

# Evaluation of the International Mobility Program

## Evaluation Division

Audit and Evaluation Branch

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# Executive Summary

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## Background

This report presents the findings of Immigration, Refugees and Citizenship Canada's (IRCC) evaluation of the International Mobility Program (IMP). The evaluation covers the period from the separation of the IMP from Temporary Foreign Worker Program (TFWP) in 2014 to 2022. It was conducted in fulfillment of requirements under the Treasury Board's Policy on Results and to provide evidence and strategic findings in support of policy and program development.

The objective of this evaluation was to assess the IMP's performance against its expected outcomes of timely access to and employment of eligible foreign nationals and its contribution to economic and social benefits to Canada. It also examined the design and implementation of the program, including components of its Employer Compliance Regime.

## Summary of Key Findings

Overall, the evaluation found that different Labour Market Impact Assessment (LMIA) exemptions under the IMP are aligned with specific GOC and IRCC objectives, such as attracting high-skilled workers, supporting Canada's International Education Strategy and transitions to permanent residence. The program contributes economic, social, and cultural benefits to Canada, and provides access to and employment of temporary workers across various sectors.

However, the IMP is less aligned with commitments to consider Canadian workers first, especially given the program's continued growth. IRCC does not systematically monitor labour market impacts of the IMP, and data gaps, particularly for open work permits (OWP), make it difficult to measure the full extent of program benefits relative to risks for unintended consequences, such as displacement of Canadian workers and wage suppression.

The evaluation also found that employers of Employer-Specific Work Permit (ESWP) holders are generally aware of and adhering to their

responsibilities under the IMP and that the rights of temporary workers have been generally protected. However, there was evidence that when issues occur, some temporary workers may not know where to get help, and may not take any action due to potential negative consequences. Further, employer compliance inspections under the IMP, which apply only to employers of temporary workers with employer-specific work permits (ESWP), can be lengthy, which may protract potential protection issues.

Lastly, the evaluation revealed various challenges related to the IMP's design and delivery, including untimely application processing, lack of stakeholder understanding of the various LMIA exemptions, and technical issues related to the Employer Portal. Additionally, the evaluation found that LMIA exemptions under the IMP continue to evolve and grow in complexity. For certain LMIA exemptions, IRCC processing officers indicated program integrity concerns and difficulty assessing eligibility requirements.

## Recommendations

In response to the findings, and in support of the continued improvement of the IMP, the evaluation proposes the three recommendations below.

- 1. IRCC should enhance the performance measurement strategy for the IMP by developing and implementing a comprehensive strategy to:**
  - a. Improve data completeness and address data limitations related to employers, occupational information on OWP holders, characteristics of refused applicants, and inspections;**
  - b. Measure the risks of unintended consequences of the IMP, including considerations of labour market displacement, impacts on wages and Gender-Based Analysis Plus (GBA+) factors;**

- c. Refine key performance indicators and establish targets to capture more fully the program's social and economic benefits relative to the risks identified above; and
  - d. Conduct an assessment of program benefits relative to risks.
- 2. IRCC should develop and implement measures to improve understanding of LMIA exemptions, technical issues with the Employer Portal and officers' difficulties assessing eligibility, particularly in areas where program integrity concerns have been identified.
- 3. IRCC should work with Employment and Social Development Canada (ESDC) to strengthen further temporary worker protections including:
  - a. Promoting and enhancing reporting mechanisms for temporary workers;
  - b. Exploring the expansion of compliance mechanisms to OWP holders; and
  - c. Improving timeliness of investigations under the Employer Compliance Regime.

# Management Response Action Plan (MRAP)

While the evaluation demonstrated that there have been various benefits to Canada as a result of the IMP, their full extent was unclear given data limitations. Further, the program was built on the assumption that these benefits exceed any potential harm to the domestic labour market, but IRCC efforts to test these assumptions have been minimal.

**Recommendation 1: IRCC should enhance the performance measurement strategy for the IMP by developing and implementing a comprehensive strategy to:**

- a. **Improve data completeness and address data limitations related to employers, occupational information on OWP holders, characteristics of refused applicants, and inspections;**
- b. **Measure the risks of unintended consequences of the IMP, including considerations of labour market displacement, impacts on wages and GBA+ factors;**
- c. **Refine key performance indicators and establish targets to capture more fully the program’s social and economic benefits relative to the risks identified above; and**
- d. **Conduct an assessment of program benefits relative to risks.**

**Response:** IRCC agrees with the recommendation.

The (over 50) LMIA-exemptions that make up the International Mobility Program (IMP) are intended to reflect the significant social, economic, cultural and/or reciprocal benefits that the work of foreign nationals creates.

The evaluation demonstrates that gaps in data (especially with regards to the open work permit), and lack of clarity pertaining to what constitutes an economic, social, and cultural benefit make it challenging for IRCC to draw definitive conclusions as to the outcomes in regards to these benefits. Additionally, gathering more GBA+ information will prevent policy changes from accidentally exacerbating areas of disproportionality.

IRCC agrees that the IMP’s Performance Information Profile document should be updated to better define and measure social, economic, and cultural benefits. Paired with improved data completeness, IRCC expects that measuring the risks and benefits of the IMP Program will become more feasible.

Together the following three actions will enhance the performance measurement strategy for the IMP:

| Action  | Accountability  | Completion Date |
|---|---|-----------------|
| Action 1A: IRCC will update performance indicators of the IMP to capture information about the social and economic impacts of the IMP compared to any potential harm to the domestic labour market, and to further understand GBA+ factors. | Lead: Temporary Economic Immigration Branch (TEIB)<br><br>Support: Research and Data Branch (RDB), Immigration Program Guidance Branch (IPGB), Integrity Risk Management Branch (IRMB), Case Management Branch (CMB), Operational, Planning | Q4 2025-2026    |

|   |  |                   |
|---|--|-------------------|
|   | and Performance Branch (OPPB), Processing Networks |                   |
| Action 1B: IRCC will plan and implement a regular survey to target Employers and Work Permit holders (both Open and Employer Specific) to address data gaps, measure the success of awareness activities, better measure the risks of unintended consequences of the IMP, and support a more comprehensive GBA+ Analysis. | Same as Action 1A                                  | Same as Action 1A |
| Action 1C: IRCC will explore additional ways to gather data about the reasons for IRCC Officers' refusal of applications in support of a more comprehensive GBA+ Analysis.  | Same as Action 1A                                  | Same as Action 1A |

The evaluation found stakeholder issues with the Employer Portal and understanding the various LMIA exemptions, as well as mixed results on the timeliness of application processing. For certain LMIA exemptions, IRCC officers processing work permit applications indicated program integrity concerns and difficulty assessing eligibility requirements. Addressing these issues will help improve the timeliness of application processing for certain LMIA exemptions and enhance the client experience.

**Recommendation 2: IRCC should develop and implement measures to improve understanding of LMIA exemptions, technical issues with the Employer Portal and officers' difficulties assessing eligibility, particularly in areas where program integrity concerns have been identified.**

**Response:** IRCC agrees with this recommendation, and sees it in three components:

a) clients/employers having difficulties understanding LMIA exemptions

IRCC acknowledges this challenge and is committed to addressing it. Through proactive measures to enhance user experience, IRCC is streamlining information and enhancing accessibility. By consolidating resources and optimizing navigation, IRCC aims to ensure that clients and employers encounter a seamless process in accessing essential information.

IRCC offers a virtual learning series to employers on a multitude of programs including the IMP. Each session features a new topic and gives employers an opportunity to ask questions. Employers also have access to IRCC's International Mobility Workers Unit to request an opinion as to whether the temporary foreign worker they intend to hire would fall under an LMIA exemption or a work permit exemption (LMIA opinion).

b) IRCC officers understanding LMIA exemptions

Considering the challenges officers face in assessing eligibility, IRCC will undertake continuous efforts to update and modernize program instruction guidance, aiming to provide enhanced support to officers in assessing eligibility and decision-making processes. Moreover, IRCC acknowledges that while our PDIs, especially those related to Work Permits (WP), tend to be lengthy and complex, there's a recognition of the need to improve their readability and clarity. Hence, the Department will actively explore ways to streamline and simplify these instructions to facilitate smoother decision-making processes and ensure officers receive comprehensive training and clear instructions.

c) technical issues with the Employer Portal

As part of the Digital Platform Modernization (DPM) program, IRCC is redesigning its suite of programs and services to provide a modern client experience and more efficient immigration system, underpinned by new technologies and data capabilities. The Department has already undertaken extensive work to transform numerous business lines, including back-end technology and administrative efficiencies, as well as client-facing tools and service delivery channels.

Over the next five years, IRCC will undergo business transformation to modernize its programs and services. The modernization of IRCC’s business processes and systems is expected to benefit the diverse client base, including by providing a user experience that is easier and more transparent. It is expected that the future system will provide clients with faster processing, user-friendly and seamless online services, and more timely information about their application status.

The following actions will support improving deeper understanding of LMIA exemptions, address technical issues with the Employer Portal, and difficulties regarding officer’s eligibility assessments:

| Action   | Accountability  | Completion Date   |
|--|---|-------------------|
| Action 2A: IRCC will identify opportunities to improve clarity in information made available to clients and employers hiring foreign nationals.  | Lead: Immigration Program Guidance (IPG) Branch<br>Support: Processing Networks, TEIB, OPPB, Digital Workplace, Deputy Chief Financial Officer (DCFO), Strategic Planning, Results and Reporting (SPRR) – DPM, IT Operations, Enterprise Change and Learning Academy (ECLA), Project Delivery | Q4 2025-2026      |
| Action 2B: IRCC will further examine existing Program Delivery Instructions (PDIs), SOPs and training modules and implement adjustments where applicable to provide additional clarity and enhance officer’s understanding of LMIA exemptions. | Same as Action 2A   | Same as Action 2A |
| Action 2C: The Department will continue to explore new functionalities that will help resolve technical issues within the Employer Portal as part of modernization.  | Same as Action 2A   | Same as Action 2A |

The evaluation found that generally, under the IMP, employers of ESWP holders are aware of and adhering to their responsibilities, and the rights of temporary workers have been protected. However, the evaluation noted that issues can occur and temporary workers may not take action. Further, the IMP Employer Compliance Regime is set up to protect ESWP holders more directly than OWP holders. Potential negative consequences of reporting employer issues, lengthy investigation times, and a lack of awareness on where to get help can also hinder the effectiveness of compliance mechanisms.



**Recommendation 3: IRCC should work with Employment and Social Development Canada (ESDC) to further strengthen temporary worker protections, including:**

- a. Promoting and enhancing reporting mechanisms for temporary workers,**
- b. Exploring the expansion of compliance mechanisms to OWP holders;**
- c. Improving timeliness of investigations under the Employer Compliance Regime.**

**Response:** IRCC agrees with the recommendation.

IRCC has begun addressing certain issues by distinguishing awareness and inspection activities: this aims to ensure workers and employers are informed of their rights and responsibilities while inspections can focus more exclusively on seeking and applying consequences for employer non-compliance.

IRCC is working with ESDC to consider a more holistic approach to Employer Compliance and worker protection across all programs that bring Temporary Foreign Workers to Canada.

Protection of TFWs in the IMP Program will be strengthened through the combination of the following action items:

| Action  | Accountability   | Completion Date  |
|---|--|--|
| Action 3A: IRCC will coordinate with ESDC to strengthen efforts to raise awareness on the Regime among employers and all foreign nationals authorized to work in Canada. Raised awareness may be achieved by reviewing and developing public facing communication tools and increasing the communication of resources with workers and employers. | Lead: TEIB<br><br>Support: IPG, Dedicated Service Channel (DSC), IRM, and Client Experience Branch (CEB) with ESDC compliance policy       | IRCC and ESDC will continue to coordinate and implement efforts across the proposed activities throughout the 2024-25 fiscal year. |
| Action 3B: IRCC will explore mechanisms to ensure that open work permit holders under the IMP are protected.  | Lead: IRM Employer Compliance Inspections Unit (ECIU) & TEIB<br><br>Support: Domestic Network (DN), ESDC compliance policy and inspections | Same as Action 3A  |
| Action 3C: Implement a host of efficiency measures to the inspection process to ensure higher quality inspections with expedited timelines, including IT enhancements, interdepartmental information sharing, and restructuring of non-compliance decision-making.  | Lead: IRM (ECIU) & TEIB<br><br>Support: IPG, IT, DN, ESDC Compliance Policy and Inspections  | Same as Action 3A  |

# List of Acronyms

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CEEDD – Canadian Employer Employee Dynamics Database  
CETA – Canada-European Union Comprehensive Economic and Trade Agreement  
CMB – Case Management Branch  
CN – Centralized Network  
CPTPP – Comprehensive and Progressive Agreement for Trans-Pacific Partnership  
CSC – Client Support Centre  
CUKTCA – Canada-United Kingdom Trade Continuity Agreement  
CUSMA – Canada–United States–Mexico Agreement  
DN – Domestic Network  
DSC – Dedicated Service Channel  
ECIU – Employer Compliance Inspections Unit  
ESWP – Employer Specific Work Permit  
ESDC – Employment and Social Development Canada  
FTA – Free Trade Agreement  
GATS – General Agreement on Trade in Services  
GBA+ – Gender-Based Analysis Plus  
GCMS – Global Case Management System  
GOC – Government of Canada  
ICP – International Co-op Program (under IEC)  
ICT – Intra-Company Transferees  
IEC – International Experience Canada  
IMP – International Mobility Program  
IMWU – International Mobility Workers Unit

IN – International Network  
IRCC – Immigration, Refugees and Citizenship Canada  
IRM – Integrity Risk Management  
IRPR – Immigration and Refugee Protection Regulations  
LMIA – Labour Market Impact Assessment  
MRAP – Management Response Action Plan  
MTV – Montreal, Toronto and Vancouver  
NAFTA – North American Free trade Agreement  
NAICS – North American Industry Classification System  
NOC – National Occupation Classification  
OWP – Open Work Permit  
PDI – Program Delivery Instructions  
PGWPP – Post-Graduate Work Permit Program  
PMEC – Performance Measurement and Evaluation Committee  
PR – Permanent Residence or Permanent Resident  
P/T – Province/Territory or Provincial/Territorial  
RST – Rural and Small Town  
TEER – Training, Education, Experience and Responsibilities  
TFWP – Temporary Foreign Worker Program  
TR – Temporary Residence or Temporary Resident  
TRP – Temporary Resident Permit  
WHP – Working Holiday Program (under IEC)  
YPP – Young Professional Program (under IEC)

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# Overview of the International Mobility Program

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## Background

The temporary work of foreign nationals in Canada is managed between the Temporary Foreign Worker Program (TFWP) at Employment and Social Development Canada (ESDC) and the International Mobility Program (IMP) at Immigration, Refugees and Citizenship Canada (IRCC).<sup>1</sup> ESDC supports the TFWP through delivering Labour Market Impact Assessments (LMIA) and IRCC supports the TFWP through issuing work permits.

Collectively, the purpose of these programs is to:

- Facilitate entry of foreign nationals to Canada for the purpose of work while protecting the health, safety and security of Canadians;
- Grant permits to fill temporary labour market needs or help achieve broader economic, social and cultural goals or reciprocal benefits; and
- Protect workers through a robust employer compliance regime and provide them with opportunities to become permanent residents (PR).

Work permit issuance is demand-driven – there are no set levels or limits on the number of temporary workers admitted to Canada. According to IRCC’s administrative data, over 3.97 million work permits and work permit extensions were issued under the IMP between 2014 and 2022.

## TFWP and IMP

Under the IMP, eligible foreign nationals can get a work permit without obtaining a LMIA from ESDC. The IMP also allows certain foreign nationals to work without a permit when authorized under the Immigration and Refugee Protection Regulations (IRPR). However,

for certain foreign workers hired to fill temporary labour and skills shortages, the employer must obtain a LMIA through the TFWP before the worker applies for a work permit. The LMIA verifies that there is a need for a temporary worker, that wages and working conditions are commensurate with what a Canadian or PR could expect and that no Canadians or PRs are available to fill the job.

## LMIA Exemptions

The IMP is comprised of a collection of LMIA exemptions. Most foreign nationals will receive either an Open Work Permit (OWP) or an Employer-Specific Work Permit (ESWP).

- OWP holders can work for any employer in Canada for a specified period of time, if there are no restrictions or conditions (e.g., on location or occupation) on the work permit.
- ESWPs restrict the foreign national to work for the employer that offers them a specific job. Employers are required to use the Employer Portal to submit offers of employment directly to IRCC and are subject to a compliance fee before the foreign national can make an application for the work permit.

There are five regulatory exemptions, IRPR sections 204 to 208, which translate into numerous exemption categories.

## Employer Compliance and Inspections

Generally, employers under the IMP who make an offer of employment to a foreign national must comply with certain conditions, as set out in sections R209.2 and R209.4 of the IRPR.<sup>2</sup> Those who submitted an offer of employment for which a work permit was issued to a foreign national on or after December 31, 2013, may be inspected for compliance with these conditions, as per IRPR section R209.5.

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<sup>1</sup> In 2014, the TFWP was reorganized as part of a package of reforms. Worker streams requiring a Labour Market Impact Assessment (LMIA) remained under the TFWP, while the IMP was created to incorporate streams that were LMIA-exempt.

<sup>2</sup> Certain employers are exempt from the IMP Employer Compliance Regime (e.g., a foreign government offering employment to foreign nationals to perform its official duties in Canada).

# Evaluation Background and Context

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This report presents the results of the Evaluation of the IMP. The evaluation was conducted between April 2022 and December 2023, with a view to assessing program performance, as well as providing evidence and strategic findings in support of policy and program development.

