

LMIA EXEMPTIONS – INVITING & HIRING

October 18, 2023

Frances Hannigan, RCIC #R507077
Assistant Director, Immigration & Visa Services
Legal & Immigration Services



UNIVERSITY OF
WATERLOO



Acronyms used within Immigration

- BOWP – Bridging Open Work Permit
- DLI – Designated Learning Institution
- IEC – International Experience Canada program
- IRCC – Immigration, Refugee & Citizenship Canada
- IRPA – Immigration & Refugee Protection Act
- IRPR – Immigration & Refugee Protection Regulations
- **LMIA – Labour Market Impact Assessment**
- NOC – National Occupation Classification
- SOWP – Spousal Open Work Permit
- SP – Study Permit
- TEER – Training, Education, Experience & Responsibility category
- TRV – Temporary Resident Visa
- WP – Work Permit
- CCFTA – Canada-Chile Free Trade Act
- CUSMA – Canada-US-Mexico Trade Agreement (formally NAFTA)

What are LMIA Exemptions

Immigration Canada's definition:

Sections 204 to 208 of IRPR provides regulatory authority to issue WPs without the need for a LMIA. IRCC considers, by policy, specific situations that meet the requirements of sections 204 to 208.

How it's applied:

Certain IRCC policy considerations gives academic institutions across Canada the ability to hire and/or invite foreign nationals to work, collaborate and/or research with our faculty, staff and students without the need to meet restrictive "Cdns/CPRs first" requirements.

LMIA Exemptions commonly used within Academia

- A70 – Spousal sponsored PR applicant: must be approved to apply as a sponsored spouse for PR reciprocal agreements between Canada and various other member countries
- A75 – BOWP: must have applied for and been confirmed as submitted for their PR
- C16 – Francophone worker: must be able to prove fluency in French
- C20 – Reciprocal Agreement: signed formal agreement with explicit worker exchange recognized by the University
- C21 – International Experience Canada (IEC): formalized youth work exchange programs with
- C22 – Visiting Academic: professor/lecturer with a return position at home institution – limited to 2 yrs
- C31 – NRC/NSERC/NRCan award recipient: directly named recipient of award
- C41 – Spouse of high skilled worker: must be accompanying a WP holder with job offer in TEER 0 to 3

LMIA Exemptions commonly used within Academia

- C42 – Spouse of full-time student: must be accompanying a SP holder with LOA from a Cdn DLI for full-time studies in a degree program
- C22 – Visiting Academic: professor/lecturer with a return position at home institution – limited to 2 yrs
- C43 – PGWP: former Cdn DLI student
- C44 – PDF: must have completed PhD to be eligible
- C52 – Award/Scholarship Recipient: bona fide award/scholarship (never studentship) to fund the visit/position
- F22 – Professional worker: must hold Chilean citizenship (CCFTA)
- T16 – OINP Nominee: must have Certificate of Nomination from Ontario Immigrant Nominee Program for PR
- T36 – Professional worker: must hold US or Mexican citizenship (CUSMA)

LMIA Exemption Scenarios



A70 – Sponsored Spouse for PR

New Cdn faculty hired with foreign spouse/partner
Spouse/partner is also an academic

Approved spousal hire possible without need to advertise and meet LMIA requirements



A75 – Bridging Open Work Permit

Research Associate position made to PDF
passed the “5 year from PhD” limit
PDF has confirmed proof of submission for PR

Research Associate position normally requires advertising & bona fide recruitment to support LMIA

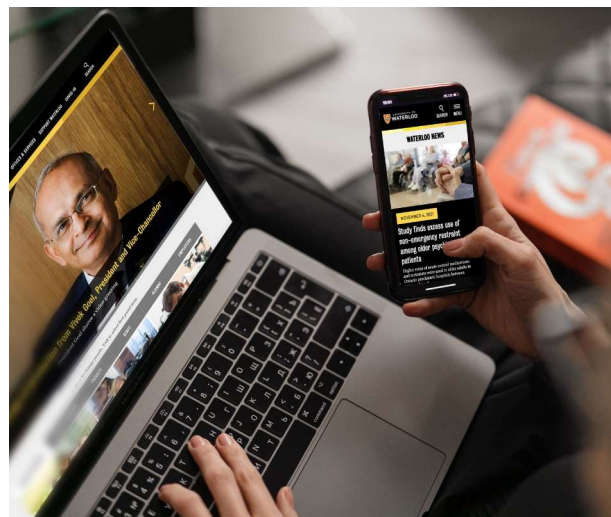


C16 – Francophone

Citizen of Senegal appointed as a Research Associate
Official language of Senegal is French

