

Pages 1 through 3 redacted for the following reasons:

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Script for CIC

PREAMBLE:

- BC and CIC have committed to Microsoft that they will have an exemption from the LMO process for the employees of the Microsoft Centre of Excellence.
- The opening of the Centre of Excellence in Vancouver will be announced on May 1, 2014.

THE ISSUE:

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- CIC has asked that MS instead use the inter-company transferee option or other international agreements to bring in this group of employees.
- While this option will work for some hires, it is not an option that all of the core employees are eligible for. Inter-company transfers require that employees have been with MS for a minimum of one year prior to entry to Canada. MS indicates that some in this category will be new international hires or employees of less than one year.

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THE SOLUTION:

- BC work with MS and CIC over the coming weeks to identify those core employees that will be able to use the inter-company transferee or international agreement streams.
- Affirm with CIC that though the positions in CIC are “core positions”, the employees themselves will fill them on a temporary basis.
- CIC recommit, at the executive level, to the commitment to use the authority of the TFW Annex for core employees for whom this avenue is the only option for entry to Canada.

ATTACHMENTS:

Appendix A: Worker Type and Immigration Mechanism

Appendix B: Record of Communication of Microsoft Centre of Excellence project

Appendix A: Worker Type and Immigration Mechanism

Types of Employees	Immigration Mechanism	CIC Response
Rotational Employees	BC TFW Annex	No concern
Foundry Employees	Not required as students are already in Canada	No concern
Core Employees Executive, management, or those with specialized knowledge of particular industry, product or service who: <ul style="list-style-type: none"> - live in countries that are a signatory to an international trade agreement - have been employed by MS for at least one year prior to transfer 	Intra-company Transferee	No concern
Core Employees Executive, management, or those with specialized knowledge of particular industry, product or service who: <ul style="list-style-type: none"> - live in countries that are a signatory to an international trade agreement - have NOT been employed by MS for at least one year prior to transfer 	BC TFW Annex Proposed solution: <ul style="list-style-type: none"> - MS needs to identify whether this is even an issue. - If an issue, will work with CIC to find pathway 	s16
Core Employees - executive or management who will work on a contract with Microsoft, contract secured pre-arrival	NAFTA or other similar international agreement	No concern

Appendix B: Record of Communication of Microsoft Centre of Excellence Project

Date	Content	Related Excerpt
Aug 15, 2013	JTST DM to CIC DM <ul style="list-style-type: none"> - BC outlines intent to exercise its authority – see excerpt 1 - Provides high level summary of centre and its educational, training and work experience program – see excerpt 2 - Identifies BC's five criteria 	<p>1) <i>"Following Citizenship and Immigration Canada's (CIC) referral of Microsoft to the Province, I am writing to communicate British Columbia's intent to exercise its authority under the Canada-British Columbia Immigration Agreement (CBCIA), Temporary Foreign Worker (TFW) Annex to support the establishment of Microsoft's Global Excellence Centre (the Centre) in Vancouver."</i></p> <p>2) <i>"The Centre would welcome up to 700 new international hires annually to take an educational, training, and work experience program before being permanently placed in Microsoft's global offices . . . The 18 month program includes a minimum of three months foundational education and training and up to 15 months productive hands-on work experience."</i></p>
Oct 15, 2013	CIC DM to JTST DM <ul style="list-style-type: none"> - Notes supports for BC in the use of its TFW authorities see excerpt 3 - Acknowledges the five criteria that Microsoft must meet - Notes that CIC /BC work to ensure predictable and timely issuance of work permit to TFWs see excerpt 4 - References an expectation that appropriate evaluation measures are established to assess post implement that project continues to meet five criteria 	<p><i>Citizenship and Immigration Canada (CIC) strongly supports British Columbia (B.C.) in this use of its TFW authorities, and is in agreement with the province that this exemption from the Labour Market Opinion (LMO) process will be of significant economic benefit to Canada and B.C."</i> given the particular nature of the project</p> <p>3) <i>"CIC will continue to work with B.C. to ensure that, with an acceptable proposal by Microsoft in place, our operations provide predictable and timely issuance of work permits to the temporary foreign workers associated with this initiative"</i></p>
Feb 28, 2014	Microsoft VP to JTST's DM <ul style="list-style-type: none"> - Summarizes how criteria met, attaches E&Y report and outlines 	<p>4) <i>"As we work to establish our new business operations in Vancouver and launch the rotational program we</i></p>

