New changes to LMIA exemption codes and eligible occupations for employers

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As need for top talent continues to grow, Canada is working to ensure its immigration programs help companies access the highly skilled talent they need by making changes to LMIA exemption codes and eligible occupations.

Background

Recently, the Government of Canada has made changes to the Labour Market Impact Assessment (LMIA) exemption codes for employers and foreign nationals applying for work permits under the International Mobility Program (IMP). It has also expanded the list of eligible occupations under the Global Talent Stream, forming part of the Temporary Foreign Worker Program (TFWP), which addresses short-term skills and labour shortages.

Addition of new LMIA exemption codes

In general, employers are required to obtain an LMIA from Employment and Social Development Canada (ESDC) under the TFWP prior to hiring a temporary foreign worker. The purpose of an LMIA is to confirm that there is a genuine need for a temporary foreign worker and that no Canadian citizens or permanent residents are available to do the job, among other things. Obtaining an LMIA can be a cumbersome process that typically requires employers to advertise and recruit in the manner prescribed by the TFWP.

The IMP, however, allows employers to hire temporary foreign workers without an LMIA pursuant to sections 204 to 208 of the *Immigration and Refugee Protection Regulations* (the IRPR). Immigration, Refugees and Citizenship Canada (IRCC) recently introduced several new LMIA exemption codes to the Global Case Management System (GCMS), the integrated and worldwide system used to process application for citizenship and immigration services. Most notably for employers, new individual country-specific free trade agreements were added to further distinguish categories of applicants.

Employers who rely on LMIA exemptions streams will need to be aware of these new changes, as they will be required to use the new LMIA exemption codes.

New occupations added to the Global Talent Occupation List

Forming part of the TFWP, the Global Talent Stream was developed to help employers access highly-skilled global talent to address short-term skills and labour shortages in Canada, and to compete on a global scale.

Designed specifically for innovative employers seeking unique and specialized talent, the Global Talent Stream eases recruiting requirements for certain in-demand positions providing that the employer has a Labour Markets Benefit Plan approved by ESDC that demonstrates their commitment to activities that will have lasting, positive impacts on the Canadian labour market.

On December 22, 2022, the list of eligible occupations under the Global Talent Stream expanded to include the following new roles:

1. civil engineers;
2. electrical and electronics engineers;
3. mining engineers;
4. aerospace engineers; and
5. computer engineers.

As a result of these changes, employers may now utilize the Global Talent Stream Occupations List to hire foreign nationals in these professions on an expedited basis.

For more information about how employers can attract and retain foreign talent to work in Canada, please reach out to the key contacts below.

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