



# LABOUR MARKET IMPACT ASSESSMENT APPLICATION

## IN-HOME CAREGIVER POSITIONS

Employers should visit the [Temporary Foreign Worker \(TFW\) Program website](#), to verify that the Program is accepting applications for the specific occupation or sector for which they wish to hire the temporary foreign worker (TFW) and to determine if they are eligible to participate in the Program.

### Privacy Notice Statement

The personal information that you provide is collected by Employment and Social Development Canada (ESDC) under the authority of the *Immigration and Refugee Protection Act* (IRPA) and the *Immigration and Refugee Protection Regulations* (IRPR), for the purpose of administering and enforcing the Temporary Foreign Worker (TFW) Program.

The information that you provide may be shared with: Immigration, Refugees and Citizenship Canada and the Canada Border Services Agency for the administration and enforcement of the TFW Program and IRPA/IRPR; the Canada Revenue Agency for the administration and enforcement of the TFW Program; and, provincial/territorial governments for the administration and enforcement of provincial/territorial legislation and programs. The information may also be used by ESDC for research and evaluation purposes and to support the administration or enforcement of other programs in ESDC, including Service Canada and the Labour Program.

This information may also be shared with any Party identified by the employer on the LMIA application form or in the employment agreement.

Your personal information is administered in accordance with the IRPA, IRPR, the *Privacy Act*, the *Department of Employment and Social Development Act* (DESDA) and other applicable laws. You have the right to the protection of, access to, and correction of your personal information, which is described in Personal Information Banks: TFWP ESDC PPU 440 and TFW Program Employer Compliance Reviews and Inspections ESDC PPU 715. Instructions for obtaining this information are outlined on the [Treasury Board of Canada Secretariat website](#).

This website may also be accessed on-line at any Service Canada Centre. You have the right to file a complaint with the Privacy Commissioner of Canada regarding the institution's handling of your personal information on the [Office of the Privacy Commissioner of Canada website](#).

**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.**

SECTION 1: BUSINESS INFORMATION			
1. Canada Revenue Agency Payroll deductions program account number (15 digits):  RP	2. Business Legal Name (as registered with CRA):		
3. Business Address (as registered with CRA): Line 1:	4. City:	5. Province/Territory/State:	
Line 2:	6. Country:	7. Postal/Zip Code:	
8. Mailing Address (if different from business address): Line 1:	9. City:	10. Province/Territory/State:	
Line 2:	11. Country:	12. Postal/Zip Code:	
13. Website Address:	14. Date business started (YYYY-MM-DD):		
15. Organization type and structure (select all that apply):			
Business: <input type="checkbox"/> Sole proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Co-operative    Other: <input type="checkbox"/> Non-profit <input type="checkbox"/> Registered Charity			
SECTION 2: EMPLOYER CONTACT INFORMATION			
PRINCIPAL EMPLOYER CONTACT INFORMATION (This person must be the employer or be an employee of the employer)			
1. First Name:	Middle Name:	Last Name:	2. Job Title:
3. Telephone Number:	Ext:	4. Other Telephone Number:	Ext:
5. Fax Number:			
6. Email Address:	7. Email Preference: <input type="checkbox"/> Do not contact via email		8. Language of Correspondence: <input type="checkbox"/> English <input type="checkbox"/> French
9. Mailing Address: Line 1:	10. City:	11. Province/Territory/State:	
Line 2:	12. Country:	13. Postal/Zip Code:	

**ALTERNATE EMPLOYER CONTACT INFORMATION (This person must be the employer or be an employee of the employer)**

14. First Name:		Middle Name:		Last Name:		15. Job Title:			
16. Telephone Number:		Ext:		17. Other Telephone Number:		Ext:		18. Fax Number:	
19. Email Address:				20. Email Preference:		21. Language of Correspondence:			
				<input type="checkbox"/> Do not contact via email		<input type="checkbox"/> English		<input type="checkbox"/> French	
22. Mailing Address:				23. City:		24. Province/Territory/State:			
Line 2:				25. Country:		26. Postal/Zip Code:			

**SECTION 3: THIRD-PARTY INFORMATION**

1. Is the employer appointing a third-party to represent them for the assessment of this Labour Market Impact Assessment (LMIA) application? **Note:** The employer is responsible for all decisions made on their behalf by the third-party, for the purpose of this LMIA application.

