



I M M I G R A F A I R E S



Guide 2

DIY GLOBAL RECRUITMENT

A Step-by-Step Guide On Hiring
Foreign Workers in Canada and
Quebec



Guide 2

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GUIDE 2

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Understanding the LMIA application, as the key component of the TFWP :

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If all the arguments so far given have convinced you to proceed in hiring, it is now time to prepare your own LMIA application. By completing the application process yourself, you can potentially save thousands of dollars in fees. The key is to do thorough research and preparation.

With the step-by-step instructions in your eBook guide, employers can feel confident taking on the LMIA, CAQ and work permit application process themselves.

Preparing a strong LMIA application involves:

- An accurate job description
- Documentation of recruitment efforts
- Details of any Canadian or PR applicants considered
- Completing all required forms and documents correctly

After having completed the overview of the foreign worker program, it is now time to prepare your application. Let's begin by getting acquainted with some key definitions to help guide you through the process.



A. Glossary and Definitions :

Now that you are ready to prepare your own LMIA application, let's define some key terms you will encounter throughout the process. Having a clear understanding of these concepts will help ensure your application is completed correctly.

GLOSSARY:

QAC- Québec acceptance certificate foreign workers in Quebec must obtain a QAC issued by the Quebec government showing they meet the selection criteria for the job offer.

CIC – **Citizenship** and Immigration Canada. The federal government department is responsible for immigration applications.

NOC – **National** Occupational Classification. A system used to classify occupations in the Canadian labor market.

EDSC - Employment and Social Development Canada. The federal department that processes LMIA applications.

MIFI - Ministry of Immigration, Francization and Integration, Quebec. The Quebec government department validates job offers for LMIA applications in Quebec.

By familiarizing yourself with these key terms and acronyms, you will be well-prepared to navigate the LMIA application process. As you complete the application, refer to this.

Concerned authorities.

As you prepare to hire a foreign worker, it's important to understand the various government authorities involved in the process. Obtaining the necessary permissions and visas can be a complex and lengthy process, but with the right guidance, you can navigate it successfully. In this e-book, we've compiled a table outlining the key government authorities involved in the process of hiring a foreign worker. By familiarizing yourself with these authorities and their roles, you'll be better equipped to prepare a strong LMIA application and work permit process. We hope this table will serve as a helpful resource as you navigate the process of hiring a foreign worker.

| Government Entities | Instances of Decision-Making |
|----------------------------|---|
| Province of Quebec | Ministry of Immigration, Diversity, and Inclusion of Quebec (MIDI) |
| Government of Canada | Service Canada (SC) Bureau of Consular Affairs Overseas, administered by Citizenship and Immigration Canada (CIC) |

Positive LMIA:

Obtaining a positive LMIA is essential for hiring a temporary foreign worker in Canada. A positive LMIA means that Service Canada has issued a letter recommending the case to Immigration Canada based on a positive or neutral impact of the hiring activities in the Canadian Labour market.

This process aims to protect the interests of Canadians in the Labour Market. To obtain a positive LMIA, employers must provide accurate and complete information in the application. The LMIA process requires careful preparation and documentation by the employer to demonstrate that there is a genuine need to hire a temporary foreign worker. Employers should start by ensuring they have a well-defined job description that accurately reflects the duties and requirements of the position. They must also show that they have undertaken adequate recruitment efforts to find a Canadian or permanent resident to fill the job, including listing the job-on-job banks and advertising through relevant sources.

Negative LMIA:

A refusal of the LMIA will mean that after careful analysis of our application and supporting documents, we have not complied with the requirements of the program, nor with the specific stream that you choose at the submission of the application. This refusal can be justified by the failure to provide adequate information or misinformation. By the failure to be compliant after an audit in subsequent applications to extend the LMIAs. (Audits are mainly done at the time of renewal, so in the second time and not the first time of application for the LMIA). Some industries have been banned from the programs, and before COVID-19, certain geographies were banned from the program because unemployment was high. This limitation was updated after COVID-19. If you were previously placed on the list banned from the program, you won't be able to participate, or you will have to demonstrate that you have got out of the blacklist.

TIPS: Explore LMIA exemptions: It's important to note that LMIA is not always necessary when hiring a temporary foreign worker in Canada. The International Mobility Program and its various components create EIMT exemptions that depend largely on multilateral/bilateral agreements with other countries (e.g. NAFTA, GATS) or on Canada's global economic and cultural interests. These exemptions allow employers to hire foreign workers without the need for an LMIA. Employers should explore these exemptions and refer to the first section of this guide for more information on the International Mobility Program and its exemptions.

Evaluation of the job offer by Quebec provincial immigration authority;

The Ministry of Immigration, Francisation and Integration (MIFI) is responsible for evaluating the impact of the employment offer on the Quebec labour market to ensure that it resolves a real, tangible labour shortage and complies with Quebec occupational health and safety legislation, labour standards, and collective agreements where applicable. The MIFI will also confirm Service Canada's decision on the LMIA application.

