

New changes to LMIA exemption codes and eligible occupations for employers

January 23, 2023

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.

By

[Brian Dingle](#), [Noah Burshtein](#), [Milica Bijelic](#), [Najma Ali](#)

Expertise

[Labour & Employment](#), [United States](#), [BLG Beyond Business Immigration](#)

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2024 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.