



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada



Citizenship and Immigration Canada

New Requirements for
the International Mobility
Program
(February 2015)



Canada



Purpose

- To provide employers, employer associations, representatives, and other stakeholders with an overview of the International Mobility Program changes that will come into force on February 21, 2015.
- To explain the steps for employers to follow before a foreign national can obtain an employer-specific work permit under the International Mobility Program.
- To provide information on considerations for foreign nationals applying for work permits under the International Mobility Program.
- To provide information on resources available and respond to questions.



Context: Program Reform

- On June 20, 2014, the Government of Canada announced a range of reforms to overhaul the Temporary Foreign Worker Program (TFWP), including reorganizing the TFWP into two distinct programs:
 1. **TFWP:** Requires Labour Market Impact Assessment (LMIA; formerly Labour Market Opinion or LMO) & led by Employment and Skills Development Canada (ESDC); and
 2. **International Mobility Program:** LMIA-exempt & led by Citizenship and Immigration Canada (CIC).
- The Government stated that it would introduce:
 - a \$230 compliance fee for employers;
 - a requirement for employers to submit employment information directly to CIC; and
 - a new fee of \$100 on open work permit applicants.
- These measures would take effect once authorities were in place.





Context: Program Reform (con't)

- The \$230 compliance fee will allow for an employer inspection and compliance regime to be put in place to ensure that the International Mobility Program continues to be used as intended.
- The requirement for employers to provide employment information directly to CIC when hiring foreign nationals under the International Mobility Program will facilitate the assessment of the work permit application.
 - Information provided by employers will form the basis of future assessments of compliance when employers are inspected.
- The \$100 fee on open work permit applicants will allow CIC to:
 - Undertake research on the labour market impact of open work permit holders in Canada;
 - Inform Canadians of opportunities to work overseas under reciprocal open work permit programs; and
 - Conduct outreach activities to promote transitions to permanent residence by open work permit holders.





\$230 Fee and Providing Information to CIC

- New regulations will come into force on February 21, 2015 that require employers to pay the \$230 compliance fee when hiring foreign nationals under employer-specific LMIA exemptions.
 - The fee will apply to most employer-specific LMIA exemptions (e.g., intra-company transferees, foreign workers entering under trade agreements, significant benefit exemptions, provincial/territorial agreements, etc.).
- Employers will be exempted from paying the \$230 fee only when foreign nationals are already exempted from payment of \$155 work permit fee (e.g., officers from foreign governments, work related to research programs or training programs in designated learning institutions, religious or charitable organizations when working without remuneration, etc.).
 - However, employers of International Experience Canada participants who hold employer-specific work permits will be required to pay the fee.
 - Annex A provides details of exemptions from the \$230 fee.
- The \$230 fee will be payable by employers for each LMIA-exempt employer-specific work permit application, including renewals.





\$230 Fee and Providing Information to CIC (con't)

- Regulations will also require employers to provide employment and other relevant information electronically directly to CIC including:
 - Name, address, contact information
 - Business number (if applicable)
 - Information supporting use of LMIA-exemption
 - Offer of employment using the form made available by CIC
- The \$230 fee and employment information must be submitted by the employer before a foreign national makes an application for a work permit.
- If employers do not meet these requirements when hiring foreign nationals under employer-specific LMIA-exemptions, officers will refuse the work permit application by the foreign national.





Steps for Employers to Pay \$230 Fee and Provide Employment Information to CIC

- When applying to hire a foreign national under an employer-specific LMIA-exemption, below are the steps that employers will need to follow:
 1. The employer must pay the compliance fee of \$230 electronically using the “Pay Your Fees” page on the Immigration and Citizenship pages of the Government of Canada website. Employers will receive a receipt number from CIC .
 2. The employer must complete the following form electronically : IMM 5802 Offer of Employment to a Labour Market Impact Assessment (LMIA) Exempt Foreign National.
 - The employer must include the \$230 fee receipt number in the required field in the IMM5802 form.
 - Upon completion of the form, the employer will click on the “Submit” button and this will populate an email with the correct information and attach the IMM5802 Offer of Employment for direct submission to CIC .





Steps for Employers to Pay \$230 Fee and Provide Employment Information to CIC (con't)

3. The employer must then provide a copy of the IMM5802 Offer of Employment to the foreign national for inclusion with the work permit application.
- The IMM5802 Offer of Employment form will include a guide to assist employers in filling this form correctly.
 - If employers are hiring foreign nationals from visa-exempt countries and are unsure about whether an LMIA-exemption applies or not, employers may request an assessment (“opinion request”) from a Temporary Foreign Worker Unit (TFWU):
 - Toronto TFWU, serving ON, BC, AB, SK, MB, YK, NWT, and Nunavut (TFWU-Toronto-UTET@cic.gc.ca)
 - Montreal TFWU, serving QC, NS, PEI, NB, and NFLD (CIC-QUE-SRTE@cic.gc.ca)





Reimbursements of \$230 Fee

- Under the regulations, CIC will reimburse the \$230 fee to employers if:
 - The foreign national's application for a work permit is subsequently refused; or
 - The employer withdraws the offer of employment before a work permit is issued.
- In cases where the foreign national's work permit application is refused, CIC will initiate reimbursement of the \$230 fee automatically using the payment information provided by the employer.
- In cases where the employer withdraws the offer of employment, the employer must notify CIC in writing by:
 - forwarding their original Offer of Employment submission with the word "WITHDRAWAL" added to the subject line (do NOT make any other changes); and
 - including a written reason in the body of the email indicating reasons for withdrawal. This email should be sent to the same address as the original submission:
OfferofEmployment-Offredemploi@cic.gc.ca





Future IT Changes Related to Employers

- From July 2015, CIC will put in place an “Employer Portal” for employers hiring foreign nationals under the International Mobility Program.
- The portal will allow employers to create a profile to store tombstone information, contact information, and keep track of all offer of employment submitted for foreign nationals to CIC under the International Mobility Program.
- Once the portal is in place, employers will submit offers of employment electronically to CIC through the portal.





\$100 Fee on Open Work Permit Holders

- New regulations will also introduce a \$100 fee on open work permits, in addition to the \$155 work permit processing fee:
 - The new fee will be paid by the foreign national and apply to most open work permit applicants (e.g., International Experience Canada participants, spouses of skilled temporary foreign workers and international students, post-graduation work permit applicants, etc.).
- The \$100 fee must be paid when submitting an open work permit application.
- Foreign nationals will be exempted from paying the \$100 fee if they are exempted from payment of the \$155 work permit fee (e.g., humanitarian cases, certain family members of military personnel or accredited foreign missions staff), except for International Experience Canada participants.
 - Annex A provides details of the exemptions from the \$100
- The \$100 fee on open work permits will be reimbursed by CIC to the foreign national if the work permit application is refused, or if the foreign national withdraws his/her application.





Questions?

