

24. Contact Phone Number: _____ Ext. _____	25. Fax Number: _____	26. E-mail: _____
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27. Preferred Official Language of Correspondence:
 English French

THIRD-PARTY, RECRUITER OR EMPLOYMENT AGENCY INFORMATION

1. Are you using the services of a third-party, recruiter or employment agency for the purpose of hiring a TFW? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, complete the boxes on the right	2. Name of third-party, recruiter or employment agency:
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<p>Note: In some provinces/territories it is mandatory to be registered in order to recruit TFWs on behalf of an employer. For more information visit: www.esdc.gc.ca/eng/jobs/foreign_workers/higher_skilled/index.shtml</p>	3. Registration, license or certificate number:
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4. Are you appointing a third-party to represent you in completing this application form or to provide advice in an immigration process? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, complete Schedule A - Third-party representative	5. Name of third-party representative:
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6. A number of provinces/territories prohibit the charging of recruitment fees to TFWs for the purpose of securing a job offer. Have you the employer or any other third-party in connection to this job offer received payment from the TFWs to secure this offer of employment?
 Yes No

BUSINESS DETAILS

1. Number of employees currently employed nationally under this Canada Revenue Agency Business number (e.g. 5 franchises are covered by the business number and there are a total of 100 employees): _____

2. Total number of employees currently employed at the work location specified on this form: _____

3. Total number of Canadian/permanent resident employees at the work location specified on this form: _____

4. Total number of TFWs (as the result of receiving a positive LMIA, formerly known as a labour market opinion or LMO) at the work location specified on this form: _____

5. Did you employ a TFW (as the result of receiving a positive LMIA) in the last two years, prior to December 31, 2013?
 No
 Yes
 If YES – did you provide all TFWs employed by you in the last two years with wages, working conditions and employment in an occupation that were substantially the same as those that were described in the offer(s) of employment (and confirmed in the LMIA letter(s) and annexe(s))?
 Yes No

6. Have you applied for and received a positive LMIA on or after December 31, 2013, and employed a TFW in that position?
 No
 Yes
 If YES – did you provide all TFWs employed by you, on LMIA received on or after December 31, 2013, with employment in the same occupation as described in the offer(s) of employment (and confirmed in the LMIA letter(s) and annexe(s)) and with substantially the same wages and working conditions - but not less favourable than- those set out in that offer(s) of employment (and confirmed in the LMIA letter(s) and annexe(s))?
 Yes No
Note:
 Employers should be aware that with recent changes to the Immigration and Refugee Protection Regulations, the look back period has changed from 2 to 6 years. However, this change is not retroactive and, therefore will not be fully implemented until January 2020.

7. Have you had an LMIA (formerly known as a labour market opinion or LMO) revoked within the previous 2 years from the date you submitted this application?
 No Yes
 If yes, was the LMIA revoked because you had provided false, misleading or inaccurate information in the context of a request for an opinion.
 No Yes If yes, please provide the following details regarding this revocation:
 Date (YYYY-MM-DD): _____ System File Number: _____
 If the public policy considerations that justified the revocation are no longer relevant, please provide a detailed explanation:

8. Were any employees laid off in the past 12 months?

No

Yes If yes, how many Canadians/permanent residents? _____ How many TFWs? _____

Reason(s) for layoff(s) and occupations affected:

9. Does your business receive support through any Government of Canada program (e.g. Work-Sharing Program)?

No

Yes If yes, name the program(s):

JOB OFFER INFORMATION

If you are requesting an LMIA to fill multiple jobs for the identical position/occupation, provide the job offer information only once. However, if there are multiple jobs for different positions/occupations, use a separate application form for each unique position/occupation.

