

## Information on CIC's International Mobility Program

Changes to CIC's International Mobility Program came into effect on **February 21, 2015**. The following provides information on how these changes effect UBC faculty appointments. For full details on the International Mobility Program refer to the CIC website, [www.cic.gc.ca/english/resources/tools/temp/work/admissibility/specific.asp](http://www.cic.gc.ca/english/resources/tools/temp/work/admissibility/specific.asp) and [www.cic.gc.ca/english/department/media/notices/2015-02-09.asp](http://www.cic.gc.ca/english/department/media/notices/2015-02-09.asp).

Note these new rules apply to any LMIA exempt individual who submits a work permit application on or after February 21, 2015. This is true even if the department had provided a Letter of Invitation months ago. It also applies to individuals already in Canada who need to obtain a new work permit under an LMIA exemption.

### **Compliance Fee**

- Employers are now required to pay a \$230 compliance fee for foreign nationals who obtain a work permit under an LMIA exemption.
- This applies for the initial work permit and any subsequent work permits obtained under an LMIA exemption.
- The fee is paid online at [www.cic.gc.ca/english/information/fees/index.asp](http://www.cic.gc.ca/english/information/fees/index.asp). Select the category "Temporary Resident", and then "Work Permit (including extensions)". Choose the "Pay my fees online" button near the bottom of the page. On the next page, choose "Online payment – immigration", and then on the next choose "temporary residence", and on the final page, choose "compliance fee – employer." Once the fee has been paid a fee receipt number will be provided to you – keep this as you will need to note this on the Offer of Employment Form.
- The fee must be paid prior to the completion of the Offer of Employment form.
- The fee must be paid by the employer and may not be paid by the work permit holder.

### **Refund of Compliance Fee**

- CIC has indicated that should a work permit not be required (i.e. the foreign national does not come to UBC or does not require a work permit) they will refund the \$230 compliance fee.

### **Offer of Employment to a Foreign National Exempt from a Labour Market Impact Assessment Form**

- Completion of this form is required for all foreign nationals who obtain a work permit under an LMIA exemption.
- Faculty Relations has created templates for administrators – it's important that the templates are used to ensure we are providing consistent information to CIC. The templates will be loaded to our website shortly.

### **Offer of Employment Form – Visiting Faculty & Postdoctoral Fellows**

- Visiting Faculty and Postdoctoral Fellows do not require an LMIA. Therefore the department will need to complete this form for each foreign postdoc and visiting faculty member after first paying the \$230 compliance fee (see instructions above).
- This form provides the same information (and more) that was included in the Letter of Invitation (LOI) Templates that our office created many years ago. As such the LOI templates are no longer required and have been removed from our website.
- The department will submit the form electronically by choosing the “Submit” button and following the steps for choosing their preferred email application. A copy of this form must be provided to the foreign national.
- Note that the Head of Academic Unit should sign this form.

### **Offer of Employment Form - For Regular Faculty & Research Associates**

- Faculty Relations will complete the form for regular faculty appointments and Research Associates who do not require an LMIA. Please complete a [Request for LMIA Exemption](#) form and forward to the appropriate [Assistant Manager](#), along with the applicable attachments. This process applies to both new and renewal work permit applications for regular faculty members or RAs.
- Note that in the case of some LMIA exempt appointments the \$230 compliance fee is not required (for example CRCs). Faculty Relations will check if the faculty member’s appointment is exempt from the compliance fee.

### **Letters of Offer – Visiting Faculty & Postdoctoral Fellows**

- As per normal every Postdoc and Visiting faculty will receive a Letter of Offer providing details of their appointment and remuneration at UBC. Administrators must remember to pay the compliance fee (see instructions above) and attach a completed Offer of Employment form and a copy of fee receipt to the letter.
- In the case of Postdocs, whether paid directly by UBC (Regular or fellowship earnings) or from an external institution they will require a work permit as they are performing work at UBC.

### **Unpaid Appointments – Visiting Faculty**

- In the case of self-funded visiting faculty who will not be performing work and not receiving remuneration from UBC it is our understanding that a work permit is not required. However, CIC could deem that a work permit is required, which means the department will need to pay the compliance fee and supply an Offer of Employment form.
- If you believe it is likely that the unpaid appointee may require a work permit you will need to pay the compliance fee and complete the Offer of Employment form in the same manner as for paid visiting faculty. This will need to be done prior to the visitor applying for entry into Canada. Keep in mind that if CIC does not issue a work permit they will refund the compliance fee.

