

Canada – Intra-Company Transferee (ICT) Procedures and Fees

As a prime destination consistently voted among the top 3 countries for its quality of life, Canada offers different visa and immigration options to foreigners who aspire to relocate or settle in Canada on a temporary or permanent basis, alone or with his/her family members.

The Intra-Company Transferee (or “ICT”) category of the International Mobility Program allows a foreign business to temporarily transfer a qualified employee to its parent, subsidiary, branch or affiliate entity located in Canada, without the pre-requisite of obtaining a positive a Labour Market Impact Assessment (or “LMIA”). The Canadian entity may be an established or newly set up company, and the transferee’s position may be in an executive, senior managerial, or specialized knowledge capacity.

An initial ICT work permit is usually valid for up to three years, with potential two-year extensions if conditions are met, up to a maximum of seven years. For start-up companies in Canada, the initial work permit is usually valid for one year.

Once the transferee obtains a work permit and begins work in Canada, he/she gains invaluable Canadian work experience that can later be used as a basis for his/her Permanent Residence application through the Canadian Experience Class (Express Entry) program (or the “CEC”).

During the validity period of the transferee’s work permit, the accompanying spouse may be eligible to an open work permit, and their dependent children aged 21 and under to a study permit. Accompanying minor children will have free access to elementary and secondary education in Canada.

Note: The information and eligibility criteria contained herein are subject to change by the Immigration, Refugees and Citizenship Canada (or “IRCC”) without prior notice. Please consult with Kaizen’s visa and immigration professionals before applying.

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1. Handling and Applications Fees

Kaizen’s handling fee for the standard ICT work permit application is CAD6,800. If the Canadian employer is an office start-up in Canada, the handling fee is CAD10,800. CAD800 will be charged for each additional accompanying dependent of the transferee. If an open work permit for spouse or partner or a study permit is applied together with the ICT application, the handling fee is CAD1,000 per application.

The above-stated fees are inclusive of all governmental application, biometrics and employer compliance fees, but exclusive of any delivery or courier charges, translation fees, notarization fees, medical examination and police certificate fees, etc.

For reference purposes and subject to change, the Immigration, Refugees and citizenship Canada application fees as at May 23rd, 2022 are as follows:

Employer compliance fee:	CAD230
Work permit fee:	CAD155
Biometrics fee:	CAD85 per person
	CAD170 per family applying at the same time and place

In particular, our fees cover the following services:

- (1) Eligibility assessment and consultation with our immigration counsel;
- (2) Continuous advice and guidance on the ICT work permit application;
- (3) Guidance on the creation of the Employer Portal account and submission of the Offer of Employment;
- (4) Drafting of the business plan (start-up scenario ONLY);
- (5) Assistance with gathering the supporting documents;
- (6) Preparation of the application forms;
- (7) Legal representation for the purpose of the ICT work permit application;
- (8) Submission of the ICT application package to the relevant governmental authorities;
- (9) Liaison with the governmental authorities and reporting of the application status;
- (10) Responding to requests for additional documents and procedural fairness letters, if any;
- (11) Assistance with the medical examination(s) and police certificate(s) documentation;
- (12) Upon approval of the work permit application, handling of the Letter of Introduction.

2. Payment Terms and Method

Upon receipt of the confirmation of engagement, we will issue an invoice and email it to you together with the detailed payment instructions. Due to the nature of the service, we require full payment in advance. In addition, once service is commenced, no service fees will be refunded.

We currently only accept check, cash or TT and credit card payment through PayPal. If invoice is settled by PayPal, an extra 5% service fee will be charged.

If China or Taiwan official tax invoice is required, Value-Added Tax or Business Tax at the prevailing rate in the respective jurisdiction will be charged and collected.

