



CANADA IMPLEMENTS NEW CRITERIA FOR INTRA-COMPANY TRANSFER AND TEMPORARY FOREIGN WORKER PROGRAMS

In their continued effort to protect the Canadian labor force, Employment and Social Development Canada has announced significant changes to the Labour Market Opinion (LMO) process. Citizenship and Immigration Canada (CIC) also recently announced new criteria for the Intra-Company Transfer Work Permit category.

Under the new LMO program, renamed the *Labour Market Impact Assessment* program (LMIA), the following new requirements have been implemented and are effective immediately:

1. The filing fee for an LMIA application will increase from the current LMO fee of \$275 to a new fee of \$1,000 per position requested.
2. LMIA approvals will have a maximum validity period of one (1) year.
3. The primary test for determining the skill level for the position will be the wage, as opposed to the National Occupational Classification (NOC) category in which the occupation falls.
4. Certain, limited types of applications will be adjudicated in ten (10) business days, such as short-duration work periods (120 days or less), high-demand and high-paid occupations, and other enumerated classifications of professions.
5. Enforcement measures will be enhanced, including increased inspections, fines for violations, and mechanisms for filing complaints/abuses of the program.

Recently, CIC also announced significant changes to the assessment criteria for Intra-Company Transfers (ICTs), requiring, among other things, that Specialized Knowledge ICTs demonstrate both: (1) advanced expertise and (2) proprietary knowledge. Previously, demonstrating one of the criteria was sufficient to establish eligibility. Additionally, employers will now be required to satisfy the prevailing wage for the position in the geographic area of employment.

As a result of these changes, which have been implemented without advance notice, some applicants who would previously be considered eligible for an LMO or as an ICT may no longer be considered eligible.

FosterQuan will continue to monitor regulatory changes and their impact on applicant eligibility and will provide additional information in future Immigration Updates®, and on our firm's website at www.fosterquan.com.