1. Job Title:	2. Number of TFWs requested for this job offer (same wage, job description, location, etc.):
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3. Expected employment duration: _____ Days _____ weeks _____ months _____ years	4. Expected employment start date (YYYY– MM –DD):
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5. Provide exact location where the TFW will be working (number and street address):

6. City:	7. Province:	8. Postal Code:
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9. Describe the main duties of the job:

10. Education requirements of the job:

<input type="checkbox"/> Doctorate/PhD	<input type="checkbox"/> Doctor of Medicine	<input type="checkbox"/> Master's degree
<input type="checkbox"/> Bachelor's degree	<input type="checkbox"/> College level diploma/certificate	<input type="checkbox"/> Apprenticeship diploma/certificate
<input type="checkbox"/> Trade diploma/certificate	<input type="checkbox"/> Secondary school	<input type="checkbox"/> Vocational school diploma/certificate
<input type="checkbox"/> No formal education requirement		

Additional Information:

11. Experience/skills requirements of the job: (including occupational designations such as CA, CMA, CGA, R.N., P.Eng.)

12. Indicate the language requirement stated in the offer of employment:

The offer of employment does not require the ability to communicate in any specific language.

The offer of employment requires the ability to communicate orally in:

English French English or French English and French

The offer of employment requires the ability to communicate in writing in:

English French English or French English and French

The offer of employment requires the ability to communicate in a language other than English or French.
If this option is selected, identify the specific language needed and clearly describe why this is a bona fide employment requirement for performing the duties associated with the employment. If insufficient space, attach a separate signed and dated sheet.

22. Do you plan to hire or train Canadians/permanent residents for the position(s) for which you are requesting an opinion?

No If no, explain.

Yes If yes, provide a brief description of the training plan.

SUMMARY OF RESULTS TO MEET MINIMUM RECRUITMENT AND ADVERTISEMENT REQUIREMENT

You must provide a brief summary of the results of the activities you conducted to meet the minimum recruitment and advertisement requirements to apply for an opinion.

1. Number of applications/resumes received from Canadians/permanent residents:	2. Number of Canadian/permanent resident applicants interviewed:
3. Number of Canadians/permanent residents offered the position:	4. Number of Canadians/permanent residents hired:
5. Number of job offers declined by Canadian/permanent resident applicants:	6. Number of Canadian/permanent resident applicants who were not qualified for the job:

7. For each unsuitable Canadian/permanent resident applicant, provide an explanation as to why the candidate did not meet the requirements of the position, if necessary, attach a separate sheet. However, do not provide the names of the candidates (e.g. applicant #1 – has not completed the apprenticeship program and therefore cannot work as a journeyperson, applicant #2 – unable to communicate in English to the level required for technical salesperson of medical equipment).

TRANSITION TO A CANADIAN WORKFORCE

There are 2 possible paths for employers to transition to a Canadian workforce. The path that an employer must follow is determined by the prevailing wage for the position being offered to the TFW in relation to the provincial/territorial median hourly wage, based on Statistics Canada’s Labour Force Survey (2013). The provincial/territorial median hourly wages are as follows:

Alberta	\$24.23	Nunavut	\$29.96
British Columbia	\$21.79	Ontario	\$21.00
Manitoba	\$19.00	Prince Edward Island	\$17.26
New Brunswick	\$17.79	Quebec	\$20.00
Newfoundland and Labrador	\$20.19	Saskatchewan	\$21.63
Northwest Territories	\$32.53	Yukon	\$27.93
Nova Scotia	\$18.00		

Is the prevailing wage for the position you are offering the TFW above the provincial/territorial median hourly wage in the province/territory where the job is located?

- No If no, complete the following Section A – Cap for Low-wage Positions
- Yes If yes, skip to Section B – Transition Plans for High-wage Positions

Note:
 There are a few exemptions to the low-wage cap requirement. These exemptions include employers that:

- have fewer than 10 employees nationally, including the vacant positions they are applying to staff with TFWs;
- are hiring TFWs for jobs that are truly temporary (e.g. emergency or warranty work repair technicians / mechanics);
- are hiring TFWs for low-wage positions located in Quebec.

A. Cap for the Low-wage Positions

Employers that hire TFWs for positions with a prevailing wage that is below the provincial/territorial median hourly wage will be subject to a maximum 10% cap on the proportion of these low-wage TFWs. The cap will be phased in over the next 2 years to provide employers who use the program with time to transition to a Canadian workforce.

