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CANADA



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REDVISA IMMIGRATION SERVICES CANADA INC.

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## INTRODUCTION

Welcome to our comprehensive guide on navigating the Labour Market Impact Assessment (LMIA) based work permit process in Canada. This eBook has been designed as a resource for employers and potential employees who are considering the option of employment in Canada under the Temporary Foreign Worker Program.

In an increasingly globalized world, talent acquisition extends beyond national borders. Canada, like many other countries, has a systematic approach to assess and authorize employers to hire international workers for jobs that cannot be filled by the local workforce. This is where the Labour Market Impact Assessment (LMIA) comes into play.

In the simplest terms, an LMIA is a document that an employer in Canada may need to get before hiring a foreign worker. It is a process conducted by Employment and Social Development Canada (ESDC) to ensure that the employment of the foreign worker will not have a negative impact on the Canadian labour market.

In the following chapters, we will dive into the specifics of the LMIA process, new rules and requirements, processing times, and steps for potential employees. We will also cover alternatives to the LMIA process, such as the International Mobility Program. Each chapter is designed to guide you through the intricacies of the process and provide practical advice to make your journey smoother.

As we navigate this journey together, remember that while this guide seeks to provide comprehensive information, it should not replace legal advice. Always consult with an immigration expert or legal advisor for personalized guidance.

Let's embark on this journey to understanding the LMIA-based work permit process in Canada.

# UNDERSTANDING THE LMIA

The Labour Market Impact Assessment, commonly referred to as the LMIA, is a crucial part of the process of hiring foreign workers in Canada. It is a document that a Canadian employer may need to obtain before hiring a foreign worker.

The purpose of the LMIA is to assess the potential impact that hiring a foreign worker might have on Canada's labour market. It acts as evidence that there is a need for a foreign worker to fill the job and that no Canadian worker is available to do the job.

### What is an LMIA?

An LMIA is issued by Employment and Social Development Canada (ESDC). In most cases, Canadian employers are required to get government approval, the LMIA, before hiring foreign workers. The document, sometimes referred to as a "confirmation letter," confirms that there is a need to hire a foreign worker.

### When and Why is an LMIA Necessary?

An LMIA is required when a Canadian employer is unable to fill the position with a local Canadian worker. The employer must demonstrate this need through advertising the job in Canada and making efforts to hire Canadians, proving that the applicants are not qualified for the position offered. This procedure ensures that hiring a foreign worker will not negatively impact the Canadian labour market and that the

hiring is indeed necessary for the specific job.

Once an employer receives the LMIA approval document from ESDC, the potential foreign employee can apply for a work permit as long as he or she has a job offer letter, a contract, a copy of the LMIA, and the LMIA number.

Understanding the LMIA process is the first step for employers in Canada who are considering hiring foreign workers. Having a clear comprehension of the purpose and requirements of the LMIA will help ensure a smoother process for both the employer and the employee.

In the following chapters, we will delve deeper into the LMIA process, including how to apply for an LMIA, the new rules and requirements for 2023, LMIA processing times, and what potential employees need to do after the LMIA is approved.

## THE LMIA PROCESS FOR EMPLOYERS

### Introduction

The Labour Market Impact Assessment (LMIA) process is an integral part of the Temporary Foreign Worker Program in Canada. It is an assessment that is issued when a Canadian employer is unable to fill the position with a local Canadian worker. In this chapter, we will walk you through the step-by-step process for applying for an LMIA and discuss the requirements for demonstrating the need for a foreign worker.

### Step-by-Step Guide to the LMIA Application Process

#### STEP 1: ASSESSING THE NEED FOR A FOREIGN WORKER

Before applying for an LMIA, employers need to justify the need to hire a foreign worker. The employer must demonstrate that they have made substantial efforts to hire Canadians or permanent residents for the position. This can be done by advertising the job in Canada and showing that the applicants are not qualified for the position offered.

#### STEP 2: PREPARING AND SUBMITTING APPLICATION

The employer must then prepare and submit an LMIA application to Employment and Social Development Canada (ESDC). As of April 2023, the Temporary Foreign Worker Program has moved to online LMIA applications, making it easier and more efficient to submit applications.

#### STEP 3: AWAITING APPROVAL

Upon submission of the LMIA application, the employer must wait for approval from ESDC. If the application is approved, a positive LMIA, also referred to as a "confirmation letter," is issued. This document confirms the need to hire a foreign worker.