This evaluation fulfills evaluation requirements under the Treasury Board's Policy on Results, and marks the first time the IMP has been evaluated by IRCC.

## Evaluation Scope

The evaluation covers the period from the separation of the IMP from TFWP in 2014 to 2022, including an examination of the impacts of the COVID-19 pandemic on IMP expected outcomes.

The evaluation scope does not include work permit exemptions (i.e., work without a permit under the authority of R186), nor does it address specific objectives related to International Experience Canada (IEC), the Global Skills Strategy (GSS), and IRCC's Humanitarian and Compassionate (H&C) program which leverage the IMP, as separate evaluations have been recently completed or will be planned for these areas. However, high-level contributions from these areas to the overall objectives of the IMP are included in the scope.

The evaluation is guided by a Terms of Reference (TOR), which was developed with input from program representatives and approved by IRCC's Performance Measurement and Evaluation Committee (PMEC).

## Evaluation Focus

As a primary focus, the evaluation examines the program's performance against its expected outcomes of timely access to and employment of eligible foreign nationals, as well as the economic and

social benefits that temporary workers bring to Canada. The evaluation also looks at the design and implementation of the IMP, including the relevance and evolution of LMIA exemption categories over time and consideration of Gender-Based Analysis Plus (GBA+) factors.

As a secondary focus, the evaluation examines components of the IMP's Employer Compliance Regime, including awareness of and adherence to requirements among foreign nationals and employers, identification and sanction of non-compliant employers, and protection of temporary workers.

Examination of these areas of focus include comparisons by work permit type (OWP and ESWP) and by program streams where appropriate.

## Evaluation Questions

1. To what extent are LMIA exemptions under the IMP aligned with objectives of IRCC and Government of Canada priorities?
2. To what extent does IMP delivery support timely access to and employment of temporary workers?
3. To what extent is the IMP producing economic, social and cultural benefits to Canada?
4. To what extent are temporary workers under the IMP protected?
5. How have LMIA exemptions under the IMP evolved over time? To what extent do different LMIA exemptions continue to be relevant and useful?
6. To what extent is the IMP designed and delivered to support equitable access for diverse groups of individuals?
7. To what extent is the IMP designed and delivered in a way that supports program integrity?
8. How has the COVID-19 pandemic impacted the IMP?

# Methodology

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## Document Review

This included internal and external documents relevant to the IMP, including: Government of Canada (GOC) and departmental documents; academic literature; legislative and regulatory documents; program documents; and functional guidance.

## Key Informant Interviews

Interviews and focus groups were conducted virtually using Microsoft Teams, and included:

- 22 interviews with IRCC program representatives;
- 2 interviews with Other Government Department (OGD) officials;
- 11 interviews with Provincial/Territorial (P/T) government representatives; and
- 4 focus groups with representatives from IRCC's Dedicated Service Channel (DSC), International Mobility Workers Unit (IMWU), and Client Support Centre (CSC).

## Administrative Data Analysis

An analysis was conducted using data from IRCC's Global Case Management System (GCMS) on IMP work permit holders with a sign date between 2014 and 2022 and refused applicants with a final decision during the same timeframe. Inspections data from 2015-16 to 2022-23, provided by IRCC's Employer Compliance Inspections Unit (ECIU), were also analyzed.

## CEEDD Data Review

Data tables from Statistics Canada based on the Canadian Employer-Employee Dynamics Database (CEEDD) were analyzed to examine incidence of and median T4 earnings of IMP work permit holders

(2014 to 2019 based on sign date) by selected socio-demographics and LMIA exemption groups.

## Surveys<sup>3</sup>

### OWP Holder Survey

The survey was administered online and sent to a sample of 200,000 adult clients issued an OWP between 2018 and 2022 (based on sign date of latest permit) with a valid email address. It was available in English, French, Simplified Chinese, Arabic, Spanish, Portuguese and Korean, and received 13,275 completions for a response rate of 7%. Respondent characteristics were aligned with the survey population.

### ESWP Holder Survey

The survey was administered online and sent to the population of 156,814 adult clients issued an ESWP between 2018 and 2022 (based on sign date of latest permit) with a valid email address. It was available in English and French, and received 4,744 completions for a response rate of 3%. Respondent characteristics were aligned with the survey population.

### Employer Survey

The survey was administered online and sent to the population of 49,297 employer representatives<sup>4</sup> with a valid email address, who submitted a job offer under the IMP between 2018 and 2022 (based on the client's latest permit sign date). It was available in English and French, and received 2,691 completions for a response rate of 5%.

### IRCC Officer Survey

The survey was administered online and sent to 261 IRCC processing officers in International Network (IN), Centralized Network (CN) and Domestic Network (DN). It was available in English and French, and received 103 completions for a response rate of 39%.<sup>5</sup>

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<sup>3</sup> In general, analysis excludes non-responses (e.g., don't know, not applicable).

<sup>4</sup> For some employer organizations, the survey invitation was sent to more than one representative, as per information in IRCC's administrative data.

<sup>5</sup> All survey response rates do not include email bounce-backs. Additional details on the surveys can be found in Annexes A and B.

# Limitations and Mitigation Strategies

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The evaluation used complementary methods, collecting quantitative and qualitative data. Limitations were generally mitigated through triangulating results to converge on findings. Specific limitations are described below.

## Data Availability and Quality

The evaluation noted various gaps in administrative data, including:

- Difficulties distinguishing between OWPs and ESWPs, owing to limited data capture on OWPs and IMP employer characteristics;
- Difficulties differentiating between applications refused under the TFWP and the IMP, as a result of limited or missing information collected on the LMIA or LMIA exemption category;
- Difficulties reporting on employer inspections and inspection trends as a result of inconsistent data collection over time; and
- Limited data collection on for GBA+.

The evaluation employed various mitigation strategies to address data gaps. Proxy measures were used to classify OWPs and ESWPs and to identify IMP refusals. While these proxy measures were developed in consultation with program stakeholders, the extent to which they represent actual characteristics is unknown.

Data on employer inspections were cleaned to remove duplicate values and impossible values (e.g., where an inspection's start date exceeded its end date). In removing these outliers, some legitimate inspections may have been unintentionally excluded.

To bolster the limited administrative data collection in GBA+ characteristics, the evaluation collected additional information through the work permit holder surveys.

## Representativeness of IRCC Officer and Employer Surveys

There was limited information available on the population characteristics of employers and IRCC officers processing applications under the IMP. Consequently, it was not possible to

ascertain the representativeness of respondents for these surveys. To mitigate this issue, some information was collected in the surveys to help screen and describe respondents, and results were triangulated with other lines of evidence.

While the Officer Survey did not include the views of Canada Border Services Agency officers who process some IMP applications, it focused on those of IRCC officers who processed about 88% of IMP applications between 2014 and 2022 – consistent with the department's sphere of influence.

## Linking ESWP Holder Survey to Administrative Data

A technical problem while administering the ESWP Holder Survey anonymized respondent information, which prevented the ability to connect some survey responses to administrative data holdings. For the purpose of the evaluation, only responses that could be linked back to IRCC's administrative data were used in the analysis. The initial number of respondents before exclusion was 12,652, and after exclusion was 4,744. Nevertheless, in general, responses were consistent between linkable and overall respondents, and linkable respondents were representative of the ESWP holder population.

## Coding Occupation Sector in the OWP Holder Survey

Given the limited occupation-level data available on OWPs, the OWP Holder Survey included a question, based on the NOC (2016), asking about the broad occupational category, as well as major and minor groups, of the respondent's job. While many respondents who worked were able to identify a sector for their job, 32% indicated "Other". While sectors could be manually imputed for 62% of those who indicated "other" based on additional information provided (e.g., main tasks at their job, NOC skill level), this introduced the potential for interpretation error. To mitigate this issue, analysis based on this information was triangulated with results from the CEEDD data review, which uses a similar occupation-related coding system, called the North American Industry Classification System (NAICS).

# Profile of IMP Work Permits

## Overall

Between 2014 and 2022, over 3.97 million LMIA-exempt work permits and work permit extensions were issued under the IMP (based on sign date), including for OWPs (82%) and ESWPs (18%).

The number of IMP work permits issued increased over time, with 292,712 in 2014, compared to 773,131 in 2022 – more than doubling during this 9-year period. In particular, the number of OWPs increased from 210,663 in 2014 to 686,985 in 2022, with notable growth in the Humanitarian, PGWPP and Working while studying exemption groups during this period. The number of ESWPs remained relatively stable. For the purposes of the evaluation, LMIA exemptions were categorized into eleven groups (see Annex C).

Of approved applicants under the IMP:

- 55% were male;
- 72% were between the ages of 18 to 34;
- 76% were destined to Ontario, Quebec, and British Columbia; and more specifically to Toronto (29%), Montreal (14%) and Vancouver (12%); and
- The most common countries of citizenship were India (25%), China (8%), France (7%), the United States of America (USA) (6%), and the Philippines (4%).

## Differences between ESWP and OWP holders

- While 73% of ESWPs were issued to men, issuance of OWPs was more evenly split between men (51%) and women (49%).
- OWP applicants tended to be somewhat younger than those applying for ESWPs; for example, 76% of OWP applicants were 18 to 34, compared to 54% of ESWP applicants.
- Although the USA was not in the top 5 countries of citizenship of applications for OWPs, it was the most common citizenship country for ESWP applications (28%).

Figure 1: Number of IMP Work Permits Issued by Year (GCMS)

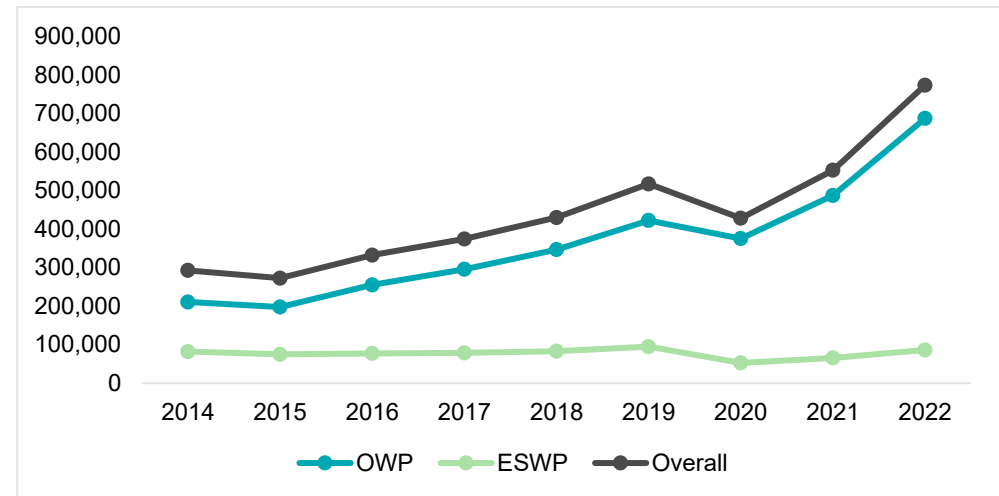
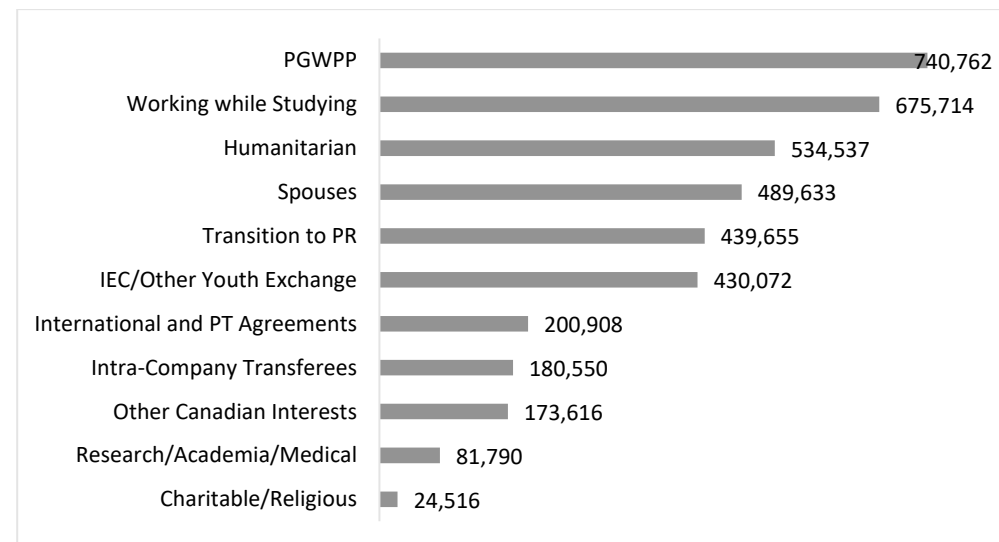


Figure 2: Number of IMP Work Permits Issued by LMIA Exemption Group (GCMS)





# Evaluation Findings

## Alignment and Monitoring Program Impacts

**Finding 1: Different LMIA exemptions under the IMP are aligned with specific GOC and IRCC objectives, such as exemptions focused on attracting high-skilled workers, international education and transitions to permanent residence.**

**Finding 2: Continued growth in the IMP, combined with a lack of systematic monitoring of labour market impacts by IRCC and data gaps, particularly related to OWPs, have introduced risks for unintended consequences, such as displacement of Canadian workers and wage suppression.**

### Economic, Social and Cultural Objectives

Key informants felt the IMP is aligned with GOC and IRCC objectives because it provides employers with timely access to workers (as they do not have to get a LMIA), supports Canada's social and cultural objectives by allowing international exchange of workers, and gives employers an additional method to address labour needs.

However, document review revealed concerns that IMP objectives are broad and ambiguous, making it difficult to ascertain the extent to which LMIA exemptions are aligned with program goals. Different exemptions meet different goals, and in some cases may be in competition with other objectives. For example, while exemptions under Canada's international education strategy provide OWPs to students and recent graduates, the department does not measure whether this type of employment displaces Canadian workers, or suppresses wages (i.e., the benefits relative to the risks).

Nevertheless, document review showed that LMIA exemptions under the IMP are aligned with different sections under the IRPR (204 to 208) and support a variety of priorities, objectives and commitments of IRCC and the GOC. For example, specific LMIA exemptions are aligned with:

- Canada's international education strategy (e.g. C32, C42, C43);
- Trade agendas (e.g., T23, T24);
- International youth mobility (e.g., C21);

- Mobility of high-skilled workers (e.g., C12, C41);
- Provision of significant economic, social, cultural and reciprocal benefits (e.g., C10, C14, C20, C44, C45, C50);
- Transition to permanent residence (e.g., A70 and A75); and
- Asylum and refugee protection (e.g., S61 and S62).

### Meeting Labour Market Needs

While meeting labour market needs is not formally an expected outcome of the IMP, the evaluation found that it has become a de facto objective. Many key informants noted that getting the LMIA has become the exception rather than the rule, and about three-quarters of employer representatives surveyed indicated that the IMP helps their business fill temporary (74%) and permanent (73%) labour market needs.

Further, administrative data showed that more work permits are issued under the IMP than the TFWP. While both programs saw growth between 2014 and 2022, the share of work permit holders under the IMP increased from 75% to 84% in this timeframe.<sup>6</sup>

The role of the IMP in helping Canada meet its labour market needs was acknowledged in foundational documents, in that temporary workers were providing skills and expertise for employers when qualified Canadian workers were not available.<sup>7</sup> More recent documents underscored how the IMP has been used to address labour shortages,

<sup>6</sup> IRCC, 2023. RDM Temporary Residents cube, August 31, 2023.

<sup>7</sup> Budget 2018: *Equality and Growth: A Strong Middle Class*.

## Alignment and Monitoring Program Impacts – Continued

for example, through PGWPP open work permit extensions and expanding OWP eligibility for spouses and working-age children of temporary workers. In particular, the PGWPP has been seen as playing a vital role in addressing shortages.<sup>8</sup>

### Considering Canadians First

One area of less alignment is the extent to which LMIA exemptions under the IMP are consistent with commitments to consider Canadian workers first. For example, while budget documents highlighted the GOC's commitment to reforming the initial TFWP in a manner that considered Canadians first and used TFWs "...only as a last and limited resort...";<sup>9</sup> temporary worker programming has increased significantly over time, largely through the IMP.

While many LMIA exemptions under the IMP are thought to help attract and retain top talent in Canada, document review found criticisms of their potential impact on the labour market.<sup>10</sup> Internal and external documents noted risks related to displacement and wage suppression, and highlighted that caution should be used when expanding access to the IMP – particularly in low-wage streams. A few key informants echoed this concern, as low-skilled workers can be vulnerable and high-skilled work can be replaced using certain LMIA exemptions.

Notably, previous instances of misusing eligibility criteria and displacement were also noted in the evaluation. For example, in response to significant negative media attention related to an incident with interpreting eligibility criteria for Intra-Company Transferees (ICT), new guidelines were introduced stating that workers cannot receive training in Canada for employment that would subsequently displace Canadians.

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<sup>8</sup> IRCC, 2022. News Release – April 22, 2022: *New measures to address Canada's labour shortage*.

<sup>9</sup> GOC, 2015. *Budget 2015: Strong Leadership: A Balanced-Budget, Low-Tax Plan for Jobs, Growth and Security*.

### Measuring Labour Market Impacts and Data Gaps

The IMP is built on the assumption that benefits to Canada from the facilitation of select foreign workers exceed any potential harm to the domestic labour market. However, document review and key informants pointed out that labour market impacts are not monitored.

Limited data capture on OWPs is a key challenge to measuring benefits and/or unintended consequences of LMIA exemptions under the IMP. While data on ESWPs include information on employer and occupation, this is not available for OWPs, as issuance is not tied to an offer of employment. In other words, IRCC does not collect systematic data on the occupations or sectors of more than 80% of IMP participants. Further, IRCC does not collect systematic data on whether OWP and ESWP work permit holders use their permits to work. Not tracking data on which permit holders find employment is a significant gap that hinders IRCC's ability to evaluate the economic impact of temporary workers, as well as identify barriers that prevent employment.