To validate an offer, the MIFI requires that it offers working and salary conditions similar to those of a Quebec worker in the same position. Employers should ensure that they have a well-defined job description that accurately reflects the duties and requirements of the position and that they have undertaken adequate recruitment efforts to find a Canadian or permanent resident to fill the job. A good rule of thumb is to "google" "shortage and job name" and read the results, and documentation can be added to the cover letter.

Employers should also ensure that they comply with Quebec occupational health and safety legislation, labor standards, and collective agreements where applicable. The MIFI will evaluate the job offer based on these criteria and confirm whether it meets the requirements for hiring a temporary foreign worker in Quebec. Employers should refer to the MIFI website for more information on the evaluation process and requirements.

Quebec Acceptation Certificat (QAC)

The (QAC) is issued by the Ministry of Immigration, Diversity and Inclusion (MIFI) to foreign workers who have signed an employment contract with a Quebec employer for a validated job offer.

To be eligible for a QAC, candidates must meet several requirements:

- Their training and experience must match the description in the Classification Nationale des Professions (CNP) for the job offer.

- They must meet the requirements of Quebec's professional orders or trade associations.
- They must have adequate French or English proficiency to perform the job duties.

Once issued a QAC, the foreign worker is authorized to temporarily stay in Quebec to work for the employer who offered them the validated job. The CAQ specifies the duration of stay, occupation and employer.

Employers should ensure that the foreign worker's profile matches the job requirements before submitting the LMIA application. Once the LMIA is approved and the job offer validated, the employer can recommend the foreign worker to MIFI for a QAC.

The QAC is an essential step in the process of hiring a temporary foreign worker in Quebec. Employers should refer to the MIFI website for more information on the QAC and eligibility requirements.

DEFINITION of Work Permit

A work permit allows a foreign national to work legally in Canada on a temporary basis. Citizenship and Immigration Canada (CIC) issues work permits to foreign workers after evaluating several factors:

- The authenticity of the job offers and LMIA.
- The employer's financial capacity to hire and pay the worker.
- The applicant's family in Canada and in their home country.
- The applicant's patrimonial situation in their home country.
- Job Perspective of Applicant in Home Country or Place of Residence (for Employees Temporarily Working in a Third Country).
- The applicant's compliance with Temporary Foreign Worker Program eligibility criteria.

While an approved LMIA indicates eligibility, the immigration officer at the port of entry has the final say on whether the applicant is issued a work permit. The officer evaluates:

- The authenticity of the job offers and employer motivation letter.
- Evidence that the applicant has sufficient ties to the hiring company.
- Proof that the applicant intends to return home after completing the temporary work.

Unfortunately, work permit applications are sometimes refused at this final stage of the hiring process. If this happens, it is recommended to work with a professional immigration consultant. They can strengthen the application and represent the applicant to CIC, potentially overturning the refusal.

A valid work permit is required for a foreign worker to legally work in Canada. CIC thoroughly evaluates applications to ensure the integrity of the Temporary Foreign Worker Program.

Main Streams of foreign worker programs

The Temporary Foreign Worker Program (TFWP) in Canada has two primary streams: High and Low-wage positions and Global Talent. This guide focuses on the first stream, while the second stream is more specific. One of the first steps in hiring is to determine the stream that applies to our specific case; at the end of this subsection you will realize that certain streams facilitate the process or reduce the length of the LMIA application and those are to be privileged.

Global Talent Stream

The Global Talent Stream is a fast-track component of the Foreign Worker Program, designed to help Canadian employers attract highly skilled foreign workers with unique qualifications and specialized experience. This stream prioritizes the processing of Labour Market Impact Assessments (LMIAs) and expedites work permit applications for eligible employees. [See the list of eligible job offers for the B Category of this stream here.](#)

To participate in the even more restricted A category of the Global Talent Stream, employers must be successfully referred by a designated partner of the program if they expect to participate in this category. In Quebec, these partners may include Investissement Quebec or Montreal International, among others.

Category A targets innovative businesses that demonstrate a commitment to research and development, collaboration with academic institutions, and contribute to Canada's innovation ecosystem. To qualify, the offered wage must be at least \$40 per hour, and the company must prove its innovative nature.

Substream B focuses on specific high-skilled occupations, such as IT specialists, engineers, and science technologists in the fields of science, technology, engineering, and mathematics (STEM). These positions are limited by a predefined list.

Key requirements for the Global Talent Stream include:

1. The individual must possess specialized knowledge, skills, or experience related to the job offer.
2. The job offer must be for a high-skilled position.
3. The employer must commit to activities that will benefit the Canadian labour market in exchange for receiving expedited processing.

The Global Talent Stream is designed to provide faster access to highly skilled foreign workers in specific occupations and industries where there is a demonstrated need for their expertise. While it is a fast-track program, it is not necessarily easy to navigate. We recommend that employers seeking to benefit from this stream consider using an agency or lawyer to assist with the application process. This can help ensure that all requirements are met and increase the chances of a successful application.

The High and Low wage positions;

The Temporary Foreign Worker Program in Canada has two main streams: Low and High wages. The salary offered by the employer determines which stream applies to a specific job.

