Shift in Canadian government's position pertaining to immigration

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August 2024 featured significant changes to the Canadian immigration system, most notably limiting access to temporary and permanent immigration.

On Aug. 20, 2024, Québec's Premier François Legault announced that as of Sept. 3, 2024, all low-wage applications under the temporary foreign worker program (TFWP) would be suspended for a six-month period. This decision appeared to align with the Québec government's Immigration Plan 2024-2025, which introduced a number of significant changes, including French-language requirements for access to immigration programs (see our January 2024 article on the topic: Québec rolls out new immigration plan and increases French-language requirements).

While the TFWP is a federal program through which Canadian employers submit a labour market impact assessment (LMIA) to Employment and Social Development Canada, Québec employers must also submit an application for temporary selection to the Ministère de l'Immigration, de la Francisation et de l'Intégration (MIFI) in order to obtain a certificate of acceptance of Québec (CAQ). Once both LMIA and CAQ are issued, the temporary foreign workers can submit their application for a work permit and work temporarily in Québec.

Québec's recent announcement was made jointly by the federal and Québec authorities and it targets LMIA and CAQ applications for low-wage positions for the economic region of Montréal.

The current median wage for the province of Québec is $27.47 per hour. Any application for an LMIA submitted between Sept. 3, 2024, and March 3, 2025, for a wage rate below that provincial median and for a position located on the island of Montréal, would be denied process. Even applications under the Simplified Process of Québec, tailored for positions with demonstrated labour shortages, will be put on hold by this temporary refusal to process. These developments will inevitably put a strain on numerous businesses in various sectors that are already struggling with a limited workforce.

Sectors of industries defined by the North American Industry Classification System (NAICS), rather than professions, are exempted from the ban to process. The following six sectors can submit their LMIA low-wage applications:

- In-home caregiver positions
- Agricultural sector
- Construction sector
- Food manufacturing sector
- Education section
- Health and social services sector

On Aug. 26, 2024, less than a week after Québec's news, the government of Canada followed with its own announcement aimed at low-wage LMIA applications, effective Sept. 26, 2024. Starting at that latter date, Canadian employers submitting LMIAs for positions below the provincial median wage will see the processing of their applications refused if:

- The low-wage position is located in a census metropolitan area with an employment rate of 6 per cent of higher; and
- The employer's workforce is composed of over 10 per cent of temporary foreign workers hired through the TFWP.

Based on Statistics Canada, Montréal's current unemployment rate being at 6.6 per cent, if the said percentage is maintained beyond Québec's 6-month ban, the Québec- and federal-announced changes will both apply to the same area. Québec employers with low-wage positions to fill in the Montréal area will not be permitted to submit low-wage LMIA applications from Sept. 3, 2024, to March 3, 2025, and then not until Montréal's unemployment rate falls below 6 per cent.

In addition to the above changes targeting low-wage temporary foreign workers, other modifications have been made to a number of programs, such as:

- The immediate end to Canada's temporary public policy allowing visitors to apply for work permits from within the country, closed on Aug. 28, 2024; and
- Any measures limiting the issuance of student permits and post-graduate work permits (see our spring and summer 2024 articles: Major changes to Canada's international student program: An overview of recent federal and provincial announcements; Additional updates to Canada's international student program; and IRCC update on working hours for international students: Off-campus changes).

The Canadian government's position pertaining to immigration has undeniably shifted. The intention to reduce the number of temporary foreigners has been made clear, and more immigration changes have been promised by Prime Minister Trudeau to reduce temporary and permanent immigration to Canada, thereby addressing new post-COVID economy imperatives.

In light of other recent changes as well as this upcoming one, employers must remain well informed to properly navigate the Canadian immigration rules.

For more information on the above changes or any other aspect of the Canadian immigration system, or for assistance with your temporary foreign workforce, please reach out to the key contacts below or any lawyer from BLG's Beyond Business Immigration services.

Official references (Québec and Canada governments)

- Refusal to process a Labour Market Impact Assessment application (Canada.ca)
- Hire a temporary foreign worker in a high-wage or low-wage position (Canada.ca)
- Minister Boissonnault reducing the number of temporary foreign workers in Canada (Canada.ca)
- Regional unemployment rates used by the Employment Insurance program, three-month moving average, seasonally adjusted (Statistics Canada)
- Canada ends temporary public policy allowing visitors to apply for work permits from within the country (Canada.ca)
- Monthly indicators: Employment and unemployment rates by administrative region (Quebec.ca)

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