	<p>next steps including:</p> <ul style="list-style-type: none"> ▪ June/July first phase for staffing long term and rotational work force streams ▪ initial phase include approx. 175 employees, including approx. 100 long term employees, approx. 50 rotational employees and 25 Foundry. ▪ predict many first employees require use of the Annex - see excerpt 5 	<p><i>predict that many of these first employees will require use of the TFW Annex to secure work authorization in Canada"</i></p>
Mar 13, 2014	<p>JTST DM to CIC DM – cc Microsoft/ESDC</p> <ul style="list-style-type: none"> - Summarizes how Microsoft met criteria - Includes the following: <ul style="list-style-type: none"> ▪ Use of TFW Annex for workers at the Centre (does not specify worker types) – see excerpt 6 ▪ Estimates next 12 months approx. 140 foreign nationals will be coming – see excerpt 7 	<p>5) <i>"As agreed to in our correspondence dated August 15 and October 16, 2013, BC proposed and Citizenship and Immigration Canada (CIC) endorsed BC's use of section 4.3 for workers at the Centre if Microsoft was able to demonstrate that it has or will meet all five criteria."</i></p> <p>6) <i>"Furthermore, as required by section 4.3.2 BC estimates that in the next twelve months, approximately 140 foreign nationals will be coming to work at the Centre. The first phase of workers are expected in June or July 2014."</i></p>
Mar 21, 2014	<p>JTST DM to Microsoft</p> <ul style="list-style-type: none"> - Confirmation BC in agreement that Microsoft has met criteria - States Annex provides BC authority to exempt from LMO – see excerpt 8 - Advises BC communicated to CIC exemption to approx 150 workers – see excerpt 9 	<p>7) <i>"The Annex provides authority for the Province to designate that a group of workers can be exempt from the requirement for a Labour Market Opinion for a 12 month period."</i></p> <p>8) <i>"BC has communicated to Citizenship and Immigration Canada (CIC) that BC will be providing this exemption to the approximately 150 workers."</i></p>



Ref: 103920

MAR 13 2014

Ms. Anita Biguzs
Deputy Minister
Citizenship and Immigration Canada
Ottawa, ON K1A 1L1

Dear Ms. Biguzs:

Pursuant to section 4.3 of the Temporary Foreign Workers Annex to the Canada BC Immigration Agreement, I am writing to provide British Columbia's (BC) recommendation that the workers at the Microsoft Centre of Excellence be issued work permits without a Labour Market Opinion (LMO).

As agreed to in our correspondence dated August 15 and October 16, 2013, BC proposed and Citizen and Immigration Canada (CIC) endorsed BC's use of section 4.3 for workers at the Centre if Microsoft was able to demonstrate that it has or will meet all five criteria. On February 28, 2014, BC received a letter and economic impact report prepared by Ernst and Young that outlined how Microsoft is meeting the requirements. A copy of the letter and report are attached.

Upon review of the submission, BC has determined that Microsoft has demonstrated it has met the conditions and accordingly, is eligibility for the LMO exemption under section 4.3 of the Annex. Specifically,

- British Columbians will not be displaced. By adding a new line of business, the Applications and Services Group, the foreign nationals to be exempted from LMOs will be filling new openings.
- Job opportunities are created for British Columbians. Microsoft has committed to fill, at launch 10% of the long-term professional workforce with Canadians. In addition, Microsoft will hire 50 interns annually for a 16-week program. In total, the Centre will create over 200 permanent and over 350 temporary and internship positions.
- Microsoft is making a sizeable, multi-year investment. Microsoft's annual investment in the Centre will be \$90M, \$13M in real estate costs and \$77M salary and benefits. In addition, Microsoft is making \$33M in one time capital investments to establish the Centre.