Research Associate position normally requires advertising & bona fide recruitment to support LMIA

LMIA Exemption Scenarios



C20 – Reciprocal Agreement

Undergrad student of King Saud University, Saudia Arabia, appointed as Research Assistant
Signed MOU for Research Partnership with Waterloo

Research Assistant positions almost never approved for non-Cdn DLI students

C21 – International Experience Canada

Citizen of Czech Republic appointed as a Lab Assistant
Czech Republic member country under the IEC program

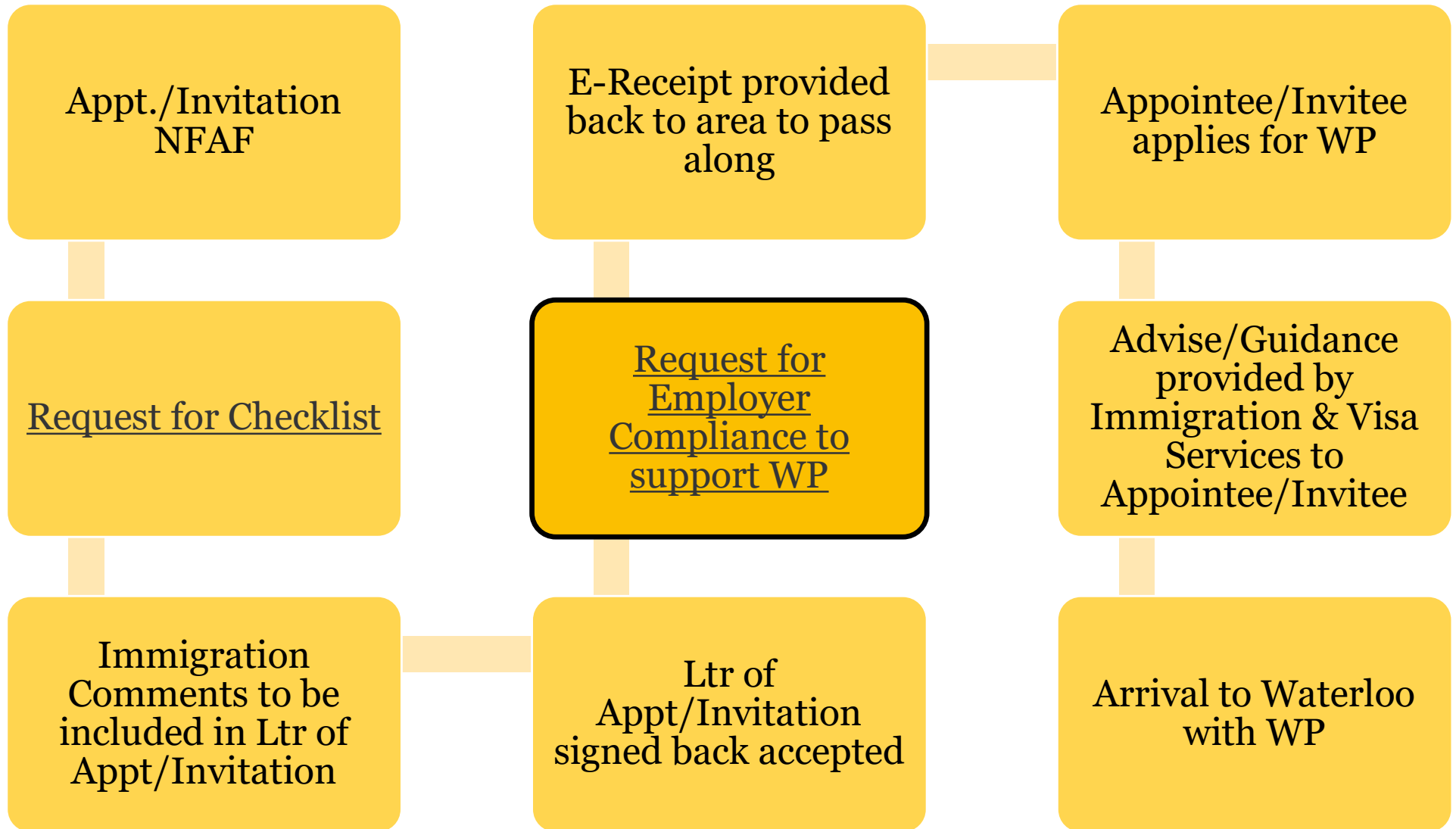
Lab Assistant position classified as a staff position – LMIA's are never applied for staff positions

