

Finnegan, Jennifer CSCD:EX

From: Harvey.Alison <Alison.Harvey@cic.gc.ca>
Sent: Thursday, June 12, 2014 9:44 AM
To: Renault, Shannon JTST:EX
Cc: McNeill-McKinnell.Megan; Larocque.Angie
Subject: RE: information flow for Microsoft Project

Yes, that's my understanding as well Shannon.
I'll get back to you on your earlier e-mail today as well!

Regards,

Alison

Alison Harvey

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

Office | Bureau JETS A814

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Government of Canada | Gouvernement du Canada

From: Renault, Shannon JTST:EX [<mailto:Shannon.Renault@gov.bc.ca>]

Sent: June 10, 2014 7:03 PM

To: Harvey.Alison

Subject: information flow for Microsoft Project

Hi Alison,

I am just working on clarifying the information flow for the work permits on the Microsoft Excellence Centre, and wanted to make sure I have it all correct in order to clarify if there are any information sharing regulatory requirements we need to consider. My understanding of path:

- BC receives candidate information through Microsoft appointed individual
- BC fills in letters with all required information points
- BC provides the letters to Microsoft legal counsel
- Microsoft legal counsel distributes BC letters, along with Microsoft welcome materials etc., to candidates
- Individuals use letters to attain work permit and visa (if required) through the appropriate channels based on their source country.

My point is to confirm that there is no sharing of personal information between BC and Canada. Rather the sharing is between Microsoft and BC, and individuals and Canada. Is that your understanding as well?

Shannon Renault

Director, Immigration Policy

Labour Market and Immigration Division

Ministry of Jobs, Tourism & Skills Training

Phone: (250) 356-9827 (NEW) | Fax: (250) 387-6152 | Email: shannon.renault@gov.bc.ca

Finnegan, Jennifer CSCD:EX

From: Godin, Keith FIN:EX
Sent: Thursday, June 12, 2014 12:31 PM
To: Renault, Shannon JTST:EX
Subject: FW: Citizenship and Immigration Canada

Can we recommend same as below to CIC?

From: Godin, Keith JTST:EX
Sent: Friday, May 30, 2014 12:09 PM
To: Renault, Shannon JTST:EX
Subject: FW: Citizenship and Immigration Canada

From: Christian Allen [<mailto:ca@capitalmedia.ca>]
Sent: Friday, May 30, 2014 12:08 PM
To: Godin, Keith JTST:EX
Subject: Fwd: Citizenship and Immigration Canada

Begin forwarded message:

From: <andy.archibald@hrsdc-rhdcc.gc.ca>
Subject: RE: Citizenship and Immigration Canada
Date: March 11, 2014 at 12:12:33 PM PDT
To: <ca@capitalmedia.ca>


Hi I would like to speak to you about the section below; I will call in a few minutes if you are free

DIVISION 3 WORK WITHOUT A PERMIT

Marginal note: No permit required

186. A foreign national may work in Canada without a work permit

- (a) as a business visitor to Canada within the meaning of section 187;

 Marginal note: Factors

(3) For the purpose of subsection (1), a foreign national seeks to engage in international business activities in Canada without directly entering the Canadian labour market only if

- (a) the primary source of remuneration for the business activities is outside Canada; and
- (b) the principal place of business and actual place of accrual of profits remain predominately outside Canada.

Andy Archibald
Manager, High Skilled Workers Unit
Temporary Foreign Worker Directorate
SEB, ESDC
140 promenade du portage
Phase IV, Rm 4C 286
Gatineau, Québec
K1A 0J9

From: Christian Allen [<mailto:ca@capitalmedia.ca>]
Sent: 2014-03-11 1:39 PM
To: Archibald, Andy [NC]
Subject: Fwd: Citizenship and Immigration Canada

Hi Andy,

I received this today.

ca.

Christian Allen • Executive | Producer



The Capital Media Company • 45 West 7th Avenue • Vancouver BC V5Y 1L4
• phone: +1.604.707.0003 x.4 • fax: +1.604.707.0006 • cell: 604.250.1090

Begin forwarded message:

From: CIC - Ministerial Enquiries Division/CIC - Service de renseignements ministériels
<Ministerial.Enquiries.Division@cic.gc.ca>
Subject: Citizenship and Immigration Canada
Date: March 11, 2014 at 10:35:18 AM PDT
To: "ca@capitalmedia.ca" <ca@capitalmedia.ca>

Dear Mr. Allen Christian:

Thank you for your email of January 22, 2014, addressed to Mr. Chris Alexander, Canada's Citizenship and Immigration Minister, regarding the Temporary Foreign Worker Program (TFWP).