The CEEDD can be used to estimate incidence of employment and provides some occupation-level information for work permit holders based on NAICS<sup>11</sup>. However, these data are reliant on individuals receiving a T4 or filing taxes in Canada, which is not always the case. Lastly, there is limited occupation-related information on foreign nationals authorized to work in Canada without a work permit, who also fall under the IMP. International students with a study permit authorized to work on and off campus during their study period figure prominently in this group.

<sup>10</sup> e.g., Faraday, 2016. *Canada's Choice: Decent work or entrenched exploitation for Canada's migrant workers?*; Gilbert, 2017. *The impact of Canada's migrant worker programs on the construction labour force in British Columbia (2015-2016)*

<sup>11</sup> As NAICS is a description of businesses and industries, it has limited validity as a tool to describe worker demographics, job, and employment conditions.

## Access to and Employment of Temporary Workers

**Finding 3: Overall, the IMP is contributing to access to and employment of temporary workers in various sectors in Canada. While access is concentrated in larger urban centres in Ontario, Quebec and British Columbia, some LMIA exemptions are helping to distribute the benefits more broadly in Canada.**

### Working in Canada

Administrative data showed that about 2.65 million individuals were issued work permits through the IMP between 2014 and 2022. Almost a half million received ESWPs and about 2.2 million received OWPs.<sup>12</sup>

Incidence of T4 earnings based on CEEDD data was used as a proxy for working. CEEDD analysis showed that many IMP work permit holders worked, with some differences between LMIA exemption groups. For example, the incidence of T4 earnings in 2019 was about 62% for work permit holders in the ICT group, 81% for those in the PGWPP, and 58% for those in the Spouses group. However, these percentages should be considered estimates, and likely under-represent somewhat the incidence of employment among IMP work permit holders, as some may not be issued a T4 for their work in Canada.

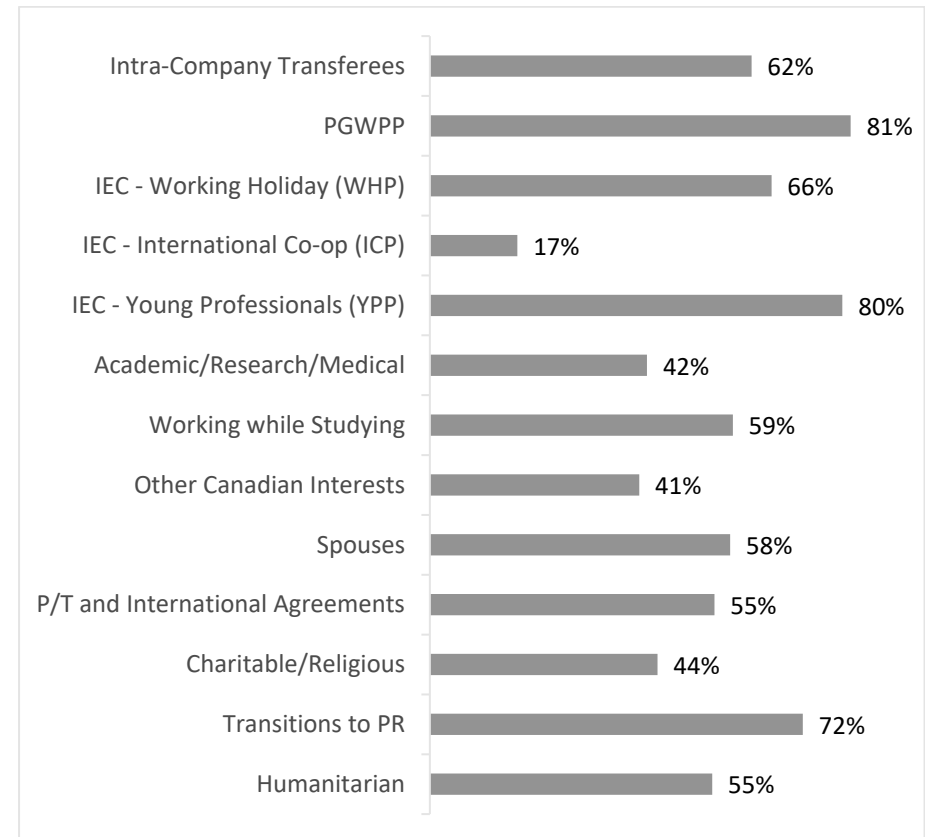
Most surveyed ESWP (89%) and OWP (86%) holders also reported having worked for pay in Canada using their work permit. Further, many (68% of ESWP and 58% of OWP holders) indicated having worked in Canada for more than a year.

### Access to Temporary Workers

Some key informants reported that the IMP is being used to fill labour gaps, even though it was never designed or intended to do so. It was noted that the IMP has become more attractive to employers than the TFWP because it is generally faster, less burdensome, less costly and has fewer requirements. Correspondingly, the employer survey found 76% of respondents felt that the ability to hire temporary workers without obtaining a LMIA under the IMP provides their organization with timely access to temporary workers to a moderate or large extent.

Results from various lines of evidence also highlighted different areas of Canada and sectors of work benefiting from access to LMIA-exempt temporary workers.

**Figure 3: Incidence of T4 Earnings in 2019 by LMIA Exemption Group (CEEDD)**



<sup>12</sup> As some individuals may have had both an OWP and an ESWP these totals will not sum to match the 2.65 million unique workers.

## Access to and Employment of Temporary Workers – Continued

### Location of Work

Administrative data showed that between 2014 and 2022 most work permits under the IMP were issued to individuals destined to Ontario, Quebec and British Columbia (74% of ESWP and 77% of OWPs).<sup>13</sup> Similarly, 69% of ESWP and 81% of OWP holders surveyed indicated that their work was based in one of these three provinces.

Canada's largest urban centres, Montreal, Toronto and Vancouver (MTV), were the most frequent destinations based on these data sources. However, administrative data also suggested that some work permit holders settled outside of these cities during the reporting period.

- Overall, 16% of ESWPs and 8% of OWPs were issued to individuals destined to rural and small town areas (RST).<sup>14</sup>
- 65% of IMP work permits through International and P/T agreements were issued to individuals destined to areas outside of MTV and 27% to those destined to RST areas.
- 53% of IMP work permits related to Other Canadian Interests were issued to individuals destined to areas outside MTV and 20% to RST areas. C10 (Significant Benefit) and C20 (Reciprocal Employment) figured prominently in this group.
- IMP work permits related to Spouses also showed a greater distribution outside MTV (49%) and in RST areas (10%).

### Sectors of Work

CEEDD data for 2019 showed that many IMP work permit holders (all or largely comprised of OWP holders) with T4 earnings were working in Accommodation and Food Services and Retail Trade. For example:

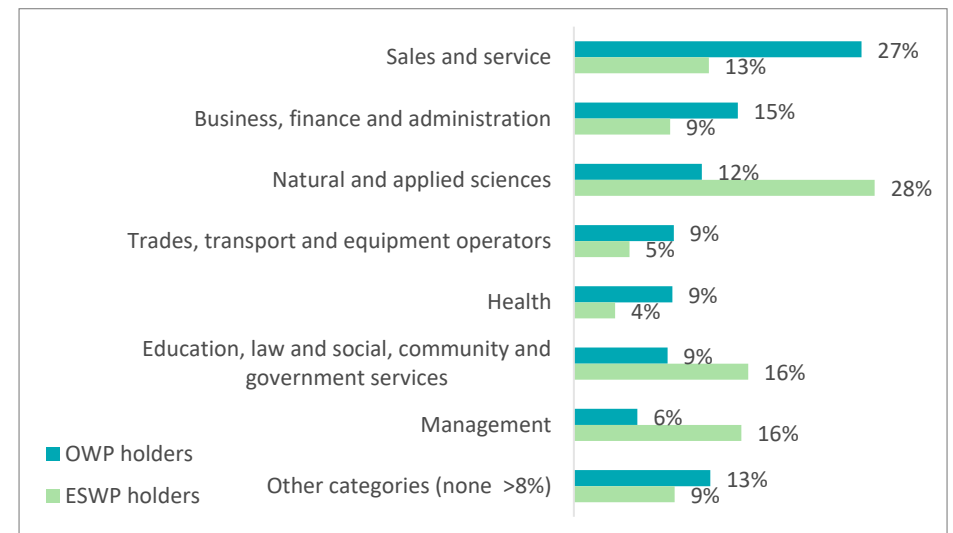
- Accommodation and Food Services: 17% under the PGWPP; 33% under IEC's WHP; 30% in the Working while Studying group; 16% in the Spouses group; and 14% in Transitions to PR.

- Retail Trade: 18% in the Working while Studying group; 14% in the Spouses group; and 11% under IEC's WHP.

While a large share of IMP work permit holders in the Other Canadian Interests and P/T and International Agreements groups (mostly ESWP holders) were working in Accommodation and Food Services (20% and 19% respectively), these two groups also had relatively large shares of work permit holders working in Professional, Scientific and Technical Services (18% and 15% respectively). Further, 59% of ICTs were working in the Professional, Scientific and Technical Services, and 73% of those in the Academic/Research/ Medical group were working in Educational Services (all ESWP holders).

Work permit survey results were consistent, with the largest share of OWP holder respondents working in Sales and Service (27%),<sup>15</sup> and the largest share of ESWP holder respondents working in the Natural and Applied Sciences (28%).<sup>16</sup>

**Figure 4: Job Sector of Surveyed Work Permit Holders**



<sup>13</sup> Note: 2% of ESWPs and 8% of OWPs were missing data on intended P/T destination.

<sup>14</sup> Rural and small town areas refer to those outside CMAs and Census Agglomerations, including Metropolitan Influenced Zones.

<sup>15</sup> Based on the derived NOC for 86% of OWP holders surveyed who worked.

<sup>16</sup> Based on the intended NOC of the holder's latest work permit in GCMS.

## Benefits to Canada

**Finding 4: There is evidence that the IMP is bringing economic, social, and cultural benefits to Canada. Many work permit holders are working and some are bringing their families, supporting local communities and businesses in Canada.**

### Economic Benefits

All key informants reported that the IMP contributes to economic benefits for Canada. Many indicated that the IMP bolsters reciprocal relationships with other countries and provides a competitive advantage (e.g., C14 film production and C23 performing arts exemptions encourage those industries to develop in Canada, along with their spin-off effects in local business and other sectors).

Employer survey results also pointed to economic benefits. About three-quarters of respondents indicated, to a moderate or large extent, that the ability to hire temporary workers under the IMP:

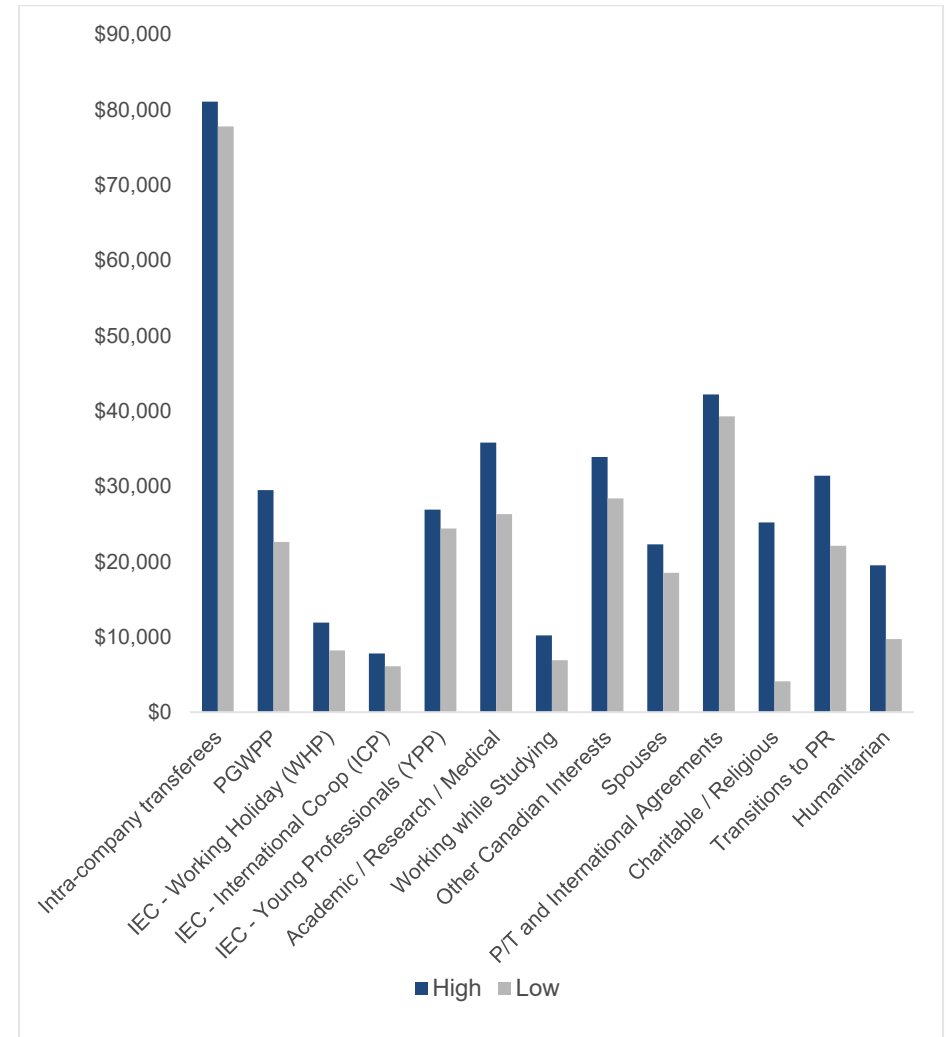
- Helps their business fill positions for which Canadian workers are unavailable (79%);
- Prevents disruptions in the operations of their business (73%); and
- Provides economic benefits to Canada (78%).

Median employment earnings of ESWP holders surveyed (\$57,200) were higher than those of OWP holders surveyed (\$37,440).<sup>17</sup> Further, many work permit holders surveyed indicated having filed taxes in Canada (ESWP: 91%; OWP: 94%), or planning to file taxes (ESWP: 2%; OWP: 4%).

CEEDD data also showed higher median employment earnings for ESWP holders compared to OWP holders, although this varied by group. For example, ICTs earned more than other ESWP groups (e.g. IEC-YPP, Academic/Research/Medical and P/T and International Agreements).

<sup>17</sup> Note: Extrapolated from survey responses on income for ESWP (80%) and OWP holder respondents (89%) who reported paid work. ESWP respondents to the income

**Figure 5: Median T4 Earnings by LMIA Exemption Group – Range between 2014 and 2019 (CEEDD)**



question slightly over-represented males, but both surveys were closely aligned with respect to age.

## Benefits to Canada – Continued

### Social and Cultural Benefits

In general, key informants indicated that the IMP contributes to social and cultural benefits for Canada, with some noting the program's role with respect to spousal reunification and supporting cultural industries, such as film. Further, 72% of employer representatives surveyed indicated that the ability to hire temporary workers under the IMP provides opportunities for cultural exchange between workers in their business to a moderate or large extent.

Administrative data highlighted how the IMP is contributing to social and cultural benefits in its work permit issuance (2014 to 2022):

- IMP work permits were issued to clients from about 200 countries (based on citizenship), with about 300 different languages as a mother tongue.
- LMIA exemptions supporting spousal reunification for skilled workers (C41) and international students (C42) made up about 12% of IMP work permits issued.
- LMIA exemptions supporting television and film (C14), the performing arts (C23), charitable and religious interests (C50) and the revitalization of Francophone Minority Communities in Canada (C16) made up about 2% of IMP work permits issued.
- 12% of ESWPs issued under the IMP were for occupations related to art, culture, recreation and sport.
- 11% of work permits issued were under the IEC or other youth exchange programs (C21).
- 13% of work permits were issued based on humanitarian objectives (e.g., S61 Refugee claimants, S62 Persons under an unenforceable removal order, R01 A25.2 Public Policy).
- 2% of work permits issued were for Canadian interests – significant benefits (including social, cultural and economic) to Canada (C10).

Work permit holder survey results highlighted that some temporary workers under the IMP were also actively participating in their

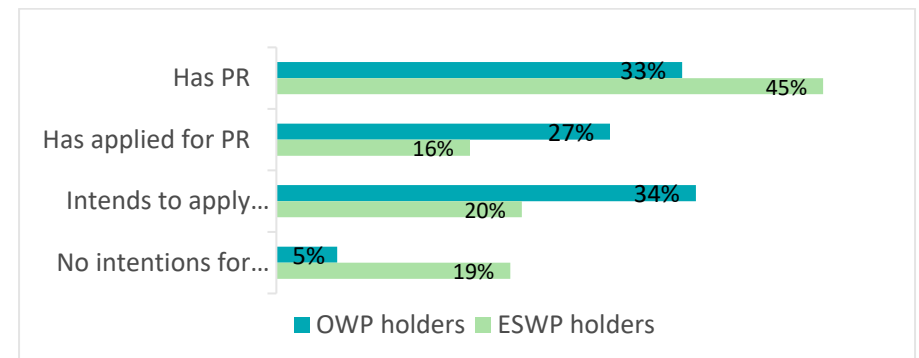
communities while working in Canada. About 22% of ESWP and 37% of OWP holder respondents indicated volunteering, and 16% of ESWP and 19% of OWP holder respondents indicated participating in groups. The most frequently reported types of groups for ESWP and OWP holder respondents who reported group participation were religious-affiliated groups (ESWP: 26%; OWP: 36%) and sports or recreational organizations (ESWP: 40%; OWP: 28%).

