

Temporary Foreign Worker Program Bulletin

Date: 2014-06-20

To: All TFWP Staff (Managers, Consultants, Officers, etc.)

From: Alexis Conrad, Director General, Temporary Foreign Worker Directorate, NHQ

Subject: How to Handle Incomplete Applications

Purpose:

The purpose of this Bulletin is to provide operational guidance to Employment and Social Development Canada (ESDC)/Service Canada staff when incomplete applications are received from employers or third-parties.

Authority:

The Temporary Foreign Worker Program (TFWP) operates under the authority of the *Immigration and Refugee Protection Act* (IRPA) and the *Immigration and Refugee Protection Regulations* (IRPR). IRPR states that under Section 10. (1) Subject to paragraphs 28(b) to (d) and 139(1)(b), an application under these Regulations shall:

- (a) be made in writing using the form provided by the Department, if any;
- (b) be signed by the applicant;
- (c) include all information and documents required by these Regulations, as well as any other evidence required by the Act;
- (d) be accompanied by evidence of payment of the applicable fee, if any, set out in these Regulations.

Definition of an Incomplete Application:

A "complete" application means that the employer has:

- used the appropriate forms;
- filled out all fields in all the forms;
- included all the documents that were requested;
- signed all the forms, where required; and
- provided payment form for processing fee.

Operational Guidance:

This guidance applies to all applications and replaces previous missing information directives.

Exception:

Web service applications are excluded from this Bulletin as there is a completeness check that is completed prior to each submission.

This Bulletin will remain in effect until further notice.

Procedures:

1. Intake officers will review each application received to ensure that all aspects of the application are complete. http://www.esdc.gc.ca/eng/jobs/foreign_workers/index.shtml, depending on the stream applied for.
2. If the missing information is a minor element that may be obtained quickly by calling the employer, regional operations may elect this course of action.

Applications for Priority Processing with any incomplete elements, even if it is a quick call, should be placed in regular processing.

3. If application is deemed "incomplete" :
 - a) complete the form letter indicating what information is missing (see Annex A);
 - b) No information should be entered in the Foreign Worker System (FWS);
 - c) Employers name, application received date and the reason for return must be entered in the Regional Excel Spreadsheet .
 - d) mail or email the form letter to the employer and SHRED the application and supporting documents. Note any original documents may not be shred) Original documents must be returned to the employer. (see protocol for returning original documents below)

How to Return Incomplete Applications with original documents (via mail):

For applications with original documents (includes a certified cheque or Money order):

- **Do not alter the document(s)**
- Using **Registered Mail** (double-enveloped, no security markings on outer envelope and registered), send the form letter, and the original documents including certified cheque or Money order to the employer.

Key Information:

Approved by: Alexis Conrad, DG
Division: Policy and Program Design
Steven West, Director
Michelle Poliquin, Manager
NC-TFWP_PTET-INBOX-GD

Annex A

{Insert Date}

{Insert Employer Address}

The purpose of this letter is to advise you that Service Canada is unable to process the Labour Market Impact Assessment (LMIA) application you submitted because it is incomplete.

During an initial review of your application, it was determined;

(Insert all that apply).

The application form you submitted was incorrect; please visit our website for the latest versions of all applications
{provide details}

Not all required information on the form was completed;
{provide details}

Required documents were not included;
{provide details}

The application was missing appropriate signature;
{provide details}

No payment form was included or the incorrect payment was submitted for the processing fee:
{provide details, if required}

Your application will not be returned or retained by Service Canada. If you choose to re-apply, you must submit a complete application package. To ensure your application is complete, further information on the Temporary Foreign Worker Program may be found on the Employment and Social Development Canada website.

Sincerely,

Service Canada