C43 – Spouse of FT Int'l Student

Spouse/partner of a FT int'l student offered a volunteer position within a research centre
Spouse/partner eligible for SOWP

All volunteer positions are considered work requiring proof of OWP or eligibility to work without WP

Appointment/Invitation Process for LMIA Exemptions



Employer Compliance - What is it

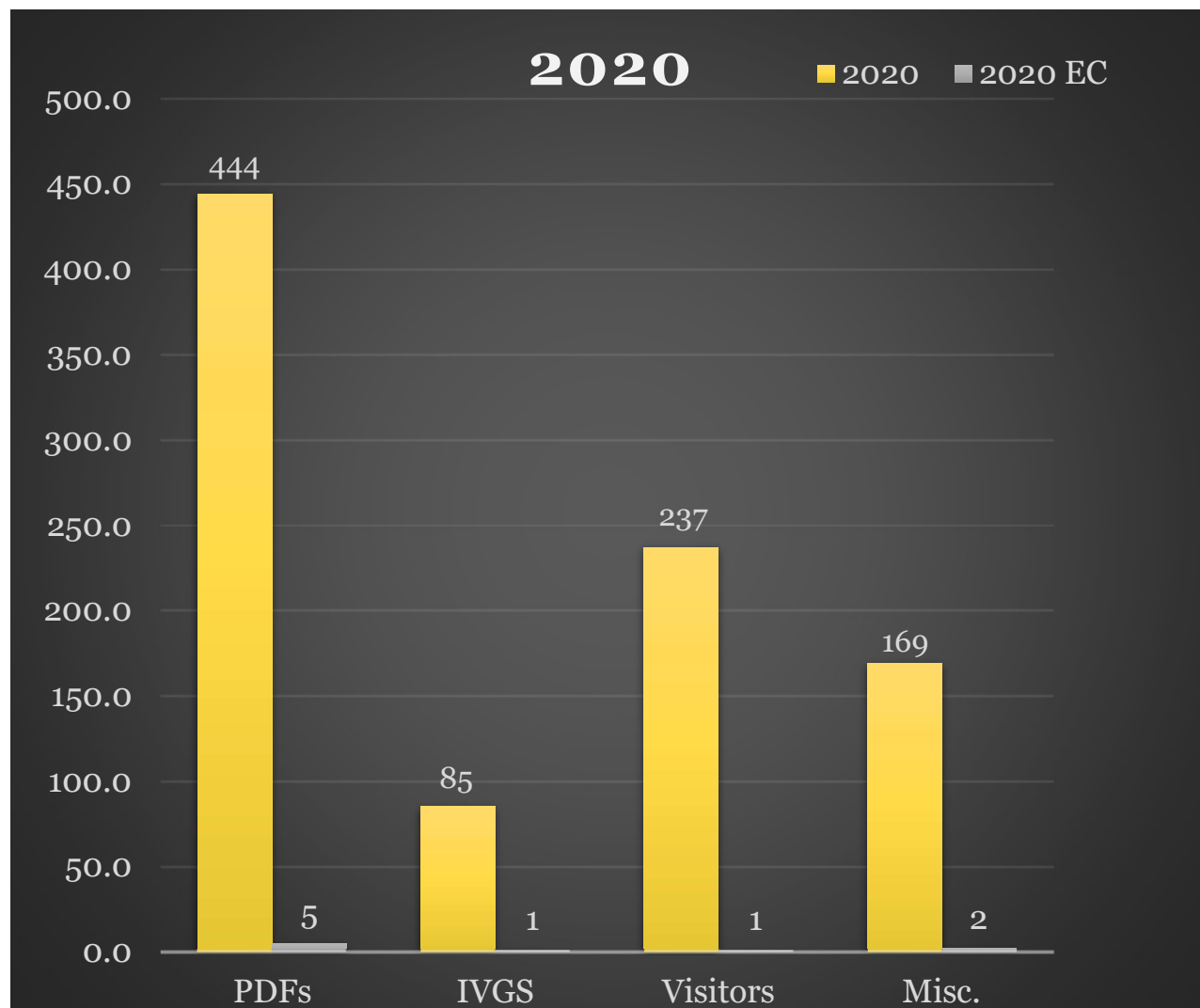
Immigration Canada's definition:

A fee associated process made by the employer to IRCC to support the employer's application through the International Mobility Program for the LMIA exemption.

