

# IMMIGRATION LAW ALERT: NEW REGULATIONS FOR LMIA-EXEMPT WORK PERMIT APPLICATIONS

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In a [recent alert](#), we advised readers of new fees and obligations beginning February 21, 2015 that will affect work permit applications of Labour Market Impact Assessment (LMIA) exempt foreign workers under the International Mobility Program. LMIA exemptions include intra-company transferees and professionals under free trade agreements.

The government has now announced additional details.

In addition to paying the new \$230 employer compliance fee, the employer must submit an Offer of Employment directly to Citizenship and Immigration Canada electronically using the prescribed IMM 5802 form (as yet unreleased).

The offer of employment and the employer compliance fee requirements must be met before a foreign worker can submit his or her LMIA-exempt work permit application. An employer must therefore provide the foreign worker with a copy of the fully completed IMM 5802 form, including the employer compliance fee receipt number, for inclusion in the work permit application. If these requirements are not met, the foreign worker's application will be refused.

The new Regulations empower immigration officers who have concerns about the employer or the genuineness of the offer of employment to request further information directly from the employer (without having to use the foreign national applicant as a conduit for that request) as per the contact information on the IMM 5802 form.

We anticipate that the government will release the IMM 5802 form and additional information regarding the new procedure shortly. We will issue a follow-up alert as soon as more information is available.

by David Elenbaas and Stefanie Di Francesco

## **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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