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- Knowledge will be transferred. In addition to the internship program, Microsoft will also expand its YouthSpark program to help underserved youth access STEM related education, careers, and innovation. The Centre is expected to expand Vancouver's technology development capacity, increase opportunities for technology transfer and create closer partnerships with BC universities.
- City of Vancouver support for the Centre. Microsoft has been in contact with City personnel and upon confirmation that Microsoft has met the criteria and announcement of the Centre, Microsoft will obtain formal support.

Furthermore, as required by section 4.3.2, BC estimates that in the next twelve months, approximately 140 foreign nationals will be coming to work at the Centre. The first phase of workers are expected in June or July 2014.

Work permit applications for the Centre's foreign national employees will be accompanied by a letter from BC confirming that this group of workers are exempted from the requirement for an LMO. With this notification, I ask that you initiate the operational changes necessary to accommodate this exemption. My staff will continue to work with your staff on this, as well as the development of an evaluation framework.

BC remains committed to and shares CIC's interest in ensuring that employers, such as Microsoft, make use of temporary foreign workers in accordance with the Temporary Foreign Worker program's intent and is of significant economic benefit to British Columbia and Canada.

Yours truly,



Dave Byng
Deputy Minister

Enclosures

pc: Mr. Ian Shurgart
Deputy Minister
Human Resources and Skills Development Canada

Ms. Karen Jones
Vice-President, Deputy General Counsel
Microsoft Corporation



MAR 21 2014

Ref: 103730

Ms. Karen Jones
Vice-President, Deputy General Counsel, HR Legal Group
Microsoft Corporation
One Microsoft Way
Redmond, WA USA
98052-6399

Dear Ms. Jones:

It was a pleasure to meet you and your colleague, Kerry Olin, in Victoria recently. Thank you also for your letter dated February 28, 2014.

I am pleased to confirm that the Province of British Columbia (BC) is in agreement that Microsoft has met the criteria to be eligible for the Labour Market Opinion exemption provider under section 4.3 of the Temporary Foreign Worker Annex to the Canada-BC Immigration Agreement.

The Annex provides authority for the Province to designate that a group of workers can be exempt from the requirement for a Labour Market Opinion for a 12 month period. BC has communicated to Citizenship and Immigration Canada (CIC) that BC will be providing this exemption to the approximately 150 workers. A copy of that letter was sent to you under separate cover.

In order to maintain the integrity of the exemption, the Province will provide individualized letters of support to each applicant who is eligible for this exemption. The Province is still in discussions with CIC regarding other operational logistics. As these discussions conclude, Mr. Scott MacDonald, Assistant Deputy Minister, Labour Market and Immigration, will be in contact with you to discuss further operational details.

Finally, as you know, the Province's authority only extends to exemptions from Labour Market Opinions. Microsoft is subject to all other work permits, terms and conditions, including the requirement for visas and medical examinations, where applicable, and meeting the requirements for admissibility.

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Ms. Karen Jones
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I would like to thank Microsoft Corporation for its long-term commitment here in BC, and for expanding its presence with the addition of the Application and Services Group. I look forward to working with Microsoft and continuing our partnership.

Yours truly,

A handwritten signature in black ink, appearing to read 'Dave Byng', with a stylized, cursive script.