Yes    If yes, continue completing **Section 3: Third-party Information**     No    If no, skip to **Section 4: Labour Market Impacts**

2. Canada Revenue Agency Payroll deductions program account number (15 digits):

RP

3. Business Legal Name (as registered with CRA):		4. Business Operating Name (if different from Legal Name):			
5. Business Address:		6. City:		7. Province/Territory/State:	
Line 2:		8. Country:		9. Postal/Zip Code:	

**THIRD-PARTY CONTACT INFORMATION (Authorized representative acting on behalf of the employer)**

10. First Name:		Middle Name:		Last Name:		11. Job Title:			
12. Telephone Number:		Ext:		13. Other Telephone Number:		Ext:		14. Fax Number:	
15. Email Address:				16. Email Preference:		17. Language of Correspondence:			
				<input type="checkbox"/> Do not contact via email		<input type="checkbox"/> English		<input type="checkbox"/> French	
18. Mailing Address Line 1:				19. City:		20. Province/Territory/State:			
Line 2:				21. Country:		22. Postal/Zip Code:			

23. Is the third-party being paid by the employer to represent them for the purpose of obtaining this Labour Market Impact Assessment (LMIA)?

Yes    If yes, then which applies to the third-party?

a member of the Immigration Consultants of Canada Regulatory Council (ICCRC)    Membership ID: \_\_\_\_\_

a member of the law society of the following province/territory: \_\_\_\_\_  
\_\_\_\_\_

a member of the *Chambre des notaires du Québec*    Membership ID: \_\_\_\_\_

other (please describe): \_\_\_\_\_

No    If no, then which applies to the third-party?

a family member or friend

a member of a non-governmental or a religious organization

a member in good standing of the ICCRC, a provincial or territorial law society, or the *Chambre des notaires du Québec* doing pro bono work

other (please describe): \_\_\_\_\_

**SECTION 4: LABOUR MARKET IMPACTS**

1. How many employees are employed nationally under the employer's 9 digit CRA business number?

2. Did the business report more than \$5 million (CAD) in annual gross revenue to CRA during its last tax year?  No  Yes

3. Will hiring a TFW result in direct job creation or job retention of Canadians/permanent residents?

No  Yes

4. If yes, provide details:

5. Will hiring a TFW result in the development or transfer of skills and knowledge for the benefit of Canadians/permanent residents?

No  Yes

6. If yes, provide details:

7. Will hiring a TFW fill a labour shortage?

No  Yes

8. If yes, provide details:

9. Please describe any other benefits to the Canadian labour market that will result from offering this job to a TFW:

10. In the last 12 months, did the employer lay off any employees working in the position(s) being requested in this application?

No  Yes

11. If yes, how many Canadians/permanent residents? \_\_\_\_\_ How many TFWs? \_\_\_\_\_

Provide reason(s) for the layoff(s):

12. Will the hiring of the TFW(s) requested in this application lead to job losses, or a reduction in work hours, now or in the foreseeable future, for Canadian/permanent resident employees in the employer's workforce or to the Canadian workforce more generally as a result of lay-offs including those resulting from outsourcing, off-shoring or other factors related to utilizing a TFW?

No  Yes

13. If yes, provide details on the impact of hiring the TFW(s) on the employer's workforce and the Canadian workforce more generally:

14. Does the business receive support through Employment and Social Development Canada/Service Canada's Work-Sharing program?

No  Yes

15. If yes, provide details:

16. Is there a labour dispute in progress at any of the job offer locations?

No  Yes

17. If yes, provide details:

**SECTION 5: JOB OFFER DETAILS**

1. How many TFWs is the employer applying for in this occupation?

2. What is the job title of the position being offered to the TFW(s):

3. Describe, in your own words and in as much detail as possible, the main duties of the position offered to the TFW(s):

4. How is the position requested in this application necessary for the operations of the business and explain the impact on your operations should the position remain vacant?

5. What is the expected employment start date (YYYY-MM-DD)?

6. What is the expected employment duration?

\_\_\_\_\_  day(s)  week(s)  month(s)  year(s)

7. Please justify the requested employment duration in accordance with the planned activities or projects within your organization.

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

- This position requires the ability to communicate orally in:
- English  French  English or French  English and French
- The position requires the ability to communicate in writing in:
- English  French  English or French  English and French
- This position does not require the ability to communicate in any specific language.  
If this option is selected, please provide a rationale :
- The position requires the ability to communicate in a language other than English or French.  
If this option is selected, please provide a rationale :

9. Minimum education requirements of the job:

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> No formal education requirement                            | <input type="checkbox"/> Professional degree | <input type="checkbox"/> Doctor of Medicine                   |
| <input type="checkbox"/> Completion of secondary school                             | <input type="checkbox"/> Bachelor's degree   | <input type="checkbox"/> Other minimum education requirements |
| <input type="checkbox"/> Apprenticeship, trade or vocational diploma or certificate | <input type="checkbox"/> Master's degree     | <input type="checkbox"/> Not specified by employer            |
| <input type="checkbox"/> College level diploma/certificate                          | <input type="checkbox"/> Doctorate/Ph.D.     |   |

Describe the specific diploma/certificate, degree, Ph.D. or other education requirements that the job requires:

10. Minimum experience/skills requirements of the job (include years of experience and/or occupational designations such as CPA, RN, P.Eng.):

11. Is the occupation regulated at a federal/provincial/territorial level and requires occupational certification, licensing, or registration?

