



## Update on Agricultural Temporary Foreign Workers Entering Canada



### [Government of Canada COVID-19 General FAQ document](#)

**Q: Who is covered under the TFW exemption? Is the travel ban only for workers under the TFWP or does it include other programs such as Seasonal Agricultural Worker Program (SAWP) or high-skilled workers under the NAFTA program?**

**A:** The Government of Canada has clarified that workers, regardless of the program they are coming under (ie: NAFTA; SAWP; TFWP) will be allowed to enter Canada provided they:

- 1) do not exhibit symptoms of the coronavirus;
- 2) are deemed essential (agriculture); and
- 3) have a valid work permit or a letter of introduction from IRCC confirming that a work permit has been approved before they board a plane (with the exception of the US)

### [Travel Exemptions](#)

#### [Restrictions and Exemptions](#)

- Port of entry applications are no longer possible, however foreign nationals coming from the United States may still apply for a work permit at a port of entry.

**Q: What are the requirements for the mandatory self-isolation and the employer responsibilities?**

**A:** Any TFW exhibiting symptoms upon arrival will not be allowed to continue on with in-Canada travel and will be required to immediately self isolate.

If they are asymptomatic upon arrival, they can travel to the final destination and then must self-isolate for 14 days.

### [Requirements for mandatory 14 day isolation when entering Canada](#)

The [Guidance for Employers of Temporary Foreign Workers Regarding COVID-19](#) document outlines specific provisions employers must meet in self-isolating TFW upon arrival in Canada such as:

- accommodations for self-isolation and allowance for collective housing as long as there is appropriate room for social distancing (2 metre)
- If a new TFW joins the group, or if someone becomes symptomatic within the 14 days, the clock will start again at zero and require an additional 14 days of self-isolation
- During the time in isolation, the employer is responsible to meet all the TFW requirements (ie: pay employees wages; housing; health requirements; meals; etc.)

- If a returning worker has a contract and has been paying EI, they can apply for unemployment during this time

**Q: Are TFW able to get into Canada?**

**A:** Many commercial flights leaving TFW source countries are being cancelled and, in some areas, airports are being closed. There are some charter flights still able to bring in workers.

Potential contacts include:

- Vacation World - [info@vacationworldtravel.ca](mailto:info@vacationworldtravel.ca)
- WALI Canada - <https://walicanada.ca/temporaryforeignworkers/>
- FARMS - <http://farmsontario.ca/>

Global Affairs Canada has requested that if companies are chartering flights to bring in employees, they would be interested in looking for additional seats to assist bringing in other Canadians looking to return to Canada. If you are interested, please reach out to Laurel Louden at 613-240-4233 or by email at [laurel.louden@international.gc.ca](mailto:laurel.louden@international.gc.ca)

**Q: How will housing inspections be accomplished if inspectors cannot come out?**

**A:** Service Canada has updated participants on a temporary approach for Housing Inspection Reports:

- If an employer cannot submit a recent HIR due to Coronavirus, the employer must first try to provide a satisfactory HIR obtained within the previous 3 years **AND** is required to provide a new HIR to the Department within the duration of the work permit issued by that Labour Market Impact Assessment (LMIA).
- If an employer cannot provide a satisfactory HIR obtained in the previous 3 years, an LMIA can be issued **IF** the employer provides photos of the accommodation **AND** is required to provide a new HIR to the Department within the duration of the work permit issued by that LMIA.

**Q: Is there an expediated process for LMIA approvals if they are an essential service?**

**A:** Service Canada has provided the following updated LMIA processing measures, introduced to support ensure efficient processing of agriculture and agri-food Temporary Foreign Workers this season:

- For Primary Agriculture and Agri-food employers, we are providing priority processing of Labour Market Impact Assessments and removing minimum recruitment requirements until October 31, 2020.
- For all employers, extending the period of validity of a labour market impact assessment from 6 to 9 months, to allow employers more time to identify candidates and bring them to Canada.
- For Low Wage stream employers, we are increasing the maximum duration of work permits from 1 to 2 years.
- For Primary Agriculture employers, added flexibility regarding the requirement to provide a recent Housing Inspection Report (HIR). A previously approved HIR within the last 3 years (if available) or

date-stamped photos of the accommodations if a previously passed HIR is not available. In all cases, employers will be required to provide a new HIR to the Department within the period of employment covered by the work permit.

- For all employers, temporary suspension of requirement to report minor administrative updates (e.g. - reporting lay-offs, teleworking arrangements, etc.).
- We have established an accelerated name change process with IRCC (from 5 days down to 1 business day) for employers wishing to change the name of an already identified foreign worker for reasons related to COVID-19.
- Please note that these temporary measures will be proactively applied to all pending LMIA applications as well as future applications received by the Department.
- We are also strongly encouraging employers and third-party representatives who are registered on Job Bank to use the new LMIA Online system to submit their LMIA applications. Using the LMIA Online system accelerates our ability to assign applications Officers and to begin the assessment. Furthermore, through their online account, employers and third parties are able to obtain real-time status on the assessment of their LMIA applications.

**Q: Where can we go to get additional support?**

**A:** A dedicated LMIA Online Team is available if employers require assistance:

[EDSC.DGOP.PTET.ContactezNous-ContactUs.TFWP.POB.ESDC@servicecanada.gc.ca](mailto:EDSC.DGOP.PTET.ContactezNous-ContactUs.TFWP.POB.ESDC@servicecanada.gc.ca)

[Employment and Social Development Canada Corporate Information](#)

**Q: If TFWs are already in Canada, what action is being taken to keep them here and potentially move towards permanent residency?**

**A:** All current 1-year LMIAs have been automatically increased to 2 years.

The IRCC has stated that applications will not be rejected for non-compliance at this time. All applications currently in progress at IRCC offices abroad, at case processing centres, and within the Domestic Network will continue to be processed, but may experience delays.

The IRCC may continue to request the necessary documents from applicants, such as police certificates, biometrics, passports, medical examinations, and any documents that must be issued by **Chinese, Iranian** or **South Korean** authorities.

Applicants will be given an extension of **90 days** in order to provide all necessary documents for processing. All appointments such as **knowledge tests, retests, interviews, hearings, or oath ceremonies** are to be rescheduled within a reasonable time so as not to further delay processing times.

**Q: When is the Agri-Food Pilot (AFIP) program set to start?**

**A:** The Government of Canada has announced that the Agri-Food Immigration Pilot is postponed and is now scheduled to open on May 15, 2020, and will accept applications until May 14, 2023.

Information on how to apply will be posted online and shared via social media closer to the launch date.