### Demonstrating the Need for a Foreign Worker

The main way to demonstrate the need for a foreign worker is through thorough and comprehensive job advertising. Employers are required to advertise the job in Canada and prove that the applicants are not qualified for the position offered. This requires a clear and detailed job description and documentation of the hiring process.

### The Online LMIA Application Process

Since April 2023, employers are required to apply for the LMIA online. The LMIA Online Portal allows Canadian employers and third-party representatives to submit an LMIA application to Service Canada 24 hours a day, 7 days a week. The portal also allows for the upload of supporting documents and provides real-time updates on the status of the application.

### Requirements for a Valid Job Bank Account

To access the LMIA Online Portal, an employer must have a valid Job Bank account for Employers for authentication purposes. This account can be created online and is necessary for submitting an LMIA application. If an employer does not already have a Job Bank account, they can sign up for one online.

## CHAPTER IV



# NEW RULES AND REQUIREMENTS FOR LMIA

In this chapter, we will delve into the new rules and requirements for the Labour Market Impact Assessment (LMIA) that have been implemented as of 2023. It's crucial for employers to stay updated with these changes to ensure a smooth hiring process for foreign workers. The changes primarily revolve around the categorization of jobs into high-wage and low-wage sectors, the introduction of a transition plan for high-wage workers, and a cap on low-wage foreign workers.

### The Online LMIA Application Process

Under the new LMIA system, job positions are divided into two categories: high-wage and low-wage. This division is based on the median wage in the province where the job will be performed. Jobs are considered high wage if the salary meets or exceeds the provincial median wage, and low-wage if the salary falls below the provincial median. This categorization impacts the application process and the requirements for employers.

## Transition Plan Requirement for High-Wage Workers

When hiring high-wage foreign workers, a new requirement has been introduced: the transition plan. The transition plan is a document that employers seeking to employ a temporary foreign worker(s) at a wage that is equal to or above the provincial/territorial median hourly wage must provide. This is an important part of the Application for an LMIA, also known as the Schedule C form.

The transition plan outlines commitments that the employer has agreed to undertake, specific to the occupation and work location for which they are seeking temporary foreign workers. The purpose of this plan is to ensure that employers are taking steps to reduce their reliance on foreign workers over time, by, for example, investing in skills training for Canadian employees or actively recruiting within underrepresented groups.

## Cap on Low-Wage Foreign Workers

For low-wage positions, a different set of rules apply. Unlike high-wage workers, when hiring low-wage workers, a transition plan is not necessary. Instead, there's a cap that limits the number of workers a business can employ. Specifically, Canadian employers with more than 10 employees will be restricted to a maximum of 10% of their workforce being low-wage temporary foreign workers.

This cap has been phased in to allow Canadian employers time to adjust and transition towards a Canadian workforce. The goal is to ensure that foreign workers are a complement to, and not a replacement for, Canadian workers.

These new rules and requirements reflect changes in policy aimed at ensuring the fairness of the Canadian job market, while still allowing for the necessary hiring of foreign workers. It's essential that employers understand these rules to successfully navigate the LMIA process.

## LMIA PROCESSING TIMES

In this chapter, we will delve into the processing times for Labour Market Impact Assessment (LMIA) applications. Understanding the processing times can help employers plan ahead and set realistic expectations for when they might receive a decision on their application.

### 5.1 Breakdown of Average Processing Times

The processing times for LMIA applications can vary greatly depending on the stream of application. Here are the average processing times for different streams as of 2023:

- **Global Talent Stream:** 2 weeks
- **Agricultural Stream:** around 3 weeks and 6 days
- **Seasonal Agricultural Worker Program:** almost 3 weeks
- **Permanent Residence Stream:** 4 weeks
- **In-Home Caregivers:** 5 weeks
- **High-Wage Stream:** about 6 weeks and 1 day
- **Low-Wage Stream:** 7 weeks

Please note that these are average processing times and individual cases may vary. The Global Talent Stream and applications that qualify for expedited service have a service standard of 10-business days that is expected to be met 80% of the time. The service standard date starts on the business day after the application has been received.

### 5.2 Factors Affecting Processing Time

Several factors can influence the processing time of an LMIA application:

**1. Volume of Applications:** A large volume of applications can lead to longer processing times and possible delays. For instance, Canada experienced a surge in LMIA applications in 2021, which affected the processing times.

