

VOULEZ-VOUS TRAVAILLER AU CANADA? A RETURN TO THE LMIA-EXEMPT FRANCOPHONE STREAM

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On June 1, 2016, the Mobilité Francophone stream under the International Mobility Program began accepting applications. Employers looking to hire French-speaking skilled temporary foreign workers in francophone communities outside of Quebec are exempt from having to obtain Labour Market Impact Assessments (LMIAs) under this stream. The purpose of the program is to encourage the hiring of francophone foreign workers in francophone communities outside Quebec, strengthening and supporting the social and cultural fabric of Canadian society while respecting the federal, bilingual and multicultural character of Canada.

A Welcome Return

Mobilité Francophone is a return to the Significant Benefit – French stream that the previous government had cancelled in 2014. The key reason why this return benefits both employers and employees is that it eliminates the requirement for an LMIA, making it easier and quicker for employers to hire French-speaking skilled temporary foreign workers. An LMIA is a document from Employment and Social Development Canada (ESDC) serving as proof that there will be a positive or neutral impact to the Canadian labour market if an employer hires a foreign worker. Most employers are required to (subject to limited exceptions) obtain a positive LMIA in order to hire a temporary foreign worker, but the process to get one is costly, lengthy, and headache-inducing with high rejection rates.[]

Program Details

To qualify for the program, the foreign worker must:

- be recruited through a Francophone immigration promotional event coordinated between the federal government and Francophone minority communities;
- work in a province or territory outside of Quebec;
- qualify under a National Occupational Classification O, A or B (this includes management, professional, and technical jobs, as well as skilled trades); and
- either speak French as the habitual language of daily use, or speak at an advanced intermediate or higher level of French.

Note that the job offer itself does not have to require French language abilities. If an immigration officer is not satisfied that the temporary foreign worker's habitual language of daily use is French, the officer can request an interview with the individual or require evidence that the foreign worker is at an advanced intermediate or higher level of French, such as obtaining a Canadian Language Benchmarks (CLB) of level 7 or higher in the [Test d'Évaluation de Français pour le Canada](#) (TEF Canada).

To apply, the employer must first submit an offer of employment through the online [Employer Portal](#) and pay the \$230 compliance fee, as is the case with all other International Mobility Program applications. Then the employee can apply for a work permit using the offer of employment number and proof of payment of the compliance fee.

We invite you to contact the authors to learn more about the Mobilité Francophone stream or if you have any other immigration questions.

by Linda G. Yang and Lindsay Dykstra, Articled Student

1 Note however that an LMIA does have its advantages, which includes most importantly, the 600 points it adds to an individual's Express Entry application for permanent residence. If an employer wants to support a foreign worker's permanent residence application, an LMIA may be necessary to make sure the worker's score is high enough to be invited to apply for permanent residence.

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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