

## **Citizenship and Immigration Canada (“CIC”) Provides Guidance regarding New Regulations**

CIC issued a [News Release](#) yesterday providing further details regarding the regulatory changes to the Temporary Foreign Worker Program (“TFWP”), which take effect April 1, 2011. Specifically, CIC confirmed that the assessment of the genuineness of job offers to Temporary Foreign Workers (“TFWs”), and of employers’ compliance with previous terms of job offers to TFWs, will be completed by Service Canada when an LMO is required, and by CIC or Canada Border Services Agency Officers when an LMO-exempt work permit is requested. The CIC release verifies that the new two-year prohibition from utilizing the TFWP will be imposed on non-compliant employers when no reasonable justification exists for failing to provide wages, working conditions and occupations that were substantially the same as those stipulated in their original employment offers, and the employer has failed to rectify the situation by compensating the employee. And perhaps most notably, CIC has exempted certain categories of TFWs from the new cumulative four-year work permit cap, including those who are Managerial and Professional, LMO-exempt, have reached a prescribed stage in the permanent residence process, or are employed in Canada under an international agreement.

The Spectrum HR Law Business Immigration team will issue a complete summary of the new TFWP rules and their effect once CIC has issued policy guidance on the subject. In the meantime, if you have any questions or would like further information on these regulatory changes or on other related topics, please contact any member of the Business Immigration team:

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