3. Eligibility Criteria

Requirements for the Transferee

You may be eligible for an intra-company transferee work permit if you:

- (1) Are currently employed by a multinational company and seeking entry to Canada to work in an entity that has a qualifying relationship* with the foreign company;
- (2) Have been employed continuously (via payroll or by direct contract) by the foreign company in a similar full-time position (not accumulated part-time) for at least 1 year in the 3-year period immediately preceding the date of application;
- (3) Will be undertaking employment at a legitimate and continuing establishment of the Canadian entity (where 18 to 24 months is a reasonable minimum guideline);
- (4) Are being transferred to a position in an executive, senior managerial, or specialized knowledge capacity;
- (5) Are coming to Canada for a temporary period only and will comply with all visa requirements for temporary entry.

Requirements for the Company

Generally, the foreign company must:

- (1) Be a legal entity in the home country and have a qualifying relationship* with the Canadian legal entity;
- (2) Be actively engaged in business in the home country. The Canadian entity also must be or will be doing business;
- (3) Secure physical premises to house the Canadian operation, particularly in the case of specialized knowledge. However, in specific cases involving senior managers or executives, it would be acceptable that the address of the new start-up not yet be secured. In such case, the new entity may use its counsel's address until the transferred executive or manager can purchase or lease a premise;
- (4) Furnish realistic plans to staff the new operation;
- (5) Have the financial ability to commence business in Canada and compensate employees;
- (6) When transferring executives or managers, demonstrate that it will be large enough to support the executive or management function;
- (7) When transferring specialized knowledge workers, demonstrate that it is expected to be doing business and ensure that work is guided and directed by management at the Canadian operation.

Note:

- A qualifying relationship is a business relationship that is either a parent, subsidiary, branch or affiliate.

4. Documentary Evidence and Information Requirements

The following information and documents are required for the purpose of an ICT work permit application.

PART A: FORMS

- (1) Application for Work Permit Made Outside of Canada (IMM 1295)
- (2) Family Information form (IMM 5707). It must be completed by those aged 18 years or older or a minor travelling alone to Canada
- (3) Statutory Declaration of Common-law Union (IMM 5409), where applicable
- (4) Use of a Representative (IMM 5476)
- (5) Authority to Release Personal Information to a Designated Individual (IMM 5475)

PART B: SUPPORTING DOCUMENTS

Corporate documents:

- (1) Online Offer of Employment submitted via the Employer Portal, which must include information about:
 - (a) The Canadian business
 - (b) The transferee
 - (c) The job details
 - (d) The wage and benefits
 - (e) + The payment of the employer compliance fee of CAD230
- (2) Qualifying relationship between foreign and Canadian entities (non-exhaustive):
 - (a) Business license or registration
 - (b) Articles of incorporation, articles of association, partnership agreements if any
 - (c) Registration with relevant tax authorities
- (3) Financial ability of the company to commence and establish a business, compensate employees, and cover other operational expenses in the first year:
 - (a) Audit reports, or financial statements including profit & loss statements
 - (b) Business tax returns (declarations, notices of assessment, payment receipts, etc.)
 - (c) Bank statements indicating the investment funds, etc.
 - (d) Payroll
 - (e) Proof of active engagement in business (permits and office lease, insurance/wage payments for employees, marketing material, contracts and agreements, invoices, accounting records, etc.)
- (4) *If establishing a start-up:* a detailed and viable business plan, including a realistic hiring plan in Canada for the next five years

- (5) *Where necessary*: Business owner’s personal documents (educational diplomas, employment letters, passport, marriage certificate, passport photo, bank statements)
- (6) Any additional document the visa office may request

Transferee documents:

