

Release All



Immigration, Refugees and Citizenship Canada

Immigration, Réfugiés et Citoyenneté Canada

<Insert date>

<Attention: primary contact>

<Insert ER Operating name>

<Insert Business Mailing Address>

Dear <primary contact>:

On <insert date of inspection>, an inspection under the International Mobility Program was initiated by <insert department who initiated>. The inspection review period was from <insert dates of inspection period>. The purpose of the inspection was to verify <insert ER Operating name>'s compliance with the following conditions imposed under section 209.2 of the Immigration and Refugee Protection Regulations (IRPR), with respect to <insert name of foreign national>.

Conditions imposed:

- Provide the foreign national wages (substantially the same as but not less favourable than those set out in the offer of employment);
- Occupation (same as set out in the offer of employment);
- Working conditions (substantially the same as but not less favourable than those set out in the offer of employment);
- Made reasonable efforts to provide a workplace that is free of abuse (within the meaning of paragraph 72.1(7)(a) of the IRPR);
- Actively engaged in the business, in respect of which the offer of employment was made;
- Compliance with the federal and provincial laws that regulate employment, and the recruiting of employees, in the province in which the foreign national works;
- Demonstrate that any information you provided under subparagraph 200(1)(c)(ii.1) or section 209.11 was accurate; and
- Retain any document that relates to compliance with the conditions for a period of six years beginning on the first day of the period of employment for which the work permit is issued to the foreign national.

As part of this inspection you were requested to provide documents and information verifying compliance of the conditions or to provide justification for failure to comply with one or more of the conditions.





I have reviewed all evidence including the documents and information that you provided and have determined that you are in compliance with the conditions identified above with respect to <insert name of foreign national>.

OR

I have reviewed all evidence including the documents and information that you provided and have determined that there was non-compliance with the following program condition(s):

- (insert program condition(s) using wording under “conditions imposed” above)

Your failure to comply with the condition(s) identified above with respect to <insert name of foreign national> **is justified** pursuant to <insert on R209.2(3), R209.2(4), or R209.4(2)] of the IRPR. This Regulation states:

<insert the regulation you are using: R209.2(3), R209.2(4), or R209.4(2)>

And R203(1.1) states:

R203 (1.1) A failure to satisfy the criteria set out in subparagraph (1)(e)(i) is justified if it results from

- (a) a change in federal or provincial law;
- (b) a change to the provisions of a collective agreement;
- (c) the implementation of measures by the employer in response to a dramatic change in economic conditions that directly affected the business of the employer, provided that the measures were not directed disproportionately at foreign nationals employed by the employer;
- (d) an error in interpretation made in good faith by the employer with respect to its obligations to a foreign national, if the employer subsequently provided compensation — or if it was not possible to provide compensation, made sufficient efforts to do so — to all foreign nationals who suffered a disadvantage as a result of the error;
- (e) an unintentional accounting or administrative error made by the employer, if the employer subsequently provided compensation — or if it was not possible to provide compensation, made sufficient efforts to do so — to all foreign nationals who suffered a disadvantage as a result of the error;
- (f) circumstances similar to those set out in paragraphs (a) to (e); or
- (g) force majeure.

Commented [A1]: If using this justification, only keep the sub-letter you are using (e.g., if using 203(1.1)(d), then delete (a)-(g) and only keep (d).



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As such, the final decision is compliant with justification. No further action will be taken at this time.

Commented [A2]: Delete if final decision is compliant.

If you have any questions, please contact IRCC.CMBIMPInvestigations-EnquetesPMIDGRC.IRCC@cic.gc.ca

Sincerely,

<First name, last initial>

Investigative Analyst / Junior Analyst

Canada

NOTICE OF FINAL DETERMINATION

<Date of Notice>

The following employer has been found to have committed a violation as per section 209.996(1) of the Immigration and Refugee Protection Regulations (IRPR):

<Employer contact name>

<Employer business name>

<Employer address>

Employer ID <insert #>

Conditions violated

Decision: <insert employer name> is found to be in violation of <insert condition and provision listed in Column 1 of Table 1 of Schedule 2>.