To determine whether a job falls under the Low-Wage or High-Wage stream, consult the Median Hourly Wages by province or territory table found at <https://www.canada.ca/en/employment-social-development/services/foreign-workers/median-wage.html>. As of May 31, 2023, the median hourly wage for the province of Quebec was \$26, this media hourly wage is to be verified at the time of preparing the LMIA

For employers in Quebec, the Quebec government has negotiated with Canada Immigration authorities two specific substreams : the Facilitated Treatment Process and the Quebec Pilot Project. These substreams cater to the unique needs of Quebec employers.

Tips:

1. Use the Median Hourly Wages table to determine which stream applies to your job offer.
2. If you are an employer in Quebec, explore the Facilitated Treatment Process and Quebec Pilot Project substreams for additional options.

Don'ts:

1. Do not assume that a job falls under a specific stream without checking the median hourly wage for the province or territory.
2. If you are an employer in Quebec, do not overlook the specific substreams available to you.

In summary, the Low-Wage and High-Wage streams of the Temporary Foreign Worker Program cater to different salary levels. Employers should consult the Median Hourly Wages table to determine the appropriate stream for their job offer and explore any additional options available in their province or territory.

Example:

Suppose the employer is offering a salary of \$24 per hour for a full-time cook position. To determine whether this job falls under the Low-Wage or High-Wage stream, the employer should consult the Median Hourly Wages by province or territory table.

According to the table (as of May 31, 2023), the median hourly wage in Ontario is \$26. Since the offered wage of \$24 per hour is below the median wage, the cook position falls under the Low-Wage stream.

Now, if the employer were offering a salary of \$28 per hour for a software developer position, the situation would be different. Since the offered wage is above the median hourly wage in Ontario, the software developer position would fall under the High-Wage stream.

In both cases, the employer should follow the specific requirements and processes associated with the respective stream (Low-Wage or High-Wage) when applying for a Labor Market Impact Assessment (LMIA) and hiring a foreign worker.

Remember that for employers in Quebec, there are additional substreams to consider, such as the Facilitated Treatment Process and the Quebec Pilot Project.

C. How to determine the streams that apply to you

Each stream within the Temporary Foreign Worker Program (TFWP) has unique restrictions and requirements for employers. These conditions impact the process of preparing your LMIA application.

Tips:

Use the table below to understand the streams and their limitations. Prepare your application accordingly by following the tips in the next section.

If you choose a stream, make sure you meet all the requirements attached to the stream.

A lawyer may choose a stream based on your factual case, likewise, an employer hiring independently should make the right decision to avoid refusal.

| Streams and categories | Duration | Conditions | Limitations |
|--|---------------------|---|---|
| TFWP: EIMT-Low Wage | 7 weeks and 2 days | Provide evidence of recruitment efforts to offer your job to Canadians first (job postings) explaining the nature of the recruitment efforts and the results achieved. See our E-book section to draft and advertise a complete job offer. | This type of application is mostly for low-skilled jobs. The number of foreign workers cannot exceed 20% of the total workforce. The cap is 30% for applications received between April 30, 2022 and October 30, 2023, employers in the following defined sectors and subsectors are eligible for a 30% cap: - Construction (NAICS 23) - Food Manufacturing (NAICS 311) - Wood Product Manufacturing (NAICS 321) - Furniture and Related Product Manufacturing (NAICS 337) - Hospitals (NAICS 622) - Nursing and Residential Care Facilities (NAICS 623) - Accommodation and Food Services (NAICS 72) |
| TFWP: EIMT-High Wage stream | 6 weeks and one day | Provide a transition plan: conduct recruitment and training activities to retain the Canadian workforce and assist temporary workers to become permanent residents. | No cap is provided for a High Wage job offer. |
| TFWP: EIMT-simplified (alleged) process | 3 to 5 weeks | LMIA application receives priority treatment. No recruitment efforts required. No transition plan required on first application. The profession must be on the list of professions eligible for simplified processing LINK , established by Emploi-Québec in collaboration with the MIFI. | The profession must be on the list of professions eligible for simplified processing, established by Emploi-Québec in collaboration with the MIDI. |
| TFWP_Quebec Project Pilot | 5 weeks | No recruitment efforts required for industries in the list . The occupation must be on the list of occupations requiring global talent. | The Quebec Pilot Project has the same eligibility requirements and limitations as the Temporary Foreign Worker Program (TFWP), but with the advantage that employers are not required to conduct recruitment efforts. Save about a month of the processing time |

Tips :

The foreign worker cap limits the number of temporary foreign workers you can hire as a percentage of your total workforce.

If the cap for your stream is 30%:

You need a ratio of 3 Canadian employees for every 1 foreign worker you want to hire.

For example, if you want to hire 3 foreign workers, you would need 9 Canadian employees (3 × 3).

If the cap for your stream is 20%:

You need a ratio of 8 Canadian employees for every 2 foreign workers you want to hire.

The cap applies separately to each of your locations, so calculate it based on the number of employees at that specific location.

