

## ADVISORY

In view of the numerous complaints reaching our office regarding illegal solicitation and charging of exorbitant recruitment fees from Filipino applicants by some unscrupulous immigration consultants and recruiters, and consistent with the prohibition on charging of recruitment expenses, whether directly or indirectly, under the laws and regulations of both the Philippines and Canada, the following changes and additional requirements will be implemented effective on **27 February 2023**:

1. Direct-hire processing of contracts may be allowed on a **one-time/one transaction basis only** for company/business/employers hiring up to a maximum of 5 workers (in lieu of the current practice of allowing piecemeal and cumulative processing of up to 5 workers). Employers who had previously availed of the direct-hire exemption will no longer be allowed to directly hire and are kindly advised to tie-up with, and process their contracts through a duly licensed Philippine recruitment agency of their choice;
2. Filipino workers being employed on direct-hire must be for jobs belonging to TEERs 1, 2 & 3 only, of the updated National Occupation Classification (NOC) of Canada and must be offered an **hourly wage rate of not lower than the provincial/territorial/area median wage** as prescribed in the Job Bank website ([www.jobbank.gc.ca](http://www.jobbank.gc.ca)). Employers hiring Filipino workers under TEERs 4 & 5 will have to be processed through a Philippine recruitment agency.
3. Submission of the application to our office for direct hire exemption shall, at all times, be done directly by the employer. No intermediary or third party representatives shall be recognized except duly registered recruitment offices in Canada. Documents submitted by unregistered third party representatives shall be disapproved and returned;
4. Employers in Canada will be required to submit an affidavit of undertaking (which must be notarized by a commissioner of oath) that he will assume responsibility to pay for all recruitment costs, including LMIA work permit application, visa fee, airfare from the Philippines to jobsite, POEA processing fee, OWWA membership fee and insurance coverage for the workers). The employer shall also ensure that his immigration consultant or third party representative had not charged or collected any recruitment-related fees against the Filipino worker, and will undertake to reimburse/refund such fees paid by the worker in connection with his recruitment. This undertaking will be required for both direct hire exemption as well as regular agency recruitment. (Please check [links](#) for the revised checklists of requirements for Direct-Hire processing and Philippine Agency Hiring as well as the sample Affidavit of Undertaking).

For information and guidance. Thank you.

13 February 2023

