

CONSULTATION WITH STAKEHOLDERS ON THE ACADEMIC SECTOR'S USE OF FOREIGN WORKER PROGRAMS

June 2018

Introduction

The Government of Canada is committed to attracting and retaining top academic talent so that Canada continues to be a leader in world class education, research, and innovation. To do so, it is inviting comments from stakeholders on current temporary foreign worker facilitation measures available to the sector, as well as anticipated future foreign talent needs. The following is an overview of existing provisions under which foreign nationals may enter and work in the Canadian academic sector, as well as key discussion questions.

Existing Facilitation Measures

The *Immigration and Refugee Protection Act* and *Regulations* govern the entry of foreign nationals into Canada. Academics and researchers can enter Canada to work in the academic sector either through the International Mobility Program (IMP) or the Temporary Foreign Worker Program (TFWP).

International Mobility Program

Under the IMP, certain academics and researchers may enter the Canadian labour market without a Labour Market Impact Assessment (LMIA). Exemptions from the LMIA requirement are determined on the basis of reciprocity, public policy, or competitiveness considerations. In general, foreign academics and researchers are issued work permits under the IMP categories outlined below.

Guest lecturers, visiting professors, and exchange elementary and secondary teachers are facilitated on the basis of reciprocity, with the assumption that opportunities exist for Canadians or permanent residents to take similar positions at foreign institutions abroad (C20 and C22). Under the academic exchanges category (C22), work permits for visiting professors are normally issued for two academic years to reinforce the 'temporary' nature of these opportunities and mitigate potential impacts on Canadians' access to academic teaching opportunities, while those for guest lecturers are issued for shorter duration. Work permits for exchanges that stem from more formal reciprocal agreements between institutions or countries (C20), would normally reflect the length of the employment contract.

Post-doctoral and research award recipients are facilitated for reasons of competitiveness of Canada's academic institutions (C44). This category allows Ph.D. and award or scholarship recipients to take time-limited positions in Canada to undertake research or teach in their field. While post-doctoral fellows can take positions at public institutions or commercial enterprises, facilitation for research award recipients is aimed at those working at public institutions only. While this category is aimed at award recipients at graduate and post-doctoral levels, those at undergraduate levels are also facilitated on a case-by-case basis.



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The **Designated Research program** category (C31) facilitates work related to federal research programs designated by the Minister. These programs are funded through Canada's granting councils, such as the National Research Council of Canada, the Natural Sciences and Engineering Research Council, the Social Science and Humanities Research Council, and departments participating in Natural Resources Canada's program for distinguished scientists and scholars. Holders of research chair positions at Canadian universities and scientists sponsored by the International Development Research Centre of Canada and the Atomic Energy of Canada Ltd. are also included.

Academics and researches may also be facilitated pursuant to Canada's **international agreements** (T23) as well as under the **significant benefit category** (C10), when there is sufficient evidence presented to support facilitation.

In addition, researchers coming to do short-term research at a publicly-funded, degree granting institution or affiliated research institute may also be work permit exempt under the new **short-duration research exemption** introduced under the Global Skills Strategy.

Temporary Foreign Worker Program

Academics who do not benefit from facilitation under the IMP can enter Canada under the **TFW Program** with the support of a Labour Market Impact Assessment (LMIA). The LMIA process is designed to measure employers' efforts to engage domestic sources of labour, while also ensuring that there is either a positive or neutral impact on the domestic labour market of hiring a foreign national. The LMIA has specific requirements for recruitment and transition plans (amongst others) for all employers.

Labour Market Impact Assessment Variations

Customized recruitment requirements that reflect the hiring process in the academic sector are in place with key differences relating to recruitment duration and advertising methods. These provisions recognize that universities need to hire the best and brightest in a global market, and that the academic hiring process is unique (with considerations of collective agreement provisions, public funding structures, and tenure).

In addition, the sector also benefits from **alternate requirements for transition plans**. Transition plans document an employer's efforts beyond traditional recruitment to attract, retain and develop a domestic workforce. Universities seeking to hire foreign academics can opt to contribute to a recruitment reporting framework coordinated by Universities Canada on an annual basis rather than to submit a transition plan, a variance that recognizes the sector's unique hiring environment.



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Discussion themes

1. With respect to the academic sector's **current needs**, which elements of the program work well and what are the areas that require attention, specifically in regards to:
 - a. Availability of information about possible work authorization options;
 - b. Program criteria for LMIAs or LMIA exemptions;
 - c. LMIA and work permit application, duration, extension, or documentation requirements;
 - d. Pathways to permanent residency for foreign academics, and;
 - e. Other considerations relevant to program design.

2. More broadly, what are the **medium-term trends** in the sector that are expected to intersect with immigration and work authorization policies and programs, including the below;
 - a. Looking ahead (e.g. 3-5years), what talent needs (faculty, researcher) does the sector anticipate may not be met domestically? In what fields of study and at what level of seniority (entry-level, mid-career, senior level)?
 - b. How does the sector balance nurturing development of domestic talent versus the need to recruit foreign talent to maintain institutional prestige? Is there a current or growing need to look internationally for entry level positions within faculty?
 - c. How are boundaries between study, research, and work shifting? What opportunities and challenges does that present in terms of foreign talent recruitment and retention?
 - d. Canada's innovation goals emphasize the importance of multidisciplinary research collaborations, and commercialization and internationalization of Canadian research. What impacts does that have on the academic sector, particularly in regards to faculty and researchers?
 - e. Is the researcher profile changing? Are level of education, years of experience, and breadth of competition for project etc. relevant to assessing the contribution made by a researcher? What other relevant attributes could be used?
 - f. Research collaborations with private industry are becoming increasingly popular and productive in terms of innovation and research commercialization. What are the key opportunities and challenges such partnerships present for the sector? What impacts do these partnerships present for immigration and labour market programs?
 - g. What are the anticipated talent impacts of the increased emphasis on internationalizing Canadian institutions and experiential learning?

