

Minister
of Citizenship
and Immigration



Ministre
de la Citoyenneté
et de l'Immigration

Ottawa, Canada K1A 1L1

The Honourable Shirley Bond, M.L.A.
Minister of Jobs, Tourism and Skills Training and
Minister Responsible for Labour
Government of British Columbia
PO Box 9071, Stn Prov Govt
Victoria BC V8W 9E2

Dear Minister Bond:

As part of the review of the Temporary Foreign Worker (TFW) Program, the Government of Canada has comprehensively examined all aspects of the program, including those related to Labour-Market Opinions (LMOs) issued by Employment and Social Development Canada (ESDC) as well as those streams not subject to LMOs (LMO exempt). This latter category includes initiatives with provincial and territorial governments through TFW agreements and annexes.

The goal of the review was to ensure that Canadians are given the first chance at available jobs and that the program continues to operate in the best interests of Canadians and our economy.

As the Government announced on June 20, 2014, the results of the TFW Program review included a decision that the current agreements and annexes do not align with the new direction of the Program. Therefore, I am writing to formally notify you that, as part of the negotiations on the *Canada-British Columbia Immigration Agreement* (set to expire in April 2015), the Government of Canada does not intend to renew Annex F, *Temporary Foreign Workers*, in its current form and will instead seek a new arrangement that is a better fit with the TFW Program redesign.

We acknowledge the work that the Government of British Columbia has put into managing processes under the *Canada-British Columbia Immigration Agreement – Temporary Foreign Workers Annex* and recognize the benefits to provincial and territorial governments playing a role in this area in relation to their jurisdictions in a manner that aligns with the shift in direction of the program.

Canada

The Government of Canada looks forward to working collaboratively on important issues like compliance and information sharing, including labour market information. The new model of TFW arrangement contemplates a role for provinces in the Labour Market Impact Assessment (LMIA, formerly LMO) process, notably in assisting to identify occupations for facilitated 10-day service within the province or territory to address labour-market needs.

Further, in exceptional circumstances where a province would benefit significantly due to a large-scale investment, and where the LMIA process would not be suitable, your Government could recommend LMIA exemptions for certain workers coming to this "special project". As well, following a natural disaster, workers urgently needed for clean-up or reconstruction would be able to apply for LMIA-exempt work permits. The initiative in British Columbia related to the Microsoft Centre of Excellence is well-aligned with the former category and Citizenship and Immigration Canada officials will continue to collaborate with your officials to ensure that this project is unaffected by this transition.

Note that work permits for provincial nominees will not be affected by this change. These work permits are a provision of Annex B: *Provincial Nominees of the Canada-British Columbia Immigration Agreement*, rather than being part of Annex F: *Temporary Foreign Workers*.

We look forward to working closely with you in negotiating the new model of arrangement for TFWs which we think will be well aligned with other program reforms, and are committed to completing negotiations in a timely manner. My officials will be in touch with your officials to plan our way forward.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Chris Alexander', with a stylized, flowing script.

Chris Alexander, P.C., M.P.
Canada's Minister of Citizenship and Immigration

cc: The Honourable Jason Kenney, Minister of ESDC

Finnegan, Jennifer CSCD:EX

From: Renault, Shannon JTST:EX
Sent: Monday, December 1, 2014 5:55 PM
To: McNeill-McKinnell.Megan; Larocque.Angie
Cc: Bearance, Marci JTST:EX; Diamond, Julia JTST:EX
Subject: Tuesday meeting on TFW Annex for BC
Attachments: TFW Agreement first draft BC comments _dec 1.docx

Hello Megan and Angie,

Sorry this is late in the day however, I know you will get it first thing in the AM and perhaps have a bit of time to review before our discussion.

There are some structural changes we suggest as this is a part of our CBCIA rather than a standalone agreement and four specific items we would like to discuss for inclusion.

Look forward to our discussion tomorrow.

Best Regards,

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

Page 004 to/à Page 017

Withheld pursuant to/removed as

s.16;s.13

Finnegan, Jennifer CSCD:EX

From: Renault, Shannon JTST:EX
Sent: Tuesday, December 9, 2014 1:54 PM
To: Nabi.Amena; Kassam.Samir; Papanek.Katherine; deVlieger.Matt; Marland.Rebecca; Brodeur.Stéphanie; Larocque.Angie; Fama.Melissa; McNeill-McKinnell.Megan; 'michael.symonds@hrsdc-rhdcc.gc.ca'; 'stephanie.peck@hrsdc-rhdcc.gc.ca'; Diamond, Julia JTST:EX; Bradbury, Kim JTST:EX; Bearance, Marci JTST:EX; Strandberg, Rodney JTST:EX
Cc: Judge.Robert
Subject: RE: Joint Negotiation Call on TFW Annex
Attachments: FW: 2014-12-09 TFW Information sharing Schedule draft 1 to CIC

I am also attaching here a draft Info Sharing Annex for the TFW Annex, as preliminarily discussed between Matt and myself last Friday. The initial thought on this grew from the previous BC/CIC discussion on the research schedule and how the use of work permit data may be beyond the scope of the purposes in the research schedule and more aligned with purposes related to worker protection as per the TFW Annex. I'm not sure if we will have time to touch on this tomorrow, but thought I would forward this to all in the interest of keeping everyone in the loop.
Look forward to meeting with everyone tomorrow.

From: Nabi.Amena [<mailto:Amena.Nabi@cic.gc.ca>]
Sent: Tuesday, December 9, 2014 1:24 PM
To: Kassam.Samir; Papanek.Katherine; deVlieger.Matt; Marland.Rebecca; Brodeur.Stéphanie; Larocque.Angie; Fama.Melissa; McNeill-McKinnell.Megan; 'michael.symonds@hrsdc-rhdcc.gc.ca'; 'stephanie.peck@hrsdc-rhdcc.gc.ca'; Renault, Shannon JTST:EX; Diamond, Julia JTST:EX; Bradbury, Kim JTST:EX; Bearance, Marci JTST:EX
Cc: Judge.Robert
Subject: RE: Joint Negotiation Call on TFW Annex

Hello everyone

In preparation for the meeting tomorrow, please see attached a working level draft of the TFW annex.

Thanks

Amena

Amena Nabi

Senior Policy Analyst | Analyste principale des politiques

NHQ - International and Intergovernmental Relations | AC - Relations internationales et intergouvernementales

Citizenship and Immigration Canada | Citoyenneté et Immigration Canada

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Amena.Nabi@cic.gc.ca

Telephone | Téléphone 613-437-7508

Facsimile | Télécopieur 613-954-4322

Government of Canada | Gouvernement du Canada

-----Original Appointment-----

From: Kassam.Samir

Sent: December 4, 2014 10:13 AM

To: Kassam.Samir; Papanek.Katherine; Nabi.Amena; deVlieger.Matt; Marland.Rebecca; Brodeur.Stéphanie; Larocque.Angie; Fama.Melissa; McNeill-McKinnell.Megan; 'michael.symonds@hrsdc-rhdcc.gc.ca'; 'stephanie.peck@hrsdc-rhdcc.gc.ca'; 'Shannon.Renault@gov.bc.ca'; 'julia.diamond@gov.bc.ca'; 'kim.bradbury@gov.bc.ca'; 'Marci.Bearance@gov.bc.ca'; IIR-Polycom-1

Subject: Joint Negotiation Call on TFW Annex

When: December 10, 2014 1:00 PM-2:00 PM (GMT-05:00) Eastern Time (US & Canada).

Where: IIR-Teleconference-6498774; Boardroom-JETN-C800 (seats 26)

When: December 10, 2014 1:00 PM-2:00 PM (GMT-05:00) Eastern Time (US & Canada).

