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TEMPORARY FOREIGN WORKER PROGRAM - INFORMATION TECHNOLOGY SPECIALISTS

By Jennifer Ervick

On September 30, 2010 the temporary foreign worker program for information technology (IT) specialists will come to an end (except for employers wanting to hire foreign workers for positions in Quebec). The purpose of the temporary foreign worker program was to fill critical shortages in Canada's software industry. Citizenship and Immigration Canada has determined that the shortage of IT workers in Canada no longer exists.

The facilitated processing for IT specialists provides Canadian employers with a speedy process for hiring temporary foreign workers that fall within specific IT positions. Such employers are not required to obtain labour market opinions from Human Resources and Social Development Canada for temporary foreign workers that fall within the listed IT occupations. There are seven IT occupations that fall within the program:

1. Senior Animation Effects Editor - compositing and editing animation and digital effects (FX) for film and television;
2. Embedded Systems Software Designer - designing, implementing and documenting real-time embedded software for a variety of applications;
3. MIS Software Designer - designing and implementing software for management information systems;
4. Multimedia Software Developer - developing and implementing multimedia software for interactive computer-based training (CBT) and promotional software applications;
5. Software Developer Services - responsible for coding, testing, analysis, design, definition, development and implementation of applications systems;
6. Software Products Developer - designing and implementing software for end users;
7. Telecommunications Software Designer - designing and implementing real-time telecommunications software.

Effective October 1, 2010 employers will be required to follow the general process for hiring temporary foreign workers, which can take a substantial amount of time and has extensive requirements (in terms of advertising and recruiting). As of October 1, 2010 employers will be required to apply for labour market opinions for such temporary foreign workers and demonstrate that:

1. the wage rate meets the prevailing wage rate for the occupation and region;
2. the working conditions are consistent with Canadian standards;
3. efforts to hire Canadians or permanent residents have been made and the advertising requirements have been met;
4. the employment of the foreign worker will directly create new job opportunities or help retain jobs for Canadians;
5. the foreign worker will transfer new skills and knowledge to Canadians; and
6. the hiring of the foreign worker will not affect a labour dispute or the employment of any Canadian worker involved in such a dispute.

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If you would like more information on business immigration or wish to discuss issues of a legal nature, [Jennifer](#) can be contacted by phone at 204.934.2374 or by e-mail at jee@tdslaw.com.

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