How it's applied:

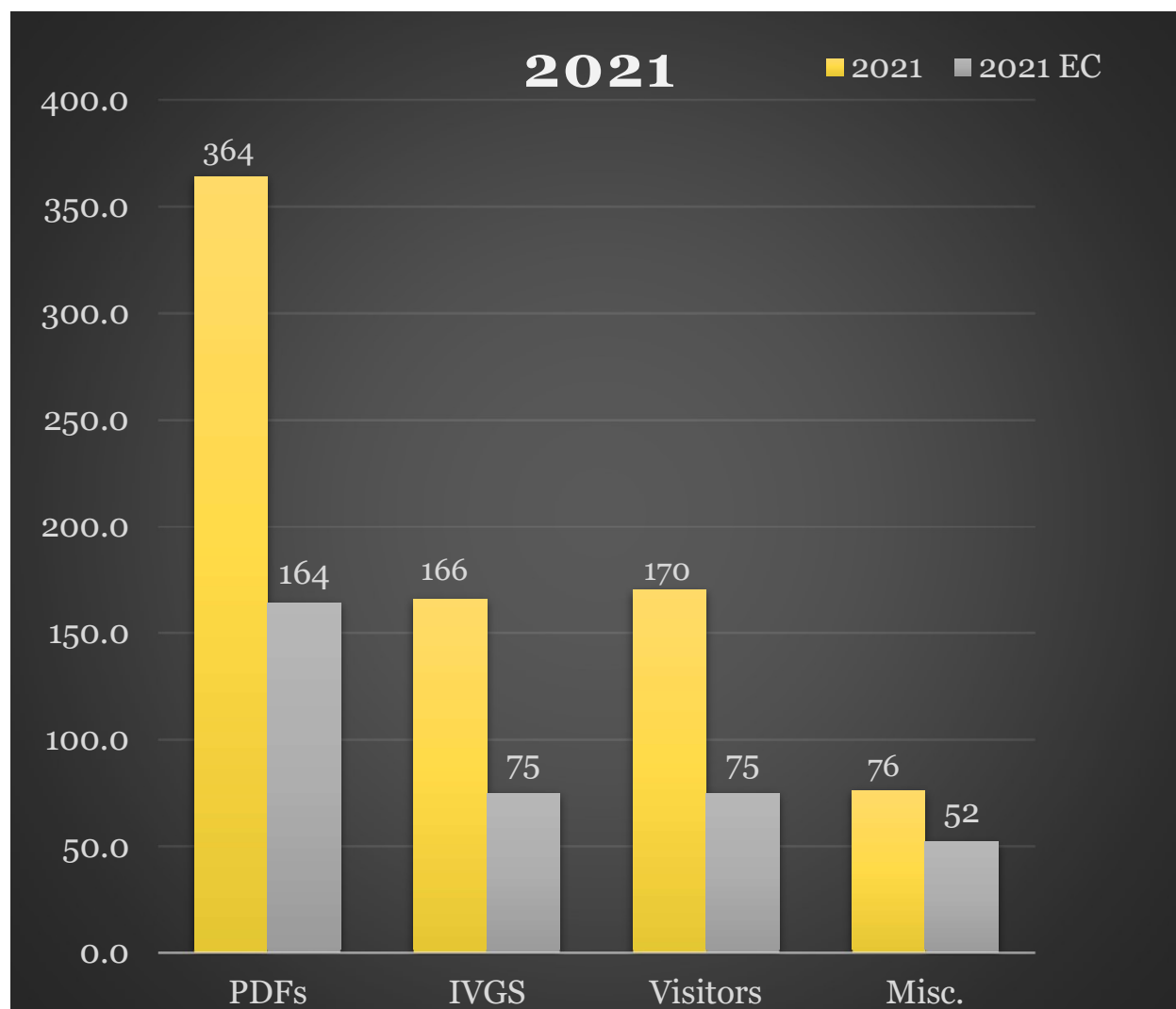
The Employer Compliance is a means for the employer to show to IRCC that the foreign worker chosen meets an LMIA exemption. An "Offer of Employment / LMIA Exemption #" is generated upon approved submission for the foreign worker to include with their work permit application for IRCC to match up the employer proof with the foreign worker work permit application documents.