Where: IIR-Teleconference-6498774; Boardroom-JETN-C800 (seats 26)

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*

Hello Everyone,

We would like to hold our next joint negotiation call on the TFW Annex, as part of the negotiations towards a renewed Canada-British Columbia Immigration Agreement. This call is tentatively scheduled for Wednesday December 12th, 10:00 am, BC time. Meeting documents to follow.

Please note the call in info:

Dial: 1 877-413-4790

Code: 6498774

Thank you,

Samir

Finnegan, Jennifer CSCD:EX

From: Strandberg, Rodney JTST:EX
Sent: Tuesday, December 9, 2014 1:47 PM
To: Renault, Shannon JTST:EX
Subject: FW: 2014-12-09 TFW Information sharing Schedule draft 1 to CIC
Attachments: 2014-12-09 TFW Information sharing Schedule draft 1 to CIC.docx

From: Strandberg, Rodney JTST:EX
Sent: Tuesday, December 9, 2014 9:54 AM
To: Marland.Rebecca
Subject: 2014-12-09 TFW Information sharing Schedule draft 1 to CIC

As I advised you yesterday, I have now prepared the TFW Information Sharing Schedule for the exchange of information as described in the TFW Annex. I am providing a copy for your review. Once the Appendix addressing the data elements from CIC is finalized, I will forward this to you.

Please review this schedule and provide any comments you may have when they are available. You will have to consult with your colleagues regarding any data CIC wishes to receive from BC.

Do you think we will be able to discuss this schedule, even at a very high level, tomorrow during our telephone call regarding the Research Schedule? Please let me know.

Thank you. Please contact me if you have any questions or concerns.

Page 021 to/à Page 037

Withheld pursuant to/removed as

s.16;s.13

Finnegan, Jennifer CSCD:EX

From: deVlieger.Matt <Matt.deVlieger@cic.gc.ca>
Sent: Tuesday, December 9, 2014 2:34 PM
To: Renault, Shannon JTST:EX; Nabi.Amena; Kassam.Samir; Papanek.Katherine; Marland.Rebecca; Brodeur.Stéphanie; Larocque.Angie; Fama.Melissa; McNeill-McKinnell.Megan; 'michael.symonds@hrsdc-rhdcc.gc.ca'; 'stephanie.peck@hrsdc-rhdcc.gc.ca'; Diamond, Julia JTST:EX; Bradbury, Kim JTST:EX; Bearance, Marci JTST:EX; Strandberg, Rodney JTST:EX
Cc: Judge.Robert
Subject: RE: Joint Negotiation Call on TFW Annex

Thanks for this Shannon.

We understand the interest in finding an appropriate place in the agreement to specify sharing of work permit data and how that would be useful to BC (and to other PTs as well). We've had some good conversations internally about the data source and appropriate avenues given OIC timeframes and the moving parts of policy work and research cube redesign.

s.13,s.16

Matt de Vlieger
Director | Directeur
NHQ - International and Intergovernmental Relations | AC - Relations internationales et intergouvernementales
Citizenship and Immigration Canada | Citoyenneté et Immigration Canada
300 Slater Street Ottawa ON K1A 1L1 | 300 rue Slater Ottawa ON K1A 1L1
Matt.deVlieger@cic.gc.ca
Telephone | Téléphone 613-437-7499
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From: Renault, Shannon JTST:EX [mailto:Shannon.Renault@gov.bc.ca]
Sent: December 9, 2014 4:54 PM
To: Nabi.Amena; Kassam.Samir; Papanek.Katherine; deVlieger.Matt; Marland.Rebecca; Brodeur.Stéphanie; Larocque.Angie; Fama.Melissa; McNeill-McKinnell.Megan; 'michael.symonds@hrsdc-rhdcc.gc.ca'; 'stephanie.peck@hrsdc-rhdcc.gc.ca'; Diamond, Julia JTST:EX; Bradbury, Kim JTST:EX; Bearance, Marci JTST:EX; Strandberg, Rodney JTST:EX
Cc: Judge.Robert
Subject: RE: Joint Negotiation Call on TFW Annex

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s.13,s.16

I'm not sure if

we will have time to touch on this tomorrow, but thought I would forward this to all in the interest of keeping everyone in the loop.

Look forward to meeting with everyone tomorrow.

From: Nabi.Amena [<mailto:Amena.Nabi@cic.gc.ca>]

Sent: Tuesday, December 9, 2014 1:24 PM

To: Kassam.Samir; Papanek.Katherine; deVlieger.Matt; Marland.Rebecca; Brodeur.Stéphanie; Larocque.Angie; Fama.Melissa; McNeill-McKinnell.Megan; 'michael.symonds@hrsdc-rhdcc.gc.ca'; 'stephanie.peck@hrsdc-rhdcc.gc.ca'; Renault, Shannon JTST:EX; Diamond, Julia JTST:EX; Bradbury, Kim JTST:EX; Bearance, Marci JTST:EX

Cc: Judge.Robert

Subject: RE: Joint Negotiation Call on TFW Annex

Hello everyone

In preparation for the meeting tomorrow, please see attached a working level draft of the TFW annex.

Thanks

Amena

Amena Nabi

Senior Policy Analyst | Analyste principale des politiques

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-----Original Appointment-----

From: Kassam.Samir

Sent: December 4, 2014 10:13 AM

To: Kassam.Samir; Papanek.Katherine; Nabi.Amena; deVlieger.Matt; Marland.Rebecca; Brodeur.Stéphanie; Larocque.Angie; Fama.Melissa; McNeill-McKinnell.Megan; 'michael.symonds@hrsdc-rhdcc.gc.ca'; 'stephanie.peck@hrsdc-rhdcc.gc.ca'; 'Shannon.Renault@gov.bc.ca'; 'julia.diamond@gov.bc.ca'; 'kim.bradbury@gov.bc.ca'; 'Marci.Bearance@gov.bc.ca'; IIR-Polycom-1

Subject: Joint Negotiation Call on TFW Annex

When: December 10, 2014 1:00 PM-2:00 PM (GMT-05:00) Eastern Time (US & Canada).

Where:^{s.15}

When: December 10, 2014 1:00 PM-2:00 PM (GMT-05:00) Eastern Time (US & Canada).

Where:^{s.15}

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*

Hello Everyone,

We would like to hold our next joint negotiation call on the TFW Annex, as part of the negotiations towards a renewed Canada-British Columbia Immigration Agreement. This call is tentatively scheduled for Wednesday December 12th, 10:00 am, BC time.

Meeting documents to follow.

Please note the call in info:

Dial: ^{s.15,s.17}

Code:

Thank you,
Samir

Finnegan, Jennifer CSCD:EX

From: McNeill-McKinnell.Megan <Megan.McNeill-McKinnell@cic.gc.ca>
Sent: Friday, December 12, 2014 9:08 AM
To: Renault, Shannon JTST:EX; Kassam.Samir; Papanek.Katherine; Nabi.Amena; Larocque.Angie; Fama.Melissa; 'michael.symonds@hrsdc-rhdcc.gc.ca'; 'stephanie.peck@hrsdc-rhdcc.gc.ca'; Diamond, Julia JTST:EX; Bradbury, Kim JTST:EX; Bearance, Marci JTST:EX; Judge.Robert; deVlieger.Matt
Subject: RE: Joint Negotiation Call on TFW Annex

Hi Shannon, thank you for the work on the Annex which we will look at shortly.

I have followed up on the spouses question, and the policy is that spouses of returning Canadians/PRs can get open work permits once approval in principle is received but not sooner.

s.13

Perhaps we can

discuss further at the next call.