## Frequently Asked Questions

**1. I used to complete the Employer Declaration form for our Visiting Faculty & Postdocs. Is it still required?**

Our understanding is that it is no longer required and the Offer of Employment Form replaces it.

**2. I have already provided a Letter of Invitation to a Postdoc, but they have not yet arrived in Canada. Do I need to now pay the compliance fee and complete an Offer of Employment Form?**

If the individual has not yet applied for their work permit then yes this new process applies to them. The Letter of Invitation will no longer suffice. Had they applied for their work permit prior to February 21st they would have come in under the old process.

**3. Do I have to pay the \$230 Compliance Fee?**

Yes. As per CIC guidelines this must be paid in cases where a foreign national must obtain a work permit under an LMIA exemption. CIC has indicated that in some cases the \$230 compliance fee will not be required. For example in the case of a CRC the fee is not required. However, we still need to complete & submit the Offer of Employment form.

**4. Can the Compliance Fee be charged to the Visiting Faculty member or Postdoc?**

No. The compliance fee is an employer paid fee.

**5. CIC did not issue a work permit for our foreign national. We paid the compliance fee. What is the process for refunding the fee?**

This is not yet clear. Refer to the Refunds section on the following [CIC webpage](#).

**6. An unpaid visiting faculty member is coming to UBC for a week. Will the compliance fee and Letter of Offer apply?**

Maybe. At the moment there is not a definitive answer for this question. However, the shorter the period the unpaid visitor is at UBC the more likely they will not require a work permit and therefore the department will not have to pay the compliance fee and submit the Offer of Employment form. If in doubt pay the compliance fee and submit a completed Offer of Employment form. If a work permit is not required CIC tells us they will refund the \$230 compliance fee.

**7. Does this apply to Postdocs & Visiting Faculty who already hold a work permit at UBC?**

If the postdoc or visitor requires a new work permit because their position is being renewed, then yes this new process does apply.

**8. What should I put in the hours of work of section?**

40 hours per week is considered normal for a full-time faculty position. You will need to reduce that amount if the individual is part-time.

**9. Who should sign the Offer of Employment Form?**

The form should be signed by the Department Head. Normally the primary contact will be either the Department Head or the administrator who is completing the form.

**10. I am having trouble submitting the form?**

Try using a different browser, or complete the form in a recent version of Adobe Acrobat.

**11. I can't sign the Offer of Employment Form online. What should I do?**

The form does not necessarily have to be signed in order for it to be submitted to CIC. Basically choosing the "submit" is equivalent to a signature. Alternatively you could print the form, have it signed by the Department Head and then attach a scanned copy of the signed form to the email. In either case you should supply a signed copy of the form to the foreign national.

**12. We have invited a self-funded postdoc does the department still have to pay the compliance fee?**

There is a possibility that the compliance fee will not be required for a self-funded postdoc. There are a number of factors that will drive the decision.

In part this will depend on how long they are staying at UBC. The shorter the period of stay the more likely the compliance fee will not be required. It is our understanding that regardless of whether the compliance fee is required, the Offer of Employment Form is still required. If there is any doubt, it makes sense to pay the fee and if CIC deems that the compliance fee is NOT required they will (according to their website) refund the compliance fee.

In part it will also depend on the funding source. CIC has indicated that scholars and scientists sponsored by the National Research Council of Canada (NRC) or Natural Sciences and Engineering Research Council of Canada (NSERC) will be exempt from the compliance fee.

A list of exemptions from paying the compliance fee is found on the CIC website ([www.cic.gc.ca/english/information/applications/guides/5802ETOC.asp](http://www.cic.gc.ca/english/information/applications/guides/5802ETOC.asp)). The exemption code will need to be entered on the Offer of Employment form.

**13. How does this new process affect other invitees such as guest lecturers or visiting speakers that are coming in for a very short period of time and who will not hold a faculty appointment and for whom we are not providing any remuneration?**

Initially it does not seem that this new process will apply. However, it could on a case by case basis. It will depend on the details of the invitation.