Administrative Monetary Penalty: <amount>	Payment Due Date:
Ineligible to employ a foreign national for whom a work permit is required	<enter number of years>
List of Employer Non-compliance	<enter "Yes" or "No">

Relevant facts of the violation and reasons for the determination:

On <insert date of inspection>, an inspection under the International Mobility Program (IMP) was carried out to verify <insert employer name>'s compliance with the conditions imposed on employers under section 209.2 and 209.4 of the IRPR. Following the inspection, a Notice of Preliminary Finding was sent to you on <insert date> and you were given 30 days to provide written submissions. We received your submissions on (insert date) / or we have not received submissions from you following our Notice of Preliminary Finding.

I have reviewed your submissions and justifications and the Notice of Preliminary Finding/I have reviewed the Notice of Preliminary Finding> report and have determined that you committed a violation(s) by failing to comply with <identify conditions set out in the provisions listed in column 1 of Table 1 of Schedule 2 and compliance history to determine points for the violation>.

<Include the relevant facts surrounding the violation and the reasons for determination>

The following penalties are imposed; <include information on how the penalties were arrived at>

Commented [S1]: I can't recall: is this template to be used as the "warning letter" as well? Or does that need to be update too?

You are also ineligible to employ a foreign national for whom a work permit is required for a period of <include number> years.

Please note your violations will be considered in the calculation of the total number of points for any subsequent violation.

<Your name, your company, your organization> and address will appear on the Public List posted on one or more Government of Canada website referred to in section 209.997 of IRPR, which will include the conditions violated, any applicable administrative monetary penalties and periods of ineligibility to employ foreign nationals for whom a work permit is required.

<You, your company, your organization> must pay the Administrative Monetary Penalty in full within 30 days from the date on which this letter is received (this letter is deemed to have been received 10 days after the day on which it is sent) or call the phone number below to arrange a payment schedule within that 30 day period. Note: Interest will be charged should you wish to arrange a payment schedule. If you fail to pay the amount in full or arrange a payment schedule within 30 days, appropriate collection measures will be taken. This decision is final and the penalty is non-negotiable.

PENALTY BREAKDOWN

(a) Business Size:

Individual/Small Business Large Business

(b) Type of Violation:

Type A Type B Type C

(c) Number of Foreign Workers negatively affected:

(d) Penalty Ranges:

PENALTY	TYPE A	TYPE B	TYPE C
ADMINISTRATIVE MONETARY PENALTY (AMP) - Minimum Amount	\$500	\$750	\$1000
ADMINISTRATIVE MONETARY PENALTY (AMP) - Maximum Amount	\$100,000	\$100,000	\$100,000
PERIOD OF INELIGIBILITY - Minimum Length	1 YEAR	1 YEAR	1 YEAR
PERIOD OF INELIGIBILITY - Maximum Length	PERMANENT	PERMANENT	PERMANENT

(e) Determining Factors:

FACTORS	REGULATORY POINTS SCALE	ASSESSED SCORE
Compliance History [insert type]	0 to +4	

Commented [S2]: Just to note that SDMs should modify the chart below based on the violations in the case, as including all information (on all Type of violations for example) will confuse employers.



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Protected B

<u>The employer derived competitive or economic benefit from the violation</u>	<u>0 to +6</u>	
<u>The violation involved abuse of a foreign national (physical, psychological, sexual or financial)</u>	<u>0 to +10</u>	
<u>The violation negatively affected the Canadian labour market or the Canadian economy</u>	<u>0 to +6</u>	
<u>The employer did not make reasonable efforts to minimize or remediate the effects of the violation</u>	<u>0 to +3</u>	
<u>The employer did not make reasonable efforts to prevent recurrence of the violation</u>	<u>0 to +3</u>	

Payment

The administrative monetary penalty may be paid in the following manner:

1) By cheque payable to the **Receiver General of Canada** sent to:

Loans and Accounts Receivable

Immigration, Refugees and Citizenship Canada

~~Citizenship and Immigration Canada~~

365 Laurier Ave W

Ottawa, ON, K1A 1L1

2) By credit card.- Please call: 1-888-448-4426.

3) By payment agreement.- Please call: -1-888-448-4426.

Issued by

<senior officer>