Thanks, Megan

From: Renault, Shannon JTST:EX [<mailto:Shannon.Renault@gov.bc.ca>]
Sent: December-11-14 8:26 PM
To: Kassam.Samir; Papanek.Katherine; Nabi.Amena; deVlieger.Matt; Marland.Rebecca; Brodeur.Stéphanie; Larocque.Angie; Fama.Melissa; McNeill-McKinnell.Megan; 'michael.symonds@hrsdc-rhdcc.gc.ca'; 'stephanie.peck@hrsdc-rhdcc.gc.ca'; Diamond, Julia JTST:EX; Bradbury, Kim JTST:EX; Bearance, Marci JTST:EX; IIR-Polycom-1
Subject: RE: Joint Negotiation Call on TFW Annex

Good Afternoon Everyone,

As per our meeting on Wed, please find attached the updated draft of the TFW Annex for Canada and BC. We have incorporated all the comments from our discussion up to the section on Governance, at which point the remaining changes were to be made by CIC. We've also put the definitions in alphabet order.

Megan I also wanted to note that we meant to discuss, but did not at our last call, the question from our first call related to the open work permit for foreign spouses and dependents of repatriating Canadians. You had noted that you would be checking as to the status of the instructions that may be coming out on this item.

Best Regards,

Shannon Renault
Director, Immigration Policy
Phone: (250) 356-9827 (NEW) | **Fax:** (250) 387-6152 | **Email:** shannon.renault@gov.bc.ca

-----Original Appointment-----

From: Kassam.Samir [<mailto:Samir.Kassam@cic.gc.ca>]

Sent: Thursday, December 4, 2014 7:13 AM

To: Kassam.Samir; Papanek.Katherine; Nabi.Amena; deVlieger.Matt; Marland.Rebecca; Brodeur.Stéphanie; Larocque.Angie; Fama.Melissa; McNeill-McKinnell.Megan; 'michael.symonds@hrsdc-rhdcc.gc.ca'; 'stephanie.peck@hrsdc-rhdcc.gc.ca'; Renault, Shannon JTST:EX; Diamond, Julia JTST:EX; Bradbury, Kim JTST:EX; Bearance, Marci JTST:EX; IIR-Polycom-1

Subject: Joint Negotiation Call on TFW Annex

When: Wednesday, December 10, 2014 10:00 AM-11:00 AM (UTC-08:00) Pacific Time (US & Canada).

Where: s.15

When: December 10, 2014 1:00 PM-2:00 PM (GMT-05:00) Eastern Time (US & Canada).

Where: s.15

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

Hello Everyone,

We would like to hold our next joint negotiation call on the TFW Annex, as part of the negotiations towards a renewed Canada-British Columbia Immigration Agreement. This call is tentatively scheduled for Wednesday December 12th, 10:00 am, BC time.

Meeting documents to follow.

Please note the call in info:

Dial: s.15,s.17

Code:

Thank you,
Samir

Page 043 to/à Page 054

Withheld pursuant to/removed as

s.16;s.13

Finnegan, Jennifer CSCD:EX

From: Nabi.Amena <Amena.Nabi@cic.gc.ca>
Sent: Tuesday, December 16, 2014 1:26 PM
To: Kassam.Samir; Papanek.Katherine; deVlieger.Matt; Marland.Rebecca; Brodeur.Stéphanie; Larocque.Angie; Fama.Melissa; McNeill-McKinnell.Megan; 'michael.symonds@hrsdc-rhdcc.gc.ca'; 'stephanie.peck@hrsdc-rhdcc.gc.ca'; Renault, Shannon JTST:EX; Diamond, Julia JTST:EX; Bearance, Marci JTST:EX; 'colin.s.james@hrsdc-rhdcc.gc.ca'
Subject: RE: Joint Negotiation Call on TFW Annex
Attachments: 2014-12-16 TFWP Agreement DRAFT.DOCX

Hello all

In preparation for the meeting tomorrow – please see attached a revised, draft TFW annex for review.

Thanks

Amena

Amena Nabi

Senior Policy Analyst | Analyste principale des politiques

NHQ - International and Intergovernmental Relations | AC - Relations internationales et intergouvernementales

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-----Original Appointment-----

From: Kassam.Samir

Sent: December 10, 2014 3:19 PM

To: Kassam.Samir; IIR-Teleconference-6498774; IIR-Polycom-1; Boardroom-JETN-C800 (seats 26); Papanek.Katherine; Nabi.Amena; deVlieger.Matt; Marland.Rebecca; Brodeur.Stéphanie; Larocque.Angie; Fama.Melissa; McNeill-McKinnell.Megan; 'michael.symonds@hrsdc-rhdcc.gc.ca'; 'stephanie.peck@hrsdc-rhdcc.gc.ca'; 'Shannon.Renault@gov.bc.ca'; 'julia.diamond@gov.bc.ca'; 'kim.bradbury@gov.bc.ca'; 'Marci.Bearance@gov.bc.ca'; 'colin.s.james@hrsdc-rhdcc.gc.ca'

Subject: Joint Negotiation Call on TFW Annex

When: December 17, 2014 2:30 PM-3:30 PM (GMT-05:00) Eastern Time (US & Canada).

Where: JETN 0800

When: December 17, 2014 2:30 PM-3:30 PM (GMT-05:00) Eastern Time (US & Canada).

Where: JETN 0800

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*~*

Hello Everyone,

We would like to hold our next joint negotiation call on the TFW Annex, as part of the negotiations towards a renewed Canada-British Columbia Immigration Agreement. This call is scheduled for Wednesday December 17th, 11:30 am, BC time. Meeting documents to follow.

Please note the call in info:

Dial: 1 877-413-4790

Code: 6498774

Thank you,

Samir

Page 056 to/à Page 070

Withheld pursuant to/removed as

s.14;s.16;s.13

Finnegan, Jennifer CSCD:EX

From: McNeill-McKinnell.Megan <Megan.McNeill-McKinnell@cic.gc.ca>
Sent: Wednesday, December 17, 2014 12:46 PM
To: Renault, Shannon JTST:EX; Diamond, Julia JTST:EX; Bearance, Marci JTST:EX
Cc: Nabi.Amena
Subject: work permit wording

Please see proposed wording for S8.3. Thanks, Megan

s.13,s.16

Finnegan, Jennifer CSCD:EX

From: Nabi.Amena <Amena.Nabi@cic.gc.ca>
Sent: Friday, January 9, 2015 2:06 PM
To: Nabi.Amena; Kassam.Samir; IIR-Teleconference-6498774; IIR-Polycom-1; Papanek.Katherine; deVlieger.Matt; Marland.Rebecca; Brodeur.Stéphanie; Larocque.Angie; Fama.Melissa; McNeill-McKinnell.Megan; 'michael.symonds@hrsdc-rhdcc.gc.ca'; 'stephanie.peck@hrsdc-rhdcc.gc.ca'; Renault, Shannon JTST:EX; Diamond, Julia JTST:EX; Bradbury, Kim JTST:EX; Bearance, Marci JTST:EX; 'colin.s.james@hrsdc-rhdcc.gc.ca'; Helander, Carling JTST:EX; Strandberg, Rodney JTST:EX; Brooks, Lori (ESDC.EDSC)
Subject: RE: TFW Annex negotiation - revised annex
Attachments: 2015-01-09 TFWP Agreement - BC legal review - ESDC Comments.docx

Hello everyone

Please see attached a revised TFW annex with ESDC and BC legal comments.

