



Canadian Association of  
Professional Immigration Consultants

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L'Association Canadienne des  
Conseillers Professionnels en Immigration

# CAPIC's Recommendations for the Temporary Foreign Worker Program Reform

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## CAPIC's Recommendations for the Temporary Foreign Worker Program Reform

The Temporary Foreign Worker Program (TFWP) is designed to fill job vacancies in Canada when they cannot be filled by workers who are Canadians or permanent residents (Canadian/PR workers). The prerequisite, Labour Market Impact Assessment (LMIA), for a work permit under the TFWP, is a means to ensure Canadian jobs are extended to Canadians or permanent residents first and to balance the interests of employers and Canadian/PR workers. Over the years, bad actors have been abusing the TFWP for improper economic gains, including temporary foreign worker abuse, LMIA fraud, and so on.

The misuse of the TFWP jeopardizes the integrity of the program and the Canadian immigration system. The abuse and illegal practice also hurt vulnerable Canadians and permanent residents, e.g., Canadian youths, newly landed permanent residents, etc., and often harm migrant workers who have been taken advantage of. The TFWP, when utilized properly, performs as it is supposed to, supporting Canadian employers, ensuring opportunities for Canadians and permanent residents, and instilling proper working conditions and wages for all workers. The program supports a viable and sustainable economy. Yet, there are significant issues.

CAPIC is aware of the report released by the Standing Senate Committee on Social Affairs, Science and Technology (SOCI), "Act Now: Solutions for Temporary and Migrant Labour in Canada" (the SOCI Report)<sup>1</sup>, which calls for an overhaul of the TFWP. The Government of Canada has taken some measures. A structural reform is underway.<sup>2</sup>

CAPIC echoes the message conveyed by Employment and Social Development Canada (ESDC) in the August 6 announcement: "The TFW Program cannot be used to circumvent hiring talented workers in Canada."<sup>3</sup>

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<sup>1</sup> SOCI, "Act Now: Solutions for Temporary and Migrant Labour in Canada," May 24, [online](#).

<sup>2</sup> The Hill Times, "'Structural solutions not inflammatory conclusions' required to fix foreign worker program: Senator Omidvar," News, Aug. 21, 2024, [online](#).

<sup>3</sup> Employment and Social Development Canada, "Minister Boissonnault announces new measures to address fraud in Canada's Temporary Foreign Worker Program," August 6, 2024, [online](#).

Based on their mandate, SOCI focused on bridging the gaps between stakeholders, including employers and workers.<sup>4</sup> The SOCI Report aims to identify common issues of the TFWP, understand its impacts, and explore solutions from the perspective of migrant worker protection. The SOCI studied the issues facing migrant workers thoroughly.

Migrant worker protection would not become an ongoing issue if the objectives of the TFWP and the rules set out by the *Immigration and Refugee Protection Act*, SC 2001, c. 27 (IRPA) and the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (IRPR) for protecting the Canadian labour market for Canadian/PR workers have been abided by. Therefore, with the support of subject matter experts, we have reviewed the impact of the TFWP on the Canadian labour market from the perspective of protecting all that is at stake, namely, protecting the Canadian labour market for Canadian/PR workers, the integrity of the Canadian immigration system, and rights of temporary foreign (migrant) workers.

Below is CAPIC's submission concerning the TFWP reform with recommendations based on research, data analysis, and CAPIC members' input.

## Background

### 1. A brief examination of the TFWP

CAPIC began the research from the TFWP itself because we would like to explore whether the root cause could be a flaw in the design of the program for such a well-intentioned program to bear unintended fruits that fall far from its objective.<sup>5</sup>

#### (1) The objective of the TFWP

The intention of the creation of the TFWP in 1973 was to allow employers to hire highly specialized foreign workers to fill labour shortage as a temporary solution.<sup>6</sup> It shifted from high-skilled jobs to low-skilled ones with a notion that those jobs cannot be filled because Canadians would not take them.<sup>7</sup> Eventually, the TFWP was expanded to include both high- and low-skilled foreign workers.

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<sup>4</sup> Supra, note 1, p.12.

<sup>5</sup> The Editorial Board, "Fraud in the temporary worker program isn't the problem. The rules that rig the labour market are," *The Globe and Mail*, August 10, 2024, [online](#).

