



Republic of the Philippines
Department of Migrant Workers

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BAGONG PILIPINAS

ADVISORY NO. 09
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**Documentation of Filipinos as OFWs under Canada's
Immigration Programs/Systems**

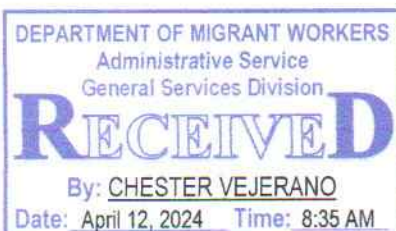
Recognizing the various immigration programs/systems of Canada which serve as pathways to permanent residency thereat, the public is hereby advised as follows:

- 1. Definition of Overseas Filipino Worker (OFW)** – Republic Act 11641, Section 3.g refers to a Filipino who is to be engaged, is engaged, or has been engaged in remunerated activity in a country of which he or she is not an immigrant, citizen, or permanent resident or is not awaiting naturalization, recognition, or admission, whether land-based or sea-based regardless of status; excluding a Filipino engaged under a government-recognized exchange visitor program for cultural and educational purposes.

For purposes of this Advisory, a person engaged in remunerated activity covers a person who has been contracted for overseas employment but has yet to leave the Philippines, regardless of status, and includes "Overseas Contract Workers." The term "OFW" is synonymous to "Migrant Worker."

- 2. Filipinos bound for Canada under the following programs are considered OFWs and shall undergo contract verification and documentary processing by the DMW**
 - a. Hired through Atlantic Immigration Pilot (AIP) covered by POEA Advisory No. 169, Series of 2020** – This immigration system otherwise known as the Atlantic Immigration Program aims to help employers hire qualified candidates for jobs they haven't been able to fill locally. Accordingly, Filipinos bound for Canada under this Program are required to undergo contract verification and documentary processing by the Department as OFWs either through direct hires processing or through a Philippine Recruitment Agency as their case may be.
 - b. Holders of Canada's Open Work Permit under the International Mobility Program covered by POEA Advisory No. 159, Series of 2020** - Filipinos who are holders of an open work permit with exemption from Labor Market Impact Assessment (LMIA) are required to undergo contract verification and documentary processing as OFWs by the Department upon their initial entry in Canada and until such time their application for permanent residency has been approved by the relevant authority of the said country, as follows:

b.1 Bridging Open Work Permit (exemption code A75) under which the work of certain foreign nationals, who are already working in Canada and are able to maintain their employment and settle while transitioning to permanent residence.



CONTROLLED AND DISSEMINATED
By: DMW General Services Division on April 12, 2024



b.2 Post Graduate Work Permit Program (PGWP) with exemption code C43 allows students who have graduated from eligible Canadian designated learning institutions to obtain an open work permit to gain Canadian work experience. Filipinos under this Work Permit Program are required to undergo the DMW documentary processing if they are in possession of a valid employment contract/offer while they are waiting for a decision on their PGWP application.

b.3 Participants to the Home Child Care Provider Pilot (HCCPP) and Home Support Worker Pilot (HSWP) Programs (administrative code C90) both for Category A (gaining experience) and Category B (direct to permanent residence) who are still in transition from being temporary workers into permanent residents and are in possession of an employment contract/offer. Accordingly, their documentary processing as an OFW will be coursed through a licensed Philippine Recruitment Agency.

b.4 Open Work Permit for Vulnerable Workers (exemption Code A72) - These migrant workers in Canada are on a valid employer-specific work permits and are experiencing abuse, or who are at risk of abuse, in the context of their employment in Canada and *are allowed to look for another employer*. They will only be required to undergo the DMW's documentary processing if they are already in possession of a valid/existing employment contract.

b.5 Religious work (exemption code C50) - holders of employer specific work permits and are engaged in remunerated activities that are not religious in nature such as clerical, accounting, administrative, etc. as evidenced by an employment contract/offer are required to undergo the DMW's documentary processing *even if the employer is a religious institution*.

3. Filipinos bound for Canada under the following categories are not deemed OFWs and need not pass documentary processing through the DMW. Filipinos in categories below are not covered by the definition provided by RA 11641 as OFWs may be covered by the Bureau of Immigration's Guidelines on Departure Formalities for International Bound Passengers in All Airports and Seaports in the Country, in view of the absence of an employment contract or employer upon their initial entry in Canada.

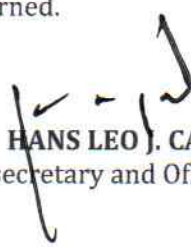
- a. *Spouses or common law partners of principal foreign nationals (exemption code C41) who are or will be employed in high-skilled occupations.*
- b. *Spouses or common law partners of principal foreign nationals (exemption code C42) who hold valid study permits and are enrolled full time in post-graduation work permit eligible studies.*
- c. *Permanent residence applicants in the spouse or common-law partner in Canada class (exemption code A70)*

The above cited Filipinos are not required to be in possession of OECs and are exempted from DMW documentary processing. The said exemption shall remain in effect only within the validity of their permits and will cease once they have found employment in Canada. For clarity, the temporary stay in Canada alongside the presence of a remunerated activity or employment shall henceforth classify them as OFWs.



In case the said open work permit holders are still unemployed in Canada upon their return to the Philippines, an Affidavit of Support or any document consistent with the requirements by the Bureau of Immigration must be presented.

For the information and guidance of all concerned.


HANS LEO J. CACDAC
Undersecretary and Officer-in-Charge

12 April 2024

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