

## Operational Bulletin 230 - September 1, 2010

### New Labour Market Opinion (LMO) Exemption – Foreign Medical Residents and Medical Research Fellows

#### Issue

The purpose of this Bulletin is to notify officers of the decision to waive the requirement for a LMO for foreign medical residents and Medical Research fellows completing their training or research in Canada. This decision is effective as of September 1, 2010.

#### Background

In April 2010, Human Resources and Skills Development Canada (HRSDC) requested that Citizenship and Immigration Canada waive the requirement for employers of foreign national medical residents and fellows to be issued positive or neutral labour market opinions, prior to the issuance of a work permit to a foreign national seeking to occupy one of these positions in Canada.

HRSDC has determined that foreign medical residents and fellows do not take away employment or training opportunities from Canadians as these positions are specifically created for and funded entirely by foreign governments, in the case of residents. Foreign fellows support medical faculties with advanced clinical and research training due to ongoing shortages of Canadians available and interested in occupying such clinical or research positions. As such, HRSDC determined that Canadians cannot be negatively impacted by these offers to foreign medical residents and fellows. Furthermore, HRSDC determined that the transfer of skills and knowledge relating to foreign fellows employed in such positions is a significant benefit to Canadian universities and the medical field.

The implementation of this exemption will provide for the waiving of the LMO requirement for work permits for foreign medical residents and fellows pursuant to [205\(c\)\(ii\)](#) of the *Immigration and Refugee Protection Regulations*, which outlines when a work permit may be issued to a foreign national who intends to perform work that is related to the competitiveness of Canada's academic institutions or economy.

#### Operational Instructions

Officers shall apply exemption code **C-45** when processing these Work Permits (WP) applications.

Foreign medical residents and fellows will present documentation at either a Canadian mission abroad or at the port of entry as follows:

- an official letter of employment from the university written on university letterhead and signed by a senior administrator (e.g. the Program Manager) from the Postgraduate Medical Office, detailing:
  - the position being offered including the area of specialty, if applicable;

- the length of the residency training/fellowship period (number of months) including the beginning and end dates of the residency or fellowship period;
  - the work location(s) for the duration of residency/fellowship;
  - the annual income offered to the foreign national with an attestation that the wage is commensurate with that of a Canadian performing the same duties in the same location of work;
  - whether the position is covered by a collective agreement; and
  - whether the physician must be licensed by the provincial College of Physicians and Surgeons in order to undergo their residency or fellowship in that province.
- When applicable (see above), a copy of a letter from the relevant provincial College of Physicians and Surgeons, which confirms in preliminary terms the eligibility of the foreign national for licensure. Foreign Workers (FW 1) Manual, Section 5.38 will be revised to add this new exemption.

## **Definitions**

### **Medical Residents**

Foreign medical residents are holders of a medical degree equivalent to that of a Canadian Medical Doctorate (MD) who are coming to Canada to complete a residency at a Canadian hospital or in a clinical setting as part of their medical training. These positions have a duration of approximately 2–7 years or more depending on the area of medical specialization. Positions occupied by these foreign nationals are non-ministry (not publicly) funded places that have been created by Canadian medical faculties with financial support from the country sponsoring the training of the foreign resident.

### **Medical Fellowship Holders**

Foreign medical fellows are holders of a medical degree equivalent to that of a Canadian Medical Doctorate (MD), and recognized medical specialists who have completed residency training and accept to continue specializing in some highly specific field of study to advance clinical or medical research. Foreign medical fellows doing clinical work/research are typically performing very specific clinical/research work for a one or two year period, in a hospital, clinical or research setting.

**Note:** In some provinces fellows, particularly research fellows, have no patient contact. Regardless of whether contact with patients occurs, fellows, like all residents, are required to pass an immigration medical exam according to [R30](#).