Employers that have a low-wage TFW workforce will be subject to an established cap, which is the lesser of their current percentage of TFWs in low-wage positions, or

- 30% as of June 20, 2014
- 20% as of July 1, 2015; and
- 10% as of July 1, 2016.

Establishing the Cap for the Specified Work Location

To begin, you need to know the percentage of TFWs that you employed in low-wage positions at the location specified on this application on June 20, 2014. You will only need to calculate the cap once for the specified location. This calculation will let you know whether you are eligible to participate in the Program. Employers who are above the cap should be aware that under established Ministerial Instructions, their Labour Market Impact Assessment (LMIA) applications will not be processed.

On June 20, 2014, did you employ TFWs in low-wage positions, at the location specified on this application?

- No If no, you are subject to a maximum cap of 10% for low-wage TFWs.
Skip to the Section – Calculating the Effect of hiring the TFWs requested on this LMIA on the cap.
- Yes If yes, have you calculated the cap for the location specified on this application?
- Yes
- No If no, complete Schedule E – Establishing the Cap

Calculating the Effect of hiring the TFWs requested on this LMIA on the cap

The following questions will determine the effect that the TFWs being requested will have on the cap established for the job location specified on this LMIA.

1. [A] – Total number of all the hours of work for all employees at the work location (including overtime and all positions staffed by Canadians, permanent residents, current TFWs and all other workers on open work permits, student visas, etc.) for the previous 4 consecutive weeks prior to the application being submitted:

2. [B] – Calculate the average weekly hours worked, at the specified location: $A \div 4 =$

3. [C] – Total number of all the hours of work (including overtime) for all TFWs, who are currently employed in low-wage positions, at the specified work location, for the previous 4 consecutive weeks, prior to the application being submitted. Do not include any current low-wage TFWs, whose work permits are expiring within the next 90 days:

4. [D] – Calculate the average weekly hours of work for the TFWs, who are currently employed in low-wage positions at the specified work location: $C \div 4 =$

5. [E] – Provide the average weekly hours of the low-wage TFWs applied for on this application:

6. [F] – Calculate the percentage of low-wage TFWs: $((D + E) \div (B + E)) \times 100 =$

7. Enter the cap that has been established for the specified work location (Refer to Schedule E, Box 7 under the Establishing the Cap section):

B. Transition Plans for High-wage Positions

The Transition Plan is a mandatory requirement for all employers applying to hire TFWs for positions with a prevailing wage that is at or above the provincial/territorial median hourly wage.

Employers meeting this criterion must complete **Schedule C – Employer Transition Plan**.

Rationale For Possible Exemption

If you would like to be considered for an exemption from having to provide a Transition Plan, you must complete this section and provide a justification on how you meet the criteria indicated in the following question. Exemptions will be considered on a case by case basis.

1. What are the requirements of the position? Select all of the exemption criteria that apply to the position indicated on the LMIA.

unique skills

The position has a limited duration which means – the job is time-limited and will no longer exist after the TFW leaves. The employment duration is:

1 to 120 days (e.g. emergency or warranty work repair technicians/mechanics)

more than 120 days to a maximum of 2 years (e.g. project-based business consultants, specialized construction engineers)

2. Employer Rationale:

IMPACTS ON THE CANADIAN LABOUR MARKET

The questions in this section are to be completed by all employers. The response to these questions will assist the Program to determine the impact the employment of temporary foreign workers will have on the Canadian labour market.

For the purpose of the Program:

Offshoring - is the relocation by a company of a business process from Canada to another country. This would include an operational process, such as manufacturing, or supporting processes (e.g. accounting or IT services). More recently, offshoring has been associated with technical and administrative services supporting domestic and global operations from outside Canada.

Outsourcing - is the contracting out of a Canadian business process to a foreign or Canadian third party organization resulting in the entry of Temporary Foreign Workers into Canada.