Thank you,

Amena

Amena Nabi

Senior Policy Analyst | Analyste principale des politiques

NHQ - International and Intergovernmental Relations | AC - Relations internationales et intergouvernementales

Citizenship and Immigration Canada | Citoyenneté et Immigration Canada

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Government of Canada | Gouvernement du Canada

-----Original Appointment-----

From: Nabi.Amena

Sent: January 8, 2015 10:04 AM

To: Nabi.Amena; Kassam.Samir; IIR-Teleconference-6498774; IIR-Polycom-1; Papanek.Katherine; deVlieger.Matt; Marland.Rebecca; Brodeur.Stéphanie; Larocque.Angie; Fama.Melissa; McNeill-McKinnell.Megan; 'michael.symonds@hrsdc-rhdcc.gc.ca'; 'stephanie.peck@hrsdc-rhdcc.gc.ca'; 'Shannon.Renault@gov.bc.ca'; 'julia.diamond@gov.bc.ca'; 'kim.bradbury@gov.bc.ca'; 'Marci.Bearance@gov.bc.ca'; 'colin.s.james@hrsdc-rhdcc.gc.ca'; 'Helander, Carling JTST:EX'; 'Strandberg, Rodney JTST:EX'; Brooks, Lori (ESDC.EDSC)

Subject: TFW Annex negotiation

When: January 13, 2015 2:30 PM-3:30 PM (GMT-05:00) Eastern Time (US & Canada).

Where: s.15 and call in info

Hello Everyone,

We would like to hold our next joint negotiation call on the TFW Annex, as part of the negotiations towards a renewed *Canada-British Columbia Immigration Agreement*. This call is scheduled for Tuesday January 13th, 11:30 am, BC time.

Attached is the latest draft version of the annex.

Please note the call in info:

Dial: s.15,s.17

Code

Thank you,

Amena

<< File: 2015-01-06 TFWP Agreement ESDC and CIC-IIR Comments.docx >>

Amena Nabi

Senior Policy Analyst | Analyste principale des politiques

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Government of Canada | Gouvernement du Canada

Page 074 to/à Page 085

Withheld pursuant to/removed as

s.14;s.16;s.13

Finnegan, Jennifer CSCD:EX

From: Nabi.Amena <Amena.Nabi@cic.gc.ca>
Sent: Friday, January 16, 2015 3:29 PM
To: Berard.Suzie; Nicholls, Cloe JTST:EX; 'michael.symonds@hrsdc-rhdcc.gc.ca'; 'stephanie.peck@hrsdc-rhdcc.gc.ca'; Renault, Shannon JTST:EX; Diamond, Julia JTST:EX; Bradbury, Kim JTST:EX; Bearance, Marci JTST:EX; Helander, Carling JTST:EX; Strandberg, Rodney JTST:EX
Cc: Fama.Melissa; McNeill-McKinnell.Megan; Papanek.Katherine; Marland.Rebecca; Larocque.Angie
Subject: TFW annex for CBCIA
Attachments: 2015-01-16 TFWP Agreement DRAFT.docx

Hello

Attached is the TFW annex for your comments and approval, as reviewed after initial legal counsel comments from all 3 signatories.

Thank you,
Amena

Amena Nabi
Senior Policy Analyst | Analyste principale des politiques
NHQ - International and Intergovernmental Relations | AC - Relations internationales et intergouvernementales
Citizenship and Immigration Canada | Citoyenneté et Immigration Canada
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Government of Canada | Gouvernement du Canada

Page 087 to/à Page 098

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s.14;s.16;s.13

Finnegan, Jennifer CSCD:EX

From: Nabi.Amena <Amena.Nabi@cic.gc.ca>
Sent: Friday, January 16, 2015 3:29 PM
To: Berard.Suzie; Nicholls, Cloe JTST:EX; 'michael.symonds@hrsdc-rhdcc.gc.ca';
'stephanie.peck@hrsdc-rhdcc.gc.ca'; Renault, Shannon JTST:EX; Diamond, Julia JTST:EX;
Bradbury, Kim JTST:EX; Bearance, Marci JTST:EX; Helander, Carling JTST:EX; Strandberg,
Rodney JTST:EX
Cc: Fama.Melissa; McNeill-McKinnell.Megan; Papanek.Katherine; Marland.Rebecca;
Larocque.Angie
Attachments: 2015-01-16 TFWP Agreement DRAFT.docx

Finnegan, Jennifer CSCD:EX

From: Bearance, Marci JTST:EX
Sent: Thursday, January 22, 2015 11:34 AM
To: Megan.McNeill-McKinnell@cic.gc.ca
Cc: Diamond, Julia JTST:EX; Nicholls, Cloe JTST:EX; michael.symonds@hrsdcc-rhdcc.gc.ca
Subject: BC Comments on TFW Annex received Jan 21, 2015
Attachments: ANNEX B - 2015_01_21 TFWP Annex for CBCIA - with BC comments.docx

Hi Megan,

We received your revisions to TFW annex yesterday and wanted to clarify a couple points with you before proceeding further. Our comments are included the attached version and are fairly easily addressed, with the exception of a couple points for which we require clarification.

s.13,s.16

s.13,s.16

We appreciate your quick turn around on this and let me know if you would like to discuss further today.

Thanks,

Marci

*Marci Bearance
Immigration Policy Unit
Labour Market and Immigration Division
Ministry of Jobs, Tourism and Skills Training
(250) 387-0272*

Page 101 to/à Page 112

Withheld pursuant to/removed as

s.16;s.13

Finnegan, Jennifer CSCD:EX

From: Nabi.Amena <Amena.Nabi@cic.gc.ca>
Sent: Thursday, January 22, 2015 1:11 PM
To: Bearance, Marci JTST:EX; Nicholls, Cloe JTST:EX; Diamond, Julia JTST:EX
Cc: McNeill-McKinnell.Megan; Papanek.Katherine; Fama.Melissa; Bradbury, Kim JTST:EX
Subject: comments on the latest TFW Annex

Hello

We are working on your changes proposed to the TFW annex. in the interim, please note the following:

s.13,s.16

- Wording for the appendices will follow shortly.

Thank you,
Amena

Amena Nabi
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NHQ - International and Intergovernmental Relations | AC - Relations internationales et intergouvernementales
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Finnegan, Jennifer CSCD:EX

From: Nabi.Amena <Amena.Nabi@cic.gc.ca>
Sent: Wednesday, January 28, 2015 11:52 AM
To: Diamond, Julia JTST:EX
Subject: RE: Revised draft of TFW Annex

My pleasure, thanks, Julia.

Amena Nabi
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From: Diamond, Julia JTST:EX [<mailto:Julia.Diamond@gov.bc.ca>]
Sent: January 28, 2015 1:26 PM
To: Nabi.Amena
Cc: Papanek.Katherine; McNeill-McKinnell.Megan; Bearance, Marci JTST:EX; Bradbury, Kim JTST:EX; Nicholls, Cloe JTST:EX
Subject: RE: Revised draft of TFW Annex

Thanks, Amena. We have provided this version of the Annex to our legal counsel for review and will advise if there are any further issues that must be addressed.

Thank you,
Julia

Julia Diamond
Policy Analyst, Immigration Policy
Ministry of Jobs, Tourism, and Skills Training
Tel: 250 356-2336 | Email: Julia.Diamond@gov.bc.ca

From: Nabi.Amena [<mailto:Amena.Nabi@cic.gc.ca>]
Sent: Wednesday, January 28, 2015 8:30 AM
To: Diamond, Julia JTST:EX; Bearance, Marci JTST:EX; Bradbury, Kim JTST:EX
Cc: Papanek.Katherine; McNeill-McKinnell.Megan
Subject: RE: Revised draft of TFW Annex

Hello

Please see attached the revised (we are hoping very close to final) version of the TFW annex. Please advise if you see any issues that must be addressed.