To determine the industry uses the SCIAN system not the CAE

You are exempt from the cap limits if:

- You are a small business with under 10 employees
- You apply under the Simplified stream in Quebec
- Your occupation is on the list for the Quebec Project Pilot stream

Before applying, make sure you meet the required Canadian to foreign worker ratio at each location based on the cap for low wage stream. Failing to do so could result in an LMIA refusal.

For professions on Quebec's simplified list, focus your LMIA application on demonstrating your job offer corresponds to the NOC that you have identified in the simplified list [Simplify list](#), rather than worrying about the cap limits which do not apply in that stream.

Don'ts

- Don't determine how many candidates you will add to your LMIA application without calculating the required Canadian-to-foreign worker ratio based on the cap for your stream.
- Don't misrepresent the number of Canadian and foreign employees at a specific location to meet the cap requirements.
- Don't apply under the Simplified stream in Quebec or the Quebec Project Pilot stream if your occupation is not actually on their approved lists.
- Don't proceed without consulting an immigration lawyer to ensure you understand the cap requirements correctly and can demonstrate you meet them in your LMIA application.

- Don't fabricate or exaggerate any information in your LMIA application, including details about recruitment efforts, the job offer, or your total workforce
- Don't omit any required documents or information from your LMIA application.
- Don't hire temporary foreign workers without a positive LMIA (unless your situation is actual).





Preparing for the Application processes

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Conducting a thorough foreign worker eligibility analysis is crucial to preparing a strong program application. This analysis involves reviewing the specific requirements and restrictions of the stream under which you intend to apply, based on factors such as your business's resources, location, and industry.

The following steps will guide employers through the eligibility analysis and application preparation process:

Advertise Your Job Offer:

First, determine the need for a foreign worker. Begin by creating a job offer, which is the initial requirement if you are working with an agency. The job offer should include the following elements: title, duties, experience and education requirements (specifying the relevant fields), hours, flexibility required, geography, willingness to relocate, language requirements, salary, and social advantages.

Advertising the job position first is crucial, as one of the requirements is to maintain ads for a month. Ideally, use this month to find a suitable candidate and submit the application. If the labor shortage is genuine and systemic, the employer may have already advertised the position. However, for the purpose of the program, the advertising should be specific and meet certain criteria.

To comply with the low-wage stream, adhere to the following guidelines:

- Conduct at least three different recruitment activities using Job Bank or Emploi Quebec (if in the province of Quebec). These platforms are the job-matching tools of the federal and provincial governments, respectively.
- Select two websites that target underrepresented groups in the labor market, such as Indigenous persons, vulnerable youth, newcomers, and persons with disabilities and publish a version of the same post. To find these websites targeting underrepresented groups, google for example aborigin jobs.

Maintain records of your recruitment and advertising efforts for a minimum of six years. You will be asked to provide the results of your recruitment efforts to fill the position.

Ensure that the job advertisement:

- Occurs within three months prior to submitting the LMIA application.
- Runs for a minimum of four consecutive weeks within the three months prior to submitting an LMIA application.
- At least one of the three recruitment activities to seek qualified Canadians and permanent residents must be ongoing until a positive or negative LMIA has been issued.

The required job advertisement information includes:

- Company operating name
- Business address
- Title of the position
- Job duties (for each position, if advertising for more than one vacancy)
- Terms of employment (e.g., project-based, permanent position)
- Language of work
- Wage (including any incremental raises, performance pay, or bonuses)
- Benefits package offered (if applicable)
- Location(s) of work (local area, city, or town)
- Contact information (telephone number, cell phone number, email address, fax number, or mailing address)
- Skills requirements (including education and work experience)

Tips

- Identify cases where advertisements are not required (Foreign Worker Stream exemptions as seen in section...., or in global talent, Quebec pilot project).
- Determine what the advertisement needs to include, since incomplete ads can cause a refusal, or you may receive a warning of non-completion from the Service Canada agent in charge of your file.

- Address incompetent local candidates by hiring competent local candidates in the process, fulfilling the advertisement's purpose of offering jobs to Canadians first.
- Prepare a table with entries for every Canadian who contacted you for the job and note why their candidacy was rejected (e.g., the candidate is a student and can only work part-time, or the candidate lacks the required experience).
- Poor quality ads are a common reason for LMIA refusal. It is essential to prove that the job would have been offered to any Canadian who accepted the offer and that hiring a foreign worker is a last resort due to labour shortages.
- Never submit an application before the 28th day of the ads being published, as doing so will result in refusal.
- If you are in a specific region, consider choosing a local employment center. If hiring an engineer, LinkedIn may be more suitable than advertising in your local newspaper.
- Keep careful records of your ads and include proof of these efforts in your application.

References:

<https://www.canada.ca/en/employment-social-development/services/foreign-workers/median-wage/low/requirements.html>

Example : advertise the job position.

Job Title: Software Developer

Company Name: XYZ Tech Inc.

Location: Toronto, ON

Job Type: Full-time, Permanent

Salary: 80,000–80,000–100,000 per year (depending on experience)

Job Description:

XYZ Tech Inc. is seeking a talented and experienced software developer to join our team in Toronto. The successful candidate will work closely with our product development team to design and build innovative software solutions that exceed customer expectations.