LMIA Exemption Breakdown - 2020



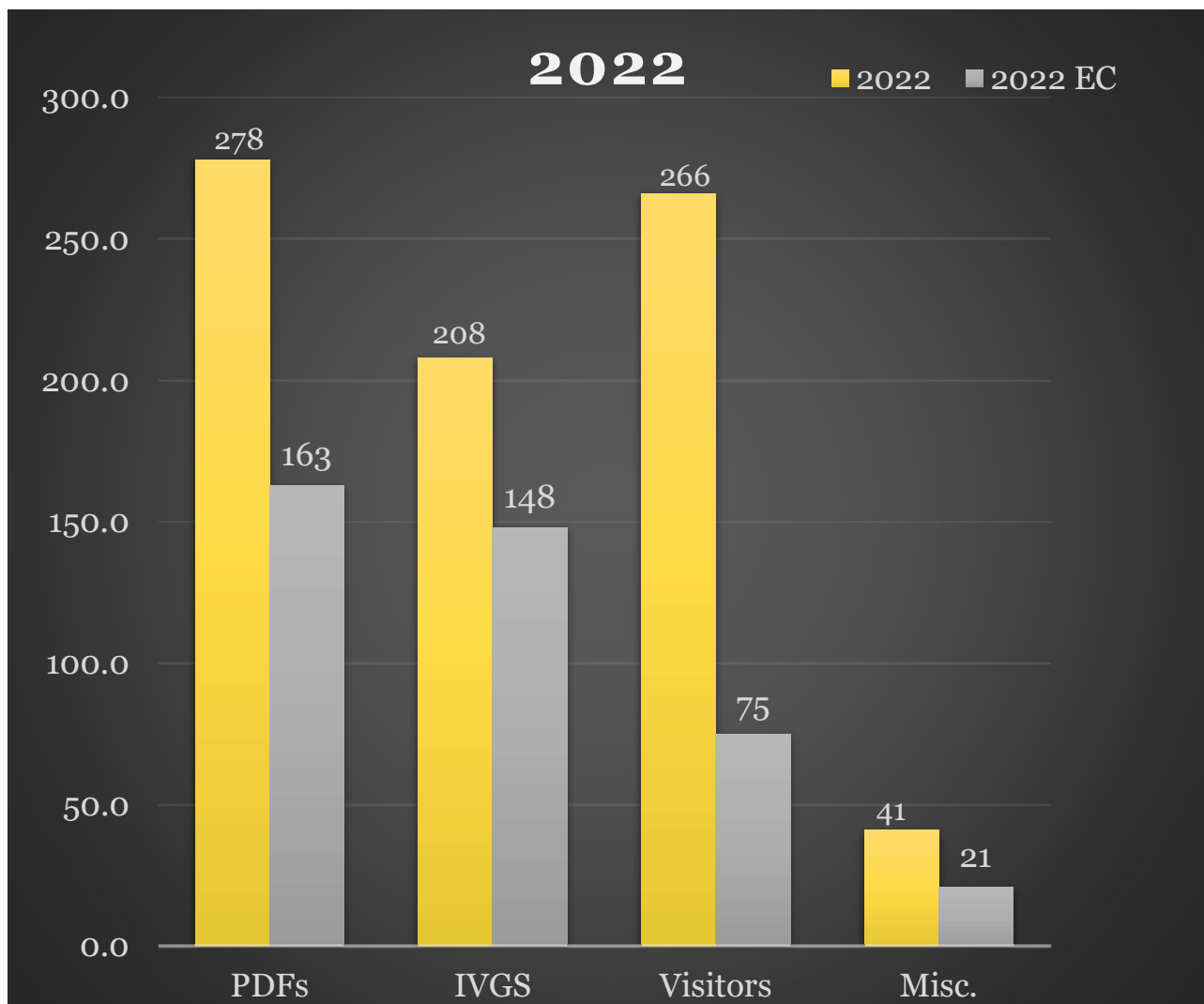
- Pandemic restrictions prevented many visitors & workers from coming to work in Canada
- Many of the invitations for PDFs, IVGS and visitors were for remote work simply due to the extreme processing delays for the LMIA exemptions as well as the work permits