Note for Appendix B:

- The text “where restoration/reconstruction of a community or area is required due to significant loss/damage” is part of CIC’s mandate for establishing LMIA exemptions for Exceptional and Unforeseen Events and as such we would like to retain it in the appendix.

Thanks
Amena

Amena Nabi
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From: Diamond, Julia JTST:EX [<mailto:Julia.Diamond@gov.bc.ca>]

Sent: January 9, 2015 1:43 PM

To: Nabi.Amena; Kassam.Samir; Papanek.Katherine; deVlieger.Matt; Marland.Rebecca; Brodeur.Stéphanie; Larocque.Angie; Fama.Melissa; McNeill-McKinnell.Megan; 'michael.symonds@hrsdc-rhdcc.gc.ca'; 'stephanie.peck@hrsdc-rhdcc.gc.ca'; Renault, Shannon JTST:EX; 'colin.s.james@hrsdc-rhdcc.gc.ca'

Cc: Bearance, Marci JTST:EX; Renault, Shannon JTST:EX

Subject: Revised draft of TFW Annex

Happy Friday, everyone! Attached is a revised draft of the TFW Annex, that has been reviewed by our legal counsel, in preparation for our meeting on Tuesday.

Thanks,

Julia Diamond

Policy Analyst, Immigration Policy
Ministry of Jobs, Tourism, and Skills Training
Tel: 250 356-2336 | Email: Julia.Diamond@gov.bc.ca

Finnegan, Jennifer CSCD:EX

From: Nabi.Amena <Amena.Nabi@cic.gc.ca>
Sent: Wednesday, January 28, 2015 12:33 PM
To: Nabi.Amena; Diamond, Julia JTST:EX
Cc: Papanek.Katherine; McNeill-McKinnell.Megan; Bearance, Marci JTST:EX; Bradbury, Kim JTST:EX; Nicholls, Cloe JTST:EX
Subject: RE: Revised draft of TFW Annex
Attachments: ANNEX B - 2015_01_28B TFWP Annex for CBCIA.docx

Sorry, that small tweak did not appear – please see the attached.

Amena

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From: Nabi.Amena
Sent: January 28, 2015 3:30 PM
To: 'Diamond, Julia JTST:EX'
Cc: Papanek.Katherine; McNeill-McKinnell.Megan; Bearance, Marci JTST:EX; Bradbury, Kim JTST:EX; Nicholls, Cloe JTST:EX
Subject: RE: Revised draft of TFW Annex

Thanks, Julia. Apologies. A small change the definition of TFWP was made – removed “from ESDC”.

Thank you,
Amena

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Government of Canada | Gouvernement du Canada

From: Diamond, Julia JTST:EX [<mailto:Julia.Diamond@gov.bc.ca>]

Sent: January 28, 2015 1:26 PM

To: Nabi.Amena

Cc: Papanek.Katherine; McNeill-McKinnell.Megan; Bearance, Marci JTST:EX; Bradbury, Kim JTST:EX; Nicholls, Cloe JTST:EX

Subject: RE: Revised draft of TFW Annex

Thanks, Amena. We have provided this version of the Annex to our legal counsel for review and will advise if there are any further issues that must be addressed.

Thank you,
Julia

Julia Diamond

Policy Analyst, Immigration Policy

Ministry of Jobs, Tourism, and Skills Training

Tel: 250 356-2336 | Email: Julia.Diamond@gov.bc.ca

From: Nabi.Amena [<mailto:Amena.Nabi@cic.gc.ca>]

Sent: Wednesday, January 28, 2015 8:30 AM

To: Diamond, Julia JTST:EX; Bearance, Marci JTST:EX; Bradbury, Kim JTST:EX

Cc: Papanek.Katherine; McNeill-McKinnell.Megan

Subject: RE: Revised draft of TFW Annex

Hello

Please see attached the revised (we are hoping very close to final) version of the TFW annex. Please advise if you see any issues that must be addressed.

Note for Appendix B:

- The text "where restoration/reconstruction of a community or area is required due to significant loss/damage" is part of CIC's mandate for establishing LMIA exemptions for Exceptional and Unforeseen Events and as such we would like to retain it in the appendix.

Thanks
Amena

Amena Nabi

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From: Diamond, Julia JTST:EX [<mailto:Julia.Diamond@gov.bc.ca>]

Sent: January 9, 2015 1:43 PM

To: Nabi.Amena; Kassam.Samir; Papanek.Katherine; deVlieger.Matt; Marland.Rebecca; Brodeur.Stéphanie; Larocque.Angie; Fama.Melissa; McNeill-McKinnell.Megan; 'michael.symonds@hrsdc-rhdcc.gc.ca'; 'stephanie.peck@hrsdc-rhdcc.gc.ca'; Renault, Shannon JTST:EX; 'colin.s.james@hrsdc-rhdcc.gc.ca'

Cc: Bearance, Marci JTST:EX; Renault, Shannon JTST:EX

Subject: Revised draft of TFW Annex

Happy Friday, everyone! Attached is a revised draft of the TFW Annex, that has been reviewed by our legal counsel, in preparation for our meeting on Tuesday.

Thanks,

Julia Diamond

Policy Analyst, Immigration Policy

Ministry of Jobs, Tourism, and Skills Training

Tel: 250 356-2336 | Email: Julia.Diamond@gov.bc.ca

Page 119 to/à Page 129

Withheld pursuant to/removed as

s.16;s.13

Finnegan, Jennifer CSCD:EX

From: Nabi.Amena <Amena.Nabi@cic.gc.ca>
Sent: Friday, January 30, 2015 12:10 PM
To: Bradbury, Kim JTST:EX
Cc: Papanek.Katherine; McNeill-McKinnell.Megan; Bearance, Marci JTST:EX; Nicholls, Cloe JTST:EX; 'michael.symonds@hrsdc-rhdcc.gc.ca'; Diamond, Julia JTST:EX
Attachments: ANNEX B - 2015_01_30 TFWP Annex for CBCIA.docx

That is excellent news, Kim! Attached is the annex – just a small correction in section 9.4 (remove an extra “that”).

Thank you,
Amena

Amena Nabi
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From: Bradbury, Kim JTST:EX [mailto:Kim.Bradbury@gov.bc.ca]
Sent: January 30, 2015 3:00 PM
To: Nabi.Amena
Cc: Papanek.Katherine; McNeill-McKinnell.Megan; Bearance, Marci JTST:EX; Nicholls, Cloe JTST:EX; 'michael.symonds@hrsdc-rhdcc.gc.ca'; Diamond, Julia JTST:EX
Subject: RE: Revised draft of TFW Annex

Hi Amena. We just got feedback yesterday from legal on the TFW Annex and we are fine with CIC's revised version.

Cheers,

Kim Bradbury
(250) 356-2229

If you can't change the circumstances, change your perspective.

Unknown

From: Nabi.Amena [mailto:Amena.Nabi@cic.gc.ca]
Sent: Friday, January 30, 2015 11:48 AM

To: Diamond, Julia JTST:EX

Cc: Papanek.Katherine; McNeill-McKinnell.Megan; Bearance, Marci JTST:EX; Bradbury, Kim JTST:EX; Nicholls, Cloe JTST:EX; 'michael.symonds@hrsdc-rhdcc.gc.ca'

Subject: RE: Revised draft of TFW Annex

Hello Julia

We have not heard back from BC on any comments for the TFW annex. We have been doing a thorough QC/proofreading of the annex and it is close to final. Please see the attached and please advise if you have any comments to provide as soon as possible.