- No       Yes

12. If yes, indicate the type of occupational certification, licensing, or registration and the name of the issuing body/ authority:

**SECTION 6: WORK LOCATION**

1. Business Operating Name of the primary work location:

2. Describe, in your own words and in as much detail as possible, the principal business activity at the primary work location:

3. Describe, in your own words and in as much detail as possible, any safety concerns or hazards associated with the principal business activity or site.

4. Address of the primary location where the TFW will work  
Line 1:

5. City:

6. Province/Territory:

Line 2:

Line 2:

**Note:** If necessary, attach a separate sheet. If the TFW will be working at multiple locations, include the business operating name, the description of the principal business activity, and the address of each additional work location.

**SECTION 7: HOURS, PAY AND BENEFITS**

1. What is the wage range for all employees currently working in this same occupation, with the same skills and years of experience, at this work location?

Lowest Wage: \_\_\_\_\_ \$/hr    Highest Wage: \_\_\_\_\_ \$/hr    **OR**     there are no employees currently working in this occupation, with the same skills and years of experience, at this work location

**Note:** The wage range should be from the last 2 pay periods that have occurred within the 6 weeks prior to submitting the application.

2. How many hours will the TFW work each day?

3. How many hours will the TFW work each week?

4. Will the TFW have an atypical schedule without standard daily or weekly hours?

No     Yes

5. If yes, provide details:

6. Is the employer's job offer for a full-time position (average of at least 30 hours per week) throughout the duration of employment covered by this LMIA?

No     Yes

7. If no, provide details:

8. What is the regular (non-overtime) wage in Canadian dollars per hour being offered to the TFW?

**Note:** Employers must provide the calculation of an hourly wage in \$CAD, even if the position is salaried, paid in foreign currency, or paid by piecework.

9. What is the overtime wage in Canadian dollars per hour being offered to the TFW? (if applicable and must meet provincial/territorial requirements)

**MANDATORY: If you have entered an overtime rate you must complete the section Starting after - hours per day or hours per week or both).**

Overtime rate of \$ per hour

N/A

Starting after

\_\_\_\_\_ hours per day

\_\_\_\_\_ hours per week

10. Was the wage converted from a monthly or yearly salary, or a currency other than Canadian dollars, or both?

No     Yes

11. If yes, provide calculations used to obtain hourly \$CAD wage:

12. Will the TFW be paid any contingent wages (e.g. piecework, mileage, commissions, guaranteed bonuses, or predictable overtime)?

No     Yes

13. If yes, provide details:

14. Is the position part of a union?

No     Yes

If yes, attach the section(s) of the collective bargaining agreement that list rates of pay.

15. Benefits (additional benefits offered over and beyond the provincial/territorial requirements):

Disability insurance     Dental insurance     Employer-provided Pension     Extended medical insurance (e.g. prescription drugs, paramedical services, medical services and equipment)

Other benefits (explain):

16. Vacation (must meet minimum provincial/territorial requirements):

Days \_\_\_\_\_ (# of business days per year)    Remuneration \_\_\_\_\_ (% of gross salary)     N/A

**SECTION 8: RECRUITMENT**

1. Is the position subject to a variation in minimum advertising requirements as listed on the [TFW program website](#), including the Quebec Facilitated Process?

Yes If yes, specify the variation requested and provide a rationale for meeting its criteria:

**Refer to the website for guidance on the applicable recruitment or advertising [variation](#) and continue completing Section 8: Recruitment only if necessary.** Variations are subject to review.

No If no, proceed to the next question

2. Did the employer try to recruit Canadians/permanent residents prior to submitting this LMIA application for this job?

**Note:** Most program streams require recruitment efforts within the 3 months prior to submitting an application. Please refer to the [website](#) for more details.

No If no, explain why the employer has not attempted to recruit Canadians/permanent residents:

Yes If yes, complete all the applicable boxes and provide the required information below

Method	Name of Advertising Source	Website Address (if applicable)	Advertisement #	Publication Date	Expiry Date
i.					
ii.					
iii.					
iv.					

Proof of recruitment must be submitted with the LMIA application (i.e. copy of advertisements and information to support where, when and for how long the position was advertised).