Dave Byng
Deputy Minister

pc: Mr. Scott MacDonald

NOTES FOR PROCEDURES/POLICY

- 1) Criteria for projects to participate:
 - Does not displace British Columbians from the job market;
 - Results in a sizeable, multi-year investment in British Columbia;
 - Creates job opportunities for British Columbians;
 - Results in knowledge transfer for British Columbians; and
 - Receives support from local government.
- 2) Exemption can be for 12 months.
- 3) Microsoft will send each individual's information for the exemption letter to the Ministry (see letter and spreadsheet to determine what information needs to be sent). Ministry will return exemption letters to Microsoft's lawyer.
- 4) Also in regards to provincial letters, should a Microsoft worker that is in Canada under the streamlined process, require an extension for their work permit (for example, a rotational employee must return home for a duration which could impact their full 18 months of training), the province again is required to issue a letter.
- 5) Letters from the province will form part of the package that foreign nationals present at points of entry or at visa offices.
- 6) Adequately protect TFWs are we giving them ESB info sheets about how to make a complaint to an employer? [Two hand-outs on ESB's site to be included immigration packages that employer will provide:
<http://www.labour.gov.bc.ca/esb/facshts/pdfs/foreign-workers.pdf>
http://www.labour.gov.bc.ca/esb/facshts/pdfs/filing_complaint.pdf
- 7) EARLY PROCESS :
 - a. BC DM sends CIC DM a follow-up letter stating the proponent has fulfilled BC's five criteria OK
 - b. BC receives list of employees from the proponent OK
 - c. BC provides each of these employees a letter stating under the Canada-BC Imm Agreement, TFW Annex they are entitled to may receive apply for a work permit (CIC to provide/confirm precise language required) (WPs are assessed on a case-by-case basis, and entry to Canada depends on fulfilling all admissibility requirements
 - d. At the port of entry, each employee presents border officer with the employment letter from the proponent and the letter from BC.
 - Canada and BC will develop a mechanism to track the flow of entries and exits for this proponent, as well as develop evaluation indicators to be discussed.

Davidson, Julie CSCD:EX

From: Allan, Shelley JTST:EX
Sent: Thursday, December 18, 2014 2:21 PM
To: Strandberg, Rodney JTST:EX
Cc: Renault, Shannon JTST:EX
Subject: FW: info requested

From: McNeill-McKinnell.Megan [<mailto:Megan.McNeill-McKinnell@cic.gc.ca>]

Sent: Monday, April 28, 2014 12:05 PM

To: Allan, Shelley JTST:EX; Renault, Shannon JTST:EX

Cc: Harvey.Alison; Judge.Robert

Subject: RE: info requested

I believe this would be fairly straightforward but will check in with our ops colleagues to see if there is anything that should be considered. Megan

Megan McNeill-McKinnell

Acting Assistant Director | Directrice adjointe par intérim

NHQ - Immigration | AC - Immigration

Citizenship and Immigration Canada | Citoyenneté et Immigration Canada

365 Laurier Avenue West Ottawa ON K1A 1L1 | 365, avenue Laurier Ouest Ottawa ON K1A 1L1

Megan.McNeill-McKinnell@cic.gc.ca

Telephone | Téléphone 613-952-3319

Facsimile | Télécopieur 613-954-0850

Government of Canada | Gouvernement du Canada

From: Allan, Shelley JTST:EX [<mailto:Shelley.A.Allan@gov.bc.ca>]

Sent: April 28, 2014 3:02 PM

To: McNeill-McKinnell.Megan; Renault, Shannon JTST:EX

Cc: Harvey.Alison

Subject: RE: info requested

Megan/Alison:

Can you please advise if a foreign national working in Vancouver for MS will have new work permits issued if they are working at the new location. In other words, if only the street address changes?

From: McNeill-McKinnell.Megan [<mailto:Megan.McNeill-McKinnell@cic.gc.ca>]

Sent: Monday, April 28, 2014 10:31 AM

To: Renault, Shannon JTST:EX

Cc: Allan, Shelley JTST:EX; Harvey.Alison

Subject: info requested

Hi Shannon, I can confirm that Les and David are the correct senior managers for the file. I have just left a message with Shelley so we can try to move forward s22 , so am copying

Alison Harvey who has been working with me on this and other PT files.