Thank you,
Amena

Amena Nabi

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From: Diamond, Julia JTST:EX [<mailto:Julia.Diamond@gov.bc.ca>]

Sent: January 28, 2015 1:26 PM

To: Nabi.Amena

Cc: Papanek.Katherine; McNeill-McKinnell.Megan; Bearance, Marci JTST:EX; Bradbury, Kim JTST:EX; Nicholls, Cloe JTST:EX

Subject: RE: Revised draft of TFW Annex

Thanks, Amena. We have provided this version of the Annex to our legal counsel for review and will advise if there are any further issues that must be addressed.

Thank you,
Julia

Julia Diamond

Policy Analyst, Immigration Policy

Ministry of Jobs, Tourism, and Skills Training

Tel: 250 356-2336 | Email: Julia.Diamond@gov.bc.ca

From: Nabi.Amena [<mailto:Amena.Nabi@cic.gc.ca>]

Sent: Wednesday, January 28, 2015 8:30 AM

To: Diamond, Julia JTST:EX; Bearance, Marci JTST:EX; Bradbury, Kim JTST:EX

Cc: Papanek.Katherine; McNeill-McKinnell.Megan

Subject: RE: Revised draft of TFW Annex

Hello

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Note for Appendix B:

- The text “where restoration/reconstruction of a community or area is required due to significant loss/damage” is part of CIC’s mandate for establishing LMIA exemptions for Exceptional and Unforeseen Events and as such we would like to retain it in the appendix.

Thanks
Amena

Amena Nabi

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From: Diamond, Julia JTST:EX [<mailto:Julia.Diamond@gov.bc.ca>]

Sent: January 9, 2015 1:43 PM

To: Nabi.Amena; Kassam.Samir; Papanek.Katherine; deVlieger.Matt; Marland.Rebecca; Brodeur.Stéphanie; Larocque.Angie; Fama.Melissa; McNeill-McKinnell.Megan; 'michael.symonds@hrsdc-rhdcc.gc.ca'; 'stephanie.peck@hrsdc-rhdcc.gc.ca'; Renault, Shannon JTST:EX; 'colin.s.james@hrsdc-rhdcc.gc.ca'

Cc: Bearance, Marci JTST:EX; Renault, Shannon JTST:EX

Subject: Revised draft of TFW Annex

Happy Friday, everyone! Attached is a revised draft of the TFW Annex, that has been reviewed by our legal counsel, in preparation for our meeting on Tuesday.

Thanks,

Julia Diamond

Policy Analyst, Immigration Policy

Ministry of Jobs, Tourism, and Skills Training

Tel: 250 356-2336 | Email: Julia.Diamond@gov.bc.ca

Page 133 to/à Page 143

Withheld pursuant to/removed as

s.16;s.13

Canada-British Columbia Immigration Agreement

Annex B: Foreign Workers

2015

1.0 Preamble

- 1.1 Pursuant to the *Department of Employment and Social Development Act* (hereinafter referred to as the "DESD Act"), the powers, duties and functions of the Minister of Employment and Social Development extend to all matters relating to human resources and skills development in Canada or the social development of Canada over which Parliament has jurisdiction and which are not by law assigned to any other Minister, department, board or agency of the Government of Canada; and whereas the Minister of Employment and Social Development is authorized, pursuant to section 10 of the DESD Act to enter into agreements with provinces or territories for the purposes of facilitating the formulation, coordination and implementation of programs and policies related to the powers, duties and functions conferred by that Act. Pursuant to the *Immigration and Refugee Protection Act* (IRPA) and the *Immigration and Refugee Protection Regulations* (IRPR), the Department of Employment and Social Development provides Labour Market Impact Assessments (LMIA's) to employers and to the Department of Citizenship and Immigration in respect of offers of employment to foreign nationals.
- 1.2 Whereas subsection 8(1) of the IRPA and 5(1) of the *Department of Citizenship and Immigration Act* (hereinafter referred to as the "DCIA") authorizes the Minister of Citizenship and Immigration, with the approval of the Governor in Council, to enter into agreements with provinces for the purpose of the IRPA and for the purpose of facilitating the formulation, coordination and implementation - including the collection, use and disclosure of information - of policies and programs for which the Minister is responsible; and whereas section 204(c) of the IRPR authorizes the issuance of work permits under section 200 of the IRPR to foreign nationals who intend to perform work pursuant to an agreement entered into by the Minister of Citizenship and Immigration with a province; this Annex constitutes an agreement in accordance with subsection 5(1) of the DCIA, subsection 8(1) of the IRPA and section 204(c) of the IRPR. This Annex shall be governed by the provisions of the 2015 Canada-British Columbia Immigration Agreement (CBCIA) in any matters not specifically addressed in this Annex.
- 1.3 For the purposes of this Annex, "Canada" means Canada as represented by the Minister of Citizenship and Immigration and the Minister of Employment and Social Development, unless otherwise indicated. British Columbia (BC) means BC as represented by the Minister of Jobs, Tourism and Skills Training and Minister Responsible for Labour.

2.0 Purpose and Objectives

- 2.1 The overarching purpose of this Annex is to allow Citizenship and Immigration Canada (CIC), Employment and Social Development Canada (ESDC) and BC to better work

together to ensure that the Temporary Foreign Worker Program (TFWP) and the International Mobility Program (IMP) operate in the national interest while supporting provincial priorities, and that employers consider Canadians first for available jobs, where applicable.

2.2 More specifically, the objectives of this Annex are to:

- 2.2.1 outline the roles and responsibilities of CIC, ESDC, and BC in support of the TFWP and the IMP;
- 2.2.2 provide a mechanism for BC to recommend LMIA exemptions in accordance with this Annex, or any Appendix to this Annex, and recommend occupations eligible to receive priority LMIA processing in accordance with section 8.0 of this Annex; and
- 2.2.3 increase federal-provincial collaboration in the administration of the TFWP and the IMP through the implementation of common principles with respect to the protection of foreign workers.

3.0 Shared Principles

3.1 Canada and BC agree that:

- 3.1.1 the key objectives of the TFWP and the IMP are to enable Canada to pursue the maximum social, cultural and economic benefits of immigration and to ensure that the work performed by foreign workers continues to promote Canada's economic and labour market interests;
- 3.1.2 collaboration is required to support BC's key provincial economic development priorities and address BC's unique labour market needs in a manner that is consistent with the overall national objectives of the TFWP and IMP;
- 3.1.3 enhanced cooperation and coordination between Canada and BC will support the common goals of improving the integrity of the TFWP and the IMP in BC;
- 3.1.4 measures to strengthen the LMIA process are required to ensure the robustness and integrity of the TFWP;
- 3.1.5 an enhanced role of BC to recommend occupations for priority LMIA processing will help support regional economic goals;
- 3.1.6 increased protection of Foreign Workers is essential to their successful participation in workplaces and communities and to maintaining the integrity of the TFWP and the IMP; and
- 3.1.7 information sharing between Canada and BC is required to administer, enforce, and maintain the integrity of the TFWP and the IMP.

4.0 Definitions

4.1 In addition to the terms defined in the 2015 CBCIA, the following definitions apply to the terms of this Annex:

- a. "Annex" means this Annex and the Appendices attached to it;
- b. "Exceptional and Unforeseen Event" is a temporary situation during or following an event that poses a significant risk to people's lives, health, general safety, property and/or the environment;
- c. "Highly Mobile Capital" is uncommitted corporate funds that can easily move across provincial, territorial and/or national boundaries and is subject to a corporate positive investment decision;
- d. "High Wage Occupation" means a position at or above the BC median wage;
- e. "In-demand Occupation" means high wage occupations, recommended by BC and approved by ESDC, and which have been identified using the methodology developed as per section 8.3 of this Annex;
- f. "International Mobility Program" or "IMP" means the functions under the IRPA and the IRPR that allow the Government of Canada to authorize foreign nationals to work temporarily in Canada, without the requirement for a LMIA;
- g. "Labour Market Impact Assessment" or "LMIA" is the opinion provided by ESDC to employers or CIC in accordance with section 203 of the IRPA. In assessing LMIA requests, ESDC considers whether the employment of a foreign worker is likely to have a positive or neutral effect on the Canadian labour market. The LMIA is used to support the application of a foreign national for a work permit when required under the IRPR;
- h. "Significant Investment Project" means a new endeavour in an existing firm's operations, or the entrance of a firm that is beginning operations in BC, that will result in a substantial improvement to the provincial labour market or economy, without displacing jobs for Canadians;
- i. "Foreign Worker" means a foreign national who has been authorized to work temporarily in Canada under the IRPA and the IRPR; and
- j. "Temporary Foreign Worker Program" or "TFWP" refers to the ESDC program under which an employer who wishes to hire a foreign worker must obtain a LMIA.