3. How many applications/resumes were received from Canadians/permanent residents?

4. How many Canadians/permanent resident applicants were interviewed?

5. How many Canadians/permanent residents were offered the position?

6. How many Canadians/permanent residents were hired?

7. How many Canadians/permanent residents declined a job offer?

8. How many Canadians/permanent residents applied but were not interviewed or offered the position?

9. For each unsuitable Canadian/permanent resident applicant, provide a detailed 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 journey person).

**SECTION 9: SECOND EMPLOYER INFORMATION (IF APPLICABLE)**

If more than one individual will act as the employer of the temporary foreign worker, information on the second employer should be provided in this section:

1. First Name:		Middle Name:		Last Name:		2. Job Title:			
3. Telephone Number:		Ext:		4. Other Telephone Number:		Ext:		5. Fax Number:	
6. Business Address (as registered with CRA): Line 1:				7. City:				8. Province/Territory/State:	
Line 2:				9. Country:				10. Postal/Zip Code:	
11. Mailing Address (if different from business address): Line 1:				12. City:				13. Province/Territory/State:	
Line 2:				14. Country:				15. Postal/Zip Code:	
16. Email Address:				17. Email Preference:				18. Language of Correspondence:	
				<input type="checkbox"/> Do not contact via email				<input type="checkbox"/> English <input type="checkbox"/> French	

**SECTION 10: FINANCIAL ABILITY**

1. The financial ability of the employer(s) to pay the temporary foreign worker's wages will be assessed by using the Low Income Cut-Offs (LICO) produced by Statistics Canada. Details are available on the [Temporary Foreign Worker program website](#).

To calculate the financial ability of the employer(s), enter the appropriate data following the numerical order (1 to 8).

Note: If there is a second employer and that second employer shares the household with the first employer, then both will share one LICO figure in box [4]. If the second employer does not share the same household as the first employer, then they will need to provide their separate LICO figure in box [5].

Enter the declared income of the first employer as per line 150 of the Canada Revenue Agency Notice of Assessment in box [1]:		[1]
Is there a second employer? <input type="checkbox"/> Yes    If yes, enter the declared income of the second employer (if applicable) as per line 150 of the Canada Revenue Agency Notice of Assessment in box [2]: <input type="checkbox"/> No    If no, enter zero in box [2] or leave the box blank.		[2]
Add boxes [1] and [2] and enter the subtotal in box [3]:		[3]
Enter the <a href="#">LICO</a> figure that applies to the first employer household in box [4]:		[4]
Is there a second employer? <input type="checkbox"/> Yes    If yes, does the second employer reside in the same household as the first employer? <input type="checkbox"/> Yes    If yes, enter zero in box [5] or leave the box blank (the employers will share a LICO figure) <input type="checkbox"/> No    If no, enter the LICO figure that applies to the second employer's household in box [5]: <input type="checkbox"/> No    If no, enter zero in box [5] or leave the box blank.		[5]
Enter the total annual wage to be paid to the temporary foreign worker in box [6]:		[6]
Add boxes [4], [5], and [6] and enter the subtotal in box [7]:		[7]
Subtract box [7] from box [3] and enter the total amount in box [8]:		[8]
If the appropriate data has been entered in the requested numerical order and the total in box [8] is <b>positive</b> , the employer may be considered as having met the financial ability requirement.		
2. Is there additional income available to pay the temporary foreign worker that was not declared on line 150 of the Canada Revenue Agency Notice of Assessment (e.g. savings or provincial grants) by either the first or second employer (if applicable)? <input type="checkbox"/> No <input type="checkbox"/> Yes    If yes, please specify the type(s) and amount(s) of available income:		



**SECTION 11: CARE REQUIRED**

1. The temporary foreign worker must provide care for at least one designated individual. A designated individual is defined as: a child (under 18 years of age), an elderly person (age 65 or older), or a person with a medically-certified disability, chronic or terminal illness.

The employer must provide details on the individuals to be cared for, as follows:

Name of individual receiving care	Relationship of employer to individual receiving care	Nature of need for care
		<input type="checkbox"/> Child <input type="checkbox"/> Elderly person <input type="checkbox"/> Person with disability, chronic or terminal illness
		<input type="checkbox"/> Child <input type="checkbox"/> Elderly person <input type="checkbox"/> Person with disability, chronic or terminal illness
		<input type="checkbox"/> Child <input type="checkbox"/> Elderly person <input type="checkbox"/> Person with disability, chronic or terminal illness
		<input type="checkbox"/> Child <input type="checkbox"/> Elderly person <input type="checkbox"/> Person with disability, chronic or terminal illness
		<input type="checkbox"/> Child <input type="checkbox"/> Elderly person <input type="checkbox"/> Person with disability, chronic or terminal illness

**DEPENDENTS**

2. How many people is the employer responsible for financially supporting (i.e. dependents)? Consider dependents of both employers if applicable, including any dependents not living in the household (e.g. students away from home attending school).