In addition, about 50% of ESWP and 43% of OWP holder respondents brought their spouses, while 34% of ESWP and 27% of OWP holder respondents brought their dependants.

### Permanent Residence

Transitions to PR are used as an indicator of longer-term economic and/or social benefits for Canada in the IMP's performance measurement framework. Administrative data showed that 35% of clients issued an IMP work permit between 2014 and 2022 had become PRs, and 11% had an application in process.<sup>18</sup> Work permit holder survey results also showed a high rate of PR intentions among respondents who worked, particularly among OWP holders. Correspondingly, wanting to become a PR or Canadian citizen was the most important factor in choosing to work in Canada for 21% of OWP and 16% of ESWP holder respondents.

Figure 6: Intentions for PR of Surveyed Work Permit Holders



<sup>18</sup> As of January 31, 2023.

## Equity and Work Permit Issuance

**Finding 5: More men access the IMP through ESWP streams than women. Generally, refusal rates were lower and processing times were faster for ESWPs, as well as for applicants from top IMP source countries.**

### Work Permit Issuance

Overall, a greater share of work permits under the IMP (including extensions) were issued to men (55%), compared to women (45%) between 2014 and 2022. However, gender differences were more pronounced for ESWP issuance, compared to OWP issuance. For example, male/female gender differences were observed for work permit issuance through ICTs, Other Canadian Interests, and P/T and International Agreements (solely or largely comprised of ESWPs), while work permit issuance was more balanced for men and women through Transitions to PR, Working while Studying, and IEC's WHP (all OWPs).

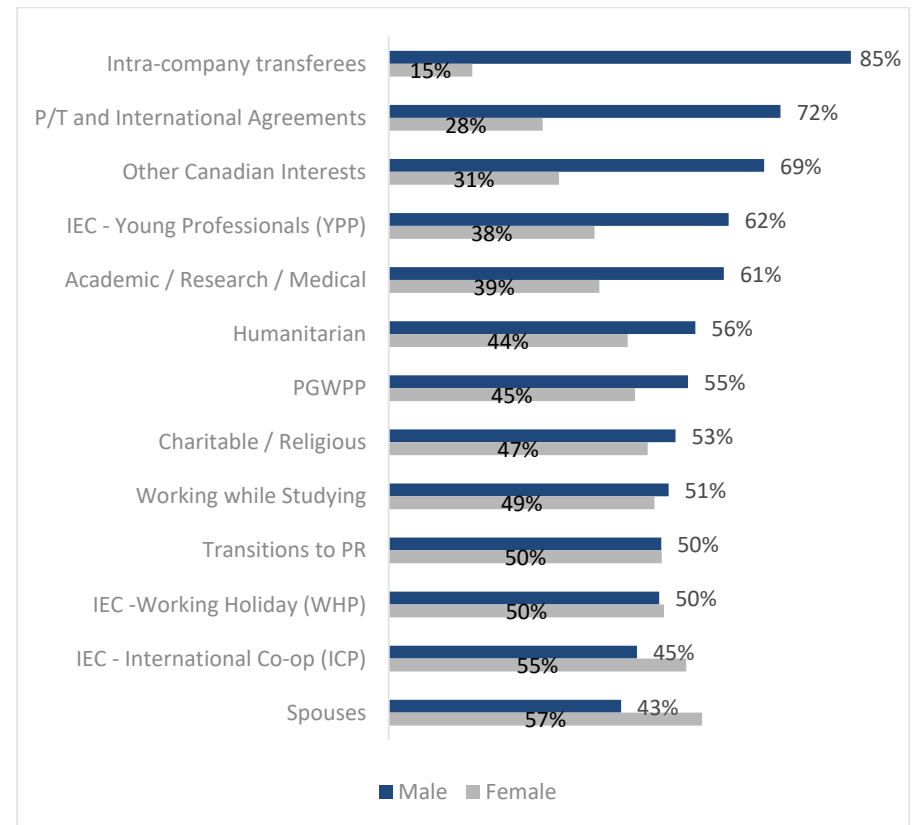
The IEC's International Co-op Program (ICP) and Spouses groups exhibited a comparatively higher rate of use by women compared to men. However, for Spouses, a greater share (68%) of work permits through C41 (Spouses of Skilled Workers) were issued to women, while a greater share (63%) of work permits through C42 (Spouses of International Students) were issued to men.

Work permit issuance was also examined in relation to country of citizenship. Overall, the five most frequent countries of citizenship for IMP work permits issued were India, China, France, the USA, and the Philippines; however, their prevalence varied by type of work permit (ESWP versus OWP) and LMIA exemptions used. For example:

- The largest share of OWPs were issued to individuals from India. India comprised the largest share of work permits issued through the PGWPP (50%), Working while Studying (42%) and Spouses groups (29%).
- The largest share of ESWPs were issued to individuals from the USA. The USA made up the largest share of work permits issued through International and P/T Agreements (45%) and Other Canadian Interests (33%), and also comprised a large share of ICTs (23%), second only to India (41%).

- China figured prominently in work permit issuance through the PGWPP (15%), Working while Studying (10%), and Academic/Medical/Research groups (20%), while France figured prominently in work permit issuance under IEC programs (WHP: 15%; YPP: 61%; and ICP: 92%).
- The Philippines made up 13% of work permit issuance through Transitions to PR.

**Figure 7: Work Permits Issued (2014 to 2022) – Gender Distribution by LMIA Exemption Group**



## Equity and Work Permit Issuance – Continued

### Refusals

Between 2014 and 2022, the refusal rate for IMP work permit applications was about 13% and about 6% for work permit extensions.<sup>19</sup>

- The refusal rate was slightly higher for applications submitted by males (14%) compared to females (11%), with no male/female gender differences observed for work permit extensions.
- The refusal rate was higher for OWPs (16%) compared to ESWPs (6%), but only slightly higher for OWP extensions (6%) compared to ESWP extensions (4%).

With respect to country of citizenship, refusal rates for work permits and extensions were lower for the top 20 source countries (11% and 5% respectively), compared to refusal rates for other countries (20% and 10% respectively). Some differences were also observed within the top 20 source countries; for example:

- The highest refusal rates were observed for work permit applications submitted by those from Haiti (50%), Pakistan (47%), Nigeria (45%), Iran (33%) and Colombia (31%) – all of which had high rates of LMIA exemptions with Humanitarian objectives.
- Work permit refusal rates were also high for India (22%) and the Philippines (25%).
- Lower refusal rates (under 13%) were observed for work permit applications submitted by individuals from the USA, Mexico, Germany, United Kingdom, Ukraine, France, Republic of Ireland, Japan, Republic of Korea, and China.

Aligned with refusal rates, 57% of employer representatives surveyed indicated challenges for temporary worker candidates from some countries in obtaining a work permit to a moderate or great extent.

<sup>19</sup> Note: 11% of IMP permits were identified as study permits and 4% were identified as study permit extensions in GCMS. They were excluded from the refusal analysis.

### Processing Times

The median processing time for work permit applications was 15 days and for work permit extensions was 78 days during the reporting period.<sup>20</sup>

- Median processing times were longer for work permits and extensions submitted by women (17 and 79 days respectively), compared to men (14 and 76 days respectively).
- Longer processing times were also noted for OWPs and OWP extensions (22 and 79 days), compared to ESWPs and ESWP extensions (1 and 64 days). These differences were attributable in part to priority processing of ESWPs under the under the GSS.
- Median processing time for work permits submitted by individuals from the top 20 countries of citizenship was shorter (14 days), than for other countries (21 days). However, the opposite was true for the median processing time of extensions (79 days and 71 days respectively).

Differences within the top 20 countries of citizenship were also noted.

- The lowest median processing times were observed for work permit applications submitted by individuals from the USA, Mexico, the UK, France, Germany, China, and Japan (under 15 days), whereas
- Nigeria, Pakistan and Iran had the longest median processing times (50 to 57 days).

<sup>20</sup> Includes work permit and extension applications received and processed to a final decision (approved and refused) between 2014 and 2022. Excludes IMP permits identified as study permits or study permit extensions in GCMS.



## Equity and Employment in Canada

**Finding 6: Median employment earnings were higher among male work permit holders under the IMP, particularly those with ESWPs. There was also evidence that sectors of work varied for work permit holders based on gender, and that OWP holders experienced challenges more frequently working in Canada, particularly in finding employment matching their skills and education.**

### Sectors of Work

Work permit holder survey results showed that sectors of work varied based on gender. Notably, for both ESWP and OWP holders surveyed, a greater share of men worked in the Natural and Applied Sciences and Trades, Transport and Equipment Operation sectors, whereas a greater share of women worked in the Business, Finance and Administration; Health; Education, Law and Social, Community and Government Services; and Sales and Service sectors.

Some key informants suggested that employers may have biases that can create or reflect societal barriers. It was also noted that some source countries retain traditional gender norms in relation to occupations. Correspondingly, similar male/female gender differences can be observed within the Canadian population. For example, data from Statistics Canada's Labour Force Survey show that in 2022 there was an over-representation of males in the Trades, transport and equipment operator sector (93%), as well as Natural and Applied Sciences (76%). These data also show an over-representation of females in the same sectors observed in the evaluation's work permit holder surveys.<sup>21</sup>

### Challenges Working in Canada

While ESWP holders come to Canada with a job offer, OWP holders planning to work still have to find a job. Both groups surveyed reported challenges while working in Canada, though challenges were slightly more frequent among OWP (75%) compared to ESWP (69%) holders.<sup>22</sup>

For ESWP holders surveyed, finding housing (39%) was the most frequently reported challenge, whereas finding employment that matched their skills/education/credentials was most frequently reported

by OWP holders (37%).<sup>23</sup> Correspondingly, 31% of OWP holders surveyed indicated that their job did not match their education and skills at all or to a small extent, compared to only 6% of ESWP holders. In addition, slightly more women indicated challenges while working in Canada, compared to men for both ESWP and OWP holder surveys.

### Employment Earnings

Work permit holder survey results showed higher median employment earnings for ESWP holders, as well as for male respondents, particularly among ESWP holders.

- For ESWP holders, median earnings were \$65,000 for men and \$42,000 for women.
- For OWP holders, they were \$40,800 for men and \$33,800 for women.

Findings from the CEEDD data review were consistent.

- Median T4 earnings were higher for work permit holders in many of the LMIA exemption groups where most or all permits were ESWPs (e.g., ICTs, International and P/T Agreements and Other Canadian Interests).
- Conversely, median T4 earnings were lower for work permit holders in many of the LMIA exemption groups where most or all permits were OWPs (e.g., Working while Studying, Spouses and PGWPP).

CEEDD data also showed that median T4 earnings were higher for men across all LMIA exemption groups.

<sup>21</sup> <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1410033502>

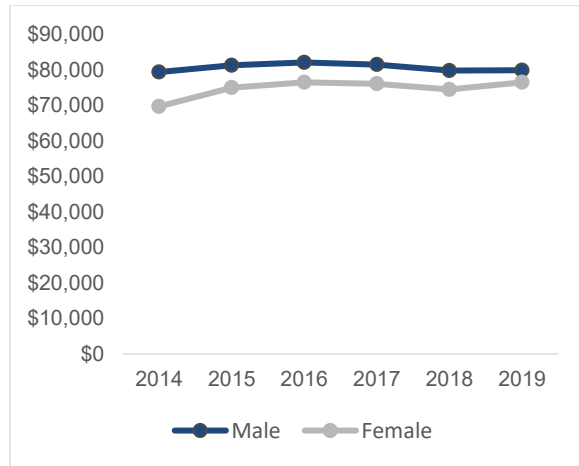
<sup>22</sup> Refers to those with paid work.

<sup>23</sup> Refers to those indicating challenges while working in Canada.

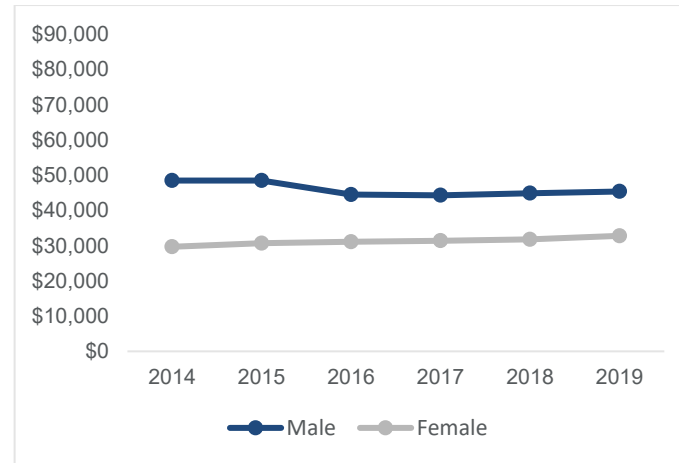
## Equity and Employment in Canada – Continued

Median T4 earnings based on the CEEDD by gender for selected LMIA exemption groups are shown below.

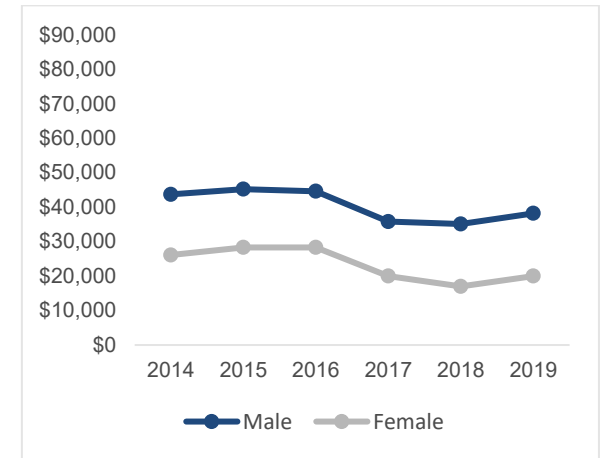
**Figure 8: Intra-Company Transferees**



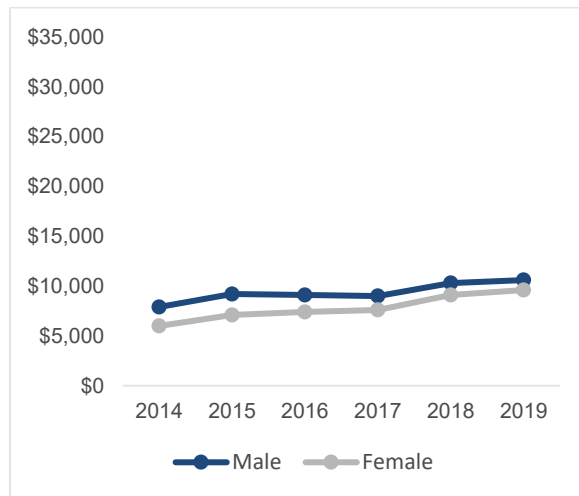
**Figure 10: International and P/T Agreements**



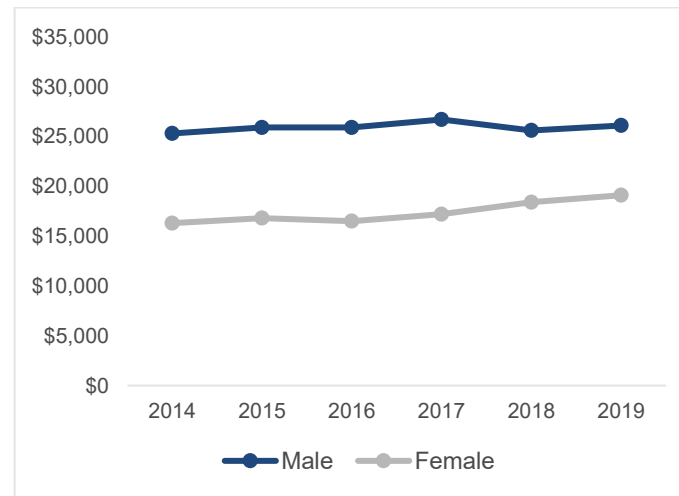
**Figure 12: Other Canadian Interests**



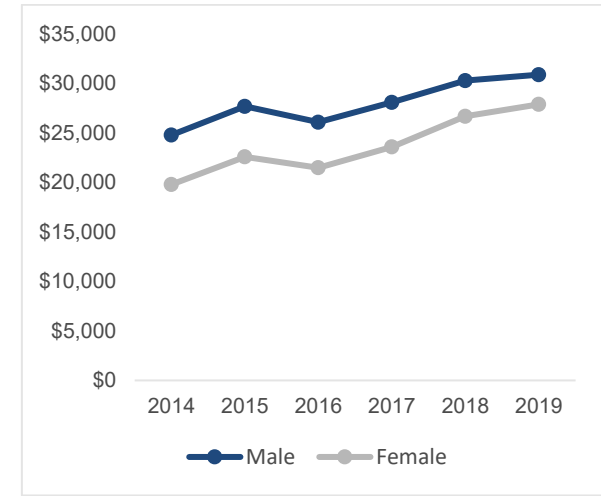
**Figure 9: Working while Studying**



**Figure 11: Spouses**



**Figure 13: PGWPP**



## Employer Responsibilities and Compliance

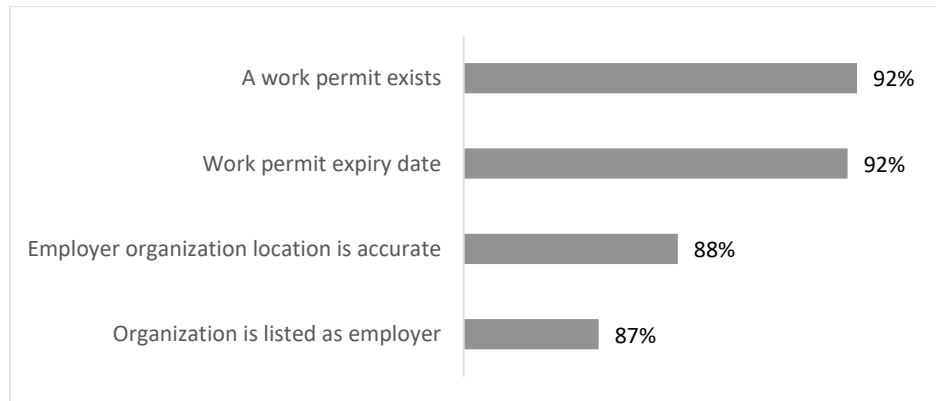
**Finding 7: Generally, employers of ESWP holders are aware of and adhering to their responsibilities under the IMP.**

### Employer Responsibilities

Under the IMP Compliance Regime, employers have responsibilities related to verifying work permit details, maintaining working conditions that are aligned with a job offer and free from abuse, and supporting inspections.<sup>24</sup> IRCC also instituted additional responsibilities for employers related to the COVID-19 pandemic. Only employers of ESWP holders are subject to the inspection component of the regime.

