

Employment and Immigration  
Law 101: hiring, managing and  
firing foreign workers

**EP 52**

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# Meet Your Presenters

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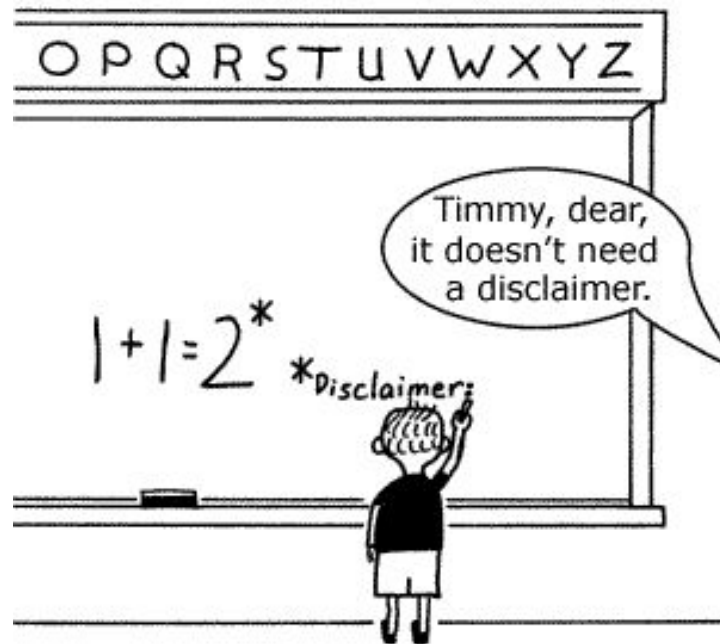


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Timmy  
doesn't need  
a disclaimer  
but we do...



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# Presentation Roadmap

- 1) When should an employer work with an employment vs immigration lawyer on a mobile worker issue?
- 2) What are key tactics for handling cross-border work?
- 3) What are the 3 big mistakes employers make when hiring a foreign worker?
- 4) Can an employer fire an employee on a temporary work visa? What are the implications from both an immigration and employment law perspective?
- 5) Is a cross-border employment relationship an immigration matter governed by US law or Canadian law?
- 6) What are common issues employers face when an employee is transitioning from temporary resident (work permit holder) to permanent residence?
- 7) What is the difference between an open vs closed work permit?
- 8) Questions & Wrap-Up

# Immigration Law vs Employment Law

When transferring employees from the US to Canada



# Immigration Law vs Employment Law

When transferring employees from the US to Canada

- Who does what in all the areas of overlap?
- Work Permits and Visas: Ensure foreign workers have appropriate permits/visas; Comply with IRCC regulations.
- Labour Market Impact Assessment (LMIA): LMIA needed to prove no available Canadian for the job
- Employment Contracts: Must include terms related to immigration status.



# Immigration Law vs Employment Law (con't)

When transferring employees from the US to Canada

- Compliance with Employment Standards: Foreign workers entitled to same standards as Canadians.
- Temporary Foreign Worker Program (TFWP): Meet requirements for wages and working conditions.
- Permanent Residency Pathways: Certain roles may lead to permanent residency.
- Human Rights Considerations: Avoid discrimination based on immigration status.
- Retention and Termination: Employment status changes affect immigration status. Be sure local jurisdiction laws are applied (e.g no at-will in Canada)

# Key Tactics for Handling Cross-Border Work



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- For mobile/remote workers, immigration needs to be looked at from the context of INBOUND movements.
- A Canadian citizen going to the US with an intention to work is a US immigration matter.
- Advice needs to be given for that jurisdiction.
- Immigration is related to the geographical boundaries of the country of work, not the citizenship of the individual.
- Good to work with lawyers with cross-border qualifications and/or experience

# Mistakes to Avoid

- What are the 3 big mistakes employers make when hiring a foreign worker?

# Worker Status on Work Visas



# Worker Status on Work Visas

- Can an employer fire an employee on a temporary work visa?
- What are the implications from both an immigration and employment law perspective?

# Jurisdiction



- Is a cross-border employment relationship an immigration matter governed by US law or Canadian law?



# Going down the Status Pathway



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- What are common issues employers face when an employee is transitioning from temporary resident (work permit holder) to permanent residence?

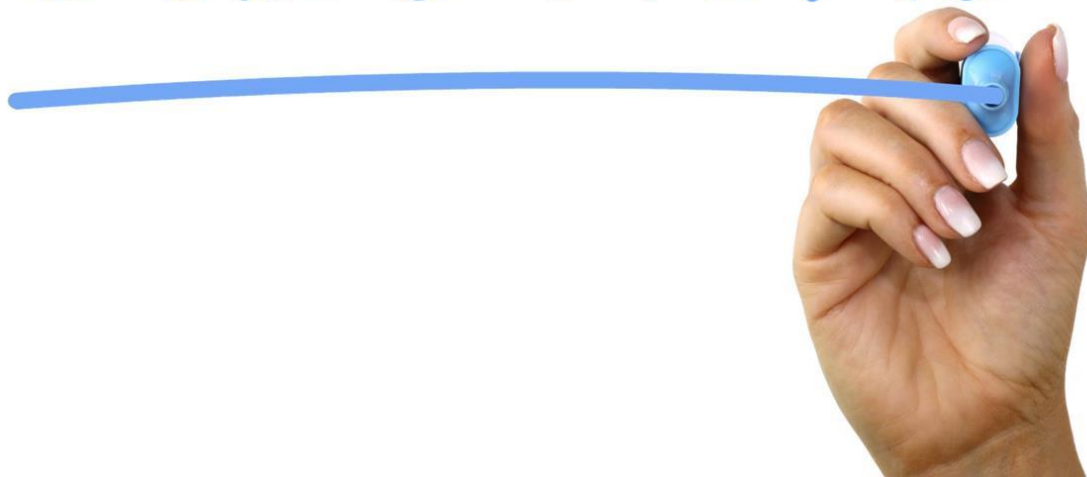
# Working on a Permit



# Working on a Permit

- What is the difference between an open vs closed work permit?

# QUESTIONS



# Thank you!

To learn more about Babel Immigration Law and get in touch with Melissa's team:

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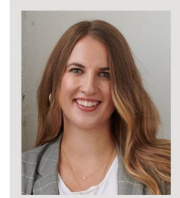
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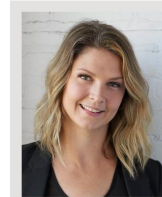
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