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**Regulations Amending the Immigration and Refugee Protection of Canada**

The public is being informed of the amendments to the *Immigration and Refugee Protection Regulations* (IRPR) of Canada establishing an exemption from the Labour Market Impact Assessment (LMIA) processing fee for families or individuals seeking to hire foreign caregivers to provide home care for persons who are incapable of caring themselves due to a physical or mental condition, and for families less than \$150,000 in gross annual income seeking to hire foreign caregivers to provide childcare in their home. Waiving the fee for these families will support those most in need of financial assistance to meet their family caregiver needs and responsibilities.

Specifically, the following subsections of the IRPR are amended as follows:

**1(1) Subsection 315.2(2) and (3) of the Immigration and Refugee Protection Regulations are replaced by the following:**

**Payment**

... (2) The fee must be paid at the time the request is made.

**Exceptions-agricultural work**

(3) No fee is payable if the request is made in respect of an offer of employment that relates to:

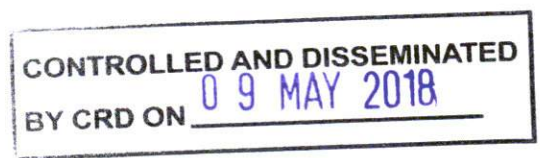
- (a) work to be performed under an international agreement between Canada and one or more countries concerning seasonal agricultural workers; or
- (b) any other work in the primary agricultural sector.

(2) The following of subsection 315.24(4) of the Regulations before paragraph (a) is replaced by the following:

**Primary agriculture sector**

... (4) For the purposes of paragraph (3)(b), work in the primary agriculture sector means, subject to subsection (5), work that is performed within the boundaries of a farm, nursery or greenhouse and involves.

(3) Section 315.2 of the Regulations is amended by adding the following after subsection (5):



### Exception- care for medical needs

... (6) No fee is payable if


- (a) the request is made in respect of an offer of employment that relates to work performed in a private household providing care to a person who is incapable of caring for themselves without assistance due to a physical or mental condition and who has a medical certificate from a medical practitioner entitled to practice medicine under the laws of a province, attesting to their incapacity; and
- (b) the employer is the person receiving care or is
  - i. that person's spouse or common-law-partner,
  - ii. that person's relative,
  - iii. the child or grandchild of that person's spouse or common-law-partner,
  - iv. any person legally authorized to act on behalf of that person such as guardian, a tutor, a curator or a person acting under a power of attorney or protective mandate, or
  - v. any person living with that person.

### Exception-care for children

... (7) No fee is payable if the request is made in respect of an offer of employment that relates to work performed in a private household providing care to children under 13 years of age, by an employer who meets the following conditions:

- a. the employer lives with the child; and
- b. the total annual gross income of the employer and, if applicable, of their spouse or common-law-partner, living in the same private household does not exceed \$150,000 for the taxation year ending before the date of the request.

For the information and guidance of all concerned.

  
BERNARD P. OLALIA  
Administrator

Source: Canada Gazette  
07 March 2018

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