5.0 Roles and Responsibilities

5.1 CIC is responsible for:

- 5.1.1 Administering the IMP and issuing work permits under the TFWP in accordance with the IRPA and the IRPR and any amendments thereto; and

- 5.1.2 Assessing and rendering decisions on proposals by BC for Significant Investment Projects or Exceptional and Unforeseen Events in accordance with the criteria outlined in sections 6.0 and 7.0 of this Annex.
- 5.2 ESDC is responsible for:
 - 5.2.1 Administering and enforcing the TFWP in accordance with the IRPA and the IRPR and any amendments thereto.
 - 5.2.2 Supporting the assessment of recommendations by BC for LMIA exemptions under Significant Investment Projects and/or Exceptional and Unforeseen Events as outlined in sections 6.0 and 7.0 of this Annex; and
 - 5.2.3 Assessing and rendering decisions on recommendations by BC for occupations to be eligible for priority LMIA processing and reviewing the list of occupations as outlined in section 8 of this Annex.
- 5.3 BC is responsible for:
 - 5.3.1 Submitting proposals with recommendations for LMIA exemptions for Significant Investment Projects in accordance with identified criteria in section 6.0 of this Annex.
 - 5.3.2 Recommending LMIA exemptions to address urgent labour needs, not already provided for under the IRPR, on a temporary basis, as a result of an Exceptional and Unforeseen Event, in accordance with identified criteria in section 7.0 of this Annex.
 - 5.3.3 Recommending High-Wage, In-demand Occupations that would be eligible for priority LMIA processing, in accordance with identified criteria in section 8.0 of this Annex.
 - 5.3.4 Reviewing, and proposing updates to the list of occupations eligible for priority LMIA processing, on an annual basis in accordance with section 8.0 of this Annex.

6.0 Significant Investment Projects

- 6.1 A Significant Investment Project must involve a situation that is not well-suited to the LMIA process and is not captured by existing LMIA exemptions and/or work permit exemptions under the IRPR.
- 6.2 Proposals for LMIA exemptions for Significant Investment Projects must be submitted in writing by BC to the CIC and ESDC Focal Points identified in section 14.0 of this Annex.
- 6.3 Proposals for LMIA exemptions for Significant Investment Projects must meet the elements outlined in Appendix A to this Annex.
- 6.4 Proposal(s) for Significant Investment Projects will be assessed by Canada in accordance with Appendix A to this Annex, and will be subject to ongoing bilateral discussion between Canada and BC.

- 6.5 Proposals for Significant Investment Projects and any amendments thereto, will be approved at the Assistant Deputy Minister level for CIC and BC.
- 6.6 The review of Significant Investment Projects approved pursuant to this Annex will take place no more than one year after the date of implementation of the project, and every two years thereafter for long-term projects, or as per the schedule agreed to by BC and CIC.

7.0 Exceptional and Unforeseen Events

- 7.1 BC may recommend LMIA exemptions that are not otherwise covered under existing LMIA exemptions or work permit exemptions in the IRPR, to address urgent labour needs, on a truly temporary basis, as a result of an Exceptional and Unforeseen Event, such as a natural or industrial disaster.
- 7.2 Requests for LMIA exemptions to address urgent labour needs must be provided in writing by BC to the CIC and ESDC Focal Points identified in section 14.0 of this Annex.
- 7.3 Requests for LMIA exemptions to address urgent labour needs must meet the elements described in Appendix B to this Annex.
- 7.4 Request(s) for LMIA exemptions to address urgent labour needs will be assessed by Canada in accordance with Appendix B to this Annex, and will be subject to bilateral discussion between Canada and BC.
- 7.5 Requests for LMIA exemptions to address urgent labour needs, and any amendments thereto, will be approved at the Assistant Deputy Minister level for CIC and BC.

8.0 Provincial Involvement in the Labour Market Impact Assessment Process

- 8.1 A process to allow BC to recommend High Wage, In-demand Occupations for priority LMIA processing (10-day processing service standard) may be developed within six months of this Annex coming into force.
- 8.2 Under this process, BC agrees to respect federal TFWP principles and objectives, and Canada's responsibility in delivering the TFWP pursuant to the IRPA and the IRPR.
- 8.3 BC and ESDC will jointly establish an evidence-based methodology to support the identification of a list of In-demand Occupations for priority LMIA processing. The methodology must include the following criteria:
- 8.3.1 Available information that provides evidence of labour market shortages for the occupation; and
- 8.3.2 Wage offered for the occupation is above the BC median wage for all occupations as established by the annual Labour Force Survey.

- 8.4 Requests for recommended occupations eligible for priority LMIA processing will be provided in writing by BC to the ESDC Focal Point identified in section 14 of this Annex.
- 8.5 ESDC reserves the right to limit the number of occupations on the list of In-demand Occupations based on its operational ability to meet the 10-day processing service standard.
- 8.6 ESDC and BC will meet at least once annually to review recommended updates to the list of occupations for priority LMIA processing.
- 8.7 The list of occupations for priority LMIA processing will be approved once annually at the Director General level for ESDC and BC.
- 8.8 All approved In-demand Occupations for BC will be posted on ESDC's website.
- 9.0 Foreign Worker Protection**
- 9.1 Canada and BC agree to collaborate on programs and initiatives to enhance the knowledge of, and access to, provincial services for Foreign Workers in BC.
- 9.2 Canada and BC agree to collaborate to inform employers hiring Foreign Workers about their obligations under the applicable federal and provincial laws, including those that regulate employment and recruitment of employees.
- 9.3 Canada and BC will jointly identify and assess current challenges and best practices with respect to Foreign Worker protection and will collaborate in the development of principles, measures, and mechanisms to increase Foreign Worker protection.
- 9.4 If Canada or BC determines that there is a real and substantial risk to a foreign worker as a result of an employer not complying with federal or provincial laws, Canada and BC will jointly undertake actions to mitigate such risk, including, where appropriate, issuing a new LMIA through the priority LMIA process, or issuing a new work permit without the need for an LMIA provided that the Foreign Worker meets all other requirements of the IRPR.
- 9.5 Canada and BC will establish clear and transparent criteria and procedures to assist in meeting the obligations outlined in section 9.4 of this Annex.
- 10.0 Dispute Management and Resolution Procedures**
- 10.1 Canada and BC are committed to working together to implement this Annex. Under this partnership, all parties contribute with their respective policies, programs, capacity, and expertise and recognize and respect each party's different roles and responsibilities under this Annex.

