

IMMIGRATION LAW ALERT: NEW EMPLOYER PORTAL FOR LMIA-EXEMPT WORK PERMIT APPLICATIONS

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In an [alert](#) published in February 2015, we advised readers of the new obligations Citizenship and Immigration Canada (CIC) imposed on employers hiring foreign nationals who are exempt from the Labour Market Impact Assessment (LMIA) process. Beginning February 21, 2015, as part of a foreign worker's application to obtain an LMIA exempt work permit, employers were required to provide CIC with: (1) payment of a \$230 employer compliance fee (in addition to the \$155 application fee), and (2) an Offer of Employment form (IMM 5802).

On October 26, 2015, CIC announced the replacement of IMM 5802 with an Employer Portal. Instead of completing a form, the employer will log on to the Employer Portal and complete a series of questions about the employer's business, the foreign worker, the job details, etc. (information similar to that presently included in IMM 5802).

In order to access the Employer Portal, an employer must register with the Government of Canada to obtain log-in credentials. Once the employer compliance fee and offer of employment are submitted to CIC via the Employer Portal, the system will generate an "offer of employment ID number". This ID number must be included in the foreign worker's work permit application.

CIC will also be introducing new work permit (IMM 1295) and work permit extension (IMM 5710) forms in November 2015 that will include a field to enter the offer of employment ID number.

If an employer filed a completed IMM 5802 before October 26, 2015, the worker must submit his or her work permit application prior to November 21, 2015. If the foreign worker does not submit the application before this date, the employer must resubmit the Offer of Employment using the Employer Portal.

by Stefanie Di Francesco and David Elenbaas

For further information about the new LMIA-exempt process, please contact one of:

- David Elenbaas
- [Christopher Garrah](#)
- [Dave J.G. McKechnie](#)

- Stefanie Di Francesco
- Linda Yang

A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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