



ZEMP

LAW GROUP

August 13, 2014

TRANSITION PLANS FOR EMPLOYERS ON HIGH-WAGE LMIA APPLICATIONS

Please be advised that Zemp Law Group has recently been made aware of the following information from Service Canada regarding Transition Plans for employers:

“The option for permanent residence only is for an employer that has decided to pursue only permanent residency as a transition plan activity and anticipates not returning to the Temporary Foreign Worker Program for additional workers for the same occupation at the same work location. An occupation is defined by the NOC code and the work location is defined by the employer’s location (city).

To clarify, when preparing an LMIA submission, if an employer anticipates they may return to the TFWP for the same occupation at the same work location, **their initial Transition Plan activities cannot be limited to support for permanent residency only and must include recruitment, retention and training activities for Canadians/permanent residents.**

There is no restriction on employers choosing a transition plan that includes both supports for permanent residency and recruitment and/or training.

In addition, for subsequent LMIA applications, employers will have to indicate additional recruitment, retention and training activities for Canadians/permanent residence, examples of which are provided in Schedule C, and, if applicable, support for permanent residence for the foreign worker.” *emphasis added*

To our understanding, we conclude from the aforementioned information that if an employer chooses only to fill out Activity #5 of the Transition Plan wherein the employee is seeking permanent residence, they will be excluded from applying for that specific NOC though the LMIA program in the future.

While this important information has not yet been added to the regulations by Employment and Social Development Canada (ESDC), we anticipate this change will be introduced shortly and employers will be required to fully complete the transition plan if they intend to hire additional employees in the occupation specified in the LMIA.

We will continue to advise you of any updates we receive in regards to this important regulation change. In the meantime, please contact us regarding any current or upcoming applications that may be affected, as we are here to continue to make every effort to meet the needs of our clientele.

www.zemplaw.com | immigration@zemplaw.com
Suite 401, 1110 Centre Street NE Calgary, AB T2E 2R2
TEL. 403.246.2692 | FAX 403.246.2619