**SECTION 12: ACCOMMODATIONS (APPLIES ONLY IF THE TFW WILL LIVE AND WORK IN SAME PRIVATE HOUSEHOLD)**

1. Is the employer providing accommodations for the temporary foreign worker in the home where the care will be provided?

- No      If no, skip to the **SECTION 14: DECLARATION OF THE THIRD-PARTY (IF APPLICABLE)**
- Yes      If yes, is the live-in arrangement:
  - Voluntary      If voluntary (an agreement between the employer and the temporary foreign worker, as a means to assist the TFW), skip to the **BEDROOM DESCRIPTION** sub-section.
  - Mandatory      If mandatory, proceed to the **EXEMPTION TO THE REFUSAL TO PROCESS APPLICATIONS FOR EMPLOYERS RECRUITING TFW IN-HOME CAREGIVERS EXCLUSIVELY ON A LIVE-IN BASIS** sub-section below.

**EXEMPTION TO THE REFUSAL TO PROCESS APPLICATIONS FOR EMPLOYERS RECRUITING TFW IN-HOME CAREGIVERS EXCLUSIVELY ON A LIVE-IN BASIS**

2. Employers must select one of the following possible exemptions to be considered:

- high medical needs, as certified by a licensed physician  
Employers must have a physician complete section A and B of the **Schedule H - Medical disability, chronic or terminal illness certificate (EMP5600)** and proceed to the **BEDROOM DESCRIPTION** sub-section.

exceptional circumstances, subject to approval by Service Canada

Employers must complete the **RATIONALE FOR POSSIBLE EXEMPTION FOR EXCEPTIONAL CIRCUMSTANCES** section and submit appropriate supporting documentation to corroborate the exceptional circumstances cited in their rationale and proceed to the **BEDROOM DESCRIPTION** sub-section.

### RATIONALE FOR POSSIBLE EXEMPTION FOR EXCEPTIONAL CIRCUMSTANCES

3. Explain why live-in care is mandatory. This explanation should address the following points: a clear description of the exceptional circumstances behind the need for live-in care, how frequently the situation necessitating live-in care occurs, and to what extent the employer is able to influence this need.

4. What options, other than live-in care, were explored prior to making this LMIA application? For each option, include an explanation of why it was rejected.

5. How will the employer ensure fair working conditions for the temporary foreign worker (e.g. reasonable hours of work and overtime, fair pay, rest periods and time off), despite the exceptional circumstances?

### BEDROOM DESCRIPTION

6. Will the temporary foreign worker have their own bedroom?

No  Yes

If no, please explain why the temporary foreign worker will not have their own bedroom:

**Note:** It is a program requirement that the temporary foreign worker not be charged room and board for the accommodations.

7. What is the length (in metres) of the bedroom being provided to the TFW?

8. What is the width (in metres) of the bedroom being provided to the TFW?

9. What is the area (length x width, in m<sup>2</sup>) of the bedroom?

**Note:** Minimum size requirement of bedroom is 9m<sup>2</sup>

10. The bedroom provided to the TFW will include (select all that apply - requirements left blank will be considered as not provided to the TFW):

- |   |  |                                   |   |
|---|--|-----------------------------------|---|
| <input type="checkbox"/> Door that can be locked from the outside, with the key provided to the TFW | <input type="checkbox"/> Finished ceilings   | <input type="checkbox"/> Lighting | <input type="checkbox"/> Other (please provide additional details about furniture and/or services such as telephone, television, cable or satellite, internet, etc.): |
| <input type="checkbox"/> Door that can be locked (with a safety bolt) from the inside               | <input type="checkbox"/> Finished floors   | <input type="checkbox"/> Heating  |   |
| <input type="checkbox"/> A secure exterior window that closes and locks from within                 | <input type="checkbox"/> Finished walls  | <input type="checkbox"/> A closet |   |
|   | <input type="checkbox"/> A bed with mattress and bedding (ex. sheets, pillows, blankets) |                                   |   |

## SECTION 13: EMPLOYER RESPONSIBILITIES

Temporary Foreign Workers have the same rights as Canadians and permanent residents and are covered under the same labour legislation and regulations. The Government of Canada takes the health and safety of foreign workers very seriously and will not tolerate any form of abuse of foreign workers or of the Temporary Foreign Worker Program.

