

Statements from our Immigration Specialists to use when:

- a) A Department is not adhering to ESDC rules when advertising
- b) A Department needs more information for selecting a candidate to fill a position

Here is the Statement to provide to Dept. / Area who is advertising for an open rank:

As per the Policies set by ESDC for job advertisements, an open rank is not advisable. If a foreign national is the final candidate for an open rank advertisement, there is a very strong possibility that ESDC will deny the LMIA. The rationale under the ESDC Policies is stated: Thus, even if a Canadian / CPR minimally meets the requirements of the advertisement, they must be considered firstly and offered the position. In these circumstances, our institution would have to offer clear and compelling reasons for not interviewing, selecting, or hiring the qualified Canadian / CPR.

ESDC Officers have also taken the stance that since there is no rank stated in the advertisement, the Canadian / CPR can be offered the lowest rank even if there is a higher – ranking foreign national.

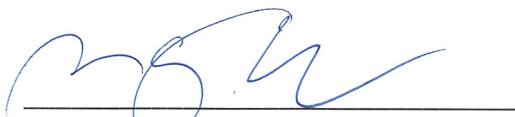
Here is the Statement to provide Dept. / Area who has equally qualified candidates both Canadian and international, regardless of the gender of the candidates:

Under immigration Regulations and Policies, as a general principle, where an employer proposes to hire a non – citizen, it must establish that they have made every reasonable effort to hire or train a Canadian, or Permanent Resident.

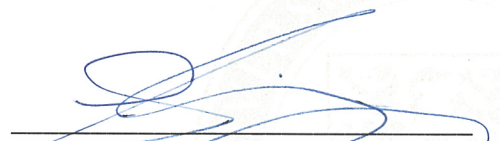
Further, if there are equally qualified Canadian candidates to non – citizen candidates, the Canadian or Permanent Resident must be given priority for the job offer, regardless of the gender of these candidates.

The foregoing Policy is clearly set out in Section 203 and follows of the Immigration Regulations (IRPR).

Kindly note these Statements reflect the Regulations and Policies as of 5 May 2015



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