<sup>6</sup> University of Toronto Libraries, "Canadian Wrongs: The Temporary Foreign Workers Program," [online](#).

<sup>7</sup> Author: Martin O'Malley, Author: Leslie Plommer, and *The Globe and Mail* (1936-Current), "Importing people to fill the jobs Canadians won't do," Oct. 30, 1974, [online](#).

What still holds true nowadays is that it is a means to fill employment vacancies in Canada. S. 30 of IRPA requires foreign nationals not to work (or study) in Canada unless authorized to do so. S. 2 of IRPR defines work as “an activity for which wages are paid or commission is earned, or that is in direct competition with the activities of Canadian citizens or permanent residents in the Canadian labour market.” According to the definition, volunteer work that takes away Canadian/PR workers’ employment opportunities is also considered work, and thus requires authorization. Pursuant to s. 203(1)(b) of IRPR, the hiring of a foreign worker should not have a negative impact on the Canadian labour market. The factors set out in 203(3) of IRPR to assess the neutral or positive impact include the existence of a labour shortage, job creation or retention for Canadian/PR workers, acceptable Canadian working conditions for migrant workers, etc.

IRPA and IRPR are clear that Canadian jobs should be extended to Canadian/PR workers first.

## **(2) Previous reforms on the TFWP**

Since 1973, the TFWP has grown substantially. To maintain the temporary nature of hiring migrant workers and meet/protect Canadian economic needs, in 2011 and 2014, the TFWP was reformed significantly.

In 2011, the four-in, four-out rule, also known as the cumulative duration rule, was introduced, that required foreign workers to leave Canada after four cumulative years working in Canada, a measure to curb the reliance on migrant workers.<sup>8</sup>

In 2014, the TFWP was overhauled, and the International Mobility Program (IMP) was created. The overhaul, again, carried the objective to ensure Canadians are first in line for available jobs.<sup>9</sup> The 2014 overhaul used the LMIA to replace the previous labour market opinion (LMO). The LMIA enhanced measures to protect both the Canadian labour market for Canadian/PR workers and the rights of migrant workers.

In 2016, the cumulative duration rule was repealed<sup>10</sup> after the TFWP had undergone a significant reform based on the 18<sup>th</sup> Recommendation by the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities in its Temporary Foreign Worker Program

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<sup>8</sup> IRCC, “Archived – Backgrounder – Four-year limit for foreign nationals working in Canada,” March 24, 2011, [online](#).

<sup>9</sup> ESDC, “Government of Canada Overhauls Temporary Foreign Worker Program Ensuring Canadians are first in line for available jobs,” June 20, 2014, [online](#).

<sup>10</sup> Toronto Star, “Ottawa ends ‘4-in-4-out’ rule for migrant worker,” Dec. 13, 2016, [online](#).

report.<sup>11</sup> The Committee in its Recommendation 8 also recommended that ESDC and IRCC review and improve mechanisms to prevent using the TFWP for permanent labour purposes.

The history of the TFWP reforms reflects the spirit and provisions of IRPA: The TFWP should remain a temporary measure for employers to fill labour shortages.

### (3) The exponential growth of the TFWP after COVID-19

Below is the number of LMIA issued from 2016 to 2023.<sup>12</sup>

Province/Territory	2016	2017	2018	2019	2020	2021	2022	2023
Newfoundland and Labrador	1,741	1,217	477	495	927	694	1,453	1,668
Prince Edward Island	946	1,056	1,012	1,179	1,724	1,504	2,291	1,711
Nova Scotia	2,456	2,703	3,394	2,823	3,259	4,161	5,593	5,437
New Brunswick	1,471	1,800	1,361	1,974	2,886	3,015	7,138	5,015
Quebec	20,311	17,616	21,257	33,590	32,956	35,699	66,794	62,206
Ontario	30,426	39,114	40,907	41,426	41,496	45,196	62,020	74,625
Manitoba	1,248	1,324	1,459	1,952	1,773	1,858	3,880	4,676
Saskatchewan	1,166	1,090	1,098	1,466	1,164	1,218	2,447	3,124
Alberta	10,232	9,579	9,024	12,940	8,118	9,112	23,450	27,507
British Columbia	20,001	22,441	28,739	32,284	30,861	30,520	47,404	53,295
Yukon	107	119	107	139	40	126	157	136
Northwest Territories	64	46	21	56	29	30	132	124
Nunavut	145	41	132	133	46	63	88	122
Canada	90,314	98,146	108,988	130,457	125,279	133,196	222,847	239,646

Notes:

1. The source for all information in this release is Employment and Social Development Canada's (ESDC) LMIA System.

2. Each LMIA application submitted is restricted to a single occupation, as defined by the NOC; however, it may be for any number of positions (for example, five welders).