LMIA Exemption Breakdown - 2021



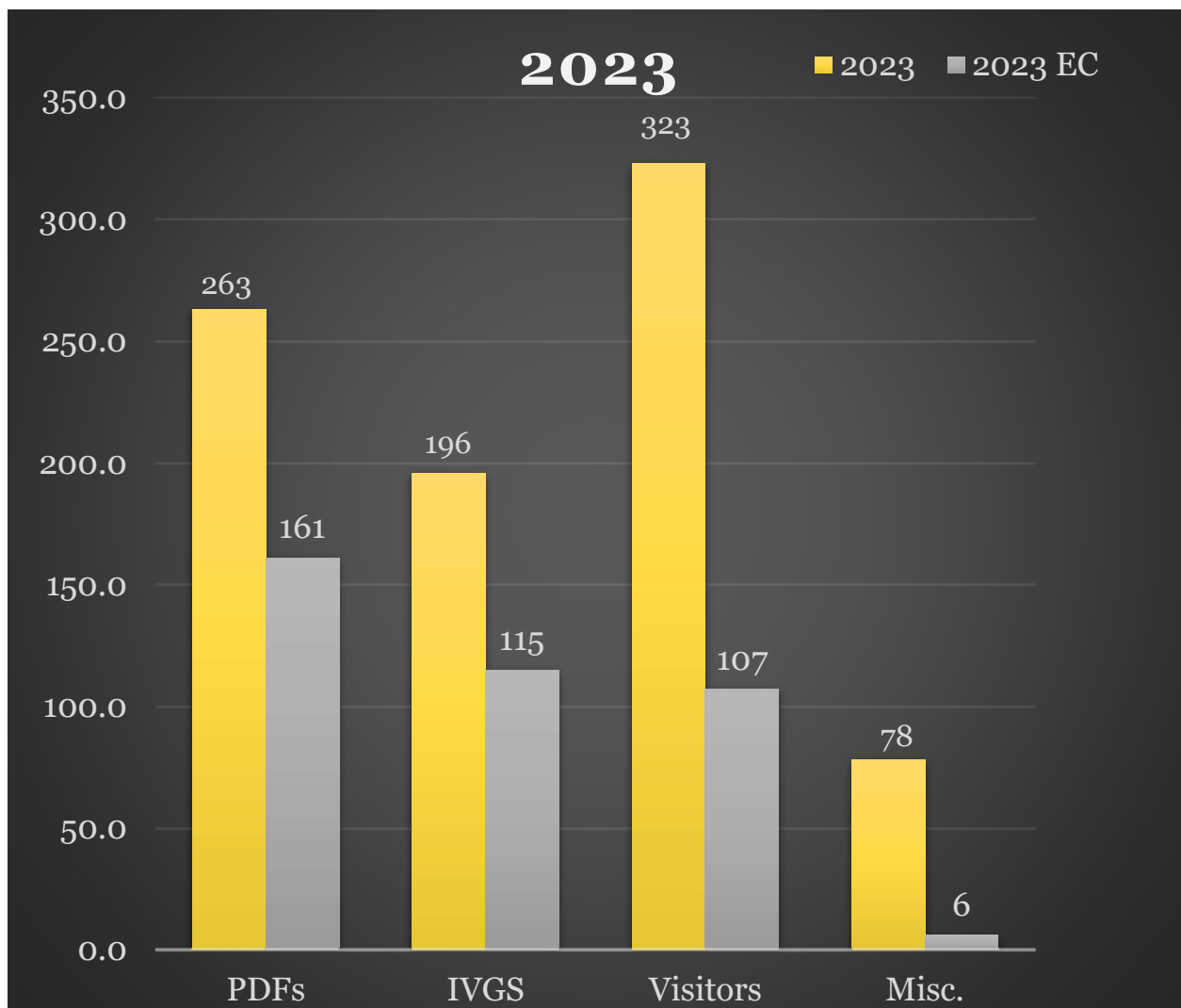
- The pandemic forced IRCC to re-evaluate how they process temporary resident applications.
- Differing pandemic restrictions across the globe were still in effect thus affecting how Waterloo managed our PDF, IVGS and Visitor hires.

LMIA Exemption Breakdown - 2022



- Although many of the pandemic restrictions were lifted by 2022, IRCC delays caused by the pandemic were still lingering.
- Trend seen during this time were for shorter term (i.e. WP exempt) visits and work contracts.

LMIA Exemption Breakdown - 2023



- IRCC processing delays are still lingering and likely will not be back to normal until mid-2024.
- Stats are valid up to and including Sept. 30, 2023.

UNIVERSITY OF WATERLOO



Frances Hannigan, RCIC #R507077
Assistant Director, Immigration & Visa Services
fhanniga@uwaterloo.ca
519-888-4578 ext. 43662