

IMMIGRATION FOR BUSINESS OWNERS: INTRA-COMPANY TRANSFERS AND OWNER/OPERATOR LMIA

Course Summary: This course discusses some of the most popular and widely used immigration options by business owners, specifically the Intra-Company Transfer (including start up businesses) and the Owner/Operator LMIA. We will provide an in-depth review of the technical requirements involved in both applications, as well as practical advice for immigration practitioners and their clients. The transition from a work permit to permanent residence and the advantages and disadvantages of one program over the other will also be covered.

Course Outline:

1. Overview: business programs covered in this seminar and other business programs
2. The initial client interview
 - Ruling out federal and provincial programs for skilled workers
 - Screening candidates for business immigrations programs
 - Net worth and investment amounts
 - Relevant experience
 - Investment into new vs. existing company
 - Opening an affiliate of foreign company
 - Client's goals of temporary vs. permanent residence
3. Intra-company Transfers (ICTs)
 - Advantages and disadvantages
 - Eligible businesses
 - Qualifying relationship between Canadian and foreign company
 - Qualifying relationship between transferee and foreign company
 - Qualifying relationship between transferee and Canadian company
 - Qualifying positions
 - Start-ups
 - Variations to ICTs under international agreements
 - NAFTA/USMCA, Chile
 - Colombia, Peru

- Korea
 - CETA
 - CPTPP
- Work permit application particulars
 - Maximum durations
 - Breaks and recaptured time
 - Place of application
 - The ICT work permit cover letter
- Transition to Permanent Residence
 - Using ICT experience to boost Express Entry score
 - Limitations to using Provincial Nominee Programs

4. Owner/Operator LMIA

- Advantages and disadvantages
- LMIAs generally
- Owner/Operator advertising variation
 - Controlling interest in the business
 - Not in a position to be dismissed
 - Prior language - creation/retention of employment opportunities or skills transfer to Canadians
- Initial client checklist
- Tips for the immigration practitioner
 - Available LMIA streams for application
 - Business plan
 - Active management and direct ownership
 - Foreign worker's past experience and language skills
- Start-ups
- Conditional/contingent purchases
- The Owner Operator LMIA cover letter
- Client instructions following submission
 - Dealing with ESDC and preparing clients for communications with government officers
- Work permit application particulars
- Transition to Permanent Residence
 - Using ICT experience to boost Express Entry score
 - Limitations to using Provincial Nominee Programs