The growth rate from 2016 to 2023 is 225%. The increase is related to the number of LMIAs, not the number of positions in the LMIAs. In the first quarter of 2024, 71,384 LMIAs were issued; the number of positions in a single LMIA ranges from 1 to over 150.<sup>13</sup>

## 2. The TFWP fails employers, migrant workers, and Canadian/PR workers

One of the findings in the SOCI Report is that TFWP “is not working well for employers and workers.”

### (1) The TFWP does not fulfil employers’ desire to have control over migrant workers and have a stabilized migrant workforce

<sup>11</sup> The Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, “Temporary Foreign Worker Program,” Sept. 2016, [online](#).

<sup>12</sup> Open Government Portal, “Temporary Foreign Worker Program Labour Market Impact Assessment Statistics 2016-2023 - Table 01 : Number of temporary foreign worker (TFW) positions on positive Labour Market Impact Assessments (LMIAs) by province/territory between 2016 and 2023,” accessed Aug. 22, 2024, [online](#).

<sup>13</sup> Open Government Portal, “Temporary Foreign Worker Program Labour Market Impact Assessment Statistics 2023Q1-2024Q1 - Table 01-Number of Temporary Foreign Worker (TFW) Positions on Positive Labour Market Impact Assessments (LMIAs) by Province/Territory between 2023Q1 and 2024Q1,” accessed Aug. 22, 2024, [online](#).

The SOCI Report states that while the employer-specific work permit makes migrant workers vulnerable to abuse by abusive employers, it limits well-intentioned employers' ability to move these workers as needed.<sup>14</sup>

According to the objective of the TFWP, the good-intentioned employers' desired ability to move migrant workers as needed is no less problematic than other negative phenomena such as migrant worker abuse because the hiring of foreign nationals is based on a labour shortage. If TFWP employers can move migrant workers around of their free will, the balance between filling labour shortages for employers and protecting the Canadian labour market for Canadian/PR workers is broken. The result could be the rise of unemployment among Canadian/PR workers, especially the underrepresented. There must be checks and balances in place if such a desire can be taken into consideration.

Statistics show that the agriculture, forestry, fishing and hunting sectors and the accommodation and food services sectors strongly relied on temporary foreign workers.<sup>15</sup> Most of the occupations occupied by migrant workers are low-skilled positions. However, the Canadian Occupational Projection System (COPS) developed by ESDC, a suite of models produced to project labour demand and identify labour shortages, indicated that labour shortages "remain largely concentrated in occupations typically requiring university education."<sup>16</sup> The disconnect between the employers' demands and the labour market demand and supply data may indicate a fact: The labour shortage might have been defined by different standards. There appears to be a disconnect from Canadian employers in those sectors who have on the ground "perspective" vs the COPS projections.

In the SOCI Report, the employers and industry representatives shared the employers' perspective on their desire for control over migrant workers. From this perspective, migrant workers' employers desire a stable workforce because they invest additional costs to migrant workers, which increases their level of risk.<sup>17</sup> Employers' reasoning may be difficult to reconcile because when hiring a migrant worker, unless the worker is eligible for permanent residence, by direction of IRPA, he/she is not supposed to be a stabilized or permanent part of the employers' workforce. Employers want a sustainable and robust work force, and a temporary migrant workforce cannot meet those needs unless those migrant/temporary foreign workers have a dual intent LMIA (transition from temporary to permanent residence). Those types of LMIAs are not available for all migrant workers as that is not the intent of the TFWP, which is meant to be a

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<sup>14</sup> Supra, note 2, p.10.

<sup>15</sup> Statistics Canada, "Foreign workers in Canada: Distribution of paid employment by industry," Dec. 21, 2023, [online](#).