• Responsibilities:

- Collaborate with the product development team to design software solutions
- Develop, test, and debug software applications
- Create and maintain software technical documentation
- Participate in code reviews and software design discussions
- Work with team to deliver projects on time and within budget

- **Qualifications:**

- Bachelor's degree in Computer Science or a related field
- 5+ years of experience in software development
- Strong proficiency in Java, Python and/or C++
- Familiarity with software development methodologies, such as Agile and Scrum
- Experience with testing frameworks and version control systems
- Excellent problem-solving and communication skills

Language Requirements: English (proficiency in French will be an asset)

How to Apply: Please submit your resume and cover letter to careers@xytech.com. Only qualified candidates will be contacted.

This job advertisement meets the requirement that the job description aligns with the NOC codes assigned to the job.

Identify a NOC Code for Your Job Offer:

Since your LMIA will be NOC code-specific, your job offer needs to find a match within the NOC system.

The National Occupational Classification (NOC) provides an organizational framework that categorizes the range of occupational activities in Canada. At the detailed level, occupations are identified and classified according to the type of work performed, as illustrated by the tasks, duties, and responsibilities of the occupation.

To determine eligibility for the Temporary Foreign Worker Program (TFWP) or International Mobility Program, the foreign candidate, its educational and experience background must closely align with the criteria listed in the section “requirements” of the NOC code of the profession referred to in the job offer.

Therefore, the NOC code should influence the content of the job offer your LMIA application refer to, and influences the choice of the foreign candidate.

If you are unable to find your occupation in the National Occupational Classification (NOC), it is important to note that you should search for the latest version of the NOC. The NOC is updated periodically, so it is essential to ensure that you are using the most recent version to accurately classify your occupation.

Steps to Identify a NOC Code:

1. To identify a National Occupational Classification (NOC) code for a specific job, follow these steps:
2. Visit the Job Bank website: Access the Government of Canada's Job Bank website at <https://www.jobbank.gc.ca/> and click on the "Explore Careers" tab.
3. Search for the Job Title: In the search bar on the Explore Careers page, enter the job title or occupation you are interested in.
4. View the Job Profile: After clicking on the job title, you will be directed to a Job Profile page that provides information such as job duties, employment requirements, salaries, and job outlooks.
5. Check the NOC Code: The Job Profile page will display the NOC code for the specific job title you searched for. The NOC code is typically located towards the bottom of the page, under the "National Occupation Classification (NOC)" heading.

Alternatively, you can search for job titles and their respective NOC codes on the Government of Canada's NOC website at <https://noc.tcu.gov.on.ca/>. Once on the NOC website, browse through various occupational groups and use keywords to find specific job titles. This site offers detailed information about NOC codes, as well as the job duties and requirements associated with each code.

By selecting the appropriate NOC code for your job offer, you can ensure that your foreign candidate is eligible for the TFWP or International Mobility Program and that your LMIA application is accurate and compliant with the program's requirements.

Noc [LINK](#)

Put yourself in the shoes of the Human Resources Director at a successful IT services company. You've realized that your team urgently needs an Information systems specialist to handle crucial tasks related to technology infrastructure. To attract top talent, you've set a competitive hourly wage of 40 CAD.

However, despite your best efforts to find the perfect candidate through extensive searches on various platforms, you haven't been able to identify the right fit for the role. The market for IT systems specialists is highly competitive, and there's a shortage of qualified professionals available. This situation has intensified the urgency of finding the right person for the job.

As you search online, you come across multiple press articles discussing the scarcity of skilled IT professionals. This information works in your company's favour, as it means there may be fewer obstacles to navigate during the recruitment process.

Here's what a resume for a candidate looks like:

Emily Johnson

456 Oak Street, Anytown, USA

Phone: (555) 987-6543

Email: emilyjohnson@email.com

Objective:

Results-driven Information Systems Specialist with a strong background in software development and IT system analysis. Seeking a challenging position to leverage my technical expertise and contribute to the development and optimization of information systems within a progressive organization.

Education:

Bachelor of Science in Computer Science

Anytown University, Anytown, USA

Graduated: May 20XX

Skills:

- *Proficient in software development methodologies and technologies, including Java, Python, and SQL*
- *Strong analytical and problem-solving abilities to identify areas for improvement within IT systems*
- *Experience in reviewing existing systems and implementing process enhancements*
- *Knowledge of quality assurance procedures to ensure the delivery of high-quality software products*
- *Excellent communication skills for effective collaboration with cross-functional teams*
- *Familiarity with preventive maintenance tasks to optimize computer systems' performance*

Work Experience:

Software Developer

XYZ Tech Solutions, Anytown, USA

Dates: June 20XX - Present

- *Collaborate with a team of developers to design, develop, and test software applications*
- *Collect and analyze data to identify opportunities for improving IT infrastructure*
- *Review existing systems and recommend process improvements to enhance efficiency*
- *Follow software development life cycle processes to ensure adherence to quality standards and user requirements*
- *Conduct quality assurance tests to identify discrepancies and implement necessary adjustments*
- *Perform preventive maintenance tasks to optimize the performance of computer systems*
- *IT Analyst*