Thanks, Megan

Megan McNeill-McKinnell

Acting Assistant Director | Directrice adjointe par intérim

NHQ - Immigration | AC - Immigration

Citizenship and Immigration Canada | Citoyenneté et Immigration Canada

365 Laurier Avenue West Ottawa ON K1A 1L1 | 365, avenue Laurier Ouest Ottawa ON K1A 1L1

Megan.McNeill-McKinnell@cic.gc.ca

Telephone | Téléphone 613-952-3319

Facsimile | Télécopieur 613-954-0850

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-----Original Message-----

From: Ahn, Sohee CSCD:EX [mailto:Sohee.Ahn@gov.bc.ca]
Sent: Friday, March 21, 2014 10:02 AM
To: Megan Millard (LCA)
Cc: Godin, Keith JTST:EX
Subject: RE: Canada - confidential

Megan,
Here is the second letter from Dave to Karen that I referenced in my email below.

Sohee Ahn
(250) 387-6095

-----Original Message-----

From: Ahn, Sohee CSCD:EX
Sent: March-19-14 3:10 PM
To: 'Megan Millard (LCA)'
Cc: Godin, Keith JTST:EX
Subject: RE: Canada - confidential

Megan,
Here is a copy of the letter to CIC that was signed by Dave last week.

From: Ahn, Sohee CSCD:EX
Sent: Tuesday, March 18, 2014 1:03 PM
To: 'Megan Millard (LCA)'
Cc: Godin, Keith JTST:EX
Subject: RE: Canada - confidential

Thanks Megan.

I can confirm that the letter from Dave Byng to CIC was signed and sent late last week. Karen was copied so she should be receiving a copy shortly. We will try to get a copy to send to you from Dave's office.

Dave has also asked for a letter to Karen confirming that the criteria has been met. This should be coming shortly as well.

As I advise Karen when we met last Wednesday,

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from Dave to Karen outlines this process.

As for the remaining logistics, I know Keith has been in close contact with CIC operational staff so at this point, I will hand over to Keith to connect directly with you and rely on him to loop me in should the need arise.

It was been a pleasure working with you and Karen.

Sohee Ahn
(250) 387-6095

From: Megan Millard (LCA) [mailto:mmillard@microsoft.com]
Sent: March-18-14 12:40 PM
To: Ahn, Sohee CSCD:EX; Godin, Keith JTST:EX
Cc: Megan Millard (LCA)
Subject: Canada - confidential

Sohee and Keith,

I hope you are both well. I just returned from a business trip and Karen filled me in on the discussions that you had regarding the Excellence Centre during my absence. In that regard, I wanted check in with you to see if there were any updates on the status of the letter that Deputy Minister Byng was planning to send to Ottawa; and let you know that I am available at your convenience for any discussions regarding the operationalization of the Annex process.

Please let me know if you would like to schedule some time to talk in the coming week(s) to work through the details and timelines for the TFW process so that we ensure that it is as smooth as possible for everyone involved.

Thanks. I look forward to speaking with you.

Best regards,
Megan

Megan Millard | Sr. Attorney, Global Team Manager | Global Migration |
Microsoft LCA
Ph.: 425.722.3703 | Fax: 425.708.5940 |
mmillard@microsoft.com<mailto:mmillard@microsoft.com>
(U.S. Attorney licensed in GA)

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Davidson, Julie CSCD:EX

From: Allan, Shelley JTST:EX
Sent: Thursday, December 18, 2014 2:36 PM
To: Renault, Shannon JTST:EX; Strandberg, Rodney JTST:EX
Subject: FW: Exemption Letter
Attachments: LMO Exemption Template Letter - Draft for Circulation - May 15, 2014.docx

From: Allan, Shelley JTST:EX
Sent: Thursday, May 15, 2014 5:06 PM
To: 'Alison.Harvey@cic.gc.ca'
Cc: 'McNeill-McKinnell.Megan'
Subject: Exemption Letter

Hi Alison:

Attached is the latest version of the exemption letter as I understand it. I accepted all of the changes that Megan sent to me. Megan and I discussed one addition which I have added into the following sentence (see highlight):

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If you have any additional comments please let me know. As of tomorrow, I was hoping to start to circulate it here for feedback so if you have anything to add, I would like to put them in (if possible) before circulating.

Thanks very much and hope all is well.