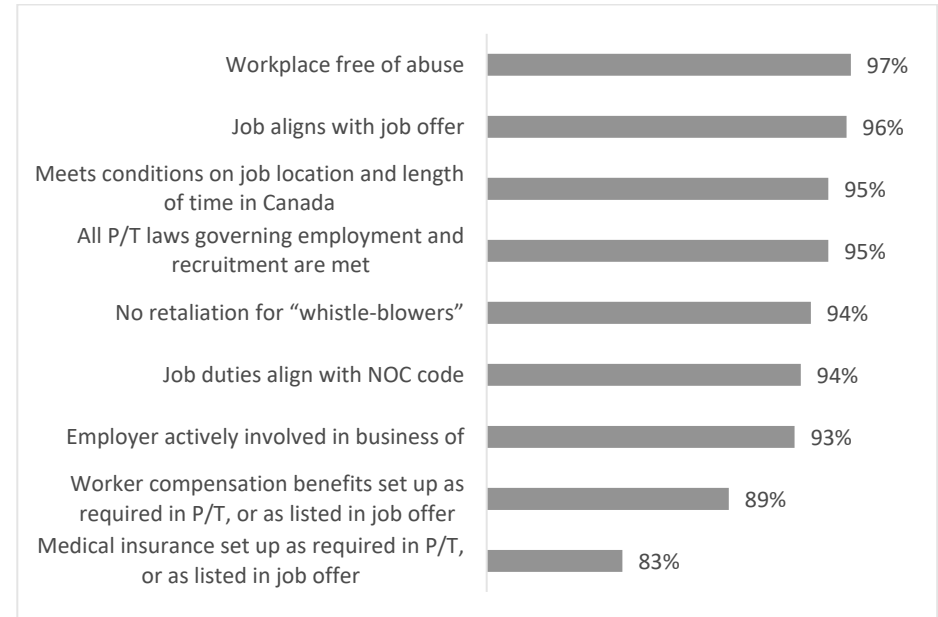
Some key informants felt that employers were aware of program requirements, and noted that the Compliance Regime helps educate and support employers. However, it was noted that less experienced employers find the process complex, and others take advantage of gaps in the system. It was also highlighted that shared jurisdiction between governments, specifically labour and health standards, complicates processes that ensure employers adhere to their responsibilities. Nevertheless, most employer representatives surveyed reported being aware of their responsibilities.

**Figure 14: Verifying Work Permit Details**

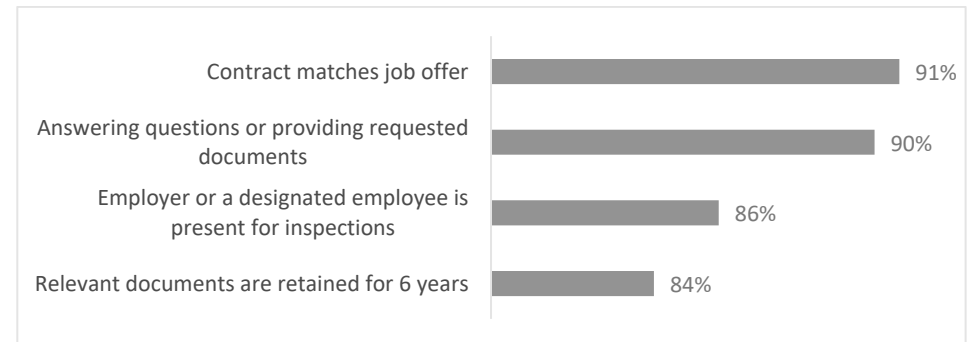


<sup>24</sup> In September 2022, amendments were made to the IRPR to enhance the protection of temporary foreign workers, including requirements for an employer to provide the most recent information to foreign nationals about their rights in Canada, and provide

**Figure 15: Maintaining Working Conditions**



**Figure 16: Supporting Inspections**



access to health care services when the worker is injured or becomes ill at the workplace. However, given their recency, outcomes related to these requirements were not examined in the present evaluation.

## Employer Responsibilities and Compliance – Continued

The most frequently reported sources of information on responsibilities for employer representatives surveyed were a lawyer, immigration consultant or human resources (HR) professional and IRCC’s Hire a Temporary Worker webpage (46% for each). However, 52% felt they needed more information to improve their understanding of these responsibilities to a moderate or great extent.

36% of employer representatives reported that their organization was inspected for compliance. Of those employers, 67% felt the inspection increased their awareness of their responsibilities to a moderate or great extent.

### Employer Compliance Inspections

Employer compliance inspections assess whether an employer has met the conditions required in the IRPR. Inspections can be based on random selection, or triggered by a reason to suspect (e.g., through an allegation or complaint) or previous employer non-compliance. During the COVID-19 pandemic, inspections focused largely on adherence with new COVID-19 employer requirements.

If a final determination is made that an employer violated a regulatory condition and was not justified in doing so, IRCC informs the employer and adds their name to a public list, that also states the violation and penalty. Sanctions for non-compliance include warning letters, administrative monetary penalties, and/or bans from using the IMP and the TFWP.

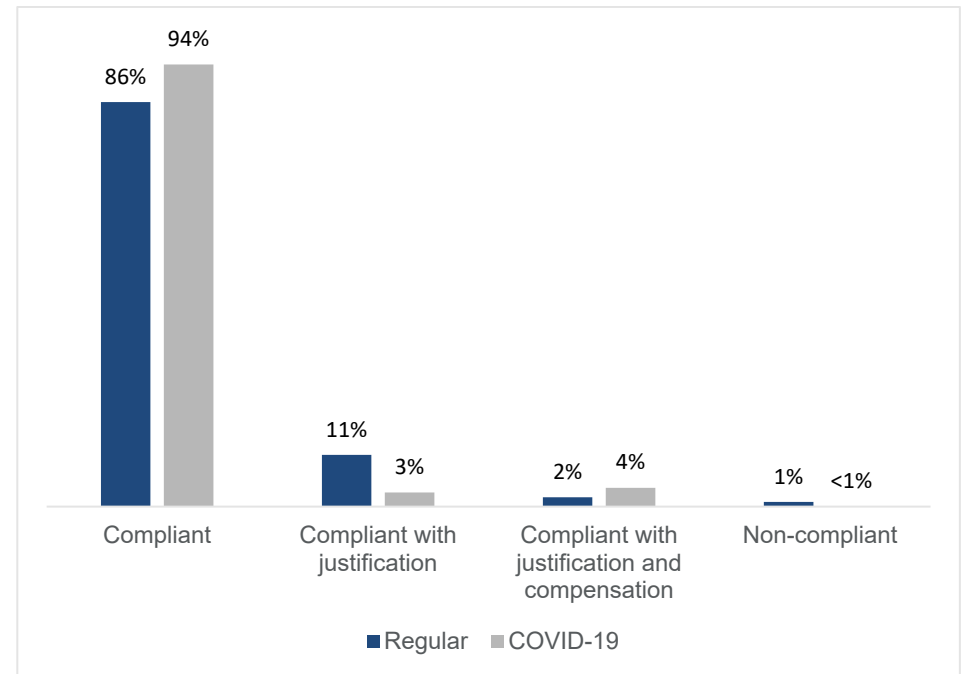
A total of 22,269 inspections were launched between April 1, 2015 and September 29, 2022, including:

- 16,069 regular inspections (93% completed); and
- 6,200 COVID-19 inspections (90% completed).

Employers were found to be compliant for the vast majority of completed inspections, although some were compliant with justification or with justification and compensation. For example, possible justifications include changes to FPT laws, collective agreements and/or economic conditions, errors in interpretation made in good faith, unintentional accounting errors, and forces majeures.

A total of 184 inspections resulted in non-compliant decisions. Of the employers found to be non-compliant, 19 underwent subsequent inspections, of which 3 were found to be non-compliant again.<sup>25</sup>

Figure 17: Employer Compliance Decisions – 2015 to 2022



<sup>25</sup> As of September 29, 2022.

## Protection of Temporary Workers

**Finding 8: Generally, the rights of temporary workers under the IMP have been protected. However, when issues occur, some temporary workers may not know where to get help, or may not take any action in light of potential negative consequences. Further, employer compliance inspections under the IMP can be lengthy, potentially protracting protection issues for temporary workers**

### Protection Mechanisms

While the ultimate goal of the employer compliance regime is temporary worker protection, key informants noted that its focus has been on employer responsibilities and monitoring conformity with requirements. Moreover, the regime applies only to ESWP holders, while protection for OWP holders is based on the assumption that freedom of movement between employers provides sufficient protection.

Document review suggested there are several mechanisms to support temporary workers under the IMP:

- Providing information about temporary worker rights;
- Providing information on how to get help if it is needed;
- Service Canada tip line/online form for reporting abuse;<sup>26</sup> and
- P/T workplace health and safety, and employment standard offices.

An OWP for Vulnerable Workers (A72) was introduced in 2019<sup>27</sup> for ESWP holders experiencing abuse or at risk of abuse. However, the onus is on the applicant to provide proof. Processing officers must have reasonable grounds to believe that the temporary worker is experiencing or is at risk of experiencing abuse. While Program Delivery Instructions (PDIs) provide a definition of abuse, IRCC Officer Survey results showed that all respondents who had experience processing these cases found it difficult to assess to a moderate or large extent.

### Inspections

Administrative data showed nearly all inspections (98%) were based on random selection during the reporting period. Of the 218 inspections

triggered by a reason to suspect, the Sales and Services sector<sup>28</sup> accounted for a disproportionately high amount of reason to suspect triggers, as did Francophone Mobility and Canada-P/T exemptions.

Decision-making times for inspections were lengthy, particularly when non-compliance was found<sup>29</sup>. The median time to reach a non-compliant decision (387 days for regular and 190 days for COVID inspections) was much longer than that of compliant decisions. In addition, at the time data was provided for the evaluation, IRCC had an inventory of inspections which were initiated before March 2020, but were put on hold when the inspection regime focused on inspections of COVID conditions. While the median age of the inventory for regular inspections was 1,046 days (about 2.9 years), stakeholders noted this does not reflect the actual level of effort required for an inspection to take place.

### Temporary Worker Awareness

Work permit holder survey results<sup>30</sup> showed that most ESWP holder respondents were aware of federal rights and standards (i.e., respecting the details of the job offer and having a workplace free from abuse).<sup>31</sup> The most common information sources on federal rights and standards for these respondents were their employer (49%) and IRCC's Work in Canada webpages (42%). Most ESWP and OWP holder respondents were also aware of P/T rights and standards related to minimum wage, taking breaks, vacation, public holidays, and leave for sickness or having a child. However, awareness was lower for P/T rights and standards related to setting up worker's compensation benefits, termination/lay-off procedures, and wage equity.

<sup>26</sup> IRCC does not conduct follow-ups on abuse of OWP holders.

<sup>27</sup> 2,861 A72 OWPs were issued between 2019 and 2022.

<sup>28</sup> Based on NOC of the employee's occupation.

<sup>29</sup> Decisions of compliance with justification and compensation, as well as compliance with justification were also seen to take longer.

<sup>30</sup> Refers to those with paid work who were not self-employed.

<sup>31</sup> Only ESWP holder respondents received questions on awareness of rights related to federal standards.

## Protection of Temporary Workers – Continued

In spite of an awareness of their rights, some respondents reported not knowing where they could get help or report concerns when the employer was not meeting federal (ESWP: 30%; OWP: 29%) and P/T standards (ESWP: 38%; OWP: 34%).

### Protection Issues

Most key informants mentioned temporary worker protection issues, but indicated that their occurrence was infrequent. Issues identified included: workplace abuse, employers and consultants taking advantage of vulnerable groups, and certain industries being more prone to non-compliance. Document review highlighted that temporary workers may not raise issues due to:

- low literacy and language capacity;
- cultural barriers;
- geographic or social isolation;
- dependency on employers for work and housing;
- fear of not being believed;
- lack of trust in the authorities; and
- fear of retribution or negative consequences.

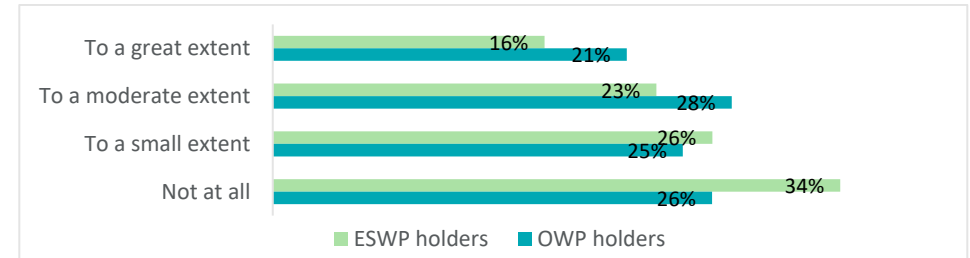
Incidence of self-reported issues with employers was low to moderate; less than a third of surveyed OWP holders experienced issues with Federal (15%) and P/T standards (30%), with reported incidence lower for surveyed ESWP holders (10% and 21% respectively).<sup>32</sup>

### Taking Action

40% of ESWP and 45% of OWP holders surveyed who experienced issues related to federal standards did not take any action. Of those who did not take action, 49% of ESWP holders were worried about losing or not being able to get another work permit; and 35% of OWP holders feared employer retribution.

Of those who took action on federal standards, 61% of ESWP holders and 57% of OWP holders reported trying to settle the issue(s) informally.

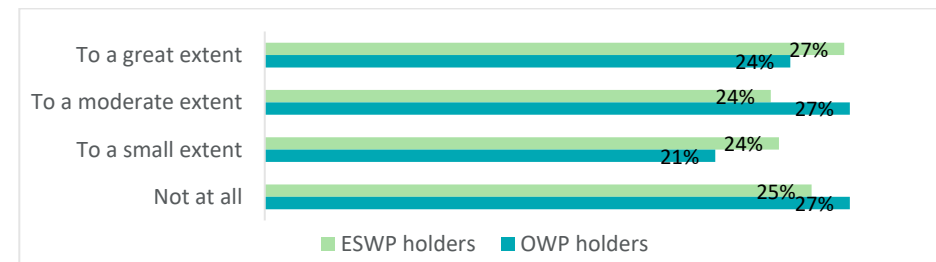
**Figure 18: Extent of Improvement Resulting from Actions Taken by Surveyed Work Permit Holders – Federal Standards**



About 47% of ESWP and 52% of OWP holders surveyed who experienced issues related to P/T standards did not take any action. Some of these respondents did not think the issues were serious enough to report (42% of ESWP and 40% of OWP holders surveyed). However, 30% of ESWP holders were worried about losing or not being able to get another work permit, while 27% were worried it would impact their ability to get PR in Canada. Further, 30% of OWP holders did not think it would improve anything, while 26% feared employer retribution.

Of those who took action on P/T standards, 54% of ESWP and 49% of OWP holders reported trying to settle the issue(s) informally.

**Figure 19: Extent of Improvement Resulting from Actions Taken by Surveyed Work Permit Holders – P/T Standards**



<sup>32</sup> Refers to those with paid work who were not self-employed.

## Application Process

### Finding 9: While many received assistance, clients were generally satisfied with the IMP work permit application process.

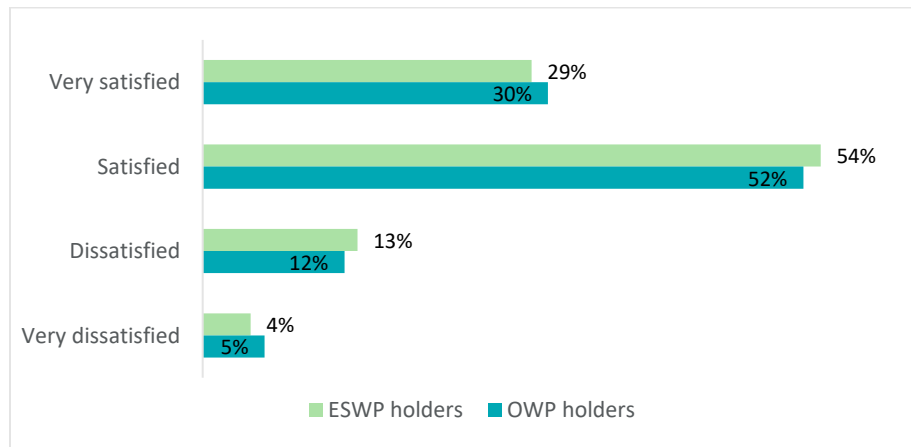
Generally, ESWP and OWP holders surveyed held positive views about the IMP work permit application process, with most indicating that they were satisfied or very satisfied with the overall process of obtaining a Canadian work permit.

