

New Changes Explained: Express Entry And LMIA-based Job Offer Points



On December 17, 2024 Immigration Minister Marc Miller announced that additional Comprehensive Ranking System (CRS) points for LMIA-based job offers will soon be eliminated. Previously, candidates could receive 50 or 200 CRS points if they had a Labour Market Impact Assessment (LMIA)-based job offer, which often boosted their chances of receiving an Invitation to Apply (ITA). While the exact implementation date for this change remains unclear, the implications for future applicants could be substantial.

What This Means: Different Job Offer Scenarios

While the details of the changes remain uncertain, based on the context of the Minister's announcement and recent reforms, the scope of the changes seems to focus on the use of LMIAs as substitutes for actual job offers. Here's a breakdown of how different scenarios may be affected:

Scenario A: Express Entry Candidate Outside of Canada with LMIA-Based Job Offer

- **Situation:** You are residing outside of Canada and are an Express Entry candidate. You do not currently hold a valid work permit. You received a job offer for a **NOC TEER 0, 1, 2, or 3** position, and your employer obtained a positive LMIA to support your application.
- **Impact:** Your CRS score will likely be affected. Under the proposed changes, you may no longer be able to claim the additional 50 or 200 points for this LMIA-based job offer.

Scenario B: In Canada on an Open Work Permit (e.g., PGWP) with an LMIA-Supported PR Application

- **Situation:** You are currently in Canada on an open work permit, such as a Post-Graduation Work Permit (PGWP). Your employer obtained a positive LMIA to support your Express Entry application.
- **Impact:** Your CRS score may be affected under the proposed changes. The additional 50 or 200 points you previously could claim for the LMIA-based job offer may no longer be available.

Scenario C: In Canada on an LMIA-Based Work Permit with a Permanent Job Offer

- **Situation:** You are currently working in Canada on an LMIA-based work permit for a **NOC TEER 0, 1, 2, or 3** position. Your employer has made you a permanent, full-time job offer for at least one year if you are accepted as a permanent resident.
- **Impact:** This scenario remains unclear. If the changes aim to prevent misuse of LMIA's by applicants who have never worked for the sponsoring employer, logic suggests that these changes **should not affect you**. You already hold a valid work permit, are employed by the sponsoring employer, and have a legitimate job offer.

Scenario D: In Canada on a Closed, LMIA-Exempt Work Permit (e.g., Entrepreneur, Treaty Investor, Intra-Company Transferee)

- **Situation:** You are in Canada on a closed work permit that is **LMIA-exempt** (such as an Entrepreneur work permit, Treaty Investor, or Intra-Company Transferee). You have been working for the same employer for at least one year.
- **Impact:** These changes **do not apply to you** since your job offer is not LMIA-based. The additional CRS points for arranged employment should still be available to you under current Express Entry rules.

Uncertainty and Distress for Applicants

The Minister's announcement lacks specifics, creating uncertainty and concern for many Express Entry candidates. At this point, the full scope of the changes is unknown, and no official policy has been released. Based on the current understanding, the focus appears to be on eliminating the use of standalone LMIA's as substitutes for genuine job offers, not on LMIA-based work permits for existing employees.

Stay the Course

Until these changes are officially implemented, **nothing has changed**. If your current Express Entry strategy relies on an LMIA-based work permit with a valid job offer, you can proceed as planned for now. We will closely monitor policy updates to ensure you have the latest information and can adjust your approach if necessary.

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.

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