THE CETA REPORT ON MOBILITY OF PROFESSIONALS

A Practical Report on EU-Canada Mobility of Professionals

Supporting EU business in Canada
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</table>
# LIST OF ACRONYMS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>BSO</td>
<td>Border Security Officer</td>
</tr>
<tr>
<td>CBSA</td>
<td>Canada Border Services Agency</td>
</tr>
<tr>
<td>CETA</td>
<td>Comprehensive Economic and Trade Agreement</td>
</tr>
<tr>
<td>CUSMA</td>
<td>Canada–United States–Mexico Agreement</td>
</tr>
<tr>
<td>CV</td>
<td>Curriculum Vitae</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>eTA</td>
<td>Electronic Travel Authorization</td>
</tr>
<tr>
<td>IMP</td>
<td>International Mobility Program</td>
</tr>
<tr>
<td>IMWU</td>
<td>International Mobility Workers Unit</td>
</tr>
<tr>
<td>IRCC</td>
<td>Immigration, Refugees and Citizenship Canada</td>
</tr>
<tr>
<td>LMIA</td>
<td>Labour Market Impact Assessment</td>
</tr>
<tr>
<td>MRA</td>
<td>Mutual Recognition Agreement</td>
</tr>
<tr>
<td>MRPQ</td>
<td>Mutual Recognition of Professional Qualifications</td>
</tr>
<tr>
<td>MYCIC</td>
<td>My Citizenship Immigration Canada</td>
</tr>
<tr>
<td>NAFTA</td>
<td>North American Free Trade Agreement</td>
</tr>
<tr>
<td>NOC</td>
<td>National Occupational Classification</td>
</tr>
<tr>
<td>VAC</td>
<td>Visa Application Centre</td>
</tr>
<tr>
<td>WP</td>
<td>Work Permit</td>
</tr>
</tbody>
</table>
Executive Summary

How to use this report?

This report aims at providing a comprehensive vision of CETA Chapter 10 provisions, facilitating the temporary entry of European professionals in Canada.

This document has been designed to help EU companies and professionals understand how they can concretely benefit from these provisions, when expanding their business overseas.

First, this report provides a brief outline of the Canadian Market, highlighting in-demand sectors where there is a need for specific skills. Concrete examples on how CETA Chapter 10 provisions can help answer this demand are provided.

As a second part, this document provides a step-by-step outline on how to apply for each work permit falling within the scope of CETA Chapter 10, including relevant links to follow and documents to use.¹

Finally, and to illustrate all the elements emphasised in this report, the situation of three different companies, and the way they benefited from CETA Chapter 10 provisions are detailed and exposed.

¹ All the information provided in this document should be considered as general information about immigration to Canada and should not be considered as legal counsel. Any legal counsel regarding immigration matters should be provided by an entitled professional.
1. MOBILITY UNDER CETA: AN OVERVIEW

The EU is Canada’s second trading and economic partner, after the United States of America (US). The importance of the commercial exchanges between these two territories has justified the negotiation of the Comprehensive Economic and Trade Agreement (CETA).

CETA has been designed to cover all sectors and aspects of Canada-EU trade “in order to eliminate or reduce barriers” to trade. CETA dedicates a whole chapter to mobility (Chapter 10). Prior to CETA, several European Member States had concluded bilateral agreements with Canada to promote professional mobility, most of which provided opportunities to young professionals to obtain a work permit in Canada for one or two years.

Yet, CETA Chapter 10 offers broader opportunities to EU companies and professionals, giving them access to specific work permits, accessible without any condition relating to the execution of a bilateral agreement between Canada and their country of citizenship.

One of CETA Chapter 10’s main objective is to facilitate mobility between both Parties, as well as to ease applications processing.

1.1. Movement of Professionals under Mode 4

CETA Chapter 10 governs the trading relationship between Canada and EU, as well as their mutual objective to facilitate trade in services, by allowing temporary entry and stay to natural persons. This mode of services, provided by natural persons, is referred to as Mode 4.

As mentioned above, Mode 4 is covered by CETA Chapter 10, incorporating key obligations of Chapter Nine and making them applicable to services supplied by a natural person, staying in one Party’s territory.

Chapter 10 provisions stipulate that each Party shall allow temporary entry to natural persons for business purposes, and make sure that it applies these provisions to avoid any delay in trade of services or the conduct of investment activities. In addition, each Party shall ensure that all processing fees relating to processing applications remain reasonable and compatible with the costs incurred.

That said, movement of professionals under Mode 4 ensures the entry to Canada of EU citizens for business purposes while facilitating trade of services supplied by natural persons.