Most respondents (on average, 79% of ESWP and 84% of OWP holders) who submitted an application on their own also agreed or strongly agreed that:

- The work permit application form was easy to understand;
- It was easy to gather the documents needed;
- They were able to complete the application quickly; and that
- IRCC work permit application webpages were easy to navigate.<sup>33</sup>

However, about a third of respondents (33% of ESWP and 29% of OWP holders) indicated that it was hard to find information about applying for a work permit.

**Figure 20: Satisfaction of Surveyed Work Permit Holders with the Overall Process of Obtaining a Canadian Work Permit**



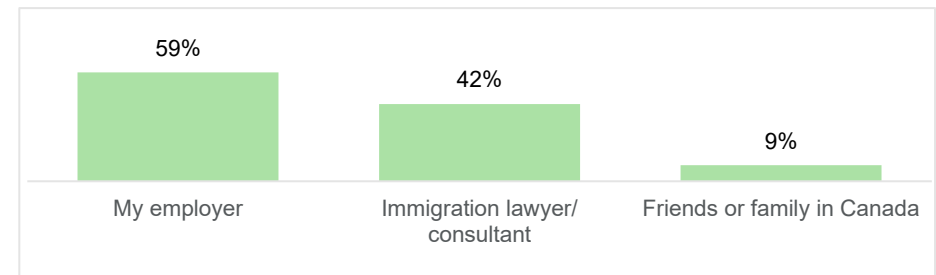
<sup>33</sup> Of respondents who submitted their application online.

Overall, a larger share of ESWP holders surveyed (70%) received help to complete their work permit application, compared to OWP holders surveyed (48%). The most common source of help was their employer for ESWP holder respondents, and an immigration lawyer or consultant for OWP holder respondents.<sup>34</sup>

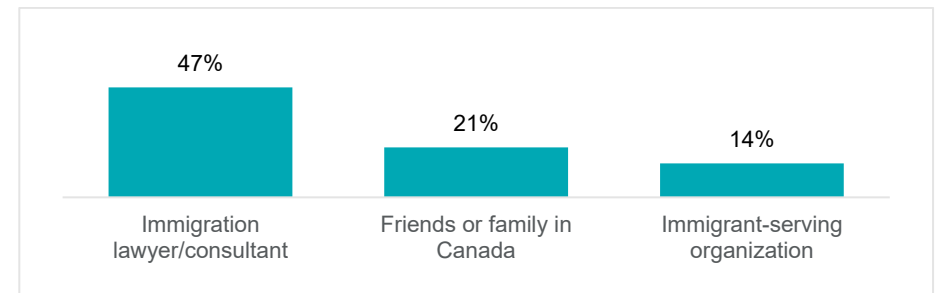
The most common reasons for seeking assistance were:

- For ESWP holders: it was a service offered by their employer (48%) and they were worried that they would make mistakes (43%); and
- For OWP holders: they were worried that they would make mistakes (75%) and the application was too confusing (17%).

**Figure 21: Top 3 Sources of Help for Surveyed ESWP Holders**



**Figure 22: Top 3 Sources of Help for Surveyed OWP Holders**



<sup>34</sup> Further, 26% of ESWP and 20% of OWP holders surveyed indicated that an immigration lawyer or consultant submitted the application on their behalf.

## Challenges with the Application Process

**Finding 10: Untimely application processing, lack of understanding of the various LMIA exemptions, and technical issues related to the Employer Portal were common challenges identified with IMP delivery.**

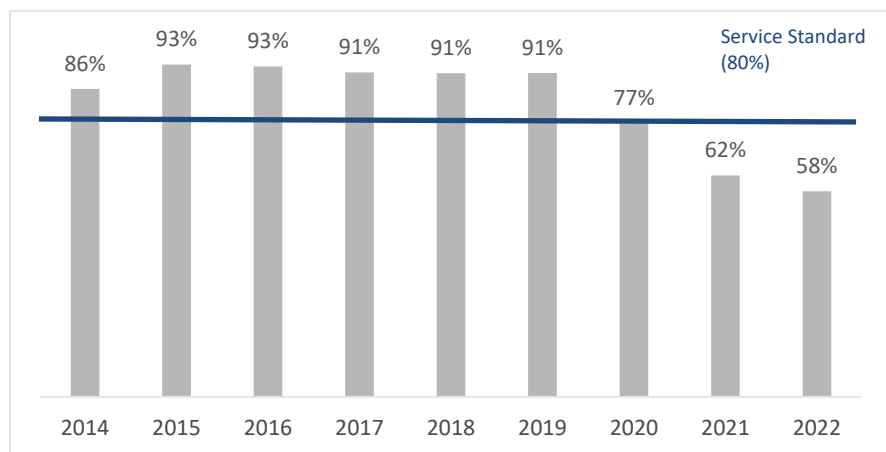
### Meeting Service Standards

With the exception of the IEC, the service standard for processing IMP work permits is that 80% of applications will be processed to a final decision within 60 days<sup>35</sup>. There is also a Ministerial commitment to prioritize processing for ESWPs of certain higher-skilled temporary workers (NOC 0 and A) under the GSS within 14 calendar days.

Administrative data showed that service standards were met for work permit applications under the IMP between 2014 and 2019, but were not met between 2020 and 2022.

- Generally, service standards were met for approved work permit applications (81%), relative to those refused (57%).
- They were also more frequently met for ESWP applications (87%), compared to OWP applications (71%).<sup>36</sup>

**Figure 23: IMP Work Permit Service Standards Achievement (GCMS)**

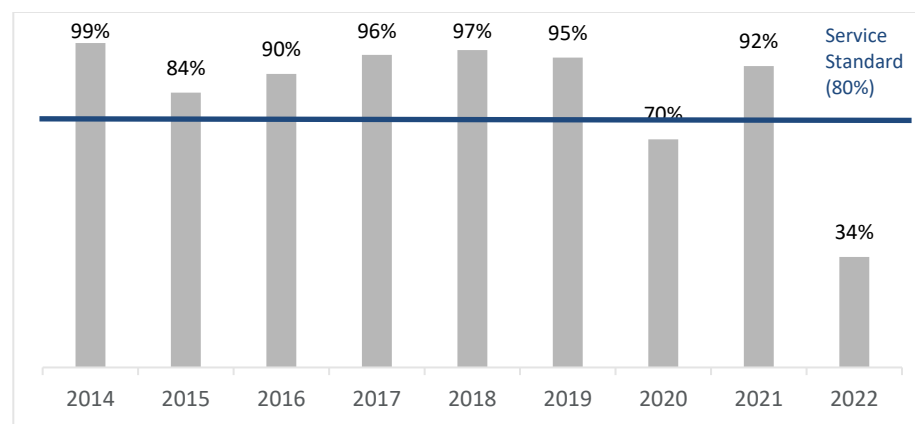


<sup>35</sup> The IEC work permit service standard is 100% of applications within 56 days.

<sup>36</sup> Includes work permit applications received and processed to a decision (approved and refused) between 2014 and 2022. Excludes IEC work permit applications.

The service standard for processing IMP work permit extensions is 80% of applications processed within 120 days. Administrative data showed that service standards were met for work permit extensions in each year, except 2020 and 2022. Work permit extension service standards were more aligned between approved (81%) and refused applications (75%) and ESWP (83%) and OWP applications (80%).<sup>37</sup>

**Figure 24: IMP Work Permit Extensions Service Standard Achievement (GCMS)**



### Timeliness of Application Processing

About three-quarters of work permit holders surveyed were satisfied with IMP processing times (ESWP: 75%; OWP: 74%). Employer representatives surveyed were somewhat less positive, with almost a third (32%) indicating dissatisfaction. Two-thirds of employer representatives indicated that long processing times were a challenge to a moderate or great extent. Key informants noted that timeliness can be dependent on the LMIA exemption, the complexity of the application, and whether it was submitted during the COVID-19 pandemic.

<sup>37</sup> Includes work permit extension applications received and processed to a decision (approved and refused) between 2014 and 2022, including those under the IEC.



## Challenges with the Application Process – Continued

### Understanding the LMIA Exemptions

Work permit holder and employer survey results revealed challenges related to understanding the LMIA exemptions:

- 45% of OWP and 32% of ESWP holders indicated not knowing which LMIA exemption applied to them.
- 55% of employer representatives reported challenges to a moderate or great extent finding the right LMIA exemption code, and understanding the differences between exemption codes
- 56% of employer representatives reported challenges to a moderate or great extent in understanding eligibility requirements for LMIA-exempt work permits.

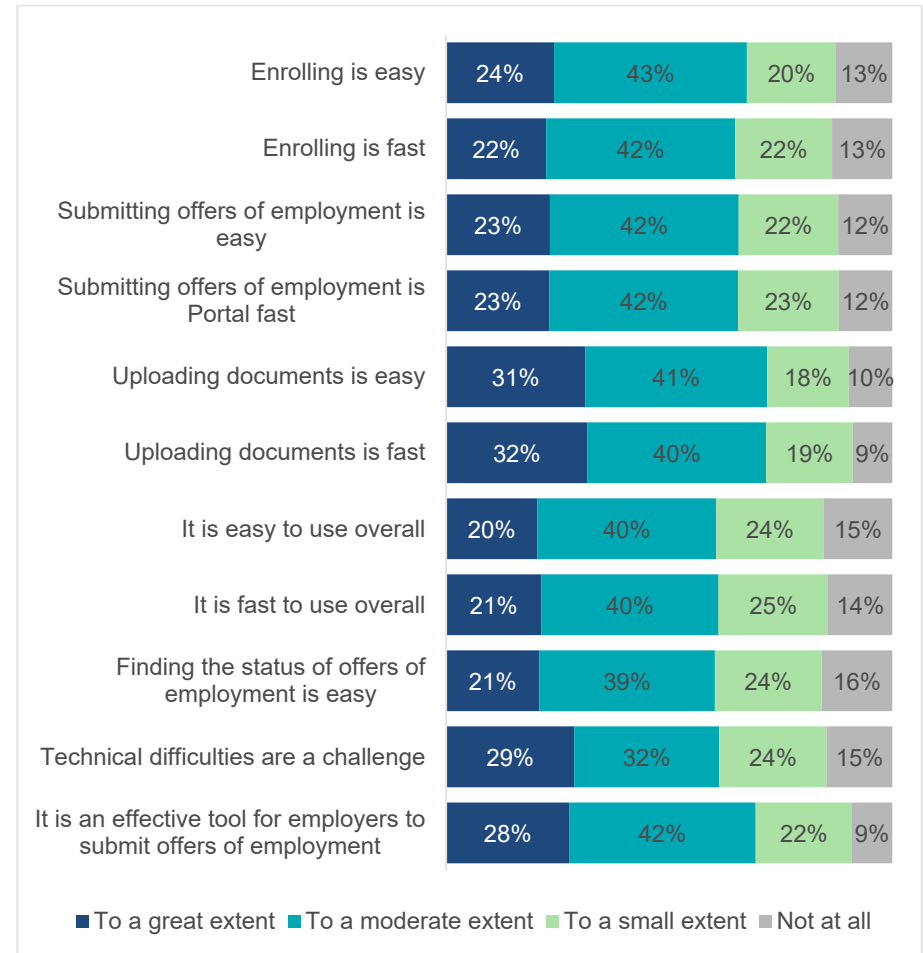
Key informants noted that, compared to large employers, smaller employers have difficulty navigating the work permit process, as they have less experience, less access to major cities, and less access to immigration lawyers or consultants.

### Employer Portal

Most key informants reported that the Employer Portal is not user-friendly, particularly when users need to troubleshoot issues. While views were mixed among surveyed employer representatives, many respondents (61%) indicated that technical difficulties are a challenge to a moderate or great extent.

In addition, many employer representatives (68%) did not use the available Employer Portal resources (e.g., Employer Portal Helpdesk, Employer Portal Inbox). However, for those who did use these resources, many found them to be useful to a moderate or great extent.

Figure 25: Overall Experience of Surveyed Employer Representatives with the Employer Portal



## Program Evolution and Integrity

**Finding 11: The collection of LMIA exemptions available continues to evolve and grow in complexity, particularly in the area of international trade agreements. While there has been ongoing emphasis in the LMIA exemptions to support various economic objectives over the years, more recent usage has reflected an increase in support for humanitarian objectives.**

**Finding 12: Some IRCC officers have difficulty assessing eligibility for the various LMIA exemptions. These difficulties vary depending on the LMIA exemption requirements being reviewed and often align with the areas where program integrity concerns were noted.**

### Evolution of LMIA Exemptions

Most key informants felt that the LMIA exemptions are relevant and useful and that the IMP has wide coverage for Canada's TR immigration needs. However, some gaps were highlighted, including in seasonal, construction and agricultural workers, healthcare, and other specialized workers. Correspondingly, 26% of employer representatives surveyed indicated that their organization had needs that are hard to fill for which there are no available LMIA exemptions.

Administrative data revealed that about 100 different LMIA exemption codes were used between 2014 and 2022. Trends in use included:

- LMIA exemptions consistently in the top 10 most frequently used:
  - C43 (PGWPP);
  - C21 (IEC/Other Youth Exchange);
  - C41 (Spouses of Skilled Workers);
  - A70 (Applicants in Canada);
  - C12 (ICTs); and
  - C32 (Post-Secondary Internship/Coop)<sup>38</sup>
- LMIA exemptions initially among the top 10 but less used over time:
  - C10 (Canadian Interests – Significant Benefit)
  - T13 (Canada-Provincial/Territorial); and
  - T23 (Professional – FTA)
- LMIA exemptions supporting Canada's humanitarian objectives have been used more often in recent years:
  - S61 (Refugee Claimants;) and
  - R01 (Public Policy)

Document review showed the number of LMIA exemptions continues to grow. For example, in December 2022, T23 (Professional – FTA) was replaced by six new LMIA exemptions, and C12 (ICTs) was replaced by three new LMIA exemptions.

Some key informants suggested that LMIA exemptions could be streamlined, given the volume of exemptions, but there was no consensus on how to streamline exemptions. It was also noted that other Free Trade Agreements (FTAs) have replicated the LMIA exemption codes of the North American Free Trade Agreement (NAFTA)/ Canada–United States–Mexico Agreement (CUSMA), which increased the number of exemptions.

### Assessing Eligibility

Document review found extensive PDIs on LMIA exemptions and related topics supporting the IMP. Generally, IRCC officers surveyed reported to a moderate or large extent that they had sufficient training and that functional guidance provided the information they needed to make a final decision. However, views were less favourable in relation to LMIA exemptions under Other Canadian Interests – over a third indicated to a small extent or not at all to having sufficient training (34%) or the functional guidance needed (38%).

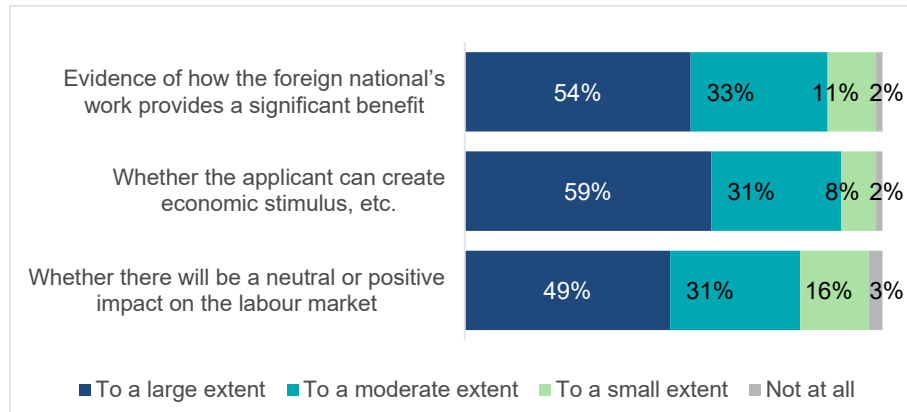
In spite of these tools, document review and key informants highlighted challenges related to assessing eligibility requirements, notably a lack of notifications on non-compliant employers; genuineness of the spousal relationship; genuineness of the employer, their subsidiaries, and the employer's offer; and assessing "specialized knowledge" for ICTs.

<sup>38</sup> Excluding 2014 as this exemption did not exist at the time.

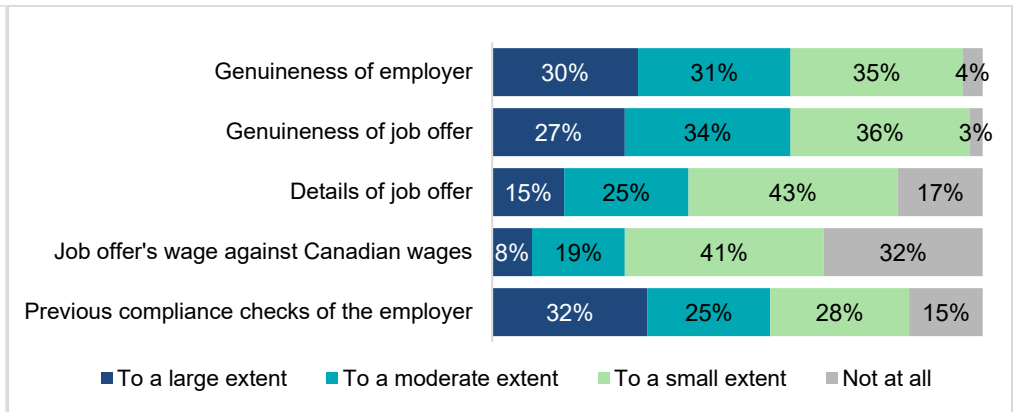
## Program Evolution and Integrity – Continued

IRCC officers surveyed also indicated difficulties assessing eligibility in various LMIA exemption areas, often to a moderate or large extent.<sup>39</sup> Selected difficulties are shown below.