<sup>16</sup> ESDC, "Imbalances Between Labour Demand and Supply (2022-2031)," Canadian Occupation Projection System (COPS), Jan. 11, 2023, [online](#).

<sup>17</sup> Supra, note 1, p.34.

temporary measure for employment for migrant workers. A “Canadians and Permanent Residents first” policy is enshrined, otherwise the TFWP fails to serve its objective, and it merely turns into a cheap labour supply for employers.

## **(2) The TFWP fails migrant workers**

The TFWP fails migrant workers on two fronts: (i) LMIA fraud, and (ii) abuse.

### **(a) LMIA fraud**

The number of undocumented foreign nationals in Canada was estimated to range between 20,000 and 500,000 in 2023.<sup>18</sup> In an interview in 2024, Minister Miller, the Minister of Immigration, Refugees, and Citizenship Canada (IRCC) said the number is between 300,000 and 600,000.<sup>19</sup> The trend of foreign nationals, who are legally obliged to leave Canada by the end of their authorized stay, remaining in Canada is alarming. The false message that some foreign nationals or undocumented persons receive from bad actors selling Canadian jobs to them is that “you come to Canada, you stay, and eventually, you will get your permanent resident status.”

Buying and selling LMIAs illegally is the most common detour falsely presented to foreign nationals as a key to unlock the door to Canadian permanent residence.<sup>20</sup> LMIA fraud is not new, which comes in many forms, for instance as follows:

- No job fraud: Foreign nationals buy LMIAs expecting a job, but there is no job.<sup>21</sup>
- Fake jobs for entry purposes: Foreign nationals buy LMIAs to get a work permit without expecting a job.
- Fake or real jobs for permanent residence purposes: Foreign nationals buy LMIAs and fund their own payrolls or give kickbacks to their employers under the table.<sup>22</sup>
- “Real Job” purchase: Sell Canadian jobs to foreign nationals.<sup>23</sup>

<sup>18</sup> IRCC, “CIMM – Undocumented Migrants – June 14, 2023,” Oct. 12, 2023, [online](#).

<sup>19</sup> CBC, “Canadians — and Liberals — split on giving the undocumented status: immigration minister,” June 15, 2024, [online](#).

<sup>20</sup> The Globe and Mail, “Ottawa urged to clamp down further on immigration employment scam,” Sept. 29, 2023, [online](#).

<sup>21</sup> CBC, “Recruiters and employers increasingly taking advantage of temporary foreign workers, advocate says,” Sept. 23, 2022, [online](#).

<sup>22</sup> The Globe and Mail, “Employers taking cash from foreign workers seeking permanent resident status in Canada,” May 31, 2019, [online](#).

<sup>23</sup> Canadian Trucking Alliance, “Article: Carriers Abusing LMIA to Recruit Foreign Workers,” July 26, 2024, [online](#).

- Bait and switch: Force foreign workers to take on a job that is different from the approved LMIA.

The list is not exhaustive and such fraud has been going on for years. Unfortunately, it has become a detoured path for some foreign nationals to assist in obtaining permanent residence. Some employers get caught,<sup>24</sup> but they may be the tip of the iceberg.

A Statistics Canada study revealed three facts: (i) only small portion of work permit holders become permanent residents; (ii) low-skilled migrant workers transition rate compared to high-skilled workers remains low consistently; and (iii) the Provincial Nominee Programs (PNPs) and the Canadian Experience Class (CEC) have become the primary transition pathways for the work permit holders to obtain permanent resident status.<sup>25</sup>

One of CEC's mandatory requirements is at least one year of high-skilled work experience in Canada. Low-skilled migrant workers normally turn to PNPs where generally, a job offer, whether LMIA support or not, is mandatory. Either way, Canadian employment plays a vital role in a foreign worker's path to permanent residence.

The TFWP design and Express Entry (EE) design may have carried some factors that are susceptible to fraud. A valid job offers, mostly, LMIA-based awards an Express Entry candidate 50 or 200 points, which can increase an applicant's chance of getting an invitation to apply for permanent residence. International Mobility Program (IMP) and PNPs, though are programs different from the TFWP and thus not part of this study, are worthy of mentioning to present a holistic picture. Some IMPs require a job offer from employers, and most PNP streams set a job offer as a mandatory requirement for foreign nationals to be eligible as a PNP nomination candidate. Such designs give room for unscrupulous actors to sell Canadian jobs on the promise of paving the way to permanent residence.

