

Proposed Changes To Spousal Work Permits Will Impact Canadian Employers



On September 18, 2024, Immigration, Refugees and Citizenship Canada (“IRCC”) [made an announcement](#) with potentially significant implications for employers – particularly regarding the reduction of work permit eligibility for accompanying spouses.

The announcement included Ottawa’s intent to further reduce international study permits for 2025 by an additional 10% from the 2024 target. Changes to eligibility for post-graduate work permits were also announced. Additionally, the federal government plans to limit work permit eligibility to spouses of Master’s students whose program is 16 months or more in duration. You can read our recent post providing a general overview of this announcement [here](#).

Perhaps the most important change announced, especially for Canadian employers, is Ottawa’s additional measure regarding spouses of work permit holders. The federal government has stated that later this year it intends to limit work permit eligibility to spouses of foreign workers in management or professional occupations or sectors with labour shortages. More information on the potential impacts of these changes, as well as what employers need to know moving forward, is provided below.

Reduction in spousal work permits: IRCC has indicated that spouses of foreign workers employed in management or professional occupations will remain eligible for Spousal Open Work Permits (SOWP). Based on the current structure of the National Occupational Classification (NOC) system, we expect that spouses of TEER 0 and 1 skill level work permit holders will remain eligible for a SOWP. It is also likely that spouses of TEER 2 work permit holders will still be eligible for SOWPs, though what this will look like—if they are indeed included—is not entirely clear at this time. However, the fate of TEER 3 is uncertain, while spouses of work permit holders occupied in TEER 4 and 5 skill level positions will almost certainly be ineligible for SOWPs.

Uncertainty in NOC eligibility: Although it is predicted that occupations falling under TEER 0 and 1 skill level categories are likely encompassed by “management and professional occupations,” exactly which NOCs will be captured by this description remain uncertain. As such, there is currently uncertainty surrounding which particular NOCs will remain eligible to support an accompanying spouse obtaining a SOWP. This uncertainty poses challenges for Canadian employers planning their workforce needs.

Potential impacts

- Family separation due to foreign employment. This is in contrast to the family unification principle underpinning Canada's immigration system.
- Increase in the funneling of Canadian economic income out of the country to support family members ineligible to accompany the foreign worker to Canada. This may result in a reduction in the overall economic benefit foreign workers typically create in Canada.
- Individuals bringing spouses to Canada as visitors who cannot work, resulting in individuals living in Canada for extended periods without the ability to contribute to the Canadian economy.
- Loss of skilled labour as individuals look to countries with more accessible immigration pathways and provide favourable employment opportunities for their spouses.

Challenges for employers

Employers may struggle to find top-tier candidates for hard-to-fill positions due to concerns about the ability to bring family members to Canada. Further, Canadian employers may see retention issues as lower-skilled workers are unable to have their families accompany them, decreasing establishment and long-term stability of their workforce. Further, there is a possibility of spouses already in Canada not continuing to be eligible for SOWPs through a "grandfather" system. If this is the case, workers otherwise eligible to work in Canada may leave the country when their spouse loses their working status.

Clues from IRCC

In his September 18, 2024 speech, the Honourable Marc Miller, Minister of Immigration, Refugees and Citizenship, noted the following:

"In the near future, we will also take further measures to restrict eligibility for spousal open work permits. We will be further limiting work permit eligibility for spouses of students in doctoral and certain master's programs, select professional programs, and certain pilot programs. Over the next three years, we expect these changes to yield approximately 50,000 fewer work permits for the spouses of students group.

We will also be limiting work permit eligibility to include only spouses of highly skilled, specialized workers such as C-suite executives, scientists, engineers, lawyers, professors and technicians, or of workers in sectors where there are key labour shortages. Spouses of workers in critical sectors, like health care and construction, will continue to be eligible for work permits. Over the next three years, we expect these changes to yield approximately 100,000 fewer work permits for this group of spouses."

These comments provide some—albeit limited—insight into where the government plans to take the SOWP policy from here.

Key takeaways

The reduction in spousal work permits presents challenges for Canadian employers. It is crucial employers stay informed on these changes and consider potential impacts on their organization's recruitment and retention strategies. As more details become available, employers will need to adapt to continue to attract and retain top talent

in a competitive global market.

Although we do not yet know which TEERs and NOCs will be impacted by the changes, we will provide an update when more information is made available.

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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