When hiring a Temporary Foreign Worker in an In-home Caregiving position within either the Low or High-wage Streams of the Temporary Foreign Worker Program, Employers should be aware of their responsibilities which include:

- Adhering and complying with federal-provincial/territorial legislation and regulations pertaining to recruitment, employment standards and occupational health and safety.
- Making reasonable efforts to provide a workplace that is free from physical, sexual, psychological and financial abuse and must not confiscate the temporary foreign worker's identification.
- Ensuring that the temporary foreign worker(s) are performing the same occupation and duties as you had offered them and were reported by you during the application process.
- Ensuring that the working conditions in the offer of employment meet generally accepted Canadian standards and remain so for the duration of the employment.
- You must provide temporary foreign workers with the same wages and benefits as those provided to Canadian and permanent resident employees working in the same occupation that are consistent with the prevailing wage for the occupation and region where the worker is employed. Wages paid during employment must remain substantially the same as the wages offered and not less favourable.
- Employers must always ensure that the TFWs they want to hire under the TFW Program are covered from the provincial/territorial workplace safety insurance provider, **where required by law**. In provinces/territories where the provincial/territorial legislation allows employers the flexibility to opt for a private insurance plan, employers must ensure that:
  - o any private plan chosen provides the same or better coverage than that offered by a province/territory; and,
  - o all employees on the worksite are covered by the same provider with the same benefits
- **Low Wage Only** - Pay for the round-trip transportation costs (for example plane, train, boat, car, bus) of the temporary foreign worker (TFW) to the location of work in Canada, and back to the TFW's country of permanent residence
- **Low Wage Only** - Provide or ensure that suitable and affordable housing is available.
- **High Wage Only** - Undertake the activities as you committed to in the Employer Transition Plan.
- Providing the worker with a copy an employment contract which has been signed by the employer and the worker which clearly outlines the terms and conditions of employment.
- Not recovering costs of hiring the temporary foreign worker(s) such as the LMIA fee, recruitment, etc. This also applies to any third parties used.
- Reporting any errors or changes to an approved LMIA or the temporary foreign worker to ESDC/Service Canada.
- Retaining all documentation that relates to compliance with program acts, regulations and requirements for a period of six years beginning on the first day of employment of the foreign national.
- Giving all reasonable assistance to an officer conducting an inspection such as but not limited to attending interviews and on-site inspections, answering questions, and providing information and documentation that relates to all Program conditions and requirements. Inspections with or without prior notice can be conducted anytime within a six-year period beginning on the first day of employment of the foreign worker.

Employers who are found non-compliant with these conditions may be subject to consequences including: warnings; issuance of negative Labour Market Impact Assessments; administrative monetary penalties; bans from the program; suspension and/or cancellation of approved labour market assessments; and/or the publishing of the business name on a public website along with details of the violation.

For more details on the program requirements of the Temporary Foreign Worker Program, please visit the [Hiring a Temporary Foreign Worker website](#) .

## SECTION 14: DOCUMENTATION CHECKLIST - IN-HOME CAREGIVER POSITION

**IMPORTANT:** Employers must use this step-by-step checklist to ensure that all the documents required are submitted, otherwise there will be delays in processing the application.

Employers must be aware that Immigration, Refugees and Citizenship Canada (IRCC) will not issue work permits based on LMIA's to overseas caregivers for positions located outside of Quebec. For more information please visit:

<https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/hire-foreign-worker/in-home-caregiver.html>

Under this stream, employers must complete, sign (where applicable) and submit the following documents:

**This Labour Market Impact Assessment application form**

Additional attached sheets if there was insufficient room to answer a question on the form

**Copy of Canada Revenue Agency (CRA) Notice of Assessment (for each employer, if applicable)**

**Proof of Recruitment (Job advertisements and/or other recruitment activities)**

Submitted documents must include where, when and for how long the position was advertised and/or the recruitment activity took place. These documents must also prove that the advertisements and/or recruitment activities targeted the appropriate audience for the occupation.

Employers must conduct at least three different recruitment activities, they must advertise on the Government of Canada's [Job Bank](#). Employers who choose to use an alternative method, must submit a written rationale and explanation. Employers must also conduct at least two additional methods of recruitment.

- **Low-wage positions:** The two additional methods of recruitment must be consistent with the occupation (targets an audience that has the appropriate education, professional experience and or skill level required for the occupation). Each of the methods used must target a different underrepresented group: Indigenous persons, vulnerable youth, newcomers, and persons with disabilities.
- **High-wage positions:** The two additional methods of recruitment must be consistent with the occupation (targets an audience that has the appropriate education, professional experience or skill level required for the occupation). One of the methods used must be national in scope, and easily accessed by residents of any province or territory, as people in high-wage positions are often mobile and willing to re-locate for work.

Depending on the nature of the position and/or the province of work, a recruitment variation may apply. Proof of recruitment **may or may not** be required in these cases. Refer to the [TFW program website](#) for more details.

**Proof of Job Bank Advertisement**

If Job Bank was not used, **attach a written rationale and explanation**

**Proof of Recruitment - additional method**

**Proof of Recruitment - additional method**

**Schedule I - In-Home Caregiver Employment Contract**

**If Schedule I - In-home Caregiver Employment Contract was not used**, an alternative contract containing all mandatory information and clauses must be attached.