### **(b) Migrant worker abuse**

Most LMIA applications were for low-skilled positions, for which the migrant workers' permanent residence paths are extremely limited, exposing them to exploitation by bad actors.<sup>26</sup>

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<sup>24</sup> CBC, "4 B.C. businessmen charged following investigation into alleged immigration fraud," News, Oct. 7, 2020, [online](#).

<sup>25</sup> Statistics Canada, "Foreign workers in Canada: Differences in the transition to permanent residency across work permit programs," *Economic and Social Reports*, June 26, 2024, [online](#).

<sup>26</sup> Financial Post, "They wanted me to be desperate" Foreign workers battle fake jobs, exploitation in hut for citizenship," Jul. 23, 2024, [online](#).

Abuse of migrant workers has been well studied by the SOCI. Why are migrant workers so easily abused and why do they succumb to ill-treatment? SOCI Report shows the reason migrant workers cannot open up is fear of reprisal by employers, including being sent back home. The power imbalance between the employers and the migrant workers manifests in the workers' fear. A recent UN report labelled the TFWP as contemporary slavery.<sup>27</sup> Structural solutions are required to address the dire lack of protection for migrant workers in the TFWP.<sup>28</sup>

### **(3) The TFWP fails to achieve its objective of protecting Canadian jobs for Canadian/PR workers**

While employers lament not having full control over migrant workers and worry about the instability of the migrant workforce, vulnerable Canadian/PR workers are struggling to land a job. The unemployment rate uptick for Canadian youth from age 15 to 24 has steadily increased, with 2024 figures likely being the highest.<sup>29</sup> Newly landed permanent residents are also struggling to land a job.<sup>30</sup> The reason for the unfortunate realities identified by the Bank of Canada is the cooling of the Canadian labour market.<sup>31</sup>

Some migrant workers' fear of being sent home at any time by their employers brings up a question that shakes the foundation of the TFWP: If those employers can dismiss their migrant workers at any time, where is the labour shortage claimed by them?

Conducting a search using a line like "foreign workers replace Canadian workers," we found multiple news reports dating back to 2013.<sup>32</sup> The practice has been continued to date. At present, it may be safe to say that it is no longer a replacement, but the norm.<sup>33</sup>

The SOCI Report sketched a picture of unemployment and underemployment of Canadian workers in August 2023.<sup>34</sup> Currently, employers still sing the labour-shortage song to bring in migrant workers despite the rising unemployment rate across Canada since 2022.<sup>35</sup> The difficulties for Canadian/PR workers to find a

<sup>27</sup> UN Human Rights Council, "Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata," July 22, 2024, [online](#).

<sup>28</sup> The Hill Times, "'Structural solutions not inflammatory conclusions' required to fix [foreign worker program](#): Senator Omidvar," August 21, 2024, [online](#).

<sup>29</sup> Statistics Canada, "Labour Force Survey, July 2024," The Daily, August 9, 2024, [online](#)

<sup>30</sup> Bank of Canada, "Monetary Policy," July 2024, p.14, [online](#).

<sup>31</sup> Ibid, pp.13 and 14.

<sup>32</sup> CBC, "RBC replaces Canadian staff with foreign workers," CBC News, Apr. 6, 2013, [online](#).

<sup>33</sup> CBC, "From fast food to construction, employers turn more and more to temporary foreign workers," CBC News, Jun. 24, 2024, [online](#).

<sup>34</sup> Supra, note 2, p.130

<sup>35</sup> Parisa Mahboubi, "Faster, Please, on Fixing the Temporary Foreign Worker Problem," C.D. Howe Institute, Aug 23, 2024, [online](#).

job presents a picture that goes contrary to the objective of the TFWP: Canadian jobs for Canadian/PR workers first.<sup>36</sup> Statistics Canada data show that the overall unemployment rate in July 2024 was 6.4%, resembling the past two months. The rate among youths was at 14.2%, the highest since July 2009, and 22.8% among recent immigrants.<sup>37</sup> The unemployment data from the largest Canadian Metropolitan Metro Toronto also tells a different story compared to employers' labour-shortage narratives: Its current unemployment rate is 7.6 percent, which grew from 6.4; Employment Insurance recipients grew by a third between June 2023 and June 2024.<sup>38</sup>

Some employers' reliance on migrant workers who may not be eligible for permanent residence turns the TFWP into a de facto permanent worker program, which harms the integrity of the Canadian immigration system, the interest of Canadian/PR workers, and rights of migrant workers.