Any employer wishing to hire a foreign worker must first apply to Employment and Social Development Canada (ESDC, formerly known as Human Resources and Skills Development Canada) for a Labour Market Opinion (LMO), or job confirmation. A positive LMO means that ESDC officials have verified that there are no qualified Canadians or permanent residents available or willing to take the position offered, and that the salary and other benefits are compatible with local and industry standards. If these conditions are not met, the employment officer cannot confirm the job offer.

This policy reflects our desire to ensure that, to every extent possible, employment opportunities are protected for Canadian residents. We are also concerned that, whatever their occupations, Canadian residents have the chance to build the experience necessary to progress in their fields.

Citizenship and Immigration Canada's (CIC) role in the Temporary Foreign Worker Program is to ensure that Work Permit applicants meet admissibility requirements (health, criminality and security) and other requirements necessary for the issuance of a work permit such as the demonstrated ability to perform the job in question and likelihood of departing Canada at the end of the period authorized for temporary entry.

With regard to the changes of April and July 2013, these were made by ESDC, who is responsible for the Labour Market Opinion application process. Specific questions or concerns regarding these changes are better addressed by contacting [ESDC](#) directly.

The Regulation change of December 2013 was required to protect temporary foreign workers from abuse. These Regulations changes were pre-published in June 2013 and included a period for comment.

From CIC's perspective, we can suggest that some of the positions that you mention may already be Labour Market Opinion and/or work permit exempt. You can find more detailed information in the Temporary Foreign Worker Guidelines (FW) Manual – [Chapter 1, Section 5.10 Work without a permit – News reporters, media crews](#).

If using the above mentioned section and you are still uncertain if an exemption applies, we suggest that for temporary foreign workers coming from visa exempt countries, that the prospective employer contact the CIC Temporary Foreign Worker Units for an opinion on whether or not the position is labour market opinion exempt. Please see our Web site for the appropriate contact information: [‘Hiring support: Temporary Foreign Worker Units’](#)

Thank you for writing and expressing your concerns. I trust that this information is of assistance.

Sincerely,

B. Sultana
Ministerial Enquiries Division

This electronic address is not available for reply.

Finnegan, Jennifer CSCD:EX

From: Harvey.Alison <Alison.Harvey@cic.gc.ca>
Sent: Friday, June 13, 2014 5:26 AM
To: Renault, Shannon JTST:EX
Subject: RE: Followup on discussion with Microsoft

Sure! What are we—3 hours difference? I'll call you at 11:30 EST.

Alison

From: Renault, Shannon JTST:EX [mailto:Shannon.Renault@gov.bc.ca]
Sent: June 12, 2014 3:13 PM
To: Harvey.Alison
Subject: RE: Followup on discussion with Microsoft

Thank you for this Alison. Do you have time for a quick chat tomorrow on number one? Likely easier on phone than by email.

I would also like to discuss the recently announced changes to the Inter-company transferee program, in general, but also as it applies, or not, to the MS project.

I propose a call at 8:30 – 9:00 PST tomorrow AM. Does that work on your end?

Shannon Renault

Director, Immigration Policy

Phone: (250) 356-9827 (NEW) | Fax: (250) 387-6152 | Email: shannon.renault@gov.bc.ca

From: Harvey.Alison [mailto:Alison.Harvey@cic.gc.ca]
Sent: Thursday, June 12, 2014 10:16 AM
To: Renault, Shannon JTST:EX
Cc: McNeill-McKinnell.Megan; Starkings.Suzanne
Subject: RE: Followup on discussion with Microsoft

Hi Shannon,

With respect to the dates on BC's letter of approval, I think you can add some flexibility to the language. Instead of [insert begin date and insert end date], you could put beginning in or after July 2014 (for example) and valid for a period of 2 years. (noting that work permit validities will be limited by the person's passport validity). The period should start at the time they enter Canada.

1. With respect to a two-year validity period, is BC comfortable with this? We had understood that the rotational period for the trainees was to be 18 months. Did Microsoft specify what the longer term 3-year positions are? I believe that we agreed that any high-skilled core staff that plan to transfer to Canada should be able to qualify under NAFTA provisions (if they are U.S. or Mexican citizens), or general intra-company transferee provisions, or

go through the normal labour market opinion process. The non-rotational core employees wouldn't need a letter from the BC government. However, for these cases, there may be no harm in giving Microsoft a general (non-client specific) letter for them to use stating that the BC government supports the facility and its growth.

