

Changes To Open Work Permits Effective January 21, 2025



Effective January 21, 2025, family members of international students and foreign workers face increased restrictions to the eligibility criteria for obtaining an open work permit (“OWP”). These changes to a family’s eligibility for an OWP are part of the broad measures that were [previously announced in September 2024](#) by Immigration, Refugees and Citizenship Canada. Employers will want to be aware of these changes, as they may result in employee turnover due to limitations on foreign workers bringing family to Canada.

Spouses of foreign workers

Eligibility for family member(s) to obtain an OWP will be limited to spouses of foreign workers who are employed in:

- TEER 0 (i.e. management occupations) or TEER 1 (i.e. occupations that usually require a university degree) occupations; or
- TEER 2 or TEER 3 occupations in sectors with labour shortages or linked government priorities.
 - As noted above, not all TEER 2 and 3 occupations will be included for ongoing spousal OWP eligibility. We are still awaiting the release of the full list of occupations to be included. Thus far, the government has indicated that this will include occupations in the natural and applied sciences, construction, health care, natural resources, education, sports and military sectors.
 - TEER 2 occupations usually require completion of a post-secondary program of two to three years, apprenticeship training of two to five years, occupations with supervisory or significant safety responsibilities (for example, police officers or firefighters), or, in some cases, several years of experience in a related TEER 3 occupation.
 - TEER 3 occupations usually require completion of a post-secondary program of less than two years, apprenticeship training of less than two years, or more than six months of on-the-job training.

Further, foreign workers must have at least 16 months remaining on their work permits at the time their spouse applies for an OWP. Dependent children of foreign workers will no longer be eligible for OWPs.

Spouses of Foreign Workers in Canada Through Free Trade Agreements

An exception to these changes is in place for spouses of foreign workers who hold a work permit based on a free-trade agreement, such as the Canada-United States-Mexico Agreement and the Canada-European Union Comprehensive Economic Trade Agreement. Free trade agreements provide a pathway for labour market impact-exempt work permit applications, thus significantly promoting labour mobility amongst the countries party to the agreement. Fortunately, these benefits will be largely unaffected by these changes, as spouses of individuals who hold a work permit through a free trade agreement will still be eligible for OWP, regardless of the TEER level of their occupation.

Foreign Workers and Spouses Transitioning to Permanent Residency

Like spouses of foreign workers who hold free-trade agreement based work permits, spouses of foreign workers transitioning to permanent residency will also be exempt from these changes and will remain eligible for an OWP. Where a spouse has made a permanent residency application, they will be eligible to obtain a further OWP while their application processes. Again, this is the case regardless of the foreign worker's occupation and the occupation's corresponding TEER level.

Dependent open work permits for minor children

The changes in eligibility for spousal OWPs are accompanied by further restrictions for family members. As of January 21, 2025, the dependent minor children of foreign workers will no longer be eligible for OWPs. This is the case regardless of foreign worker parent's occupation and TEER level.

Spouses of international students

Eligibility for family member(s) to obtain an OWP will be limited to only spouses of international students enrolled in:

- Master's programs that are 16 months or longer in length;
- Doctoral programs; or
- Eligible programs and select professional programs such as Doctor of Dental Surgery, Bachelor of Law or Juris Doctor, Doctor of Medicine, Doctor of Optometry, Pharmacy, Doctor of Veterinary Medicine, Bachelor of Science in Nursing, Bachelor of Nursing Science, Bachelor of Nursing, Bachelor of Education, Bachelor of Engineering.

What about existing OWPs?

Existing OWPs that were approved previously and have not yet expired will remain valid until the stated expiry date.

Where an international student needs additional time to complete their program, or where an OWP term was shorter than the term for the principal applicant of the family, family members located in Canada (including spouses and dependent children) may apply to renew their work permits as long as:

- Their application is based on the same criteria as their current work permit, and
- The principal applicant's existing study or work permit duration matches the requested duration of an OWP renewal.

Key takeaways

The January 21, 2025, restrictions on OWP eligibility present challenges for Canadian employers going forward. As indicated above, employers should prepare for increased employee turnover due to the strain of foreign workers being separated from their family. Employers should also keep in mind the possibility of increased difficulties associated with international recruiting and hiring. If a foreign worker is unable to bring their family with them to Canada, they are less likely to come to Canada at all and more likely to set their sights on immigrating to countries where their spouse can accompany them.

It is also worth noting that the splitting families between Canada and foreign countries will result in dollars flowing out of the Canadian economy, rather than into it. This could result in longer-term economic issues for Canadian businesses.

Family members that no longer qualify for a family OWP should consider whether they are eligible under any other type of Canadian work permit program.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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