

Temporary Foreign Worker Program Pilot Program - Global Talent Stream - Part 2

Authors: Jennifer McRae

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On June 12, 2017 Immigration, Refugee and Citizenship Canada ("IRCC") and Employment and Social Development Canada ("ESDC") launched the new two-year pilot program, **the Global Talent Stream** (the "GTS"). The GTS proposes to expedite the processing of visa and work permit applications for certain foreign nationals with unique global talent and/or who are highly skilled.



ESDC - Global Talent Stream Application Process

The GTS has two categories, Category A and Category B.

Category A

To be eligible under Category A an employer must be: (i) referred to the GTS by an ESDC designated partner; and (ii) hiring a foreign worker with unique and specialized talent.

The following is a list of ESDC designated referral partners:

- Atlantic Canada Opportunities Agency
- BC Tech Association
- Business Development Bank of Canada
- Communitech Corporation
- Council of Canadian Innovators
- Federal Economic Development Agency for Southern Ontario
- Global Affairs Canada's Trade Commissioner Service
- ICT Manitoba (ICTAM)
- Innovation, Science and Economic Development Canada - Accelerated Growth Service
- MaRS Discovery District
- National Research Council - Industrial Research Assistance Program
- Ontario Ministry of Citizenship and Immigration
- Ontario Ministry of Economic Development and Growth
- VENN Innovation

ESDC has defined unique and specialized talent as:

- Advanced knowledge of the industry;

- Advanced degree in an area of specialization of interest to the employer; AND/OR
- Minimum of five years of experience in the field of specialized experience; AND
- A highly paid position with a salary of \$80,000 or more.

Category B

To be eligible under Category B an employer must be hiring highly-skilled foreign workers to fill positions listed on the Global Talent Occupation list. Please see the attached Global Talent Occupation list. As predicted, the Global Talent Occupation list specifically includes occupations in the Technology sector.

Processing Fees

The GTS processing fee is \$1,000 for each job position requested.

Labour Market Benefits Plan

As part of the GTS application package, the employer must include a detailed Labour Market Benefits Plan which will outline specific activities the employer will undertake to create jobs, skills and train Canadians/permanent residents. ESDC will monitor the employer's progress on the Labour Market Benefits Plan regularly to ensure the employer is complying with the activities required.

Recruitment, Wages, Job Duties and Working Conditions and Workplace Safety

Similar to ESDC's Labour Market Impact Assessment ("LMIA") process for high-wage positions, an employer applying under the GTS will need to address recruitment efforts, wages, job duties and working conditions and ensure workplace safety when hiring foreign workers.

While there is no minimum requirement for recruitment under the GTS, an employer will be asked, as part of the application, to describe any recruitment efforts to hire Canadians and permanent residents.

An employer must pay the prevailing wage which is the highest of either:

- the median wage listed on Job Banks for the job position in a particular location in a province
- the wage that is within the wage range being paid to current employees hired for the same job and work location with the same skills and years of experience
- the applicable wage identified on the Global Talent Occupation list

Employer Compliance

Also, similar to ESDC's LMIA process, employers obtaining approval under the GTS may be subject to employer compliance reviews with consequences for non-compliance.

Processing Time

ESDC has committed to processing GTS applications within ten (10) business days.

IRCC - Work Permit Processing and Exemptions

As part of the Global Talent Strategy, IRCC has committed to faster processing of certain work permit applications and has created two new work permit exemptions.

Two-Week Processing Times

IRCC will expedite the processing of work permits for certain high-skilled foreign workers. In order to qualify for the two (2) week expedited work permit process, the foreign worker must submit an electronic work permit application to IRCC on or after June 12, 2017 and either:

- apply from outside Canada as part of the International Mobility Program (which does not require ESDC approval) and have an employer-specific job offer in a National Occupational Classification Code (NOC) 0 or A job position; OR
- apply from outside Canada and have received ESDC's approval under the GTS.

Short-Term Work Permit Exemptions

High-skilled workers in NOC 0 or A job positions requesting entry to Canada to perform work of a short duration may be exempt from obtaining a work permit. The following criteria must be met to qualify for the short-term work permit exemption:

- the foreign worker will be performing work for 15 consecutive days or less and 6 months have passed since the first day of work under the previous use of this exemption; OR
- the foreign worker will be working for 30 days or less and 12 months have passed since the first day of work under the previous use of this exemption.

120-Day Work Permit Exemption for Researchers

Researchers will be eligible for a work permit exemption if:

- performing work for 120 consecutive calendar days or less and 12 months have passed since the first day of work under the previous use of this exemption;
- primarily engaged in research activities;
- working for a publicly funded, degree-granting institution at the college or university level or affiliated research institute (IRCC has issued a non-exhaustive list of Canadian publicly funded degree-granting institutions); and
- the institution provides a letter attesting to the work being primarily research and outlining the period of employment.

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Global Talent Occupations List for Category B of the Global Talent Stream

National Occupations Classification (NOC) code	Occupation	Minimum wage requirement (annual salary)	Minimum wage requirement (hourly rate)
0213	Computer and information systems managers	Prevailing wage	Prevailing wage
2147	Computer engineers (except software engineers and designers)	Prevailing wage	Prevailing wage
2171	Information systems analysts and consultants	Prevailing wage	Prevailing wage
2172	Database analysts and data administrators	Prevailing wage	Prevailing wage
2173	Software engineers and designers	Prevailing wage	Prevailing wage
2174	Computer programmers and interactive media developers	Prevailing wage	Prevailing wage
2175	Web designers and developers	Prevailing wage	Prevailing wage
2241	Electrical and electronics engineering technologists and technicians	\$81,000 or higher prevailing wage	\$38.94 or higher prevailing wage
2283	Information systems testing technicians	\$78,000 or higher prevailing wage	\$37.50 or higher prevailing wage

Sub-set of 5241*	Digital media designers *position requires a minimum of five years of industry experience, and skills requirements including: 3D modeling, virtual and augmented reality; animation, level editing, editor and pipeline software and tools in applicable industry; other specialized knowledge of software framework in applicable industry (for example, Unreal 3.0); and/or, Experience in planning and managing a project.	\$80,000 or higher prevailing wage	\$38.46 or higher prevailing wage
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