ABC Company, Anytown, USA

Dates: August 20XX - May 20XX

- *Assisted in analyzing IT systems and internal processes to identify areas for improvement*
- *Contributed to the development and application of policies and procedures to enhance software products and information systems*
- *Supported the development and improvement of systems through quality assurance procedures and tests*
- *Documented discrepancies and ensured appropriate adjustments were made*
- *Assisted in preventive maintenance tasks to ensure the smooth functioning of computer systems*
- *Certifications:*

Certified Information Systems Auditor (CISA)

References:

Available upon request

After conducting your research, you have successfully identified the specific NOC code that corresponds to the position you are hiring for. Furthermore, upon reviewing the candidate's resume, you have noticed that it aligns with approximately 50% of the tasks outlined in the NOC description. This is perfect as it indicates that you have found the correct NOC code and a candidate who partially meets your requirements.

21222 - Information systems specialists

Main duties

This group performs some or all of the following duties:

- Design, develop, test, implement and oversee IT systems
- Collect and analyze data to identify areas for improvement within an organization's IT infrastructure
- Review existing IT systems and internal processes
- Develop, implement and apply policies and procedures throughout the software development life cycle to maximize the efficiency, effectiveness, and overall quality of software products and information systems, and to ensure that all systems and processes meet organization standards and user requirements
- Develop quality assurance procedures and tests for the development and improvement of new and existing systems
- Identify, analyze and document discrepancies and ensure that appropriate adjustments are made
- Perform preventive maintenance tasks on computer systems.

- **Employment requirements**

- A bachelor's degree in computer science, computer systems engineering, software engineering, business administration or a related discipline or completion of a college program in computer science is usually required.
- Experience as a computer programmer is usually required.
- Certification or training provided by software vendors may be required by some employers.
- A professional certification such as Certified Information Systems Auditor (CISA), Certified Information Security Manager (CISM), Certified Internal Auditor (CIA) or another related information technology (IT) designation.
- It is important to note that the professional code 21222 requires relevant training and experience, and specifically excludes programmers. Instead, this code describes a highly specialized worker who can manage a group of programmers.
- This code makes you eligible for several possible streams, including:
 - The Foreign Worker Program's High Wage Stream,
 - The PTET Simplified: EIMT process in Quebec
 - The Global Talent Stream
 - International Mobility Program (which is exempt from EIMT) if your consultant is a citizen of Europe or a NAFTA national.

When considering the eligibility of NOC 21222 for various programs, it is crucial to choose the one that will save you valuable time and effort. Reviewing the standard service processing times published and regularly updated by the Service Canada section responsible for the Foreign Worker Program will provide valuable insights.

By prioritizing the Global Talent stream or the Simplified Stream, you can significantly shorten the process by several weeks. Time is of the essence, particularly when facing a shortage of workers, so selecting the appropriate stream is essential.

Opting for the International Experience Canada (IEC) program can be advantageous, as it exempts you from the Labour Market Impact Assessment (LMIA) requirement. It is important to note that the IEC program primarily caters to candidates from European countries who are under 35 years old.

If your candidate does not qualify for an LMIA exemption, the next step is to explore the global talent program, and subsequently, the simplified process available to employers based in Quebec, considering that NOC code 21222 falls under the simplified list. By evaluating these options sequentially, you can determine the most suitable program to optimize your time and effort and streamline the application process.

Here is a detailed description of these four possible paths to hire your Information systems specialists

| PATHWAYS | DURATION | CONDITIONS | LIMITATIONS |
|---|--|--|--|
| PTET: LMIA-general process (both streams are possible, but a salary above the median salary in Quebec (26/H at the time of publishing this E-BOOK) allows choosing the high salary stream) | 8 to 10 weeks | Provide evidence of recruitment efforts to Service Canada (job postings) explaining their nature and results obtained. Submit a transition plan: hold recruitment and training activities to retain the Canadian workforce and help temporary foreign workers become permanent residents. Need to hire from underrepresented groups like youth, women, Indigenous peoples, disabled people, etc. | This type of request is mostly for low-skilled jobs. The number of foreign workers cannot exceed 10% of the total workforce. The LMIA application must target a Statistics Canada economic region with an annual unemployment rate of less than 6% for the particular job. |
| PTET: LMIA-simplified process | 4 weeks | The LMIA application benefits from expedited processing. No recruitment efforts are required. No transition plan is required for the first application. | The profession must be on the list of professions eligible for the simplified process, established by Emploi-Québec in collaboration with MIFI. |
| PTET: Global Talent Stream | 2 to 4 weeks | The LMIA processing is very fast. A market-based benefits plan must be prepared. The company can be audited every 6 months. | The profession must be on the list of professions requiring global talent. This program is mainly designed for the information technology domain. |
| International Mobility Program: no LMIA | No LMIA waiting time 4 weeks for the whole process (Work permit only) | This program is exempt from LMIA requirements because it provides competitive advantages for Canada and reciprocal advantages for Canadians, rather than filling specific jobs | This program is designed for skilled workers and largely depends on multilateral/bilateral agreements with other countries (e.g., NAFTA, GATS) |