1. Will the entry of these TFWs lead to job losses, now or in the foreseeable future, for Canadians/permanent residents as a result of lay-offs, outsourcing, offshoring or other factors related to utilizing TFWs?

No

Yes If yes, provide a summary of the impact of hiring these TFWs, on your workforce (e.g. lay-offs, relocations) and the Canadian workforce more generally

2. Is this job offer related to an activity, contract or a subcontract that will facilitate outsourcing or offshoring?

No If no, go to the next section, under the heading FOREIGN WORKER INFORMATION

Yes If yes, you must:

- complete the following questions (a to c) and
- have each employer with whom you have a contractual arrangement to provide services, complete a separate **Schedule B – Impacts on the Canadian Labour Market.**

a.) Provide a summary of the contractual arrangement between the employer of record and the company receiving services including (but not limited to) information on: the purpose and scope of the project, the project timelines, the expertise required, and the number of Canadians and permanent residents working on the project.

b.) Provide details on how Canadians/permanent residents with whom you have a contractual arrangement for services will be positively and/or negatively affected by this arrangement? (e.g. lay-offs, relocation, displacement, promotions, restructuring, transfer of skills and/or knowledge).

c.) As part of this contractual arrangement, have you hired any foreign nationals through any work permit-exempt or Labour Market Impact Assessment-exempt processing stream?

No

Yes If yes, complete the following two questions (i) and (ii.)

c-i) Provide details on efforts in the past two years to hire and/or train Canadians/permanent residents for positions where a foreign national has entered under a work permit-exemption or Labour Market Impact Assessment-exemption.

c-ii) Provide a summary of the impact of hiring these foreign nationals on Canadians/permanent resident workers within the company receiving services under this contractual arrangement (e.g. lay-offs, relocation).

FILM AND ENTERTAINMENT REQUEST ONLY

1. Name of the production:	2. Total number of people involved in the production:
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3. Type of Production:

4. A copy of the contract between the employer and the foreign entertainer must be included with this application form, except for film and TV requests. Is the contract included with application? Yes No If no, please explain:

TEMPORARY FOREIGN WORKER INFORMATION

If you are hiring more than one TFW, use separate sheets to identify each worker coming to work for you in Canada.
If the TFW information is not available, leave this section blank.

Note:
After the positive LMIA letter and annexes have been issued, six months will be allocated to the:

- employer to provide ESDC/Service Canada with the names of the TFWs; and
- TFWs to submit an application for a work permit to Citizenship and Immigration Canada.

1. Surname (family name) as shown on the passport:	2. Given name(s) as shown on the passport:
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3. Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	4. Date of Birth (YYYY-MM-DD):
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5. Location of residence outside Canada: City: _____ Country: _____	6. Citizenship(s):
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7. If the TFW is currently in Canada, indicate his/her location (city and province) and immigration status:

City: _____ Province: _____

Status:
 Visitor Student Temporary foreign worker Refugee claimant

DECLARATION OF EMPLOYER

I am an unincorporated employer, sole proprietor or partnership. Yes No

If you answered "YES" to the above:

I understand that some provinces and territories operate, pursuant to agreements with the federal Department of Citizenship and Immigration, Provincial Nominee Programs. I hereby consent to ESDC providing the personal information contained in this request for a Labour Market Impact Assessment to the provincial/territorial government(s) of the province(s) or territory(ies) where I carry on business to be used by the province(s) or territory(ies) for the administration of their Provincial Nominee Programs.	<input type="checkbox"/> Yes <input type="checkbox"/> No
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Check each box to declare that you comply (or will comply) with the statements below. If you are unable to check a statement, Service Canada staff will request additional information, prior to issuing an opinion.

