



**MEMORANDUM: DCD#14, 2014-15**

**To:** Academic Chairs and Directors

**From:** Professor William Gough, Acting Dean and Vice-Principal (Academic)

**Date:** 17 June 2015

**Re:** Offer of Employment to a Foreign National Exempt from a LMIA: Form IMM5802

Citizenship and Immigration Canada (CIC) has implemented new requirements for all applications for work permits that are exempt from the Labour Market Impact Assessment (LMIA) process. We are required to submit a new "Offer of Employment to a Foreign National Exempt from a Labour Market Impact Assessment" form to CIC and pay an "employer compliance fee" of \$230 to fund compliance programs, including inspections. You must provide a copy of the form and the receipt for payment of the new fee to all employees in this category before they can apply for a work permit. This includes those whose application will be made at the port of entry (POE). If a foreign national hired or invited on an LMIA-exempt basis attempts to enter Canada without an existing work permit or without the above-mentioned form & receipt, he or she may be denied entry by the CBSA. Note that the fee paid by the employer is in addition to the current work permit-processing fee of \$155.

The following categories of appointment will now require a Form IMM5802:

- Academics (including CLTA and Part-time) who will be applying for a work permit under NAFTA or another trade agreement
- Visiting Professors (including visiting scholars, researchers, scientists, status-only or adjunct faculty etc. who may have been invited under this category)
- Guest Lecturers (who will be at UofT for more than 5 days)
- Postdoctoral Fellows

Below are the steps necessary for submitting the application:

Step 1. The department forwards the following information to the UTSC HR Office to request an IMM5802:

- i. departmental contact information
- ii. employee/visitor information: name **as shown** on their passport, date of birth, country of birth, country of residence, citizenship, passport number
- iii. depending on the LMIA exemption category (see <http://www.cic.gc.ca/english/resources/tools/temp/work/opinion/codes.a.sp>), other information may be required (e.g., CV, letter from the home institution, job description, etc.)

Step 2. In some cases, e.g. for on-going appointments in the tenure and teaching streams, the compliance fee is covered by the Provost's Office and in other cases, e.g. part-time, CLTA, and Post Doctoral appointments, it is the responsibility of the hiring department. Please contact with the UTSC HR Office to determine where the responsibility lies.

Step 3. The hiring department, where applicable, pays the \$230 compliance fee to Citizenship and Immigration Canada (CIC) online via <https://eservices.cic.gc.ca/epay/>. The menu path for paying the employer compliance fee is as follows:

- i. Select Continue
- ii. Accept Terms and Conditions
- iii. Required Services: Immigration
- iv. Application Fees for Temporary Residence: Temporary Residence (including Employer Compliance Fee)
- v. Compliance fee (employer)

NB: UTSC Financial Services has confirmed that the compliance fee may be paid using the University Purchasing Card (PCard), although it is possible that departments will need to complete the [Block Lift Form](#) to ensure the transaction goes through.

Step 4. The department provides the UTSC HR Office with a copy of the signed back letter of offer and the receipt for payment of the compliance fee.

Step 5. The UTSC HR Office obtains a completed IMM5802 and sends the department a signed copy of the form, along with confirmation of submission.

\*Please note that declarations made on the IMM5802 must be adhered to. No changes are permitted to the letter of offer or invitation once it has been submitted to CIC and conditions of work must remain essentially the same (including salary, benefits, rank, affiliation, duties, location, etc.)

Step 6. The employee/visitor will need to present this documentation to obtain a work permit. Failure to present the documentation will result in the work permit application being denied and forfeiture of the \$155 work permit-processing fee. The work permit-processing fee is presented at the time of application for the work permit.

If you have any questions regarding this process please contact:

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|--------------------|--|--------------|
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