

September 10, 2019

Faculty Appointment Process & the LMIA Requirements

Faculty Positions:

ANY professorial positions – including Research Assistant/Associate, Lecturer or any other definite term faculty positions – must be advertised if the intention or possibility to hire a non-Cdn/non-CPR. This is a requirement of Immigration, Refugee & Citizenship Canada/Employment & Social Development Canada (IRCC/ESDC), not Waterloo’s University Appointments Review Committee (UARC) procedures or Policy 76.

Exceptional Hires of foreign nationals are not exempt from the Labour Market Impact Assessment (LMIA) process. It is a term/process used within Waterloo and not recognized by IRCC/ESDC.

LIAs are required for all new, reappointments, renewals and/or extensions until PR status is confirmed.

Re-appointments of definite term contracts are not deemed as a “re-appointment” by IRCC/ESDC but as a new contract. Advertising may be required for the new contract position if not explicit in the original contract that a renewal/re-appointment may be offered.

Advertising:

Minimum advertising requirements for Immigration (not UARC):

- **Advertising for the position must be done before an offer can be made to a foreign national. Any advertising made after the fact, will mean a denial of the LMIA**
- 30 days in at least 3 national posting sites (Waterloo’s own websites are not considered national in scope but can be referred back to within the national ads)
- 30 days in at least 1 posting site for underrepresented groups (Aboriginals, Visible Minorities, Persons with Disabilities, Women)
- Job Bank is 1 of the 3 required national posting sites
 - CAUT is required by UARC and Policy 76 and meets Immigration requirements
 - AUCC (University Affairs) is not an absolute requirement under UARC, Policy 76 or Immigration but meets Immigration requirements
- If advertising to a non-national site, 1 of the 3 national postings must run concurrently to the non-national posting
- All ads must contain the following:
 - Exact number of positions and specific rank as requested on the Faculty ID/Mission Critical form
 - Salary range as appropriate to meet the Rank requested
 - Expected start date as requested
 - Qualifications for the position requested



- Equity/Accessibility statement containing "All qualified candidates are encouraged to apply; however Canadians and permanent residents will be given priority." Statement approved by UARC is more robust and can be used in place of the above.

University's Appointments Review Committee (UARC)	Labour Market Impact Assessment (LMIA)
60 days recommended advertising; 30 days per UARC policy	30 days minimum advertised posting
CAUT and/or AUCC (University Affairs) posting	Job Bank + 2 other national posting sites relevant to the occupation
Special efforts to recruit under-represented gender	Special efforts to recruit under-represented groups
Closing date for receipt of applications	Closing date irrelevant as all Cdn/CPR applicants must be reviewed
Advertising required only for appts. of 2 years or greater	Advertising required for any professorial position regardless of appt. period

Recruitment Process:

- Mandatory: Job Match through Job Bank with ranking of 4 stars or higher matched within the first 30 days of posting, must be invited to apply through Job Bank – candidates can be Cdn, CPR or foreign
- Any Cdn/CPR applicant must be reviewed regardless if they applied after closing date
- Rationale must be provided for each Cdn/CPR applicant as to why they were not invited to interview and/or did not receive an offer for the position
- Signed accepted start date of the appointment must be within a year of the advertised posting (exception can be made if the start date will be within the same term from the year of the posting – i.e. Ad posted Feb. 2017; start date can be no later than Apr. 2018)

LMIA Processing:

- Cost of \$1000 for processing of LMIA; payable upon submission of the LMIA package (cost is not centrally paid by the University but by the dept./school)
- Processing time can take from 4 to 12 weeks, depending on the appointment (i.e. professorial position vs. Director/Chair)
- LMIA confirmation is not guaranteed

For More Information:

Legal & Immigration Services Office website: <https://uwaterloo.ca/legal-and-immigration-services/visa-and-immigration-support/visa-and-immigration-support-services/immigration-employer>