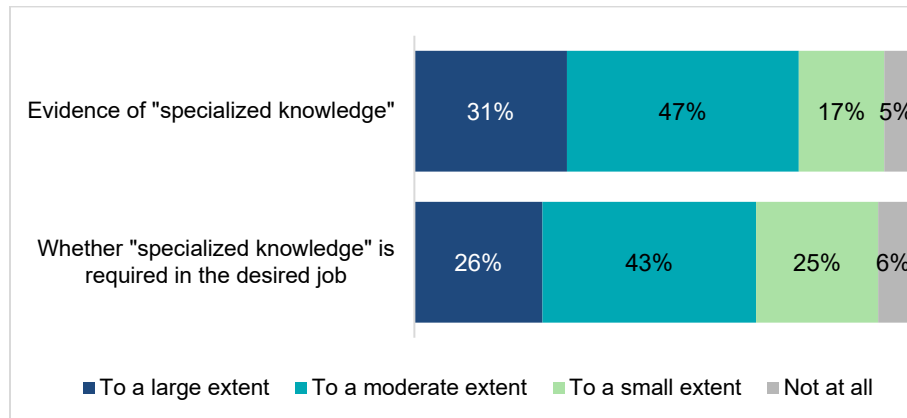
**Figure 26: Difficulties Assessing C10 for Surveyed Officers**



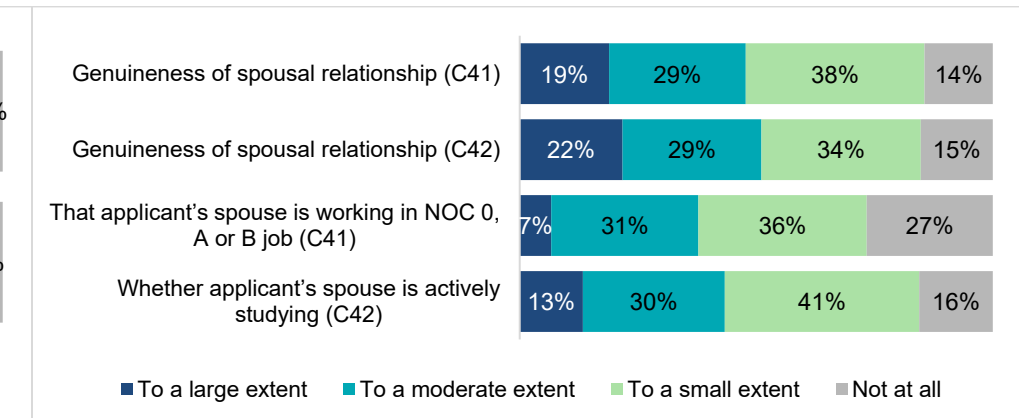
**Figure 27: Difficulties Assessing ESWPs for Survey Officers**



**Figure 28: Difficulties Assessing Specialized Knowledge for Surveyed Officers**



**Figure 29: Difficulties Assessing Spousal OWPs (C41 and C42) for Surveyed Officers**



<sup>39</sup> IRCC officers who had experience processing a particular LMIA exemption/exemption grouping were asked follow-up questions related to program guidance and training, difficulties assessing eligibility, program integrity concerns and the extent to which reaching a final decision is time-consuming.

## Program Evolution and Integrity – Continued

### Program Integrity Concerns

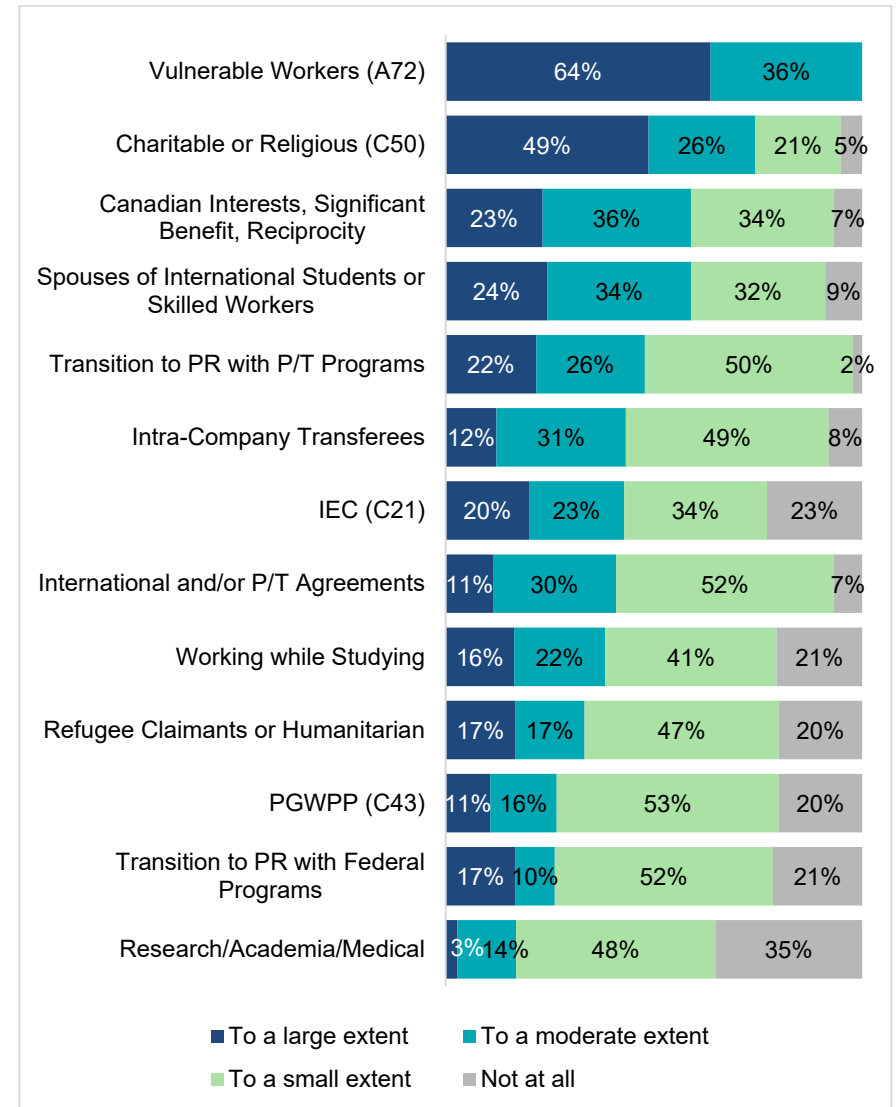
Key informants indicated a variety of potential program integrity gaps, including:

- insufficient and inadequate training on integrity issues;
- difficulties finding PDIs;
- missing details in the PDIs, including lack of checklists;
- lack of data on OWPs and information on OWP holders after receiving their permit;
- lack of data on employers of OWP holders;
- Employer Portal issues;
- employer’s selecting the wrong NOC; and
- processing pressures eroding quality control and diminishing review time per application.

Integrity Risk Management (IRM) Branch exercises highlighted various program integrity gaps related to the assessment of eligibility for ESWPs and OWPs.

Surveyed IRCC officers also highlighted specific LMIA exemption areas that they thought have significant program integrity issues. Many noted that it was time-consuming to a moderate or large extent to reach a final decision for many of these areas – for example, in the areas of Canadian Interests/Significant Benefit/Reciprocity (84%), Vulnerable Workers (82%), International and P/T Agreements (68%), Charitable/Religious (65%), and ICTs (63%).

Figure 30: Program Integrity Concerns of Surveyed Officers by LMA Exemption Group



## COVID-19

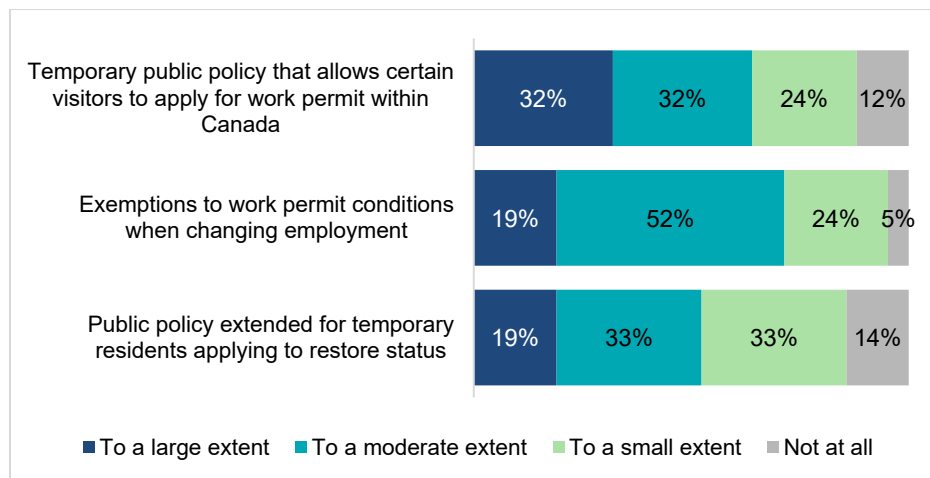
**Finding 13: The COVID-19 pandemic had a considerable impact on the design, delivery and benefits of the IMP, including new public policies and requirements for employers, as well as challenges for the employer compliance regime, and issues for employer recruitment and temporary worker employment.**

### Impacts on Program Delivery

Key informants reported impacts on IMP delivery as a result of the COVID-19 pandemic.<sup>40</sup> Some impacts were positive, such as digitizing applications and streamlining some digital processes. Other impacts were negative, including resource challenges owing to changing processing priorities, halting the processing of certain applications types, and short implementation time for public policies.

More specifically, in response to COVID-19, IRCC prioritized processing work permits for essential sectors (e.g., health care) and established three public policies to support foreign nationals in Canada. However, many IRCC officers surveyed reported program integrity issues related to these public policies to a moderate or large extent.

**Figure 31: Program Integrity Concerns of Surveyed Officers related to COVID-19 Public Policies**



<sup>40</sup> For the purposes of the evaluation, the COVID-19 pandemic covers the period of March 2020 to September 2022, coinciding with the expiry of the additional COVID-19 employer requirements.

Further, as noted in finding 10, service standards for work permits and extensions were largely not met between 2020 and 2022.

### Employer Compliance Regime

IRCC introduced additional requirements for employers under the Compliance Regime during the COVID-19 pandemic. Most employer representatives surveyed who hired or tried to hire temporary workers under the IMP indicated awareness of these new responsibilities:

- Allowing employees to follow any orders made under the Quarantine Act and the Emergencies Act (94% aware);
- Allowing employees to comply with any provincial or territorial laws or orders related to COVID-19 (96% aware); and
- Paying foreign workers for any period that they were in mandatory isolation or quarantine, even if the worker was unable to perform any work duties (87% aware).

However, of these, about 40% reported challenges with them to a moderate or great extent.

Inspection activities were restricted during this period, as IRCC put regular inspections on hold to focus on inspections of new COVID requirements. The document review also found that some program integrity enhancements were put on hold due to COVID-19, including:

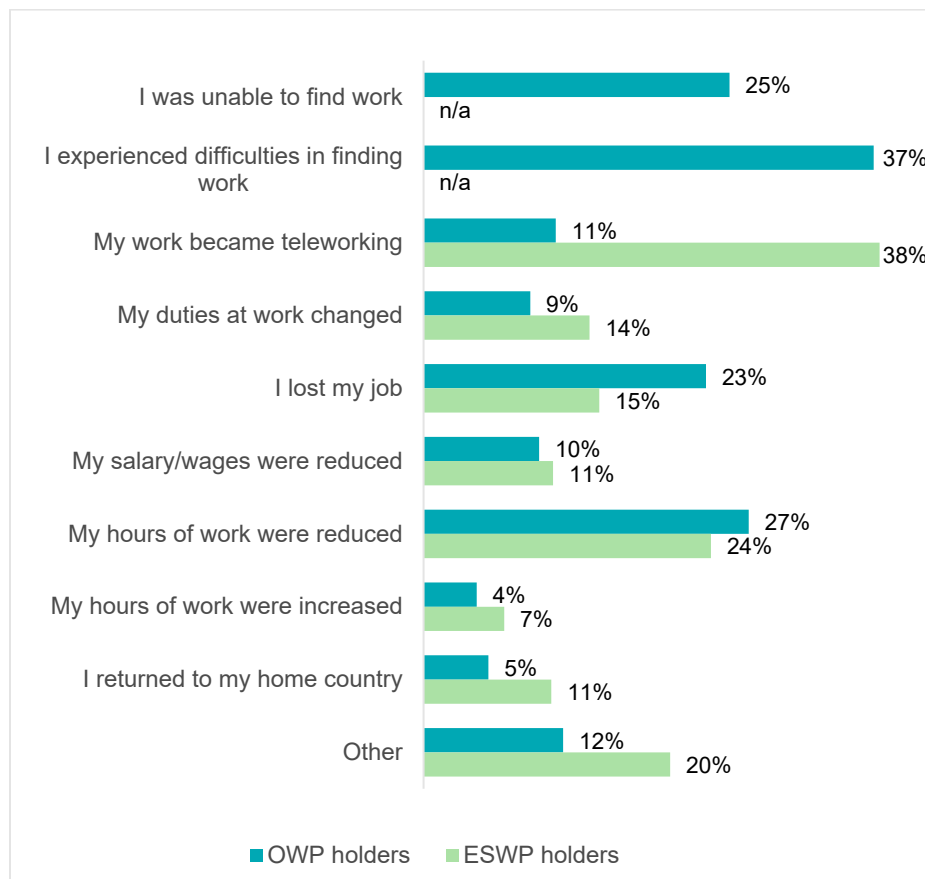
- Info-alerts/flagging of employers found non-compliant;
- Information-sharing between IRCC and ESDC on non-compliant employers; and
- Analysis of employers subverting non-compliance decisions by using multiple business numbers.

## COVID-19 – Continued

### Impacts on Temporary Workers

A greater share of OWP (41%) compared to ESWP (30%) holders surveyed reported an impact of the COVID-19 pandemic on their ability to work in Canada. The most common impacts among OWP holder respondents were difficulties finding or inability to find work, reduced hours of work and job loss. About half of those who lost their job reported having lost it permanently. For ESWP holder respondents, the most common impacts of COVID-19 were a switch to teleworking and reduced hours of work.

**Figure 32: COVID-19 Impacts for Surveyed Work Permit Holders**



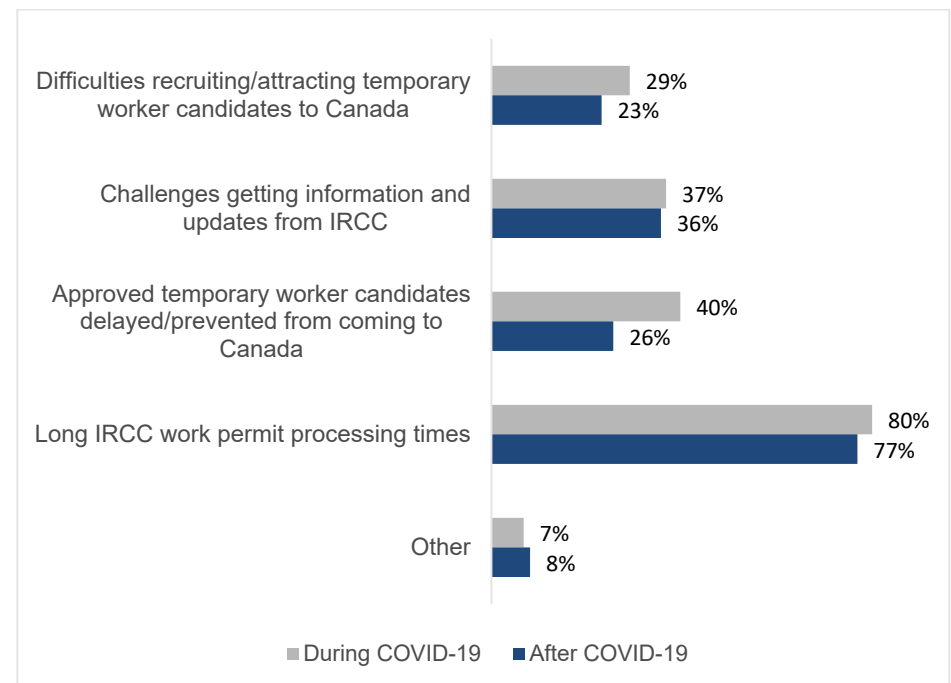
### Impacts on Employers

About 54% of employer representatives surveyed indicated hiring or trying to hire temporary workers under the IMP during the COVID-19 pandemic; Of these, about 76% indicated at least one challenge. The most common issues included:

- Long IRCC work permit processing times;
- Workers delayed or prevented from coming to Canada; and
- Issues getting information and updates from IRCC.

About 46% of surveyed employer representatives reported hiring or trying to hire temporary workers under the IMP after the COVID-19 pandemic. While a smaller share of these respondents (68%) reported challenges, long work permit processing times remained a key issue.

**Figure 33: COVID-19 Impacts for Surveyed Employer Representatives**



# Conclusions and Recommendations

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This report presented the findings of the evaluation of the IMP. The evaluation provided evidence and strategic findings in support of policy and program development, while fulfilling requirements under the Treasury Board's Policy on Results.

Overall, the evaluation found that different LMIA exemptions under the IMP are aligned with specific GOC and IRCC objectives, such as exemptions focused on attracting high-skilled workers and supporting Canada's International Education Strategy. However, the program is less aligned with commitments to consider Canadian workers first, especially given the program's continued growth. The evaluation found that IRCC does not systematically monitor labour market impacts. Moreover, data gaps, particularly in the area of OWPs, make it difficult to assess fully the program's benefits relative to risks for unintended consequences, such as displacement of Canadian workers and wage suppression.

