

TRAPS AND PITFALLS

There are a number of traps and pitfalls in the Work Permit area, which people can unwittingly fall into. Some of these could have serious repercussions on both the foreign worker, and the Canadian company. These include:

1. **6 month ban for working illegally:** If you have worked in Canada without a Work Permit, and don't have a valid exemption you can rely on, you could be banned from obtaining a Work Permit for 6 months from the date that you ceased working. There are only limited exceptions which will excuse you from this 6 month ban, and if your company depends on your services, this could cause severe problems. Under the old regulations, there was a provision for relief where the offence was unintentional or excusable for a "valid reason." The new Regulations have no such relief provision.
2. **Misrepresenting or Withholding material facts:** If on a Work Permit Application, you misrepresent the facts, or don't disclose any relevant facts, you could be deemed inadmissible, and be forced to leave Canada immediately. For example, say you were working in Canada thinking that you did not need a Work Permit. You then discovered that you did need one, and you applied for it but didn't disclose that you were working without authorization; you could be guilty of a misrepresentation, and be forced to leave Canada.
3. **Ban from returning to Canada:** If you have been found inadmissible because of a misrepresentation, or any other offence under any Canadian law, you may not be able to immigrate to Canada, or even come back to Canada, without the consent from the Minister of Immigration.
4. **Leaving Canada during renewal processing:** If you have a Work Permit, and apply for an extension, you usually have the right to continue to work in Canada until Canada Immigration has dealt with your application and either renewed your Work Permit or rejected the application. If you leave the country, even for a short business trip, after your Work Permit expires but before the new one is issued, you may not be able to come back to work.
5. **Limitations on renewals:** Some categories of Work Permits have limited renewal periods. For example, if you are coming to Canada as a NAFTA Intra Company Transferee on the basis of "specialized knowledge", you may have difficulty renewing your Work Permit after 3 years, because you may be expected to transfer that knowledge to Canadians during that time. Other categories have different renewal limitations which may be more beneficial to your case.