2. The documentation applicants will require if they apply outside Canada for a work permits is specified on CIC's website <http://www.cic.gc.ca/english/information/applications/work.asp> . If they don't need a visitor(temporary resident) visa, they can apply at the time they enter a Port of Entry (I don't believe they need to fill in an application in this case, but they should have the same documentation on hand). If they want the assurance of having their work permit authorized before travelling, people resident in the U.S. can send their application to New York <http://www.cic.gc.ca/english/information/offices/missions/new-york.asp> . And this page advises where other residents outside the U.S. should apply for their visas(if needed) and work permits: <http://www.cic.gc.ca/english/information/offices/apply-where.asp#u>.

My colleague, Suzanne, can clarify if I have captured any operational details incorrectly.

Regards,

Alison

Alison Harvey
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
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new Telephone | nouveau Téléphone 613-437-6633
Facsimile | Télécopieur 613-941-9014
Government of Canada | Gouvernement du Canada

From: Renault, Shannon JTST:EX [<mailto:Shannon.Renault@gov.bc.ca>]

Sent: June 9, 2014 12:48 PM

To: Harvey.Alison

Subject: Followup on discussion with Microsoft

Good Morning Alison,

As noted at our call last Thursday, I had a meeting with Microsoft on Friday. Here are two questions that arose when going over the letter.

1. The prime area of discussion was the start and end date fields.

s.13,s.17

On that

note, the question is whether there is some flexibility in the start date as it pertains to the end date? Further, given the foregoing, setting a hard end date may be difficult.

s.13,s.17

2. Microsoft wanted to clarify any and all documentation that employees would have to have with them upon their entry into Canada. The obvious is their letter for from BC for this particular project, their passport, their visa (if applicable). Is there anything else? For example university degree documentation, health records, ...I'm

not sure. But they want a complete list so their staff do not have any difficulty getting in or having required information once they are here.

I am available for discussion on this in the afternoon or later in the week.

Thanks Alison.

Shannon Renault

Director, Immigration Policy

Labour Market and Immigration Division

Ministry of Jobs, Tourism & Skills Training

Phone: (250) 356-9827 (NEW) | Fax: (250) 387-6152 | Email: shannon.renault@gov.bc.ca

Finnegan, Jennifer CSCD:EX

From: Godin, Keith FIN:EX
Sent: Thursday, June 19, 2014 3:09 PM
To: Renault, Shannon JTST:EX
Subject: Fwd: Information Sharing Agreement Letter Canada-BC
Attachments: BC-ISA.pdf; ATT00001.htm

Begin forwarded message:

From: "MacDonald, Scott D JTST:EX" <D.Scott.MacDonald@gov.bc.ca>
Date: June 19, 2014 at 3:05:47 PM PDT
To: "Baillie, Shannon JTST:EX" <Shannon.Baillie@gov.bc.ca>, "Godin, Keith JTST:EX" <Keith.Godin@gov.bc.ca>, "Sharma, Rishi JTST:EX" <Rishi.Sharma@gov.bc.ca>
Subject: Fwd: Information Sharing Agreement Letter Canada-BC

Add to the list of changes/impacts

.....

D. Scott MacDonald

s.17

Begin forwarded message:

From: "Yelovatz, Maureen JTST:EX" <Maureen.Yelovatz@gov.bc.ca>
Date: June 19, 2014 at 2:49:48 PM PDT
To: "McEwan, Tim JTST:EX" <Tim.McEwan@gov.bc.ca>, "MacDonald, Scott D JTST:EX" <D.Scott.MacDonald@gov.bc.ca>
Cc: "Byng, Dave A JTST:EX" <Dave.Byng@gov.bc.ca>
Subject: Fwd: Information Sharing Agreement Letter Canada-BC

FYI

Sent from my iPhone

Begin forwarded message:

From: "paul.thompson@hrsdc-rhdcc.gc.ca" <paul.thompson@hrsdc-rhdcc.gc.ca>
Date: 19 June, 2014 2:46:45 PM PDT
To: "Byng, Dave A JTST:EX" <Dave.Byng@gov.bc.ca>
Subject: Information Sharing Agreement Letter Canada-BC

As a courtesy, please find attached a copy of a letter that has been sent out to your Minister by Minister Kenney in relation to information-sharing agreements between our governments and the administration of the Temporary Foreign Worker Program.