- I certify that I am an employer who does not, on a regular basis, offer strip tease, erotic dance, escort services or erotic massages. I understand that any LMIA application from an employer, who offers these services on a regular basis, will not be processed.
- I certify that I am actively engaged in the business in respect of which the offer of employment is made and understand that I must remain so during the period of employment for which the work permit is issued to the TFW.
- I certify that the offer is consistent with my reasonable employment needs
- I certify that I am reasonably able to fulfill the terms of the employment offer
- I certify that I am compliant with, and will comply with the federal/provincial/territorial laws that regulate employment and the recruitment of employees, in the province/territory in which it is intended that the TFWs work and, if applicable, with the terms and conditions of any collective agreement.
- I certify that all recruitment done, or that may be done on my behalf, by a third-party was, and will be, in compliance with federal/provincial/territorial laws governing recruitment. I acknowledge and understand that I will be held accountable for the actions of any third-party recruiting TFWs on my behalf.
- I certify that I am aware of the published recruitment and advertising requirements of the Temporary Foreign Worker Program. I am, and will continue to be, compliant with these requirements and I can provide proof upon request.
- I certify that the employment of a foreign worker will not adversely affect the settlement of any labour dispute in progress or the employment of any person involved in the dispute, should there be an ongoing or pending labour dispute at my business. I will inform Service Canada in the case one should develop.
- I will comply with the prevailing wage requirements and I agree to review and adjust, when applicable, the TFWs wages, at least annually, to ensure he/she continues to receive the prevailing wage for the occupation and region where he/she is employed.
- I certify that I will make reasonable efforts to provide a workplace that is free of abuse which includes physical, sexual, psychological or financial abuse.
- I certify that I will provide the TFWs with employment in the same occupation as that set out in the TFWs offer of employment and with wages and working conditions that are substantially the same as — but not less favourable than — those set out in the LMIA letter and annex A.
- I agree that I will not recover any costs, directly or indirectly, associated with seeking an LMIA from any TFW(s).
- I acknowledge and understand that for a period of six years from the first day of employment of the TFW(s), I may be subject to an inspection and I will retain any documents that relate to the LMIA application and the terms and conditions of the LMIA letter and annexes.
- If required, I will give all reasonable assistance to the officer conducting the inspection. I will attend interviews and on-site inspections, answer questions, provide information and documentation that relate to the conditions I have agreed to, pertaining to the LMIA letter and annexes.
- I understand that should an on-site inspection be required for verification of compliance with the conditions stated on the LMIA letter and annexes, that the inspections may take place at any premises or location where the TFW(s) perform(s) work.
- I will provide Service Canada with the names of the TFW(s) I intend to employ within six months from the date on the LMIA letter.
- I declare that the employment of the TFW(s) is likely to have a positive or neutral effect on the Canadian labour market and will not lead to job loss or reduction in work hours for any Canadian or permanent resident during the period of employment for which the work permit is issued.
- I agree to pay the total fee indicated in the Labour Market Impact Assessment - Processing Fee Payment section, either by credit card or certified cheque/money order. I also acknowledge that if I do not submit my payment, my LMIA application will not be processed. This attestation and the requirement to pay the processing fee are NOT applicable to (1) employers who meet the definition of on-farm primary agriculture and are hiring foreign workers in the NOC codes: 8251, 8252, 8253, 8254 and 8256, or (2) employers choose to support a foreign national's permanent resident visa application only.

SIGNATURE OF EMPLOYER

The individual signing this form must have authority for either the hiring or financial decisions of the organization (e.g. owner, franchisee, general manager, or senior executive – such as VP Human Resources).

I have read and I understand the Personal Information Collection Statement found at the beginning of this application. I declare that the information provided in this Labour Market Impact Assessment is true, accurate and complete.

Signature of Employer

Printed Name of Employer

Title of Employer

Date (YYYY-MM-DD)

A person, who contravenes a provision set out under sections 126 or 127 of the Immigration and Refugee Protection Act (misrepresentation), could be liable to a fine or to imprisonment, or to both. Also, providing inaccurate information, in the context of this application, may lead to an administrative penalty such as being ineligible to access the Program for a period of two years.

DOCUMENTATION REQUIRED

The boxes with check marks indicate the required documents that should be included with the application.

