

Guidance/IncompleteApplications

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Directive: Incomplete Applications

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New information is highlighted

Effective Date: 2017-10-16

1. Application

This directive applies to all streams.

2. Guidelines

All applications received must be reviewed for completeness based on the criteria for the stream being applied. A “complete” application means that the employer has used the appropriate form and an acceptable version, and:

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

3. Exemptions

Exemptions to incomplete applications exist for LMIA applications to the Provincial Nominee Program (PNP) candidates including Alberta Immigrant Nominee Program (AINP).

Refer to Annex 1 for details.

4. Procedures

4.1 Determine if the application is complete

Step 4.1.1

Using stream requirements, determine if the application is complete. Various directives and details on the website provide more information on the documentation required for each stream:

<https://www.canada.ca/en/employment-social-development/services/foreign-workers.html>

Step 4.1.2

If the application is complete, proceed with the assessment according to the appropriate directives.

Step 4.1.3

If the application is missing information	then...
determine if the missing element can be obtained quickly	call the employer to obtain the information. Once received, proceed with assessment.

	Note: applications for Priority Processing with any incomplete elements, even if it could be remedied by a quick call, should be placed in regular processing.
determine if the information is complex and would take time to obtain	deem the application incomplete and proceed to the next step.

4.2 Enter the application in FWS and issue correspondence to the employer

Step 4.2.1

Locate the employer in FWS by searching the CRA business number. If the employer is not found, create an employer profile using the Employer Profile directive. If applicable, contact the employer to obtain any of the following mandatory missing information:

- a. CRA business number (Canadian employers only)
- b. Organization Type and Structure,
- c. business legal name,
- d. business operating name, and/or
- e. address;

If unable to obtain the CRA business number, return the application, including all original documents or negotiables, by paper correspondence and advise that their application cannot be accepted without a CRA business number. **Note:** foreign employers do not require a business number.

Step 4.2.2

Verify the employer address via the Employer Profile screen and/or email address via the Employer Contact screen. If the application contains original documents or negotiables, it will need to be returned by paper correspondence;

Step 4.2.3

Go to the LMIA folder and create an LMIA, inputting all of the mandatory fields, then click save in order to generate an LMIA number. If any of the following mandatory information is missing, complete the fields by:

- entering a “1” for Number of positions requested
- entering a “1” and selecting “day” for Duration of employment
- selecting “other” for Salary type;

Step 4.2.4

Go to the incomplete application folder. In the left hand menu, select View/Edit LMIA; a list of the incomplete application reasons will appear.

Step 4.2.5

Select all of the relevant incomplete application reasons, and click save. This will automatically deem the file 'Closed' and render a Close Reason of "Incomplete"

Step 4.2.6

Enter a LMIA Note that explains the exact reason for the incomplete application (e.g. was a specific page missing).

Step 4.2.7

Generate correspondence to the employer for:

E-mail correspondence:

- Click the "send email notification button" at the bottom of the Incomplete Application screen to automatically send an FWS generated e-mail.
- FWS tracks the history of when email notifications are sent to the employer contact and is presented as follows:
 - Date email was sent (DD-MM-YYYY)
 - Time email was sent
 - email address the notification was sent to
 - the name of the FWS user who sent the email

If no email notifications were previously sent, the screen will display "Incomplete Application email notifications sent – nil"

For paper correspondence:

- Click the "Generate Employer Correspondence" button at the bottom of the Incomplete File screen.
- Print the letter and mail it to the employer along with any original documentation using applicable security procedures.

4.3 Return all original documents to the employer

Step 4.3.1

Using regional registered mail processes, return all certified cheques, money orders, etc. to the employer by placing all documents in a double-envelope with security markings on outer envelope.

4.4 Shred the application and supporting documents

Step 4.4.1

Shred all other documentation (e.g. application forms and schedules).

5. Annex

Annex 1: Exemptions

For LMIA applications for Provincial Nominee Program (PNP) candidates, including Alberta Immigrant Nominee Program (AINP), intended to cover the period between issuance of the nomination certificate by the province and processing of the nomination by IRCC, employers have been instructed to:

- leave the “effect on the cap” section blank, and
- include a copy of the nomination certificate (or letter of support, in the case of AINP) sent by the province.

Employers who are not directly notified by the province of a TFW’s successful PNP nomination must also submit proof of consent from the TFW to share their PNP certificate / letter of support with Service Canada.

Where the “effect on the cap” section is blank, the LMIA application should be considered complete as long as the employer has also attached a copy of the nomination certificate or letter of support and, where applicable, consent from the TFW to share it with Service Canada.”

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- This page was last modified on 26 January 2018, at 15:12.