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1.2. Main advantages CETA introduces

<table>
<thead>
<tr>
<th>TYPES OF PROFESSIONALS</th>
<th>EXISTING LMIA EXEMPTIONS CODES BEFORE CETA</th>
<th>LMIA EXEMPTIONS CODES INTRODUCED BY CETA</th>
<th>MAIN ADVANTAGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractual service suppliers and independent professionals</td>
<td>X</td>
<td>T43 T47 T48</td>
<td>New vehicle to obtain a work permit for contractual professionals coming to Canada for short missions. The relationship with the Canadian company is based on a service agreement and not an employment contract.</td>
</tr>
<tr>
<td>Investors</td>
<td>X</td>
<td>T46</td>
<td>New vehicle to obtain a work permit. Well adapted for EU executives in charge of supervising investments operations when opening a new branch or subsidiary in Canada. Especially when they do not qualify under T44 or C12.</td>
</tr>
<tr>
<td>Intra-corporate company transferees, and their spouses</td>
<td>C12 C41</td>
<td>T44 T45</td>
<td>Possibility to obtain an initial 3-year work permit to develop the activities of a company’s branch or subsidiary newly established in Canada. Under C12, the initial work permit for a branch/subsidiary newly established in Canada is limited to a year. However, it is possible to obtain a 3-year work permit if the company is already established in Canada. T44 is also open to EU partners or trainees in a relationship with the EU company for at least 12 months. Under C12, there must be an employee-employer relationship. Spouses can get an open work permit (T45) for the same duration as their spouses’ work permit, even for a short mission (less than 6 months). Impossible under C12/C41, for a mission of less than 6 months.</td>
</tr>
</tbody>
</table>

1.3. Ongoing work on Mutual Recognition Agreements (MRAs) relating to temporary entry of professionals

Canada and the EU have different regulations of professional qualifications. However, both Parties acknowledge that these regulations are crucial when it comes to mobility, since it guarantees the preservation of high standard of professional qualifications.

Indeed, mobility should not impact the qualification standards of the main professional bodies (as an example, we can refer to all existing medical professional bodies), to ensure public protection and safety.

In this regard, CETA’s Chapter 11, referred to as Mutual Recognition of Professional Qualification (MRPQ) Chapter lays down a framework to establish a clear process to be followed by relevant entities from Canada and the EU when seeking to negotiate an MRA.

The key provisions of this Chapter can be found below:

- **Recognition**: each Party shall allow a professional covered by an MRA to pursue professional activities, in accordance with the MRA, regardless of where he/she has been educated, or of any requirement of citizenship or residency in the Party’s territory. In addition, the treatment afforded to each other’s professionals shall not be less favourable, than the one provided to their domestic professionals.

- **Creation of a joint committee on cooperation for the recognition of qualifications**: this committee is comprised of Canadian and EU government officials. Its role is to ensure that the negotiated MRAs are consistent with CETA’s provisions. In this regard the Joint Committee oversees the MRAs negotiating process and evaluate the MRA proposals developed by regulatory bodies from each Party.

- **Creation of guidelines for the negotiation and conclusion of agreements on the MRPQ**: these guidelines are intended to ensure regularity between MRAs recognised under CETA.

The MRPQ Chapter thus provides important provisions to ensure a smooth mobility between both Parties. As such, members of professional bodies covered by an MRA negotiated between Canada and the EU would be able to enter Canada to carry out their activities, regardless of country of education or training.

This ensures the movement of highly qualified professionals, who can enter temporarily Canada to carry out their activities, following reasonable and eased application processes, including thanks to CETA’s Chapter 10 and MRPQ Chapter.
THE CETA THEMED-REPORT ON MOBILITY OF PROFESSIONALS

2. MARKET SITUATION: IN-DEMAND SECTORS IN CANADA

This report is intended to provide a comprehensive vision of CETA Chapter 10 provisions, without considering any social or economic context. As such, the facts exposed does not consider the COVID-19 pandemic and its short-term or medium-term effects on the Canadian and European economies.

However, reading this report, it is important to bear in mind that the pandemic will have long-term effects on the Canadian labour market, and more especially on the labour mobility. Indeed, Canadian international borders were closed on March 18th, 2020 for an undetermined period. This border closure significantly impacted immigration and labour mobility, as most of the professionals were not able to come to Canada as easily as they would have before the pandemic.

Consequences are very concrete: most of the companies used to recruit internationally decided to postpone the arrival of their employees to a later date, due to the global uncertainty in the global economy. In addition, Canada’s unemployment rate, historically low, went suddenly up to 13% in April 2020, before decreasing to 9.2% in September 20203.

While we observed a significant business recovery from September 2020, it is no exaggeration to predict that the COVID-19 pandemic will impact the Canadian Labour Market for a long time.

2.1. Introduction to the Canadian Market

Canada is one of the world’s most powerful and developed economies. With a population of 37.1 million, Canada has seen steady GDP growth over the past five years4 and is expected to be the G7 member with the second highest GDP growth for the period 2019 - 2020.5

Regarding employment, Canada is known historically for its low unemployment rate and major labour shortages. Between 2008 and 2017, Canada’s employment annual average rate has grown annually by 0.94%, placing the country as number 2 within the G7, behind Germany.6

Over the past five years, Canada’s unemployment rate has been consistently decreasing, to reach 4.8% in 2019 all education levels considered, and only 3.9% amongst Canadian having completed at least a bachelor’s degree.

