

Employer's Guide To Key Immigration Policy Updates In The New Year: Here Is What To Expect In 2025!



Change is a hallmark of the New Year, and Canada's immigration framework is no exception. This bulletin summarizes recent changes to immigration laws and policies that employers should be aware of that were introduced in the second half of 2024, as well as anticipated changes to look out for in 2025.

1. Effective January 21, 2025, there will be new eligibility requirements for **spousal open work permits** to accompany spouses in Canada on work permits or study permits. Specifically, spousal open work permits will be limited to spouses of international students who are enrolled in:

- Master's programs that are 16 months or longer;
- Doctoral programs; or
- Select professional and eligible programs.

Further, spousal open work permits will be limited to spouses of foreign workers who are employed in:

- TEER 0 or 1 occupations; or
- Select TEER 2 or 3 occupations in sectors with labour shortages or linked to government priorities, including occupations in the natural and applied sciences, construction, health care, natural resources, education, sports and military sectors.

Moreover, dependent children of foreign workers will no longer be eligible for open work permits.

2. Effective December 24, 2024, **flagpoling at the port of entry** for new work permit or study permit applications will no longer be allowed for temporary residents in Canada with valid temporary resident status. Flagpoling occurs when foreign nationals who hold temporary resident status in Canada, leave Canada and, after a visit to the US or St. Pierre and Miquelon, re-enter Canada to access immigration services at a port of entry. In very limited circumstances, work permit and study permits may still be granted at a port of entry to individuals who otherwise meet the definition of flagpoling, such as citizens and permanent residents of the United States of America.

3. On December 23, 2024, the Government of Canada announced that **Express Entry** candidates will no longer receive additional points for **arranged employment** to apply for permanent residency. This change is expected to come into effect in spring 2025. This measure is aimed to reduce fraud by removing the incentive to illegally buy or sell labour market impact assessments (LMIAs) to improve a candidate's chances of being selected to apply for permanent residency under Express Entry. In 2025, we are expecting that it will be more difficult to receive an invitation to apply for permanent residency under Express Entry. As such, employers should plan that not all foreign workers will be able to transition to permanent residency.

4. Effective November 8, 2024, the Government of Canada increased the **provincial median hourly wage for the LMIA high-wage stream** by 20%, drastically reducing the ability to hire Low-Wage workers and limiting the number of work permit extensions employers can move forward with to retain their foreign workforce.

5. Effective November 8, 2024, the Government of Canada implemented changes to **off-campus work hours**, namely by allowing international students to work off campus up to 24 hours per week from 20 hours per week without a work permit during regular semesters. International students can still work full-time during regularly scheduled academic breaks.

6. Effective November 1, 2024, not all international students will be eligible to apply for a **post-graduation work permit (PGWP)** under the new requirements. To determine if an applicant is eligible for a PGWP, it is important to consider the following elements: (i) Whether the study permit application was submitted on or before November 1, 2024; and (ii) Graduates from programs at non-university will remain eligible for a PGWP of up to three years if they graduate from a field of study linked to occupations in long-term shortage. Moreover, all applicants for a post-graduation work permit will be required to demonstrate a minimum language proficiency in English or French. The language requirements are as follows: CLB 7 for university graduates; and CLB 5 for college graduates.

7. Effective October 28, 2024, employers are no longer able to use attestations from accountants and lawyers to prove their business legitimacy for LMIA applications. Instead, employers will need to provide other documents, such as a valid business license; T4 summary of remuneration paid; and/or T2 Schedule 100 Balance Sheet Information and T2 Schedule 125 Income Statement Information.

8. Effective October 3, 2024, Immigration Canada updated their guidelines on the **R205(a)/GATS Intra-Company Transfer** work permit requirements. The new requirements do not apply to intra-company transferee work permit applications under section 204(a) of the *Immigration and Refugee Protection Regulations*, which includes the Canada-United States-Mexico Agreement (CUSMA). The changes include:

1. The foreign worker being employed by a multinational corporation (MNC) with operations in at least two countries.¹
2. The transfer will provide significant benefits or opportunities for Canadians;
3. Both specialized knowledge and managerial or executive positions must meet IRCC's prevailing wage requirements;
4. The foreign worker must work from a physical office in Canada; and
5. Foreign workers in specialized knowledge roles must demonstrate least two years of specialized and proprietary knowledge work experience outside of Canada, as opposed to just one.

9. Effective September 26, 2024, the Government of Canada will refuse to process **LMIAs in the Low-Wage stream**, if the job offered to a foreign worker is located in a census metropolitan area with an unemployment rate of 6% or higher.

Exceptions will be granted for jobs in food security sectors (primary agriculture, food processing and fish processing), as well as construction and healthcare. Moreover, employers will be allowed to hire no more than 10% of their total workforce through the TFWP. Exceptions will be granted for jobs in food security sectors (primary agriculture, food processing and fish processing), as well as healthcare and construction. In addition, the maximum duration of employment for workers hired through the LMIA Low-Wage stream is one year instead of two years.

Immigration Changes Specific for the Province of Quebec

10. Effective September 3, 2024, the Government of Canada implemented a temporary freeze on processing new LMIA applications under the TFWP Low-Wage stream in the Montréal economic region. This measure is set to end on March 3, 2025.

11. Effective October 31, 2024, the Government of Quebec announced a temporary freeze on issuing new Quebec Selection Certificates under the *Programme de l'Expérience Québécoise* (PEQ) Graduate Student Stream, and the Regular Quebec Skilled Worker Stream until at least June 2025.

12. Effective November 29, 2024, the Quebec Regular Skilled Worker Program (PRTQ) has been replaced by a new Permanent Residence Skilled Worker Selection Program (PSTQ). The PSTQ program will become available on June 30, 2025, unless the current freeze on issuing Quebec Selection Certificates implemented by the Government of Quebec is further extended.

Key Takeaways

Immigration laws and policies change frequently. In order for employers to continue to effectively utilize immigration as a tool to grow their businesses, it is important for employers to continuously stay up to date on changes to immigration laws and policies.

Now more than ever, it is crucial for employers to plan ahead and review their immigration strategies in order to ensure that they are able to secure and renew the necessary work authorizations for their foreign workers.

Footnote

1. On January 6, 2025, Immigration Canada has clarified that the second operation could be in Canada when the Canadian operation is already established in Canada prior to the work permit application. Hence, this excludes the scenario when the company wants to come to Canada to establish a new business in Canada when they do not have operations in at least two countries outside of Canada.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

Authors: [Daniel C. Lee](#), [Elisabeth Bouffard](#), [Stephanie Heinsohn-Spiropoulos](#)

Fasken