PTET: LMIA-simplified link <https://www.canada.ca/en/employment-social-development/services/foreign-workers/quebec/simplified-process.html>

Here is an average of the processing times for labour market impact assessment applications for the month of October 2020:

| Type of request | Average processing time |
|--|--------------------------------|
| Global talent section | 2.6 weeks |
| Agricultural component | 2.4 weeks |
| Seasonal Agricultural Worker Program | 1 week |
| PTET: LMIA-general process (both streams) | 9.8 weeks |
| PTET: LMIA-simplified process | 3.4 weeks |
| Permanent residence component | 8 weeks |
| High-wage component | 3.4 weeks |
| Low-wage component | 10.2 weeks |
| International Mobility Program: no LMIA | No waiting time (exempt) |
| PTET: Global Talent Stream | 2.6 weeks |

Source: <https://www.canada.ca/fr/emploi-developpement-social/services/foreign-workers/delay-processing-applications-evaluation-impact-market-work.html>

After reading the entire ebook from Immigraffaires and understanding how their services work, you felt confident in our expertise.

To ensure you were making the right choice and maximizing your chances of success, you scheduled an appointment with Immigraffaires.

During the meeting with the Immigraffaires lawyer, you had the opportunity to discuss your specific circumstances and goals. Immigraffaires In house lawyer provided valuable insights and guidance, helping you better understand the available immigration programs allowing you to hire a and their respective advantages.

With this newfound knowledge, you made an informed decision to apply through the Global Talent Stream, a program recommended by Immigraffaires. This program was particularly appealing because of its expedited processing time of two weeks and the exemption from recruitment and transition efforts.

By choosing the Global Talent Stream, you were confident that you were selecting the most advantageous pathway for your immigration journey, with the support and expertise of the Immigraffaires team.

1. Comparing my job offer to the NOC.

When comparing your job offer to the National Occupational Classification (NOC), keep these tips in mind:

TIPS

- Compare your task descriptions with those outlined in the NOC. Ensure that at least 60% of the tasks coincide to avoid a simplified process refusal, as it may indicate a different NOC.
- Remember that workers should not perform tasks outside the job description stated in the offer, as this could be considered misrepresentation.
- For multiple hires, use specific LMIA applications tailored to well-defined NOC codes to avoid confusion. Submit different LMIA applications for each employee and corresponding NOC codes if necessary.
- Instead of copying and pasting the NOC description into your job offer, provide a personalized job offer that aligns with the NOC. Agents prefer a tailored approach rather than an exact match.
- Declare two work addresses in the LMIA application if you anticipate a change in the employee's workplace during the two-year period.

DON'TS

- Avoid copying and pasting the NOC description directly into your job offer, as this approach is consistently rejected by agents.
- Do not submit an incomplete job offer or fail to disclose the correct NOC, as this can result in refusal.
- Ensure that the job duties align with the NOC duties by at least 50%. Otherwise, it may indicate that an incorrect NOC code has been chosen.
- Avoid assigning tasks to the worker that are outside the job description stated in the offer, as this could be considered misrepresentation.
- Do not declare a specific work location in the LMIA application and later change it without proper disclosure. Failing to disclose the true work location can lead to the employer failing the audit conducted by Service Canada.

1. **Choose a good candidate with good immigration potential to avoid refusals.**

Selecting a candidate who meets the requirements of the applicable National Occupational Classification (NOC) code for your Labour Market Impact Assessment (LMIA) application and possesses strong immigration potential is now of utmost importance. This careful selection is crucial to minimize the risk of refusals during the final step of the work permit processing.

To ensure a successful work permit application, carefully assess the educational and experience backgrounds of potential foreign worker candidates in relation to the employment requirements specified in the NOC. Meeting these requirements is vital to avoid refusals at the work permit stage.

When hiring locally, it is advisable to create an ideal candidate profile and evaluate applicants against this standard. Similarly, when hiring foreign workers, it is recommended to take a comparable approach. However, in developing the ideal candidate profile, it is important to consider an additional aspect: immigration potential.

To find suitable candidates, advertise through various channels such as Facebook, WhatsApp groups, Telegram groups, Emplois Quebec, Job Bank, or consider engaging an agency like Immigraffaires. Such agencies can assist in sourcing and pre-screening candidates for a reasonable recruitment fee.

It is crucial for your foreign worker to meet or exceed the NOC requirements in terms of experience and education. Failing to do so may result in a refusal of the work permit level. Additionally, the candidate should exhibit good immigration potential, demonstrating their ability to contribute to the Canadian labor market and adapt well to Canada.

The final decision on the work permit application will be based on two key factors: the candidate's eligibility for the foreign worker program and their admissibility potential. Admissibility refers to whether the candidate or their family members pose any serious risks to Canada's security or if their health condition would place an undue burden on the Canadian state.