**2. Completeness of Application:** If an application is incomplete or if additional information is required, this can delay the processing time. It's important to ensure that all sections of the application form are completed and that all required documents are included.



**3. Complexity of Case:** Some cases may be more complex than others, requiring additional review and thereby extending the processing time.

**4. Changes in Policy or Procedure:** Changes in immigration policy or procedure can also affect processing times. For example, the shift to online LMIA applications in 2023 may have had an impact on processing times.

Remember, these are just estimates and the processing time for your specific case may vary. Always check the most recent processing times provided by Employment and Social Development Canada.

## CHAPTER VI



# STEPS FOR POTENTIAL EMPLOYEES

## 6.1 Waiting for the Approved LMIA

The first step in this process for the potential employee is to wait for the approved LMIA from the employer. This approval comes in the form of a document known as a positive LMIA, sometimes referred to as a "confirmation letter", which confirms the need for the employer to hire a foreign worker.

Once the employer receives the LMIA, they should provide a copy to the potential employee along with the LMIA number. The potential employee will need these for their work permit application.

## 6.2 Gathering Necessary Documentation

In addition to the LMIA and LMIA number, the potential employee will need other documents to apply for a work permit. These typically include:

- A job offer letter from the employer
- A contract detailing the terms and conditions of employment

These documents provide evidence of the job offer and the terms of employment, both of which are crucial pieces of information for the work permit application.

### 6.3 Applying for a Work Permit

With the necessary documents in hand, the potential employee can now apply for a work permit. The exact process for this will depend on the specifics of the individual's situation, such as their current location and nationality.

Typically, the work permit application process involves completing an application form and submitting it along with the required documentation. This can often be done online, though some applicants may need to submit their application at a visa application centre or Canadian embassy or consulate in their home country.

Some applicants may also need to attend an interview or provide biometric information (photographs and fingerprints) as part of their application.

**Note:** It's important for potential employees to understand that an approved LMIA and job offer do not guarantee that a work permit will be issued. The final decision is made by Immigration, Refugees and Citizenship Canada (IRCC) based on the specifics of the application and the applicant's individual circumstances.

### 6.4 After the Work Permit Application

Once the work permit application has been submitted, the applicant will need to wait for it to be processed. The processing time can vary depending on several factors, including the type of work permit being applied for, the applicant's nationality, and the current volume of applications.

If the application is approved, the applicant will be issued a work permit which allows them to work legally in Canada for the employer and in the position specified in the permit. If the application is not approved, the applicant will be given reasons for the refusal and may have the option to appeal the decision or submit a new application.

In conclusion, while the process may seem complex, with proper understanding and preparation, potential employees can navigate it successfully. Always remember to consult with an immigration expert or legal professional for personalized advice.

## CONCLUSION

As we reach the end of this guide, let's recap the key points about the Labour Market Impact Assessment (LMIA) and the process of obtaining a work permit in Canada:

**1. Understanding the LMIA:** The LMIA is a document that an employer in Canada may need to obtain before hiring a foreign worker. It serves as proof that there is a need for a foreign worker to fill the job because no Canadian worker is available.

**2. The LMIA Process for Employers:** Employers must apply for an LMIA and await approval from Employment and Social Development Canada. This involves demonstrating the need for a foreign worker, applying through the online LMIA portal, and satisfying the requirements of the particular wage stream (high-wage or low-wage) they're applying under.

**3. New Rules and Requirements for LMIA:** In Canada, the Labour Market Impact Assessment (LMIA) process has moved online as of April 3, 2023, enhancing application efficiency<sup>1</sup>. The LMIA system now classifies job positions into high-wage and low-wage categories, based on provincial median wages<sup>2</sup>. When hiring high-wage workers, employers must provide a transition plan, while hiring low-wage workers involves a cap on the number of employees<sup>3</sup>. The LMIA application fee has increased to \$1000 per worker.

**4. LMIA Processing Times:** The processing times for LMIA applications vary depending on the type of application. Employers should be aware of these timeframes to plan accordingly.

**5. Steps for Potential Employees:** Once the employer receives a positive LMIA, the foreign worker can apply for a work permit, using the LMIA and the job offer in their application.

**6. Hiring Without an LMIA:** In some situations, employers can hire temporary foreign workers without needing an LMIA through the International Mobility Program (IMP).

