Cassels

2024: Year in Review in Immigration Law

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In 2024, Canada's immigration policy underwent a dramatic shift. The year was marked by significant changes that, on the one hand, included stricter eligibility requirements for existing programs and the closure of certain immigration pathways entirely, and, on the other hand, included the introduction of new regional programs and immigration pathways aligned with changing labour market demands.

As we begin 2025, it is a good time to both recap some of the notable changes in Canadian immigration law in 2024 and to reflect on the direction Canada's immigration system is headed in 2025.

Looking Back at 2024

- **Addressing Application Backlog**

2024 began with Immigration, Refugees and Citizenship Canada (IRCC) confirming that 899,150 of the 2.1 million immigration applications under processing had fallen into backlog and were being processed outside standard timelines. The backlog underscored the challenges facing Canada's immigration system as application volumes continued to rise without sufficient processing capacity. The year began with calls for reform to relieve pressure on the immigration system.

- **Visa Requirements Reinstated for Mexican Citizens**

In February 2024, Canada reinstated visa requirements for most Mexican citizens, reversing the visa-free travel policy that had been in place since 2016. Mexican citizens now require a visa to travel to Canada; though, there are exemptions for individuals holding valid U.S. non-immigrant visas or those with previous Canadian visas, provided they enter Canada by air.

- **Expansion of Rural and Francophone Immigration Pilots**

In March 2024, the Rural and Northern Immigration Pilot (RNIP), which had proven successful in attracting skilled workers to smaller and underserved communities, was made permanent. Additionally, two new pilots were introduced:

Rural Community Immigration Pilot: This initiative is built on the RNIP framework,

targeting other rural regions with criteria tailored to meet local needs.
Francophone Community Immigration Pilot: This pilot program is aimed to strengthen Canada's French-speaking minority communities outside Quebec by addressing demographic and workforce challenges.

Although these pilots were scheduled to begin in 2024, they were subsequently delayed to 2025.

- **End of Full-Time Work for International Students**

In April 2024, a temporary public policy allowing international students to work full-time during their studies came to an end. As of April 30, 2024, the standard 20-hour weekly cap on the number of hours international students can work off-campus during periods of study was reinstated. However, on November 15, 2024, the weekly limit for off-campus work hours was increased from 20 to 24 hours.

- **Pause on Self-Employed Persons Program**

In April 2024, the Self-Employed Persons Program was temporarily paused until the end of 2026 to address a significant backlog of applications. The decision allowed IRCC to focus on clearing existing applications, and improving processing times for those already in the queue.

- **LMIA Activation Rules**

As of May 1, new rules were effective that require Labour Market Impact Assessments (LMIAs) issued under the Temporary Foreign Worker Program (TFWP) be activated within six months of issuance. Previously, LMIAs could be activated within one-year of issuance. Exceptions were made for construction and healthcare professions, acknowledging longer recruitment timelines in these industries.

- **End of Visitor-to-Work Permit Policy**

On August 28, Canada ended a policy introduced during the pandemic that allowed visitors to Canada to apply for employer-supported work permits from within Canada. Now, visitors to Canada must submit worker permit applications for outside Canada or, where applicable, at a port of entry.

- **Quebec Restricts Work Permits for Lower-Wage Jobs in Montreal**

Effective September 3, Quebec introduced a restriction, barring work permits for positions in Montreal offering wages below the region's median level.

- **TFWP Low-Wage Stream Adjustments**

On September 26, significant changes were introduced to the TFWP's Low-Wage stream. Employment and Social Development Canada (ESDC) announced it would no longer process LMIAs for Low-Wage positions in census metropolitan areas with unemployment rates of 6% or higher. Exceptions were made for critical sectors such as primary agriculture; food and fish processing; construction; and healthcare.

New limitations were also introduced. Employers can hire no more than 10% of their workforce through the TFWP Low-Wage stream, and the employment duration for these workers was reduced from two years to one year.

- **Changes to Intra-Company Transfer Work Permits**

In October 2024, Canada introduced stricter eligibility requirements for multinational companies transferring employees to Canada. This LMIA-exempt program allows corporations to bring executives, managers, and specialists to their Canadian branches or affiliates.

The new regulations placed additional requirements on both applicants and employers:

Eligibility Criteria for Workers: Applicants were required to have completed at least one year of continuous employment within the past three years in a similar role outside Canada and demonstrate qualifications for the Canadian position.
Wage Requirements: Transferred employees had to be offered wages at or above the prevailing rate for their occupation in Canada.
Corporate Requirements: Employers needed to prove a qualifying business relationship between Canadian and international branches and show that the corporation operates in at least two countries.
Temporary Nature of Transfers: Applicants were required to provide evidence that their relocation was temporary and contributed significant cultural, social, or economic benefits to Canada.

- **TFWP Wage and Business Validation Updates**

Also, in October 2024, updates to the TFWP were announced:

Higher Wage Requirements: Beginning November 8, employers in the high-wage LMIA stream were required to offer salaries at least 20% above the provincial or territorial median wage.
Enhanced Business Validation: Effective October 28, employers could no longer rely on attestations from accountants or lawyers to validate business legitimacy, with stricter proof requirements introduced.

- **End of Flagpoling for Temporary Residents**

On December 23, 2024, IRCC ended the practice of flagpoling, where temporary residents exited and re-entered Canada at land borders to access same-day immigration services. Applicants seeking to extend their stay or transition statuses are required to submit their applications directly to IRCC online or, where applicable, present port-of-entry applications upon entry to Canada.

- **Stricter Eligibility for Spousal Open Work Permits**

The immigration policy trends in 2024 appear to be continuing into 2025 with the year beginning with the introduction of new restrictions on spousal open work permits. As of January 21, 2025, only spouses of students in specific programs or workers in high-skill or high-demand occupations will be eligible for open work permits.

As immigration policy in Canada continues to evolve, we will provide updates in 2025.

This publication is a general summary of the law. It does not replace legal advice tailored to your specific circumstances.