm that your employer still wishes to hire you before you finalize plans to depart for Canada. If your employer no longer needs you, your work permit will no longer be valid as it was approved for that specific job and employer. You may not be allowed to enter Canada.

Your employer should meet you at the port of entry.

You must have a written employment contract signed by both you and your future employer. The contract defines your job duties, hours of work, salary and benefits, such as overtime. The contract also reinforces your employer's legal responsibilities to you. This requirement helps provide a fair working arrangement between you and your employer and provides both of you with a clear understanding of what is expected of you.

You should ask for a "pay slip" with each pay cheque, which shows your deductions and net pay (pay after deductions).

If you are not happy with your job, you should tell your employer. A little flexibility on both sides is often enough to cause changes so that you are both happy. Some employers have waited a long time and may have paid agency fees to bring you to Canada. They will appreciate your honesty.

If you decide to change employers, you cannot begin work until you get a new work permit. Your new employer needs to get approval from Human Resources and Skills Development Canada before you can get your new work permit.

Even if you do not change employers, you may need to renew your work permit. It is illegal to work in Canada once your work permit has expired. You should apply for an extension of your work permit in Canada at least three months in advance of the expiry date. This is your responsibility, not your employer's.

It is your responsibility to keep your legal documents (such as your work permit and passport) safe. You should not give them to anyone, even your employer. Although you may be asked to show these documents for verification (e.g. your employer may request to see your work permit), you should always keep them in your possession.

Under no circumstances can an employer have you deported from Canada. Your employer has no authority to hold your passport.

You are authorized to work in Canada as a live-in caregiver only. If you work in any other job, even part-time work, you could be disqualified from the program and from getting permanent residence.

If you or someone else lied about your education, training or experience when you first applied in the Live-in Caregiver Program outside Canada, you could be disqualified from the program in Canada.

If you want to apply for permanent residence in Canada, you must:

- work full-time as a live-in caregiver in Canada for two years within the first three years of your arrival;
- you, your spouse and your dependent children must pass medical, criminal and security checks and must not be going to an immigration inquiry (hearing) or be under an order to leave Canada. For example, if you marry a refugee claimant in Canada the status of your spouse could prevent you from getting permanent resident status;

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- you must live in the home of the person(s) for whom you have been hired to provide care or you cannot continue to work in the Live-in Caregiver Program, and you cannot apply for permanent residence; and
- once you have worked for the required two years, you may apply for permanent residence. It is important that you maintain your temporary resident status and have a valid work permit until you have become a permanent resident.

If you plan to apply for permanent residence, you may wish to get original documents that show, in as much detail as possible, all of your education, training and experience before you leave your country. These documents could help you when you apply for work in Canada, or help you get into a program of study after you become a permanent resident. It is often easier to get these documents while you are still in your home country.

If you had to get a temporary resident visa to come to Canada, you may have to get a new one if you leave Canada temporarily, on holidays, for example, unless you are visiting the United States.

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### **Appendix E Live-in caregiver/domestic worker associations**

#### **Contact list**

The following Web page lists associations where caregivers/domestic workers can get more information about their rights as live-in caregivers in Canada. These groups can help answer questions about working conditions, employee-employer relations, changing jobs, job loss or abuse. They can also help in learning more about their new community and how to meet people. Live-in caregivers/domestic workers do not need their employer's permission to contact these groups.

<http://www.cic.gc.ca/english/work/caregiver/associations.asp>