**Proof of Individual Requiring Care**

Employers must provide proof that they or a dependant is in need of care. The documentation that must be submitted along with the application form includes proof of **one** of the following:

**Age and parentage for each child under 18 years old (provide one of the documents listed)**

- Long form birth certificate
- Adoption certificate
- Official guardianship
- Physician's note confirming the pregnancy and due date

**Age for each senior, 65 years or older (provide one of the documents listed)**

- Birth certificate
- Passport
- Old age security card

**Proof of disability, chronic or terminal illness for each disabled, chronically or terminally ill person (provide one of the documents listed)**

- Schedule H - Medical disability, chronic or terminal illness certificate
- Physician's note attesting that the patient has a disability, chronic or terminal illness and that the individual requires access to a live-in caregiver

Employers must send all required documentation to the Service Canada Processing Centre responsible for processing their specific type of Labour market Impact Assessment application.

**A complete application means that employers have:**

- used the latest version of the application form
- filled out all of the required fields in all of the necessary forms
- include all of the required documentation
- signed the forms where required
- submitted the fee payment with the application, if applicable

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

**SECTION 15: DECLARATION OF THE THIRD-PARTY REPRESENTATIVE (IF APPLICABLE)**

I, hereby, declare that the information in SECTION 3: THIRD-PARTY INFORMATION is true, accurate and complete.

\_\_\_\_\_  
Signature of the Third-party Representative

\_\_\_\_\_  
Printed name of the Third-party Representative

\_\_\_\_\_  
Date (YYYY-MM-DD)

**SECTION 16: APPOINTMENT OF THIRD-PARTY (IF APPLICABLE)**

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).

**FOR THE PURPOSE OF THIS LABOUR MARKET IMPACT ASSESSMENT APPLICATION:**

I, hereby, appoint the third-party named in SECTION 3: THIRD-PARTY INFORMATION as my representative to act on my behalf in order to obtain a Labour Market Impact Assessment from ESDC/Service Canada in order to hire a foreign national for the position described above.

I, hereby, agree to ratify and confirm all that my third-party representative shall do or cause to be done by virtue of this appointment.

This appointment shall remain in full force and effect only for the processing of this application, unless due notice in writing of its revocation has been given to ESDC/Service Canada.

\_\_\_\_\_  
Signature of Employer

\_\_\_\_\_  
Printed Name of Employer

\_\_\_\_\_  
Date (YYYY-MM-DD)

\_\_\_\_\_  
Signature of Employer #2 (if applicable)

\_\_\_\_\_  
Printed Name of Employer #2

\_\_\_\_\_  
Date (YYYY-MM-DD)

**SECTION 17: 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). For In-home Caregiver positions, employers must be the parent or legal guardian of the child receiving care, be the recipient of care or have a valid power of attorney for the individual receiving care.

By signing this document employers attest that they have read and understood the Privacy Notice Statement found at the beginning of this application; that the information provided in this Labour Market Impact Assessment application is true, accurate and complete; and that they understand, accept, and will comply with all Temporary Foreign Worker Program requirements, as specified in the [Immigration and Refugee Protection Act](#), [Immigration and Refugee Protection Regulations](#) and all of the [Temporary Foreign Worker Program requirements](#).

\_\_\_\_\_  
Signature of Employer

\_\_\_\_\_  
Printed Name of the Employer

\_\_\_\_\_  
Title of Employer

\_\_\_\_\_  
Date (YYYY-MM-DD)

\_\_\_\_\_  
Signature of Employer #2 (if applicable)

\_\_\_\_\_  
Printed Name of the Employer #2

\_\_\_\_\_  
Title of Employer #2

\_\_\_\_\_  
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.

Important: Employers must immediately inform Service Canada of any changes related to the foreign worker's terms and conditions of employment as described in the positive LMIA letter and any annexes. In accordance with the provisions of the Immigration and Refugee Protection Regulations, ESDC may conduct an inspection to verify the employer's compliance with the conditions set out in the positive LMIA letter and annexes. As a result, this inspection could include a review of the employer's file and if Service Canada does not have a copy of the changes, the employer will be held accountable for the information that is on file.

## TEMPORARY FOREIGN WORKER INFORMATION TEMPLATE

**Complete and attach with the application the names of the Temporary Foreign Workers. If the names of the TFWs have not been identified yet, leave the Template blank. If more room than provided below is needed, please attach additional sheets to identify additional workers.**

**Note:**

The positive Labour Market Impact Assessment (LMIA) letter and annex specifies the expiry date of the LMIA. The TFW must submit an application for a Work Permit prior to the expiry of the LMIA. Requests to modify, add, remove or change a name on an LMIA must be received by ESDC/Service Canada at least:

- 15 days prior to the expiry of the LMIA; or
- 20 days prior to the expiry of the LMIA if more than 10 names.

