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IMMIGRATION LAWYERS

## **Employer Portal**

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# Employer Portal 101

## February – November 2015

- Feb 2015 – IRCC instituted a new \$230 Employer Compliance fee & “Offer of Employment” (IMM5802) application form for employers hiring foreign workers who are exempt from the LMIA process (ICT, NAFTA, IEC International Co-Op and Young Professionals, GATs)
- From Feb 2015 until Nov 2015, the fee was paid through IRCC’s Online Fee Payment Portal and the IMM5802 application form was submitted via email generating a receipt notification email
- Foreign worker would then present the \$230 fee payment receipt + the signed IMM5802 + the email confirming the application had been sent along with their work permit or work permit extension application



# Employer Portal 101

## November 2015 - Present

- In November 2015, IRCC created the online Employer Portal – since that time the compliance fee and the “Offer of Employment” must be submitted directly through the Employer Portal  
<http://www.cic.gc.ca/english/e-services/employer-portal.asp>
- The Employer Portal is separate from the Authorized Representative Portal and Offers of Employment cannot be submitted through the Authorized Representative Portal
- Foreign workers must now present a copy of the \$230 fee payment receipt + a screenshot of the A# generated in the employment queue in the Employer Portal along with their work permit or work permit extension application, ideally, the foreign worker would have screenshots of each page of the application in case the system is down



# Employer Portal Oy Vey

- Since its inception the Employer Portal is a system mired in technical glitches which can prevent users from creating an Employer Portal account or from submitting an Offer of Employment
- CBSA won't issue an LMIA exempt work permit without proof of the submission of the Offer of Employment and payment of the \$230 compliance fee
- IRCC's solution = if you have technical difficulties, email them and they will give you special dispensation to submit the application using system used from Feb – Nov 2015 (emailing form + receipt for payment of \$230) – this can take 5+ days



# Employer Portal

## *Le Bordel*

- If you are unable to submit the Offer of Employment and pay the fee through the Employer Portal and have not yet received IRCC approval and you have an urgent need for proof of the Employer Compliance fee payment, you may have no choice but to submit the application using the previously used IMM5802 form, paying the \$230 fee through the Online Fee Portal and submitting the application by email – CBSA is aware of the problems with the Employer Portal
- A copy of the Offer of Employment IMM5802 form can be found here: <https://www.concordia.ca/content/dam/concordia/offices/sgs/docs/postdoc/Sample-Foreign-National-Exempt-from-a-Labour-Market-Impact-Assessment-Form.pdf>



# Employer Portal Tips & Tricks

- In light of the potential for technical glitches, suggest your clients register for the Employer Portal as early as possible
- Have the employer fill out the IMM5802 form before registering for the Employer Portal to ensure that all of the information is available and correct
- Have the employer sign the completed IMM5802 form to attest to both the information provided as well as the attestations with regards to the employment of the foreign worker
- Have the employer add Representative as a User on their Employer Portal and provide you with a pin number
  - You will then have to create your own separate “Employer Portal” account using the pin provided
  - You will require a separate Employer Portal account for every employer that you represent
- Take a pdf screenshot of each web page as you are completing the Offer of Employment in the Employer Portal so that you have a copy of each page submitted for your records
  - A great explanation of how to display all of the IRCC form to make the pdf screenshot can be found at: <http://ofaolain.com/blog/2015/10/15/explode-all-immigration-form-boxes/>



# Employer Portal

## More Tips & Tricks

- Some employers are exempt from the \$230 employer compliance fee requirement
  - A list of Exempt employers can be found here:  
<http://www.cic.gc.ca/english/information/applications/guides/5802ETOC.asp>
- If you make a mistake on the Offer of Employment form or if any information changes, you must withdraw the Offer of Employment and submit a new Offer of Employment application along with a new payment of the \$230 Employer Compliance fee, this will generate a new A#
  - This must be done before a work permit is issued or if the work permit is refused
  - Withdrawn offers result in an automatic refund of the Employer Compliance fee <http://www.cic.gc.ca/english/information/applications/guides/5802ETOC.asp>



# Employer Portal

## Administrative Monetary Penalties

- Employers named on a work permit may be inspected for compliance (LMIA or IMP)
- Administrative assessment of whether an employer has met the conditions in *IRPR*
- If employer is found non-compliant, possible penalties include:
  - warnings;
  - monetary penalties ranging from \$500 to \$100,000 per violation, up to a maximum of \$1 million over one year;
  - a ban of one, two, five or ten years, or permanent bans for the most serious violations;
  - company's name and penalty published on the list of [employers who failed to comply with the conditions](#) (when have received a monetary penalty and/or a ban);
  - work permit applications associated with business being refused; and
  - previously-issued work permits associated with business being revoked.
- More information on Inspections:  
<http://www.cic.gc.ca/english/resources/tools/temp/work/permit/compliance.asp>