- (7) Document Checklist (IMM 5488)
- (8) Offer of Employment ID number generated by the company’s Employer Portal
- (9) Copy of transferee’s valid passport or travel document (biographic page with name, passport number, photograph, date and place of birth, and issuance and expiry dates)
- (10) Two (2) recent photographs meeting the required photo specifications
- (11) Proof of current immigration status (if country of residence differs from the citizenship listed on passport)
- (12) Copy of Marriage License/Certificate
- (13) Current employment of transferee within the foreign company:
 - (a) Applicable National Occupation Classification code (NOC)
 - (b) Employment letter, job offer confirmation letter, etc. outlining the transferee’s position in an executive or managerial capacity or one involving specialized knowledge (i.e. position, title, place in the organization, job duties and responsibilities);
 - (c) Employment contract
 - (d) Work reference letter
 - (e) Pay stubs, dividend payments, shareholder certificates, etc.
- (14) Future employment in the Canadian entity and evidence of transferee’s meeting of the requirements of the job being offered:
 - (a) Scope of work in Canada, proof of full-time but temporary (18-24 months) nature of the position, project(s) and rollout(s) if any
 - (b) Invitation Letter from Canadian company
 - (c) Transfer Letter from foreign company (highly occupation-specific letter outlining the job duties and responsibilities in Canada, project scope, salary offered as per the Canadian market)
 - (d) Relevant training opportunities if any
- (15) In the case of “specialized knowledge”, evidence that the position in Canada requires a specialized knowledge and that the transferee has such knowledge
- (16) Intended duration of stay and proof that the transferee will leave Canada at the expiration of his/her work permit
- (17) Proof of sufficient funds to care for him(her)self and his/her family members during their stay in Canada and to return home
- (18) Medical examination(s) and police certificate(s)
- (19) Payment receipt of work permit application fee in acceptable format
- (20) Payment receipt of biometric and/or open work permit fee(s), where applicable
- (21) Any additional document the visa office may request
- (22) *Before entry*: visitor visa or electronic travel authorization (eTA), where applicable

Note:

Country specific requirements: Based on his/her country of residence’s requirements, both the transferee and Canadian entity may be required to submit additional forms and/or supporting documents. Please consult with Kaizen’s visa and immigration professionals for further information.

5. Application Steps and Estimated Timeline

Step	Procedure	Responsible Party	Estimated Processing Time*
1	Transferee and company eligibility assessment conducted by Kaizen’s Canadian immigration counsel.	Transferee / Company / Kaizen	1-2 days
2	In the start-up scenario, setting up of a qualifying business in Canada (handling and fees excluded from the present package)	Company	3-10 weeks**
3	Creation of Employer Portal account and submission of online Offer of Employment	Company / Kaizen	2-4 days
4	Drafting of business plan (start-up scenario, or where necessary); concurrent to step 5	Company / Kaizen	2-3 weeks
5	Form filling, gathering of supporting documents and preparation of application file in accordance with Canada’s ICT work permit application requirements	Transferee / Company / Kaizen	2-6 weeks
6	Submission of application package to the IRCC (paper/online)	Kaizen	1-7 days
7	Upon request, submission of biometrics, police certificate(s) and medical examination(s), where previously not submitted	IRCC / Transferee	4-6 weeks
8	An interview with an Immigration Officer at the visa office may be requested at this stage. If all eligibility criteria are met for both the transferee and the Canadian entity, a Letter of Introduction is issued	IRCC	17 weeks***
9	The transferee and accompanying family members may then travel to Canada and present the Letter of Introduction at a port of entry, where a Border Officer will issue the ICT work permit	Transferee	Transferee/ Company’s schedule
Estimated Total Processing Time: Standard application:			16-31 weeks
Start-up application:			22-41 weeks

Note:

- (1) The processing time is estimated based on the average file and may vary depending on the cooperation of the hiring company and the transferee, the processing time by the IRCC, immigration policy changes, etc.
- (2) May vary depending on the province or territory.
- (3) The processing time pledge by the IRCC as **at May 23rd, 2022**, from the time a complete package is received to the time a decision is made, is 17 weeks for a home company located in Hong Kong. Please consult with our professionals for other jurisdictions.

Should you need further information or assistance, please visit our official website at www.kaizenvis.com or contact us through the following means:

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