Regards, Shelley

Page 17 redacted for the following reason:

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Employee Type	Immigration Mechanism	Number Ph. 1 Total		Canadians	Process	CIC
Rotational Employees (also referred to a “trainees”	BC TFW Annex	50	150	Open to all international applicants including Canadians. No guaranteed number of Canadians.	Support letter from BC	No concern
Core Employees Executive, management, or those with specialized knowledge of particular industry, product or service who: - have been employed by MS for at least one year prior to transfer	Intra-company Transferee	75-100 200 Microsoft has not made any hiring decisions on their core employees. At this time we do not know how many will be in each of these three possible sub-sets		Microsoft has indicated that 10% of its “core” will be comprised of Canadian employees and this is likely to grow over time.	Direct approval from CIC – no letter required	No concern <

Major Project Exemption Framework

Ministry of Jobs, Tourism and Skills Training

Province of British Columbia

Version XX

May XX, 2013



Major Project Exemption Program Framework

Document Purpose:

The **Major Project Exemption Framework** (MPE) was created to support eligible British Columbia employers requiring the hiring of temporary foreign workers to support major project development due to a shortage of qualified and available domestic Canadian workers.

The MPE Framework outlines eligibility and process requirements for those British Columbia employers able to participate in the program.

Advice on the MPE Framework:

Advice on the MPE Framework may be obtained from:

Immigration Policy, Labour Market and Immigration Division
Ministry of Jobs, Tourism and Skills Training

Telephone: 250-387-2494

Facsimile: 250-387-0878

Web: www.WelcomeBC.ca

1.0 Introduction

The **Major Project Exemption** (MPE) was created to support major project in British Columbia. Specifically, the MPE offers qualified employers requiring temporary workforce, support by streamlining the process of hiring temporary foreign workers (TFWs). The MPE allows the province to recommend to the federal government an exemption to the Labour Market Opinion (LMO) process for qualified employers that are able to meeting the specific criteria as outlined below.

2.0 MPE Eligibility Criteria, Requirements & Obligations

2.1 MPE Eligibility Criteria:

To participate in the MPE and receive a recommendation from the province for an LMO exemption for the hiring of TFWs, employers must demonstrate that their project:

1. Does not displace British Columbians from the job market;
2. Results in a sizeable, multi-year investment in British Columbia;
3. Creates job opportunities for British Columbians;
4. Results in knowledge transfer for British Columbians; and
5. Has support from local government.

2.2 MPE Failure to Meet Requirements/Commitments:

Should the employer:

- 1) Fail to meet eligibility criteria, the province will not make an LMO exemption recommendation; or
- 2) If the province makes an LMO recommendation and the employer does not fulfill commitments, cancel its commitment for LMO recommendations and refuse to renew any exemptions already granted.

3.0 MPE Submission Requirements and Assessment and Outcome Notification

3.2. Submission Requirements:

Major project employers must submit to the province (Ministry of Jobs, Tourism and Skill Training) documentation outlining how they meet, or will meet, eligibility criteria as included in section 2.1. The submission must be provided through a third party, approved by the province, and must include specifics as to how the employer will deliver on the five criteria including economic benefits and spin-offs, period of project commitment, estimated number of Canadians that will be employed during

initial project phases (e.g. construction) and once operational (etc., etc., based on criteria).

3.3 Assessment and Outcome Notification:

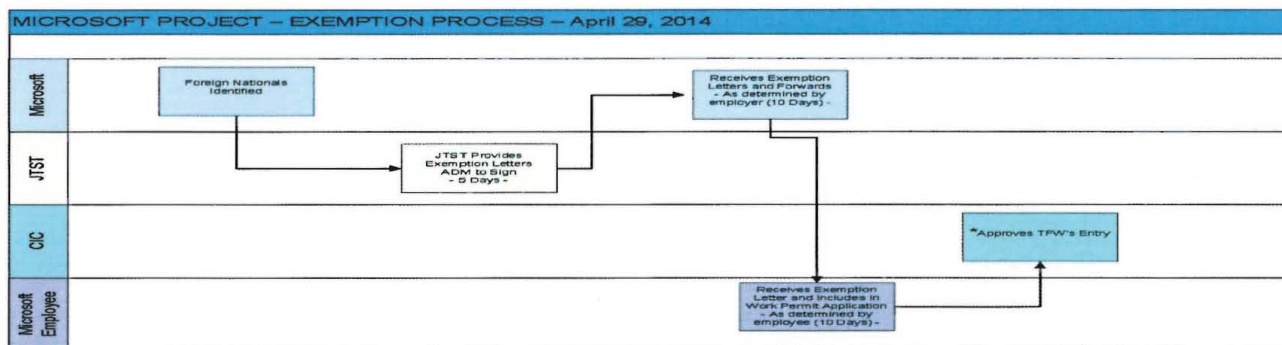
The MPE process includes:

1) Assessment

- a. An initial meeting between the employer and the province (Ministry of Jobs, Tourism and Skills Training) will determine the employer's eligibility.
- b. The employer will submit to the province the name of the third party that will demonstrate, by way of a written report to the province, how the employer meets the five criteria as referenced in section 2.1. The third party must be impartial in preparing their report and there must be no conflict of interest between the third party and the employer.
- c. Once the province approves the third party the report is submitted to the province. Timelines with the submission are the responsibility of the employer and the third party.
- d. Once the province receives the report they will assess the information against the criteria and:
 - i. advise the employer through written letter from the Deputy Minister, Ministry of Jobs, Tourism and Skills Training of the province's support for the LMO exemption; or
 - ii. return to the employer to clarify any outstanding questions, until the province is satisfied that the employer has met the criteria; or
 - iii. notify the employer that they are ineligible to access the MPE.
- e. The Deputy Minister, Ministry of Jobs, Tourism and Skills Training will make the final decision as to whether or not a recommendation to the federal government for exemption is approved;

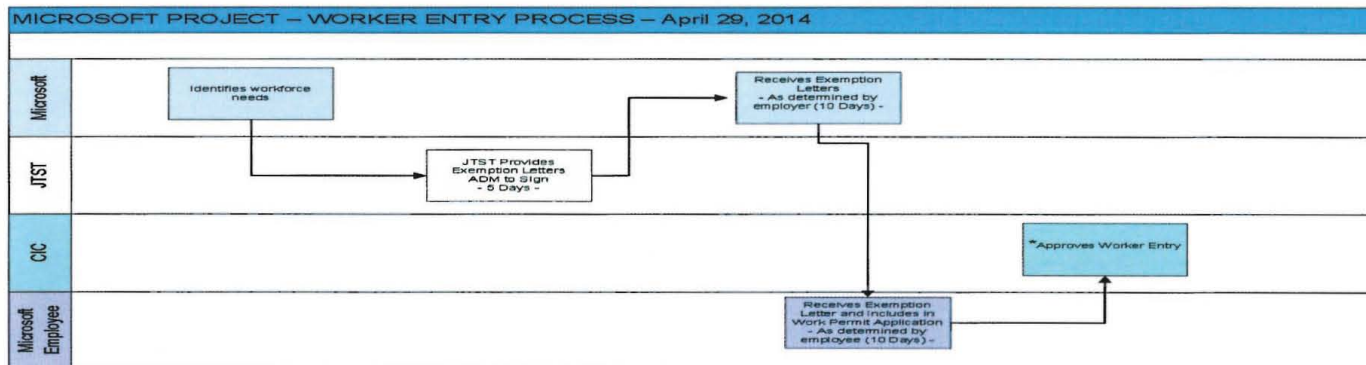
2) Recommendation for LMO exemption

If the Deputy Minister, Ministry of Jobs, Tourism and Skills Training approves the recommendation to exempt the employer from the LMO process, Citizenship and Immigration Canada is notified in writing. **The exemption remains valid for one year.**



* TFWs Approval Entry when VISA is required on average, approximately 32 days.

* Expedited processing for American citizens - work permit can be obtained at point of entry.



* Approval Entry when VISA is required on average, approximately 32 days.

* Expedited processing for American citizens - work permit can be obtained at point of entry.

* CIC will communicate operations bulletin to VISA officers

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