### 3. Address the issues

CAPIC's analysis based on findings from reliable data shows that the TFWP has deviated from its objective to cater to employers' needs and reliance on the program. Such a deviation opens loopholes for bad actors to exploit.

CAPIC acknowledges that there are and will be genuine labour shortages, which have been projected by COPS. The solution is to strike a balance between protecting the Canadian labour market for Canadian/PR workers, meeting the needs of employers facing genuine labour shortages, and ensuring that the rights of migrant workers are met.

CAPIC submits that the bottom line resides in the effectiveness of the new design to prevent two scenarios: (i) migrant workers becoming a source to replace Canadian/PR workers, and (ii) programs for migrant workers opening loopholes for unscrupulous actors to sell them as permanent resident pathways. The prevention of the scenarios can protect what is at stake: The integrity of the Canadian immigration system, the employment opportunities for Canadian/PR workers, and the rights of migrant workers.

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<sup>36</sup> Financial Post, "Young Canadians left jobless amid influx of cheap foreign workers," Bloomberg News, Aug. 12, 2024, [online](#).

<sup>37</sup> CBC, "Unemployment rate unchanged in July, though jobless rate for young people continued to rise," CBC News, Aug. 9, 2024, [online](#).

<sup>38</sup> The Hill Times, "Toronto leads big jump in unemployment in Ontario," Politics This Morning, Aug. 23, 2024, newsletter.

## Recommendations

Based on the findings and analysis in the background section, CAPIC proposed further to the SOCI Report, recommendations that are within the scope of immigration.

1. When designing the reform, engage stakeholders that were not part of the SOCI studies for the SOCI Report but are either affected by or relevant to the TFWP for a better outcome of the reform:
  - (1) Affected stakeholders:
    - Underrepresented Canadian/PR workers, including youths and newly landed permanent residents struggling to find a job.
    - Underemployed Canadian/PR workers.
    - Canadian/PR workers who have worked, are working, sought employment, or are seeking employment in the sectors with high numbers of migrant workers.
  - (2) Relevant stakeholders:
    - Unions: They are no less knowledgeable than regional/sector councils concerning their respective labour markets but from a Canadian/PR worker protection perspective.
    - Regulators of authorized representatives: They are part of the force to defend the integrity of the Canadian immigration system by regulating their members/licensees. When a witness blamed immigration consultants as part of the problem,<sup>39</sup> the participation of the College of Immigration and Citizenship Consultants could help either clear unfounded blame if the accusation fell flat or be part of the solution if the accusation was well-founded.
    - Associations of authorized representatives: Their members work at the front line serving foreign nationals seeking Canadian status, including migrant workers. They understand the issues and can contribute to the solutions.
2. Considerations for region/sector-based work permit:
  - (1) Removal of unnamed LMIAs.
  - (2) Involve unions to be part of the regime:
    - Consult with unions when exploring the region/sector-based LMIA and work permit scheme.

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<sup>39</sup> SOCI, "Evidence, Nov. 17, 2022" (Deena Ladd, Executive Director, Workers' Action Centre), [online](#).

