



Matrixvisa Inc.

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Immigration Law and International Recruitment

Hon Diane Finley
Member of Parliament
House of Commons
Finley, The Honourable Diane
Confederation Building
Ottawa, Ontario K1A 0A6
Canada
Telephone : 613-996-4974
Fax : 613-996-9749

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**CONCERN ABOUT PROCESSING TIMES FOR LMO's & SPECIFIC
CASE: LMO [REDACTED] EMP ID [REDACTED] VICE PRESIDENT [REDACTED]
[REDACTED]**

Dear Minister Finley

Several of my clients wrote to your office about the concerns they have about the length of time it takes to obtain a labour market opinion. If this processing period is added to work permit processing time for applicants abroad, the total processing up to issuing a work permit can **become as long as 7-8 months (3-4 months for the LMO and 4 months for the work permit)**. We are aware work permit applications are processed by Citizenship and Immigration Canada (CIC) and not Human Resources and Skills Development Canada (HRSDC) or Service Canada (SC).

The current processing time for an LMO is 12-14 weeks in many provinces of Central and Western Canada and it could increase unannounced to several weeks longer. The problems that employers experience is not only the length of time it takes to obtain an LMO but also the lack of clear facts of the expected processing times of LMO's, i.e. transparency. Employers must be able to predict when a foreign worker will be available at the workplace in Canada. In the absence of trustworthy, published processing times employers are in the dark about the expected processing time for LMO's. One of the core principles of managing a business in a free market system is predictability and foreknowledge. Predictability of sales, future availability of raw materials,

780-409-0931, 780-401-3533 (F), Matrixvisa Inc, Executive Centre, Suite 1150, Manulife Place, 10180- 101 Street, Edmonton, T5J 3S4

416-607-6625, 416-849-0126 (F), Matrixvisa Inc, Suite 704, 10 Kingsbridge Garden Circle, Mississauga, ON, L5R 3K6

reliability of communication in the future, available human capital, etc. This concept can be explained from a different perspective - Investment is driven by expectation of future profit. Future profit is affected by several other factors, including the availability of human capital.

The long processing time for LMO's has been a general problem that has been getting worse in the recent years. The general nature of this problem will be demonstrated with the enclosed letter written by Grande [REDACTED] in Sept 2010 (18 months ago); as well as the response from your office and the office of Mr. Kenney (12 months ago). I am sure the responses was written with good intent, but the responses are evasive and does not address the concerns of [REDACTED] with regards to processing times. The biggest portion of both responses focuses on an explanation of processes, responsibilities and internal rules, but fail to address the nexus of the issue: long processing times. Since we received responses from the respective Ministries, **the situation just became worse as processing times for LMO's increased further** It seems as if the concerns of [REDACTED] (an example of juts one employer) has been ignored.

At present another client ([REDACTED]) has been waiting for more than 12 weeks for a LMO (submitted in Vancouver) and there is no indication how much longer they need to wait for a final decision on the LMO request. [REDACTED] is unable to plan ahead, as information about LMO processing times are not available. [REDACTED] is a major role-player in the manufacturing of components for metallurgical plants in Canada.

To regularly approach a Regional Manager or Office Supervisor of Service Canada for expedited decisions is not sensible; not always possible; and due to the high discretionary nature of such requests this route is highly unreliable. It also takes the manager away from other important managerial functions as valuable time are used to deal with several waves of urgent requests. All work permit cases in my office are of an urgent nature. Which LMO cases are to be cherry picked for a fast track request ? Surely we cannot go to Ms. Kerry O' Neil (Manager in Western Canada for SC) every week. How urgent is urgent? How big must the potential losses be before an LMO is classified as urgent. The analogy of "crying wolf" comes to mind as well.

It cannot be an easy task to train new staff in the complexities of LMO's. Therefore it is understandable that if there is an increased need for foreign workers, it might take time for resources to become available (i.e. Treasury Board approval for increased funds- salary & office space, recruitment, appointment, training, etc.) However in the preceding 6 years I cannot remember a time that LMOs where processed in a day or two. Processing times for LMO in the West probably has not been shorter than 6 weeks in the preceding 6 years. Therefore there has been enough information available to indicate a shortage of resources and that LMO's are not being issued in a reasonable time.

One possible solution is to charge a fee for an expedited opinion. Many employers will be willing to pay several thousand dollars for a quick decision. Apparently this option was made available by the USA Federal government for some immigration related services. An Example: One of our

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Canadian clients required 15 foreign trained Heavy Duty mechanics at the work place. They faced a loss of CAD2000 per individual per week and therefore a loss of CAD30 000 per week. The LMO took 8 weeks to be completed and the opportunity cost was therefor CAD240 000 (i.e. the employer lost CAD240 000). This is obviously not the only solution, but a discussion about possible solutions is urgently needed.

To conclude: Through the provision of LMOs and subsequent work permits HRSDC/SC has the opportunity to assist Canadian Industry to attract the best and the brightest in the world and get these individuals to the place of work where they can assist industry to be more productive and competitive. The unreasonable long processing time is counter productive and decreasing competitiveness.

The following is requested:

- a. That processing times for an LMO for each provincial office are published on a public website.
- b. That the Immigration Industry be requested to suggest solutions to improve the situation. The upcoming CICIP Meeting (Government- Immigration Industry) round table meeting held bi-annually in Ottawa could be used as a forum to obtain suggestions and share ideas.
- c. **Plans are implemented as soon as possible to ensure shorter processing times for LMO's.**
- d. These plans are shared with industry so that the ultimate clients of the Temporary Foreign Worker Program - Canadian Industry, can obtain insight into your plans to deal with the problem at hand.
- e. SC/HRSC and CIC coordinate their activities and take joint responsibility about the combined processing time for a work permit (LMOs by Service Canada and work permits by Citizenship and Immigration Canada). Once this is done both departments would be able to jointly comprehend the current crises and implement solutions. Public joint responsibility has not yet been observed.
- f. The LMO for [REDACTED] is finalized as quick as possible

The last request (as mentioned in paragraph f) is added to the list of requests as I am here to advocate on behalf of my clients. The challenge with these types of requests is that it is a “band-aid” and an ad-hoc approach that does not solve the root cause of this national problem.

Thank you for your time Ms. Finley.

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Respectfully yours

Cobus (Jacobus) Kriek on behalf of Matrixvisa Inc.

cobus@matrixvisa.com

www.matrixvisa.com

Regulated Canadian Immigration Consultant (RCIC)

Member in Good Standing of ICCRC as required by the Section 91 (1) & (7) (a) Immigration and Refugee Protection Act of Canada

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