If a required document is not attached, please explain:

Documentation Required

Proof of recruitment (e.g. copy of advertisement and information to support where, when and for how long the position was advertised)

Business registration or legal incorporation documents (if first LMIA application)

Provincial/municipal business license (where applicable and if first LMIA application)

Canada Revenue Agency:
• T2 Schedule 100 Balance Sheet Information (for corporations only – 2 most recent returns filed)
• T2 Schedule 125 Income Statement Information (for corporations only – 2 most recent returns filed)
Only required if this is the employer’s first LMIA application. Does not apply to film and entertainment

Commercial lease agreement (where applicable and if first LMIA)

Film and Entertainment – copy of employment contract (except film and TV)

Provincial documentation requirements (for the provinces noted below):
ALBERTA - Employment Agency Business Licence (*Alberta's Fair Trading Act*) if applicable
BRITISH COLUMBIA - Employment Agency License (*British Columbia's Employment Standards Act*) if applicable
MANITOBA - Certificate of Registration (*Manitoba's Worker Recruitment and Protection Act*)
NOVA SCOTIA - Employer Registration Certificate (*Labour Standards Code*)
SASKATCHEWAN – Employer Registration Certificate (*The Foreign Worker Recruitment and Immigration Services Act*)
Note:
In some cases the province may not provide a physical document but rather post the names of registered/certified employers on a website.

Send Application and all Supporting Documentation:

Employers must sign, and send the completed application and all required documentation to the Service Canada Centre responsible for processing applications in their area.

A list of LMIA Processing centres is available on the ESDC website: www.esdc.gc.ca/eng/jobs/foreign_workers/scc.shtml

Note:
A complete application means that employers have:
• filled out all of the fields in all of the necessary forms;
• included all of the required documentation;
• signed the forms where required; and
• submitted the fee payment with the application.

If an application is submitted and it is not complete, Service Canada staff will inform the employer that the application will not be processed. Incomplete applications and supporting documents submitted with the application will not be retained or returned to the employer. As a result, employers are advised to submit copies, not original documents.



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LABOUR MARKET IMPACT ASSESSMENT – PROCESSING FEE PAYMENT

Employers must pay a processing fee for each position requested, except applications that involve on-farm primary agriculture occupations such as farm managers/supervisors and specialized livestock workers (specifically NOC codes 8251, 8252, 8253, 8254 and 8256), and those solely to support a foreign national's immigration application.

The total processing fee, where applicable, must be paid before the employer's LMIA application can be processed.

Step 1 – Complete employer information section:

Employer Business Name:	
Canada Revenue Agency Business Number: <i>(First 9 digits are mandatory for Canadian employers)</i>	

Step 2 – Calculate total labour market impact assessment processing fee in Canadian dollars:

Number of positions requested _____ X \$1,000 = TOTAL processing fee payment of \$ CAD _____

Step 3 – Select method of payment:

- Certified cheque or money order (postal or bank) made payable to the Receiver General for Canada
- Credit card (Visa, MasterCard, American Express)

For payment by credit card, complete and sign this section

CREDIT CARD INFORMATION AND PAYMENT AUTHORIZATION			
Name of cardholder (as it appears on the credit card):		Employer primary contact name:	
Credit card type: <input type="checkbox"/> Visa <input type="checkbox"/> MasterCard <input type="checkbox"/> American Express		Credit card number:	Expiry date: MM YYYY
Enter the card security/card verification value code (CVV) (a three or four digit number found on the back or front of the credit card): _____			
AUTHORIZATION:			
I authorize ESDC/Service Canada in the name of the Receiver General for Canada to charge _____ \$ CAD to my credit card			
This is permission for a single transaction, and does not provide authorization for any additional charges.			
Signature of cardholder:		Date: YYYY MM DD	

Send this form to Service Canada only

NOTE:
Refunds will only be provided if a fee was collected in error (e.g. an incorrect fee amount was processed). There will not be refunds in the event of a negative labour market impact assessment since the fee covers the process to assess an application and not the outcome.