- Support unions' capacity to replace employers as the entity responsible for filing LMIA's or work in tandem with employers in the role of filing LMIA's. Regional sector councils and local unions may work in tandem to replace the employers' role in LMIA filing or file together.
- (3) Use regional unemployment rates as a barometer to refuse to process LMIA's and this type of work permits for the respective region(s):
    - Stick to refusal to process for regions with an unemployment rate at or above 6%.
    - Pause the intake for regions with an unemployment rate below 6% but in the past 12 months, it has been in an uptick trend.
  - (4) Use COPS to retain jobs for Canadian/PR workers:
    - No processing of LMIA's and regional/sector-based work permits for jobs whose vacancies have been identified by COPS that can be filled by the Canadian/PR workforce.
  - (5) Refuse to process regions/sectors that fully or largely rely on migrant workers except the use of migrant workers is based on an agreement by the foreign government and the Government of Canada:
    - They have been requesting LMIA's for the same position the third time in a row and have no or little decrease in the number of migrant workers in their workforce.
  - (6) Pause the intake upon the provinces and territories' request.<sup>40</sup>
  - (7) Consult stakeholders enumerated in Recommendation 1.
  - (8) Put a cap of 10% on all LMIA streams:
    - If employers want to have a stable migrant workforce, they need to support the migrant workers' permanent resident pathways.
3. Reform current permanent residence programs related to LMIA, or job offer
- (1) Using other human capital factors to replace the factor of LMIA or job offer: Such reform can prevent the illegal practice of buying and selling LMIA's or job offers.
    - Amend ss. 82, 83(1)(e), 87.2(3)(ii), 87.3(2)(d), 87.3(6), 87.3(7) of IRPR accordingly.
    - Repeal s. 29 and other relevant provisions of the Ministerial Instructions respecting the Express Entry system – current to remove points awarded to a valid job offer in the Comprehensive Ranking System.

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<sup>40</sup> Quebec is the only province that can press the break on TFWP pursuant to the *Canada-Quebec Accord relating to Immigration and Temporary* (see [online](#)). Quebec has announced the freeze of new low-wage positions for TFWs in the Montreal area. See CBC, "Canada to pause approval of temporary foreign workers for low-wage jobs in Montreal," Aug. 21, 2024, [online](#).

4. The design of permanent residence program for low-skilled workers:<sup>41</sup>
  - (1) TEER 4 and 5 Canadian Experience Class with the following criteria:
    - Legal status: must have legal status.
    - Canadian work experience: three years of Canadian work experience in the past five years. Excluded work experience is the same as that of the current Canadian Experience Class.
    - Language: a minimum language proficiency of CLB 4. The language proficiency proof can be submitted at the final stage of the permanent residence processing.
  
5. The re-design of the Provincial Nominee Programs:
  - (1) Increase provincial/territorial permanent resident allocations according to mutually agreed-upon figures by the respective provincial/territorial government and the federal government.
  - (2) Work with provincial and territorial governments to re-design PNP streams for migrant workers focusing on their years of legally obtained work experience in Canada and other human capital factors instead of a job offer from employers.
  
6. Other considerations in the design of permanent residence for migrant workers:
  - (1) No compromise for IRPR non-compliance:
    - Permanent residence programs for migrant workers do not apply to foreign nationals who entered Canada illegally or stayed illegally.
  - (2) Enhanced Enforcement:
    - Hold both parties who sell or buy LMIA's or job offers accountable to maintain the integrity of the Canadian immigration system.
  
7. Other considerations in the admission of permanent residents and temporary residents that are relevant to the TFWP reform:
  - (1) Enforce ss. 11(1) and (1.01) and 20(1)(b) of IRPA strictly when assessing temporary residence applications and port of entry examinations to reduce the risk of overstaying of foreign nationals.
  - (2) Enforce s. 124 (1)(c) of IRPA strictly to hold bad-actor employers accountable.

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<sup>41</sup> The permanent residence for TEER 4 and 5 occupations is underway. See the Government of Canada, “*Forward Regulatory Plan: 2024-2026 Regulations Amending the Immigration and Refugee Protection Regulations (Regulatory Program for TEER 4 and 5 Occupations)*,” Apr. 2024, [online](#). Herein CAPIC would like to explore the essential criteria.

## Conclusion

CAPIC is a recognized leader and voice in the Canadian immigration consulting sector. We are willing and able to assist IRCC in bringing forth effective solutions to current and potential TFWP issues. CAPIC welcomes Parliament Committees, government departments, and other stakeholders to reach out to us to work together to fix the issues of the TFWP to make it a program that can effectively fulfill its objectives.

## About CAPIC

The Canadian Association of Professional Immigration Consultants (CAPIC) is the professional organization representing the interests of Canadian Immigration Consultants. The organization advocates for competency, ethical conduct, and consumer protection in the immigration consulting industry. CAPIC's mission is to lead, connect, protect, and develop the profession, serving the best interests of its nearly 5000 members. It is the only association recognized by the Government of Canada as the voice of Canadian immigration and citizenship consultants. CAPIC is a major stakeholder consulting with federal and provincial governments and their respective departments on legislation, policy, and program improvements and changes.

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