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Archived: June 2, 2025 10:05:14 AM
From:
Sent: Fri, 17 Jan 2025 15:31:39
To:
Cc: [redacted] Representatives | Représentants immigration (IRCC) [redacted] (IRCC/IRCC)

Subject: RE: Preemptive refusals of Work Permit renewal applications submitted with proof of LMIA pending applications - urgent
Importance: Normal
Sensitivity: None

Thank you

I would like to highlight a potential issue with the implementation of the strict rule under the new restrictions regarding open work permits (OWP) for spouses and children, set to come into effect on January 21, 2025.

Many spouses and children are eager to submit their OWP applications (new or renewal) before the cut-off date. However, in numerous cases, the LMIA for the principal applicant is still under processing—a process that often takes 3 to 4 months—and the principal applicant's work permit does not expire within the required two-week timeframe.

This situation is quite prevalent among our members, who are currently handling a significant number of such cases. We are deeply concerned about the risk of widespread refusals due to the rigid application of this rule. Notably, it is impossible to renew a spouse's OWP without the principal applicant's acknowledgment of receipt (AOR).

We hope these concerns can be taken into account to mitigate any unintended consequences for affected families.

Best regards,

De :
Envoye : 16 janvier 2025 17:42
À :
Cc : [redacted] Representatives | Représentants immigration (IRCC) [redacted]

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Objet : Re: Preemptive refusals of Work Permit renewal applications submitted with proof of LMIA pending applications - urgent

Thank you,

[redacted] i[redacted] process for [redacted] during our presentation last December, particularly in light of these circumstances. Currently, some of these requests are taking as long as 4-5 weeks.

Having a file preemptively refused in just 30-60 days in such circonstances, only for it to take five (5) months to process a restoration request, feels deeply unfair. We've encountered cases where a Work Permit refusal was issued within 30-60 days, only to finally receive the LMIA approval just days later. This forces workers into a restoration process that takes another five months before they can be authorized to work—leaving them without income, benefits such as employment insurance, or any form of support.

This situation is leading to unnecessary hardship, with temporary foreign workers potentially facing homelessness through no fault of their own, but rather due to the prolonged processing times for LMIA applications by Service Canada.

Warm regards,

[redacted]

[redacted]

If I may add, those who have put in requests for reconsideration (or had put in and were rejected) should be reviewed on an expedited manner, failing which, at the very least be granted priority processing when they file

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for restoration. To have these foreign workers wait another 5 month to be restored (particularly those refused in error) is unjustified. The families are struggling to make ends meet and some are needing to now go to food banks as their funds deplete.

Thank you.

Sent from my iPhone. Please excuse all typos and short responses.

From:
Sent: [redacted] 16, 2025 2:52:33 PM
To: [redacted] Representatives [redacted] Représentants immigration (IRCC) [redacted]
Cc: [redacted]

Subject: Preemptive refusals of Work Permit renewal applications submitted with proof of LMIA pending applications - urgent

[External Sender]

[redacted]

First and foremost, I wish you all the best for 2025! May this year bring health and resilience as we navigate the many challenges in immigration together.

I am reaching out regarding a pressing issue that has been impacting numerous employers and workers across Canada, particularly in essential sectors such as healthcare and the food industry. This concern was brought to your attention during the last two IRCC-IP meetings with CBA and CAPIC in June and December 2024. I wouldn't reach out unless the situation had become critical.

Recently, we have observed a **significant increase** in preemptive refusals of Work Permit renewal applications submitted with proof of LMIA and, when applicable, CAQ applications in progress. In many cases, these refusals are issued within 30 to 60 days of submission—far earlier than IRCC's posted processing time of approximately five (5) months. This practice disproportionately affects workers and employers already grappling with significant delays in LMIA and CAQ processing, which have been exacerbated by the recent changes implemented by Service Canada in September and November 2024. These changes, in turn, appear to have triggered a surge in LMIA applications.

Key Facts to Consider

1) Processing Delays with Service Canada and MIFI

- Priority sectors such as food production, healthcare, and construction, which were previously processed within 30 days, are now facing delays of up to four months.

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- Many employers have been forced to submit LMIA renewal applications much earlier than usual to retain their workforce, driven by extended delays and the policy changes introduced in fall 2024.

2) Disproportionate IRCC Refusals

- IRCC is refusing Work Permit renewal applications prematurely—often within 30 to 60 days of submission—due to the absence of an approved LMIA or CAQ at the time of filing but with the proof of such ongoing applications.
- These refusals occur without granting applicants sufficient time to provide the LMIA or CAQ, despite IRCC's own processing time being around five (5) months. At a minimum, an extension should be granted for applicants to submit these documents once obtained.

3) Impact on Workers and Employers

- Temporary Foreign Workers (TFWs) who lose their status face limited and often dire options, such as applying for a Vulnerable Open Worker Permit, filing for asylum, or working illegally, all outcomes that are direct consequences of these practices. I have already received calls highlighting such situations.
- Employers in critical industries are experiencing operational disruptions, jeopardizing public services and essential production.

Request for Policy Adjustments

We urge IRCC to adopt a more flexible and compassionate approach under these unprecedented circumstances. This is particularly vital for Canadian industries and Temporary Foreign Workers already in Canada, who are facing challenges beyond their control due to extended processing times with Service Canada and MIFI.

Potential solutions include:

A) Extending the 60-day policy for LMIA/CAQ submission to provide sufficient time for pending applications to be finalized.
B) Ensuring that Work Permit renewal applications are not refused prematurely when proof of LMIA/CAQ submission is on record, recognizing that delays are beyond the control of employers and workers.
c) Considering sector-specific impacts when making discretionary decisions, particularly in critical industries such as food production, healthcare, construction, and naval sectors. It appears that reconsideration requests are being denied too, even in these sectors.

Without these adjustments, Canada risks worsening labor shortages in critical industries, disrupting essential services, and causing significant harm to both employers and workers. Furthermore, this situation could lead to an increase in false asylum claims and misuse of Vulnerable Worker Permit applications, further straining an already overburdened system. Additionally, it is likely to generate a surge in multiple applications and requests, such as restoration of status, reconsideration requests, IRCC Webform submissions, and even deputy [redacted] This [redacted] i[redacted] for [redacted] supplementary delay to allow for the submission of LMIA and CAQ due to extended processing times with Service Canada and MIFI would not only alleviate these pressures but also uphold the integrity and functionality of the immigration system.

I kindly request that IRCC engage in dialogue with relevant stakeholders, including Service Canada and MIFI, to explore viable solutions that address these impacts and ensure that policies do not inadvertently penalize those who contribute significantly to Canada's

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economic stability.

I look forward to your response and to working together on solutions that benefit all parties involved.

[redacted] to this matter.

Best regards,