Paul Thompson
Sous-ministre adjoint principal/Senior Assistant Deputy Minister
Direction générale des compétences et de l'emploi/Skills and
Employment Branch
Emploi et Développement social Canada/Employment and Social
Development Canada
Tel.: 819-654-2795 / Fax.: 819-934-4040



Ottawa, Canada K1A 0J9

The Honourable Shirley Bond, M.L.A.
Minister of Jobs, Tourism and Skills Training and
Minister Responsible for Labour
Government of British Columbia
Room 138, Parliament Buildings
Victoria BC V8W 9E2

Dear Minister:

I am writing concerning next steps on information-sharing agreements between our governments.

The Government of Canada has already taken initial steps to strengthen the Temporary Foreign Worker Program's (TFWP) compliance regime and curb abuse of the TFWP. On December 31, 2013, regulatory authorities were introduced to allow Employment and Social Development Canada (ESDC) to conduct employer compliance inspections and impose sanctions on employers found non-compliant, as well as the authority to issue Ministerial Instructions to suspend, revoke or refuse to process labour market opinions (LMO). In March 2014, the Government tabled new legislative authorities in Parliament to implement a system of administrative monetary penalties to deter employer non-compliance and ensure that there are tough financial consequences for employers who break the rules and who mistreat workers.

A truly robust compliance regime requires seamless information sharing between levels of government so that provincial and territorial governments can exercise their responsibilities for enforcing employment and labour standards and so that the TFWP can prevent vulnerable foreign workers from entering unsafe workplaces.

The existing agreement in place between ESDC and British Columbia is outdated and does not reflect the full range of information that could be shared with your Ministry. I would like to take this opportunity to signal my intention to negotiate an amendment to the existing agreement between our governments. I am committed to amending the existing agreement and have directed ESDC officials to conclude this amendment as expeditiously as possible. As the Government of Canada will be announcing further changes to the program shortly, I am seeking your commitment to conclude this agreement by Fall 2014.

.../2


As we amend the agreement, I encourage you to engage your Ministerial colleagues who are signatories to the original agreement, and any additional ministries that may have the appropriate legislative framework to receive information from the TFWP and who might also benefit from being included in the amended agreement.

Finally, I encourage British Columbia to further strengthen protections for the Canadian labour market and temporary foreign workers through legislation that requires employers and recruiters to register with the Province and includes penalties for unscrupulous behaviour.

I look forward to future opportunities to strengthen the communication and partnership between our governments. Let us take every opportunity to support our mutual goal of ensuring that Canadians get first access to available jobs and that employers respect all of the TFWP's rules and provincial legislation.

Should your officials require additional information, they may contact
Mr. Alexis Jonathan Conrad, Director General, Temporary Foreign Worker Directorate, at
819-654-3203.

Yours sincerely,



Hon. Jason Kenney, PC, MP
Minister of Employment and Social Development and
Minister for Multiculturalism

c.c. Mr. David Anderson
President and CEO, WorkSafeBC

The Honourable Dr. K. Kellie Leitch, P.C., Ont, M.P.
Minister of Labour and Minister of Status of Women

Finnegan, Jennifer CSCD:EX

From: McNeill-McKinnell.Megan <Megan.McNeill-McKinnell@cic.gc.ca>
Sent: Friday, July 4, 2014 10:53 AM
To: Renault, Shannon JTST:EX
Cc: Starkings.Suzanne; Judge.Robert
Subject: Re: Microsoft - mid-July

Thanks Shannon, I think we are really close on this. I will discuss at CIC and see what we can come up with to meet everyone's needs, but I don't think it will be via specific instructions to officers online. I will get back to you as well about reviewing the text. Thanks, Megan

From: Renault, Shannon JTST:EX [mailto:Shannon.Renault@gov.bc.ca]
Sent: Friday, July 04, 2014 01:41 PM
To: McNeill-McKinnell.Megan
Cc: Starkings.Suzanne; Judge.Robert
Subject: RE: Microsoft - mid-July

Hi Megan,

Thanks for your note. I am attaching an email discussion of recent between Alison and I which indicated a phone call we subsequently had. In that call, we talked about although the rotational positions themselves are 18 months, that the work permit duration of 24 months would allow some flexibility on either side of the envisioned start date and end date that will almost certainly arise when dealing with many people moving from a number of international locations. So the 24 month duration for that group is fine.