The evaluation also found evidence that the IMP is bringing economic, social, and cultural benefits to Canada, and is contributing to access to and employment of temporary workers in various sectors. It supports reciprocal relationships with other countries, as well as supports local communities and businesses in Canada. The program directly supports cultural industries like film, facilitates spousal reunification, provides opportunities for cultural exchange between workers and in communities, and contributes to transitions to permanent residence. There was also evidence that some LMIA exemptions are facilitating a broader distribution of benefits across Canada.

However, some disparities in benefits within the IMP were also noted, particularly in relation to gender. Notably, more men accessed ESWP streams of the IMP than women, and had higher median employment earnings across all LMIA exemption groups. Further, work permit processing times were faster for ESWP holders, and there was

evidence that OWP holders are having challenges finding employment commensurate with their skills and education.

In terms of program delivery, the evaluation found that work permit holders were generally satisfied with the IMP application process, and that IRCC often met its service standards, with the exception of recent years. However, many employers who tried to hire temporary workers under the IMP during and after the COVID-19 pandemic indicated long processing times. Difficulty understanding the various LMIA exemptions and technical issues with the Employer Portal were also common challenges for stakeholders. Further, while PDIs and training were generally felt to be sufficient, program integrity concerns and difficulty assessing eligibility, as well as the time needed to reach a final decision were issues for the program.

Lastly, the evaluation found that the rights of temporary workers are generally being protected and employers of ESWP holders are mostly aware of and adhering to their responsibilities under the IMP. However, when temporary workers have issues, many do not take action due to the potential for repercussions. While awareness efforts target both ESWP and OWP holders, employer compliance mechanisms are designed primarily for employers of ESWP holders. Further, lack of awareness among temporary workers on where to get help and the lengthy process of employer compliance inspections were identified as issues.

In light of these findings, the evaluation identified a few key areas in need of improvement related to performance measurement and data management, application processing challenges across LMIA exemptions, and temporary worker protections. Addressing these areas will help support the program in meeting its objectives and achieving its expected outcomes, and will improve the department's understanding of the program's impacts on the Canadian labour market (both positive and negative).

## Recommendations

### Recommendation 1:

While the evaluation demonstrated that there have been various benefits to Canada as a result of the IMP, their full extent was unclear given data limitations. Further, the program was built on the assumption that these benefits exceed any potential harm to the domestic labour market, but IRCC efforts to test these assumptions have been minimal. To this end, the evaluation recommends that:

- 1. IRCC should enhance the performance measurement strategy for the IMP by developing and implementing a comprehensive strategy to:**
  - a. Improve data completeness and address data limitations related to employers, occupational information on OWP holders, characteristics of refused applicants, and inspections;**
  - b. Measure the risks of unintended consequences of the IMP, including considerations of labour market displacement, impacts on wages and GBA+ factors;**
  - c. Refine key performance indicators and establish targets to capture more fully the program's social and economic benefits relative to the risks identified above; and**
  - d. Conduct an assessment of program benefits relative to risks.**

### Recommendation 2:

The evaluation found stakeholder issues with the Employer Portal and understanding the various LMIA exemptions, as well as mixed results on the timeliness of application processing. For certain LMIA exemptions, IRCC officers processing work permit applications

indicated program integrity concerns and difficulty assessing eligibility requirements. Addressing these issues will help improve the timeliness of application processing for certain LMIA exemptions and enhance the client experience. To this end, the evaluation recommends that:

- 2. IRCC should develop and implement measures to improve understanding of LMIA exemptions, technical issues with the Employer Portal and officers' difficulties assessing eligibility, particularly in areas where program integrity concerns have been identified.**

### Recommendation 3:

The evaluation found that generally, under the IMP, employers of ESWP holders are aware of and adhering to their responsibilities, and the rights of temporary workers have been protected. However, the evaluation noted that issues can occur and temporary workers may not take action. Further, the IMP Employer Compliance Regime is set up to protect ESWP holders more directly than OWP holders. Potential negative consequences of reporting employer issues, lengthy investigation times, and a lack of awareness on where to get help can also hinder the effectiveness of compliance mechanisms. To this end, the evaluation recommends that:

- 3. IRCC should work with ESDC to strengthen further temporary worker protections including:**
  - a. Promoting and enhancing reporting mechanisms for temporary workers,**
  - b. Exploring the expansion of compliance mechanisms to OWP holders; and,**
  - c. Improving timeliness of investigations under the Employer Compliance Regime.**



# Annex A: Profile of IRCC Officer and Employer Surveys

| IRCC Officer Survey  |   |  |   |
|--|---|--|---|
| <b>Survey Population</b><br>Original list: 240<br>Bounced Back: 25<br>Surveys Received: 108<br>Screened-Out (Q2): 2<br>Incomplete Surveys: 3<br>Final Total (N): 103 | <b>Networks</b><br>DN: 9 (9%)<br>CN: 33 (32%)<br>IN: 61 (59%) | <b>Position</b><br>Case Processing Agent: 11 (11%)<br>Case Processing Officer: 15 (15%)<br>DN Officer: 9 (9%)<br>Immigration Officer: 21 (20%)<br>Processor: 7 (7%)<br>Risk Assessment Officer: 6 (6%)<br>Senior Immigration Officer: 24 (23%)<br>Unit Manager: 10 (10%) | <b>Years of Experience</b><br>Less than 6 months: 11 (11%)<br>6 months to up to less than 1 year: 19 (18%)<br>1 to 2 years: 16 (16%)<br>3 to 5 years: 39 (38%)<br>6 to 10 years: 18 (17%) |

| Employer Survey  |   |  |   |  |
|--|---|--|---|--|
| <b>Survey Population</b><br>Original list: 49,297<br>Bounce Backs: 6<br>Surveys Received: 4694<br>Screened-Out: 0<br>Incomplete Surveys: 2003<br>Final Total (N): 2691 | <b>Size of Organization</b><br>Small (1 to 99 employees): 2109 (78%)<br>Medium (100 to 499 employees): 365 (14%)<br>Large (500 or more employees): 217 (8%) | <b>Size of Small Organizations</b><br>1 to 4 employees: 503 (24%)<br>5 to 19 employees: 887 (42%)<br>20 to 99 employees: 719 (34%) | <b>HQ Located in Canada</b><br>Yes: 2428 (90%)<br>No: 250 (9%)<br>Don't know: 13 (1%) | <b>Top 5 Sectors</b><br>Accommodation and food services: 470 (16%)<br>Professional, scientific and technical services: 309 (10%)<br>Manufacturing: 245 (8%)<br>Arts, entertainment and recreation: 214 (7%)<br>Information and cultural industries: 187 (6%)<br>Construction: 170 (6%) |

# Annex B: Profile of Work Permit Holder Surveys

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## Profile of Survey Respondents Compared to Population - OWP Holders Based on Latest Work Permit - 2018 to 2022 Sign Date

The survey was administered online and sent to a sample of 200,000 clients (18 years of age or older) issued an OWP between 2018 and 2022 (based on sign date of latest permit) with a valid email address. The survey was available in English, French, Simplified Chinese, Arabic, Spanish, Portuguese and Korean, and received 13,275 completions for a response rate of 7%. The OWP holder population for the survey included a total of 1,623,362 unique clients; of which, 89% had a valid email on file.<sup>41</sup> The population was determined taking into account a combination of variables in the GCMS dataset, including an OWP indicator, the absence of a NOC code (other than the synthetic NOC code of 9999), the absence of an employer on file, and the LMIA exemption code of the latest IMP work permit. Overall, the margin error for the survey was  $\pm 0.85\%$  based on a confidence level of 95%.

Generally, characteristics of OWP holder survey respondents were well aligned with the survey population in terms of work permit sign date year, gender, P/T of intended destination and LMIA exemption groups (i.e., differences between population and respondent sample percentages were within  $\pm 5\%$ ).<sup>42</sup> However, some minor variance was observed in the P/T of destination, with a slightly greater share from Quebec (+7.2%) and slightly lower share from Ontario (-5.7%), as well as LMIA exemption group, with a slightly lower share in the Working while Studying group (-5.7%). Some variance was also observed in the age of respondents at the time of the survey, with a greater share in the 35 to 44 age group (+9.5%), and smaller share in the 18 to 24 age group (-10.6%).

## OWP Survey Respondent Characteristics Based on Additional Survey Questions

In addition, the survey collected information on respondent characteristics not available (or available in a different or inconsistent way) in GCMS. These questions were optional, and collected information from respondents who used their OWP to work or live in Canada (n=12,853), most of whom indicated working (90%). The following provides a profile of OWP holder respondents at the time of the survey.<sup>43</sup>

- **Canada's Official Languages:** Most respondents (82%) were English-speaking, while about 16% were French-speaking and 2% indicated not speaking either official language at the time of the survey.
- **Highest Level of Education Completed:** About 63% indicated having a university degree (Bachelor's, Master's or Doctorate), while 21% indicated having completed a College diploma, trade school or CEGEP, and 9% a high school diploma. A small percentage indicated no formal education (1%) or having completed some formal education, but less than a high school diploma (2%), while 4% indicated having completed some other level of education.
- **Gender:** About 47% self-identified most as being a woman at the time of the survey, while 50% self-identified most as being a man. About 3% self-identified as non-binary, a gender identity not listed, or with more than one gender.

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<sup>41</sup> The survey send-out file was cleaned to the extent possible to remove individuals using the email address of an immigration consultant/lawyer for their contact information. Individuals were kept if they had a unique email address or shared an email address with no more than one other person, taking into account that the file likely included some spouses/common-law partners using the same email address.

<sup>42</sup> Based on GCMS data available for the survey population and respondents.

<sup>43</sup> Excludes those who chose not to answer the question or indicated "Don't know/Prefer not to say".

- **Disabilities:** About 2% of respondents indicated that they were a person with a disability. The two most frequent types of disabilities self-identified were a disability related to:
  - an emotional, psychological or mental health condition; or
  - difficulty walking, using stairs, using their hands or fingers or doing other physical activities.
- **Religion or Spirituality:** About 43% of respondents indicated Christianity as their religion or spirituality, while 23% indicated no religion/secular. About 11% indicated Islam, 10% indicated Hinduism and 8% indicated Sikhism.
- **Sexual Orientation:** About 89% of respondents self-identified their sexual orientation as Heterosexual, while 11% self-identified another sexual orientation (including Gay or Lesbian, Bisexual, Asexual, Pansexual, another sexual orientation not listed, or multiple sexual orientations).
- **Ethnic or Racial Group:** About 23% of respondents self-identified most as South Asian at the time of the survey, while 19% self-identified most as Black and 16% self-identified most as White. In addition, 12% self-identified most as Latin American, 9% as East Asian and 8% as Southeast Asian.

## Profile of Survey Respondents Compared to Population - ESWP Holders Based on Latest Work Permit - 2018 to 2022 Sign Date

The survey was administered online and sent to the population of 156,814 clients (18 years of age or older) issued an ESWP between 2018 and 2022 (based on sign date of latest permit) with a valid email address. The survey was available in English and French, and received 4,744 completions for a response rate of 3%.<sup>44</sup> The original ESWP holder population for the survey included a total of 230,831 unique clients; of which, 68% had a valid email on file.<sup>45</sup> The population was determined taking into account a combination of variables in the GCMS dataset, including an OWP indicator, the presence of a NOC code (other than the synthetic NOC code of 9999), the presence of an employer on file, and the LMIA exemption code of the latest IMP work permit. Overall, the margin error for the survey was  $\pm 1.41\%$  based on a confidence level of 95%.

Generally, characteristics of ESWP holder survey respondents were well aligned with the survey population in terms of gender, age at the time of the survey, P/T of intended destination, occupation skill level and skill type (i.e., differences between population and respondent sample percentages were within  $\pm 5\%$ ).<sup>46</sup> Some minor variance was observed in the age at the time of the survey, with a slightly greater share in the 35 to 44 age group (+6.3%), and occupation type, with a slightly greater share of occupations in education, law and social, community and government services (+6.6%). Some variance was also observed in the work permit sign date year of respondents, with a slightly greater share in 2022 (+6.4%) and lower share in 2019 (-7.4%), as well as LMIA exemption group, with a smaller share in the Other Canadian Interests group (-8.0%).

### ESWP Survey Respondent Characteristics Based on Additional Survey Questions

In addition, the survey collected information on respondent characteristics not available (or available in a different or inconsistent way) in GCMS. These questions were optional, and collected information from respondents who used their ESWP to work in Canada (n= 4,542). The following provides a profile of ESWP holder respondents at the time of the survey.<sup>47</sup>

- **Canada's Official Languages:** Most respondents (78%) were English-speaking, while about 22% were French-speaking and less than a percent indicated not speaking either official language at the time of the survey.
- **Highest Level of Education Completed:** About 77% indicated having a university degree (Bachelor's, Master's or Doctorate), while 12% indicated having completed a College diploma, trade school or CEGEP, and 6% a high school diploma. Only 1% indicated no formal education or having completed some formal education, but less than a high school diploma, while 4% indicated having completed some other level of education.
- **Gender:** About 32% self-identified most as being a woman at the time of the survey, while 66% self-identified most as being a man. About 2% self-identified as non-binary, a gender identity not listed, or with more than one gender.
- **Disabilities:** About 1% of respondents indicated that they were a person with a disability. The two most frequent types of disabilities self-identified were a disability related to:

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<sup>44</sup> A technical problem during the administration of the ESWP Holder Survey caused the anonymization of some survey responses, such that they could not be linked back to information on client characteristics in GCMS. Anonymized responses did not differ substantively from the linkable responses, and were excluded from the analysis. The total number of respondents initially (anonymized and linkable) was 12,653, for a response rate of 8%.

<sup>45</sup> The survey send-out file was cleaned to the extent possible to remove individuals using the email address of an immigration consultant/lawyer for their contact information. Individuals were kept if they had a unique email address or shared an email address with no more than one other person, taking into account that the file likely included some spouses/common-law partners using the same email address.

<sup>46</sup> Based on GCMS data available for the survey population and respondents.

<sup>47</sup> Excludes those who chose not to answer the question or indicated "Don't know/Prefer not to say".

- an emotional, psychological or mental health condition; or
  - difficulty learning, remembering, or concentrating.
- **Religion or Spirituality:** About 38% of respondents indicated Christianity as their religion or spirituality, while 34% indicated no religion/secular. In addition, about 14% indicated Hinduism and 6% indicated Islam.
- **Sexual Orientation:** About 91% of respondents self-identified their sexual orientation as Heterosexual, while 9% self-identified another sexual orientation (including Gay or Lesbian, Bisexual, Asexual, Pansexual, another sexual orientation not listed, or multiple sexual orientations).
- **Ethnic or Racial Group:** About 36% of respondents self-identified most as White at the time of the survey, while 20% self-identified most as South Asian and 13% self-identified most as Latin American. In addition, 9% self-identified most as Southeast Asian, 7% as East Asian and 5% as Black.

# Annex C: LMIA Exemption Groups

The following LMIA exemption groups (including key LMIA exemption codes) were developed with program input for the purpose of the evaluation.

- 1) Intra-company transferees
  - C12 (Intra - company transferees)
  - T24 (Intra-company transferee (FTA))
  - T44 (CETA/CUKTCA Intra-corporate transferees)
  - T51 (CPTPP Intra-Corporate Transferees)
- 2) Post-Graduate Work Permit Program
  - C43
- 3) IEC/Other Youth Exchange
  - C21 (IEC special codes for WHP, ICP and YPP)
- 4) Academic/Research/Medical
  - C22 (Exchange professors, visiting lecturers)
  - C31 (Research program)
  - C44 (Post-doctoral fellows and award recipients)
  - C45 (Foreign Medical Residents and Fellows)
- 5) Working while Studying
  - C32 (Co-Op/Internship Post-Secondary)
  - C33 (Co-Op/Internship Secondary)
  - C30 (Research, educational or training program – discontinued)
  - C25 (Off-campus employment – discontinued)
- 6) Other Canadian Interests
  - C10 (Canadian interests – significant benefit)
  - C11 (Entrepreneurs)
  - C13 (Emergency repair personnel or repair personnel for out-of-warranty equipment)
  - C14 (TV/Film Certain Essential Personnel)
  - C16 (Francophone Mobility)
  - C20 (Reciprocal Employment)
  - C23 (Performing Artists - CDN Production)
- 7) Spouses
  - C41 (Spouses of skilled workers)
  - C42 (Spouses of international students)
  - T25, T45 and T53 (Spouses under international agreements)
- 8) International and P/T Agreements
  - T11 (Canada–International Non-Trade Agreements)
  - T13 (Canada-provincial/territorial)
  - T21, T22 and T23 (NAFTA/CUSMA/FTA exemptions)
  - T33 (GATS professional)
  - T43, T47 and T48 (CETA/CUKTCA exemptions)
- 9) Charitable/Religious
  - T52 (CPTPP Professionals and Technicians)
  - C50
- 10) Transition to PR
  - Federal
    - A70 (PR Applicants in Canada)
    - A71 (Pending LIC APR)
    - A75 (Positive Eligibility Economic Classes)
  - P/T and Regional
    - C15 and C17 (Rural and Northern Immigration Pilot - RNIP)
    - C18 (Atlantic Immigration Program)
    - T12 (Provincial-International Agreement)
- 11) Humanitarian
  - A72 (OWP - Vulnerable workers)
  - H24 (Haiti Special Measures)
  - H81 (Destitute students)
  - H82 (Holders of TRPs – 6 months)
  - S61 (Refugee claimants)
  - S62 (Persons - unenforceable removal order)
  - R01 (Public Policy)