**WORKER #1**

First name:	Last Name:
Date of Birth (YYYY-MM-DD):	Country of residence:

**WORKER #2**

First name:	Last Name:
Date of Birth (YYYY-MM-DD):	Country of residence:

### **IMPORTANT NOTICE FOR EMPLOYERS HIRING FOR POSITIONS LOCATED OUTSIDE QUEBEC**

If you are submitting this LMIA application on or after June 18, 2019 with the intention of hiring a caregiver from outside of Canada for a position located outside Quebec, please be advised that Immigration, Refugees and Citizenship Canada (IRCC) will not issue a work permit to the foreign national allowing them to work for you.

**In most cases, the foreign national(s) that you name in this LMIA application must already be in Canada with a valid work or study permit in order to be eligible for a work permit based on this LMIA.**

Employers who are uncertain as to whether or not their prospective caregiver(s) may be eligible to receive a work permit through the Temporary Foreign Worker Program are encouraged to consult the following IRCC web page for details on criteria for the work permit refusal-to-process:

<https://www.canada.ca/en/immigration-refugees-citizenship/services/work-canada/hire-foreign-worker/in-home-caregiver.html>

**Service Canada does not determine foreign national eligibility and is not able to provide guidance to employers related to this.**

It is your responsibility to ensure to the extent possible that the foreign national that you intend to hire as a caregiver is not ineligible for a work permit based on the criteria that IRCC has established. **As with all LMIAs, any applicable processing fees will not be refunded to you in the event that your caregiver is not issued a work permit by IRCC.**

Caregivers from outside of Canada can be hired through IRCC's Home Child Care Provider and Home Support Worker Pilots. For more information, please visit the following:

<https://www.canada.ca/en/immigration-refugees-citizenship/services/immigrate-canada/caregivers/child-care-home-support-worker.html>

**Please complete the Labour Market Impact Assessment - Processing Fee  
Payment Form Printed on next page**



<b>For office use only</b>

## LABOUR MARKET IMPACT ASSESSMENT - PROCESSING FEE PAYMENT FORM TEMPORARY FOREIGN WORKER PROGRAM

Employers must pay a processing fee for each position requested, if applicable.

Effective December 8, 2017, families or individuals seeking to hire a foreign caregiver to provide home care for individuals requiring assistance with medical needs are exempt from paying the Labour Market Impact Assessment application processing fee. Families or individuals with a gross annual income of \$150,000 or less, seeking to hire a foreign caregiver to provide childcare in their home to a child under 13 years of age, also qualify for the processing fee exemption.

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

**Note:** No costs associated with seeking an LMIA, including this processing fee, may be directly or indirectly recovered from the TFW.

**Step 1 - Complete employer information section:**

<b>Employer Business Name:</b>	
<b>Canada Revenue Agency Business Number:</b> <i>(The 15 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 or American Express)

For payment by credit card, complete and sign this section

<b>CREDIT CARD INFORMATION AND PAYMENT AUTHORIZATION</b>			
Name of cardholder (as it appears on the credit card):		Cardholder Telephone Number:	
Credit card type: <input type="checkbox"/> Visa <input type="checkbox"/> MasterCard <input type="checkbox"/> American Express		Last 4 digits of credit card:	
<b>AUTHORIZATION:</b> 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 : <div style="display: flex; justify-content: space-between; width: 100%;"> <span>YYYY</span> <span>MM</span> <span>DD</span> </div>	

**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.



**To be destroyed after processing**  
In order to protect your personal information, only provide the first 6 and last 4 digits of your credit card number. A Service Canada representative will call you at the number listed above for the remaining digits.

Credit card number: <div style="display: flex; align-items: center; margin-top: 5px;"> <div style="border: 1px solid black; width: 30px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 30px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 30px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 30px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 30px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 30px; height: 20px; display: inline-block;"></div> <span style="margin: 0 5px;">X</span> <span style="margin: 0 5px;">X</span> <span style="margin: 0 5px;">X</span> <span style="margin: 0 5px;">X</span> <span style="margin: 0 5px;">X</span> <span style="margin: 0 5px;">X</span> <div style="border: 1px solid black; width: 30px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 30px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 30px; height: 20px; display: inline-block;"></div> <div style="border: 1px solid black; width: 30px; height: 20px; display: inline-block;"></div> </div>	Expiry date: <div style="display: flex; justify-content: space-between; width: 100%; margin-top: 5px;"> <span>MM</span> <span>YYYY</span> </div>
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