I think it is fine to include a telephone number (this stays internal does it? Is it publically posted?). My number would be appropriate.

s.13,s.16

I would hope that there is flexibility for the 36 months requirement for those people in the admittedly unlikely circumstance that this approach is needed. It would be viewed as a departure from the spirit of the agreement if professionals important to the project cannot be employed as needed if for some reason the other LMO exempt streams are not possible. Is there therefore a way to address that potential in your instructions or how do you visual the process should such an occurrence come about?

Also, Megan, do you think it is possible to share the language of the instructions with us before they go to print – so to speak?

Thank you

Shannon Renault

Director, Immigration Policy

Phone: (250) 356-9827 (NEW) | Fax: (250) 387-6152 | Email: shannon.renault@gov.bc.ca

From: McNeill-McKinnell.Megan [mailto:Megan.McNeill-McKinnell@cic.gc.ca]
Sent: Friday, July 4, 2014 9:40 AM
To: Renault, Shannon JTST:EX
Cc: Starkings.Suzanne; Judge.Robert
Subject: RE: Microsoft - mid-July
Importance: High

Hi Shannon, s.22

I have a letter from Microsoft to DM Byng in BC, sent to us as an attachment to the letter from DM Byng to CIC, s.13,s.17

My recollection is that the non-rotational employees are not part of the project under the annex. We discussed by phone that foreign nationals other than the rotational employees wanting to work at the Centre could access other LMO exemptions as eligible, or apply through the LMO/LMIA process. CIC agreed that should there be problems with this approach that we would look at the situation again, but in the current arrangement these long-term/core group/non-rotational employees would not be eligible for exemptions under BC's annex.

s.22 I do not have detailed knowledge of this discussion. s.13,s.16 , though s.22

Our team is on retreat this afternoon, so could we touch base early next week (Tuesday is my first availability)? Otherwise we can continue to try to resolve this over email. We very much need to agree on the approach to all the non-rotational employees, and I apologize if there was any lack of clarity regarding our view that all non-rotational employees should not be part of BC's use of its TFW annex.

Thanks, Megan

From: Renault, Shannon JTST:EX [mailto:Shannon.Renault@gov.bc.ca]
Sent: July-04-14 12:04 PM
To: Harvey.Alison
Cc: Starkings.Suzanne; McNeill-McKinnell.Megan
Subject: RE: Microsoft - mid-July

Alison, first let me apologize for being a bit out of touch as of late. The analysis of the recent TFW announcements has been a bit consuming!

However, I wonder if we can touch base on this today. I have no record of an understanding of 18 months in any of our documentation for this project and it is not something that has been a part of the discussions I have had with Microsoft. As per the my recent communication with you s.13,s.17

The instructions you cite below are not inclusive of that part of the project.

My calendar is flexible today between 11 AM and 3 PM PST. Do you have time somewhere in there for a discussion?

From: Harvey.Alison [mailto:Alison.Harvey@cic.gc.ca]
Sent: Wednesday, June 25, 2014 7:54 AM
To: Renault, Shannon JTST:EX
Cc: Starkings.Suzanne; McNeill-McKinnell.Megan
Subject: Microsoft - mid-July

Hi Shannon,

Suzanne (our CIC Operations contact for this project) is planning on mid-July to post instructions to CIC/CBSA officers for the issuance of work permits for the Microsoft project. Officers will be instructed to issue work permits up to 24 months in accordance with the T13 request letter from BC. I'm just wondering as well, if you/my colleagues here think it might be a good idea to include a telephone number—from your office—in our instructions, which CIC officers can phone for confirmation (if they have any suspicions of fraud).

I haven't heard anything further about whether CIC senior management would like a higher –level request for going from 18 to 24 months ^{s.13,s.17} but—as you suspected—^{s.13,s.16} For now, we are going with your e-mail as the official request.

Kind Regards,

Alison

Ps—I think I mentioned this to you, but Megan and Suzanne will be your contacts for this over the summer ^{s.22}
^{s.22}

Alison Harvey
NHQ - Immigration | AC - Immigration
Citizenship and Immigration Canada | Citoyenneté et Immigration Canada
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Office | Bureau JETS A814
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Government of Canada | Gouvernement du Canada