- 10.2 In the case of a Dispute under this Annex, the Focal Points identified in section 14.0 of this Annex will attempt to resolve the matter through information sharing, communications and informal discussions.
- 10.3 In the event that the Focal Points are unable to resolve the Dispute expeditiously, it will be referred to Assistant Deputy Ministers, accompanied by relevant facts and steps taken to reach resolution. Such procedures will provide equal opportunities for representation by each signatory, establish clear time limits, and ensure clarity for the implementation of final decisions. Further, in the event resolution is not reached within 30 days of being raised with Assistant Deputy Ministers, the parties will jointly determine next steps.
- 10.4 CIC, ESDC or BC may refer the matter to the Deputy Ministers by providing a written notice to the signatories.
- 10.5 CIC, ESDC and BC will exchange all relevant information and engage in bilateral discussions in an attempt to clarify and resolve the Dispute. Deputy Ministers will:
- 10.5.1 Provide equal opportunities for representation;
 - 10.5.2 Attempt to resolve disputes within 30 days; and
 - 10.5.3 Ensure clarity for the implementation of final decisions.
- 10.6 Should the Dispute be resolved, Deputy Ministers will oversee the drafting of a short report identifying the issues that have been resolved, specific actions and timelines required to implement the resolution.
- 10.7 If Deputy Ministers are unable to resolve the Dispute within 30 days from the date of its referral to them, they will determine the appropriate course of action for its resolution, including elevating the Dispute to Ministers.
- 10.8 Ministers will provide advice and direction to their officials on an appropriate course of action to resolve the Dispute.
- 10.9 This Dispute management process shall not in any way limit the final authority of the Ministers or the designated officers of CIC or of ESDC respecting the interpretation and administration of the IRPA or the IRPR in accordance with their respective authorities/responsibilities.
- 11.0 Exchange of Information**
- 11.1 CIC and ESDC shall develop separate mechanisms to facilitate information sharing with BC, including the sharing of Personal Information, as required.
- 12.0 Governance**
- 12.1 Canada and BC agree to:

- 12.1.1 meet in support of ongoing discussions with regard to the TFWP and the IMP, as required, and to oversee the implementation of this Annex; and
- 12.1.2 meet annually to review this Annex. More frequent discussion or consultation regarding this Annex may take place among the Focal Points, or delegates, as needed and as mutually agreed to by Canada and BC.

13.0 Duration and Amendments

- 13.1 In accordance with section 10.7.2 of the General Provisions of this Agreement and with section 13.2 of this Annex, this Annex will be valid for five (5) years from the date of this Annex coming into effect.
- 13.2 This Annex will take effect on the date that it is signed by the last of the signatories and when the General Provisions of the Canada-British Columbia Immigration Agreement are signed by both Parties.
- 13.3 Canada and BC agree to review the effectiveness of this Annex no later than twelve (12) months prior to its expiry.
- 13.4 Upon the mutual written consent of CIC, ESDC and BC, the term of this Annex can be extended at any time prior to its expiry, subject to any required approval or authorization including the approval of the Governor in Council.
- 13.5 This Annex may be amended at any time by the mutual written consent of CIC, ESDC and BC, subject to any required approval or authorization including the approval of the Governor in Council.
- 13.6 CIC, ESDC or BC may terminate this Annex at any time by providing at least twelve (12) months' notice in writing to the other signatories.
- 13.7 Unless expressly terminated, all provisions of this Annex and any amendments to it will continue to operate and be effective, notwithstanding any termination of the General Provisions of the 2015 CBCIA itself.

14.0 Focal Points

- 14.1 The Focal Points for the purpose of communication and notification pursuant to this Annex are:
 - a. For CIC: the Director, Temporary Resident Policy, Immigration Branch, 365 Laurier Avenue West, Ottawa, Ontario, K1A 1L1;
 - b. For ESDC: the Director, Program and Policy Design, Temporary Foreign Worker Program, Skills and Employment Branch, 140 Promenade du Portage, Gatineau, Quebec, K1A 0J9; and


- c. For BC: the Director, Immigration Policy, Policy and Stakeholder Relations Branch, Labour Market and Immigration Division, Ministry of Jobs, Tourism, and Skills Training and Responsible for Labour, 1106 Cook St., PO Box 9213 Stn Prov Govt, Victoria, BC, V8W 9H7.

15.0 Notices

- 15.1 The Focal Points referenced in section 14.1 of this Annex undertake to give one another notice of any change in policy, regulations or legislation relating to their respective programs that is likely to affect this Annex.
- 15.2 In addition to those identified in section 11.1 of the General Provisions of the 2015 CBCIA, and the Focal Points referenced in section 14.1 of this Annex, any notice to be delivered under this Annex should also be sent to the signatory concerned as follows:

Deputy Minister
Employment and Social Development Canada
140 Promenade du Portage
Gatineau, Quebec K1A 0J9

FOR THE GOVERNMENT OF CANADA



The Honourable Chris Alexander
Minister of Citizenship and Immigration

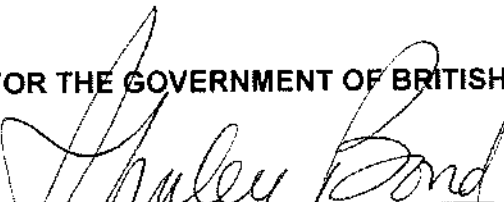
24/3/15
Date



The Honourable Pierre Poilievre
Minister of Employment and Social Development,
Minister for Democratic Reform and
Minister responsible for the National Capital Commission

MAR 25 2015
Date

FOR THE GOVERNMENT OF BRITISH COLUMBIA



The Honourable Shirley Bond
Minister of Jobs, Tourism, and Skills Training
and Minister Responsible for Labour

07/04/15
Date

Appendix A: Proposals for Significant Investment Projects

A proposal for Significant Investment Project LMIA exemptions must include the following information:

- A. Objectives
- B. Description of the project activities, including a description as to whether and how they meet each of the following criteria:
 - i. Involve Highly Mobile Capital whose labour is drawn from a global talent pool;
 - ii. Result in a quantifiable significant investment in the BC economy;
 - iii. Demonstrate local government support;
 - iv. Limited to High Wage Occupations;
 - v. No significant displacement of employment of Canadians and permanent residents;
 - vi. Employers participating in the project will remain in compliance with any applicable federal or provincial laws; and
 - vii. Result in knowledge transfer to Canadians and permanent residents (where applicable).
- C. Description of the proposed occupations to be eligible for LMIA exemptions within the Significant Investment Project, the duration of the proposed LMIA exemptions, the anticipated number of positions required, and the specific locations in which Foreign Workers would be hired to work.
- D. Expected Outcomes/Benefits
- E. Implementation Plan
- F. Evaluation Plan

Appendix B: Elements for Exceptional and Unforeseen Events

- A. Canada and BC agree that request(s) for LMIA exemptions to address urgent labour needs in the case of an Exceptional and Unforeseen Event must include the following elements:
- I. Purpose/Rationale, including a description of how the LMIA exemptions will demonstrate that:
 - i. Foreign Workers are needed for work in response to an Exceptional and Unforeseen Event where restoration/reconstruction of a community or area is required due to significant loss/damage; and
 - ii. Reasonable efforts have been made to reach out to other provincial or territorial jurisdictions for available workers.
 - II. Description of the proposed occupations to be eligible for LMIA exemptions, the anticipated number of positions required, and the specific locations in which foreign workers would be hired to work.
 - III. Expected Outcomes
- B. Work permits issued in response to an Exceptional and Unforeseen Event should generally not exceed 120 days in duration in order to address short-term and urgent labour needs, and should be issued within the first twelve months following the occurrence of the Exceptional and Unforeseen Event. In rare circumstances under which the response to the Exceptional and Unforeseen Event is ongoing and the LMIA process would hinder restoration/reconstruction efforts, work permits can be renewed according to terms agreed to by CIC and BC.
- C. Canada and BC will review the use of LMIA exemptions for any Exceptional and Unforeseen Event according to timelines appropriate to the situation.