

## Foreign Cooks, Chefs and Restaurant Workers in Canada

By Warren Creates and Jacqueline Bonisteel



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***We specialize in assisting foreign cooks, chefs and restaurant workers obtain temporary or permanent status in Canada. With the recent changes to Canada's Temporary Foreign Worker Program and the Canadian Experience Class, it has become more challenging for cooks, chefs and restaurant workers to achieve optimal status. We can help.***

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Our team has particular expertise in working with foreign cooks, chefs and restaurant workers, as well as the establishments that employ them. We have assisted hundreds of restaurants and restaurant employees with applications for work permits, labour market opinions (LMOs), and permanent residency in Canada.

In July 2013, the *Toronto Star* reported that Canada issued more work permits to foreign cooks than any other occupation. Cooks and chefs with specialized experience and expertise are always in high demand across the country.

However, the fact that the highest number of work permits were awarded to food service workers was controversial to some Canadians. Some argued that there is no shortage of Canadians to fill these jobs, so there is no need to bring in temporary foreign workers at all. More generally, Canada's temporary foreign worker program has been under severe scrutiny in recent months.

In response to this criticism and controversy, the Canadian government has instituted measures making it more difficult for cooks and restaurant workers to obtain status in Canada. The requirements for an employer to obtain a Labour Market Opinion, the first step towards a work permit, have been made significantly more onerous. For instance, employers now need to advertise each position for at least four (4) weeks and pay a \$275 processing fee per application. Employers also face strict compliance measures. Only the most motivated employers will be willing to undergo the necessary steps.

As well, due to recent changes to the eligibility criteria, permanent residence under the Canadian Experience Class (CEC) is no longer available to cooks or food supervisors. Chefs, butchers, bakers and other "National Occupation Classification B" occupations remain eligible for the CEC, but the number of accepted applications is presently capped at 200 per category per year.

In this new environment, preparing strong applications is essential. Success is certainly possible for the right foreign worker applying in the right category. Now more than ever, it is important to submit properly filled forms and good supporting documentation.

The Immigration Law Group at Perley-Robertson, Hill & McDougall LLP/s.r.l. has the expertise to assist both restaurants and foreign workers with assessing work permit requirements, preparing comprehensive application packages, and addressing any potential complications.

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