For instance, candidates with conditions like diabetes or HIV must provide evidence that their health is under control and cover their medical expenses. In some cases, a thorough medical examination may be required, and if the authorities are not satisfied that the candidate won't become a burden, the work permit may be refused.

Factors indicating good immigration potential include:

- Good health, as serious illnesses can lead to inadmissibility to Canada.
- A clean criminal record in the candidate's country of residence and in any country where they resided for more than 6 months. Even minor issues such as impaired driving can result in inadmissibility. The same applies to family members.
- Close family ties in Quebec (siblings, children, or parents) are less likely to convince an immigration agent of the candidate's temporary intention in Canada. On the other hand, candidates with strong family ties to their home country are more likely to demonstrate temporary intentions.
- Unemployment and political instability in the candidate's home country at the time of submission is less likely to convince the agent that the candidate will only stay in Canada temporarily.
- Strong economic ties to the home country, such as employment, assets, properties, or businesses, make it more likely that the candidate intends to come to Canada temporarily.
- Previous visits to Canada or countries (European, Usa...) that are commercial partners with Canada significantly reduce the risk.
- In the case of Quebec, a candidate who speaks fluent French has a greater potential for successful integration into Canada.
- Overqualified candidates are preferred since Canada aims to minimize the need for additional education for candidates immigrating to the country, as education costs the public sector significantly.

Dos:

1. Do prioritize candidates who demonstrate a genuine interest in the job position and a commitment to temporary residence in your country.
2. Do evaluate candidates' language proficiency, especially in official languages or languages commonly spoken in your region, as it can enhance their integration prospects.
3. Do consider candidates with prior experience working or studying in your country, as it demonstrates their familiarity with the local culture, work environment, and potential for successful integration.
4. Do provide support and guidance to candidates throughout the immigration process, such as assisting with work permit applications, housing arrangements, and cultural orientation.

Don'ts:

1. Don't engage in discriminatory practices or base hiring decisions on factors unrelated to job qualifications or immigration potential, such as race, nationality, gender, or age.
2. Don't rely solely on the candidate's immigration potential without considering their qualifications and suitability for the job position.
3. Don't make false promises or misrepresent information about job opportunities, career growth, or the immigration process to candidates.
4. Don't overlook the importance of proper documentation and compliance with immigration regulations. Ensure all necessary permits, visas, and work authorizations are obtained before the candidate starts working.
5. Don't neglect ongoing support and communication with the candidate after they join your organization. Address any challenges or concerns promptly to facilitate a positive work experience and successful integration.

Remember, each candidate's circumstances and immigration potential may vary, so it's essential to assess them individually and make informed decisions based on their qualifications, experience, and potential contribution to your organization and the local workforce.

- 1. Determine the type of processing that applies; simplified; low skills, High skills, global talent, simplified LMIA for Quebec employers**

Determining the appropriate processing type is essential when considering hiring foreign workers. Different streams and programs exist depending on the occupation and required skills.

For instance, let's consider an example to illustrate these different types. If a candidate is from a country that doesn't require a visitor visa to enter Canada, it significantly reduces the risk of refusal and opens up more options.

For instance, a young European engineer under the age of 35 may be eligible for the International Experience Canada (IEC) or a Free Trade Agreement stream. Such a candidate would exempt you from obtaining an LMIA. Instead, you, as the employer, would submit the job offer directly to IRCC, potentially saving three months in the process.

However, if the candidate is over 40 years old and doesn't qualify for the mentioned exemptions, the employer would proceed with preparing the LMIA and apply under the Temporary Foreign Worker (TFW) program.

Nevertheless, the European engineer can avoid the online work permit application if exempt from a visa requirement. They can travel to Canada and obtain the work permit at customs by presenting the LMIA and the CAQ (if applicable). This streamlined process can reduce the overall duration to three months instead of seven. Therefore, it's worth consulting with your lawyer to explore programs that may exempt you from the LMIA application or facilitate the process.

Now, let's consider an example of a tech company in Toronto hiring for two positions: a software developer and a customer service representative. The software developer role requires a university degree in computer science, relevant work experience, and advanced programming skills. This high-skilled position is exempt from LMIA requirements. The company can directly apply for a work permit for the selected candidate through the Global Talent Stream program.

On the other hand, the customer service representative position calls for a high school diploma, proficiency in English and in French, and some prior customer service experience. This low-skilled position will require an LMIA. The employer must obtain an LMIA from the Government of Canada before hiring a foreign worker for this role.

If the tech company were based in Quebec and the customer service representative position was within a specific sector facing labour shortages, the employer might qualify for the simplified LMIA process. It's important to confirm in the Quebec government list if this simplified program is applicable to that specific NOC.

To summarize, employers should carefully assess the occupation's requirements and the needed skills to determine the appropriate processing type. It is crucial to review the eligibility requirements and guidelines before applying for an LMIA or work permit to ensure compliance with the applicable streams and programs.



In our third edition guide, we will walk you through the LMIA application process step-by-step, provide helpful tips, and offer a free consultation with our lawyers.

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