

April 13, 2026

VIA EMAIL

The Honourable Patty Hajdu
Minister of Employment, Workforce Development and Official Languages
Employment and Social Development Canada (ESDC)
140 Promenade du Portage
Gatineau, Quebec K1A 0J9

RE: Systemic Issues in LMIA Decision-Making and Recommendations for Operational Reform

Dear Minister Hajdu,

On behalf of the Canadian Immigration Lawyers Association (CILA), we are writing to address recurring and systemic issues in the administration and adjudication of Labour Market Impact Assessment (LMIA) applications. CILA comprises over 540 immigration lawyers across Canada dedicated to promoting fairness and justice in the immigration system.

Over the past several months, our members have observed a concerning shift in the Temporary Foreign Worker Program (TFWP) that undermines its legislated objective: determining if hiring a foreign national has a neutral or positive effect on the Canadian labour market.

Current decision-making patterns suggest that this core objective has been obscured by an operative goal of finding reasons to refuse applications, even when such outcomes prolong genuine labour shortages, multiplies the number of applications ultimately in the system and contribute to processing backlogs.

Key Challenges in Current LMIA Processing

Our members have identified several critical areas where the program is failing to meet standards of predictability and procedural fairness:

- **Inconsistency and Subjectivity:** Lawyers report refusals for applications materially indistinguishable from those previously approved under the same regulatory framework. Officers frequently apply subjective, shifting criteria, such as substituting unpublished "highest wage" benchmarks for established prevailing wage tests. Some officers require the job ads to be posted on specific platforms such as Indeed, which are not listed in the program manuals or guidelines.



- **Restrictive Technical Barriers:** The Job Bank platform is described as archaic and often prevents employers from accurately listing job requirements. Technical limitations, such as maximum experience caps, are frequently used as a basis for refusal rather than seeking clarification. Moreover, practitioners report constant changes in Job Bank requirements cause confusion and contribute to unreasonable refusals. On top of that, the platform appears to be managed by an entirely different team that is not in contact with the TFWP team and is almost impossible to reach effectively.
- **Procedural Deficiencies at Intake:** Applications are frequently deemed "incomplete" and deleted from the portal for minor clerical issues. This occurs without a formal mechanism to submit missing information or contest the determination, leaving applicants with no ability to engage with officers and resolve minor issues effectively and in a timely manner. Applicants are left with no choice but to resubmit a new application, further contributing to processing backlogs.
- **Protracted Compliance Audits:** Some employer compliance reviews extend beyond two years without clear timelines for conclusion. Regular changes in compliance officers assigned to a given case often create a redundant line of questioning. This uncertainty chills further recruitment and leaves compliant employers in a prolonged state of limbo.
- **Absence of Reconsideration Mechanisms:** There is currently no formal internal process to correct factual errors in negative decisions. This forces employers to resort to costly and time-consuming Federal Court judicial reviews for issues that could be resolved administratively.

Recommendations for Policy and Operational Reform

To realign the TFWP with its statutory objectives, we propose the following measures:

1. **Establish a Structured Reconsideration Process:** Introduce a time-bound internal mechanism for reviewing refusals based on clear factual errors or misapprehension of evidence.
2. **Publish Internal Guidelines:** Ensure transparency by making internal directives, interpretive bulletins, and decision-making frameworks available to the public, and updating these frameworks as they change or shift. This would ensure that employers who comply with both regulations and policy are not refused for discretionary reasons.



3. **Reform Intake Procedures:** Implement a short "correction window" to allow applicants to address minor omissions before an application is permanently closed and train intake officers to carefully review application materials. If the application is denied at the triage stage as "incomplete", do not delete it permanently.
4. **Create an Independent Ombudsman's Office:** Establish a structurally independent office to investigate complaints regarding processing inconsistencies and systemic overreach.
5. **Standardize Audit Timelines:** Develop internal service standards for the duration of compliance reviews to provide employers with a predictable path to resolution.
6. **Enhanced Training:** Provide officers with improved training on the consistent application of national standards and the appropriate use of discretion.

The Canadian labour market is best served when the LMIA process is predictable, transparent, and anchored in evidence-based assessments. We welcome the opportunity to discuss these recommendations further to ensure the TFWP effectively supports Canada's economic needs.

Sincerely,



Joycna Kang
Director



Ekaterina Neouimina
Director