Navigating the LMIA-based work permit process may seem complex, but with careful preparation and a thorough understanding of the steps involved, it becomes a manageable task. It's crucial to stay informed about the latest changes to the process, as Canadian immigration policies can evolve over time.

As a final piece of advice, always ensure that your applications are complete, accurate, and truthful. Incomplete or incorrect applications can result in delays or rejections. If you're unsure about any aspect of the process, consider seeking advice from an immigration professional or legal expert. They can provide guidance tailored to your specific situation, helping you to navigate the process effectively.

Remember, this eBook is intended as a general guide to the LMIA-based work permit process. Always refer to the official Canadian government resources for the most up-to-date and accurate information. And above all, welcome to Canada, a country rich in diversity and opportunity.



# ADDITIONAL RESOURCES

In this chapter, we aim to provide you with valuable resources that can assist you further in understanding and navigating the LMIA-based work permit process. These resources will provide you with up-to-date information and help answer any additional questions you might have.

## 8.1 Official Government Resources:

**1. Canada.ca - Temporary Foreign Worker Program:** This is the official government website where you can find comprehensive information about the Temporary Foreign Worker Program. It also provides access to all relevant application forms and detailed guides.

Link: [Temporary Foreign Worker Program](#)

**2. Canada.ca - International Mobility Program:** This page provides information about the International Mobility Program, which allows employers to hire temporary foreign workers without an LMIA.

Link: [International Mobility Program](#)

## 8.2 Contact Information for Relevant Canadian Government Departments and Immigration Services:

**1. Employment and Social Development Canada (ESDC):** ESDC manages the Temporary Foreign Worker Program and is the department responsible for issuing LMIAs. You can contact them for more information about the LMIA process.

Telephone: 1-800-367-5693

**2. Immigration, Refugees and Citizenship Canada (IRCC):** IRCC manages all immigration matters, including work permits. You can contact them for more information about the work permit application process.

Telephone: 1-888-242-2100

## LEGAL EXPERT

Navigating the complex landscape of Canadian immigration can often require expert guidance. This chapter will explore the types of professionals who can assist you in this process and will provide step-by-step instructions for finding a reliable consultant. We will also introduce Redvisa Immigration Services Canada Inc. and Ankush Arora, an RCIC (Regulated Canadian Immigration Consultant), as reputable resources for immigration assistance.

### Legal Experts in Canada

In Canada, the term "legal expert" can refer to a variety of professionals who are qualified to provide legal advice, including lawyers, and immigration consultants.

- **Lawyers:** Lawyers are professionals who have been admitted to the bar after completing their law studies. They are authorized to provide a full range of legal advice and services.
- **Immigration Consultants:** Immigration consultants must be accredited by the College of Immigration and Citizenship Consultants (CICC). They are known as RCICs (Regulated Canadian Immigration Consultants). RCICs are trained in Canadian immigration law, are up to date on any changes to immigration rules, and can provide advice and representation throughout the immigration process.

### Finding a Consultant: Step-by-step Process

1. **Visit the Regulatory Body's Website:** Go to the official website of the regulatory body College of Immigration and Citizenship Consultants (CICC) overseeing immigration consultants.
2. **Use the 'Find a Consultant' or Similar Feature:** Most regulatory bodies provide a tool or feature on their website that allows you to search for authorized consultants.
3. **Verify their Status:** Once you've identified a potential consultant, you can verify their authorized status. This typically involves checking their registration number or other credentials provided by the regulatory body.

# REDVISA IMMIGRATION SERVICES

## CANADA INC.

Navigating through the labyrinth of Canadian immigration law can be a challenge, but fear not – expert guidance is just a phone call away. **Redvisa Immigration Services** is a trusted and respected entity in the immigration consulting realm, and it stands out as a beacon of reliability amidst the sea of complexity that is the LMIA process.

Look no further than **Redvisa Immigration Services** Led by **Ankush Arora**, an experienced Regulated Canadian Immigration Consultant (RCIC), Redvisa is your go-to source for navigating the LMIA process.

**Redvisa Immigration Services** stands for trust, reliability, and expert guidance in immigration services. With **Redvisa Team** and **Ankush Arora**, you are choosing a seamless, confident navigation through your LMIA process.

We understand that you may have questions or need further clarification on certain topics. Our team is more than happy to assist you. Please find our contact information below:

### Ankush Arora, RCIC



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