It is important to highlight that Canada has one of the most educated population in the world. The proportion of adults aged 25 to 64 with tertiary education (college/university completion) reached 56.7% in 2017, the highest rate among OECD countries.7

Yet, despite these excellent indicators, labour shortages are one of the most common challenges faced by Canadian enterprises, including EU companies with a Canadian parent or subsidiary. In 2018, 527 000 jobs were vacant8, representing 3.2% of the labour demand.9

Approximately 40% of Canadian companies (small and medium-sized) have difficulties in recruiting new employees. A recent study conducted by the Business Development Bank of Canada (BDC) highlights that those companies facing labour shortages are more likely (65%) to face obstacles when trying to expand.

One of the main factors explaining this situation is Canada’s strong economic growth over the past decade. This growth generates an important demand for skilled professionals, in all sectors of activities. However, Canada’s population is ageing, while population growth does not meet the economic growth.

This has a direct impact on Canadian firms, holding them back from expanding their operations or developing new markets due to a lack of professionals available on the market.

Canada’s first response to this challenge is immigration: in 2019, one person out of five living in Canada was an immigrant.10 However, recruiting a foreign professional is not as easy as recruiting a Canadian, since any foreign professional must start by obtaining a

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3 Statistics Canada, Labour Force Survey, April and September 2020
4 OECD Interim Economic Outlook, March 2019
5 These previsions do not consider the COVID-19 pandemic.
6 OECD Economic Outlook: Statistics and Projections, November 2018
7 OECD, Education at a Glance, September 2018
8 A job is considered as vacant if it is vacant on the reference date or will become vacant during the month; there are tasks to be carried out for the job in question; and the employer is actively seeking a worker to fill the job.
10 2019 Annual Report to Parliament on Immigration, Immigration, Refugees and Citizenship Canada
legal status to work in Canada. Also, this implies for companies to be able to recruit internationally and find professionals who a) are qualified for the job they have to offer, b) are ready to settle in Canada, and c) speak one of Canada’s both official languages, English being the most common language.

That said, it is easy to understand why Canadian companies face difficulties in filling their skills needs.

In this regard, CETA agreement, and especially Chapter 10 provisions, is definitely a significant help in filing in Canada’s skills shortages, by offering several alternatives to facilitate labour mobility and skills transfer between the EU and Canada.

2.2. In-demand Sectors

The market situation varies according to the provinces. While Ontario, Québec or British-Columbia are facing major skills shortages, the situation in Newfoundland and Labrador is stable. Nonetheless, specific sectors can be categorised as in-demand throughout the whole territory (See Figure 1).

EU companies/individuals willing to enter the Canadian market should take into consideration both Canada’s in-demand sectors and geographic demands.

![Figure 1. Top 5 In-demand Sectors in Canada in 2019](image)

As an illustration, an EU company operating in the retail trade, wishing to expand its activities in Canada could easily transfer temporarily a senior executive to ensure the proper development of the branch. The EU professional could apply for a T44 work permit: intra-corporate (company) transferees online, and thus enter Canada once their application has been approved.

In 2018, most of the work permits issued under a CETA Labour Market Impact Assessment (LMIA) exemption codes were T44 work permits. These considerations show the need for specific management and engineering skills.

<table>
<thead>
<tr>
<th>LMIA EXEMPTION CODES</th>
<th>NUMBER OF WP ISSUED</th>
<th>NUMBER OF WP EXTENSIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>T43 - Contractual service suppliers</td>
<td>169</td>
<td>6</td>
</tr>
<tr>
<td>T44: Intra-corporate (company) transferees</td>
<td>298</td>
<td>29</td>
</tr>
<tr>
<td>T45 - Intra-corporate (company) transferees’ spouses</td>
<td>30</td>
<td>4</td>
</tr>
<tr>
<td>T46 - Investors</td>
<td>5</td>
<td>-</td>
</tr>
<tr>
<td>T47 - Independent professionals</td>
<td>133</td>
<td>5</td>
</tr>
</tbody>
</table>

The tables hereafter highlight the top 10 National Occupational Classifications for work permit applications issued under the T44, T43 and T47 LMIA exemptions codes, between fourth-quarter 2017 and fourth-quarter 2018. Senior Executives and Engineers are highly represented, as well as business professionals.
The National Occupational Classification (NOC) is Canada's national system for describing occupations. NOC provides a classification structure that categorises all occupational activity in Canada.

Canada’s NOC defines an occupation as a "a collection of jobs, sufficiently similar in work performed to be grouped under a common label for classification purposes"\(^{11}\).

Table 2. Top 10 NOCs for work permit approved applications under the T44 LMIA exemption code, between fourth quarter 2017 and fourth quarter 2018

<table>
<thead>
<tr>
<th>NOC</th>
<th>Q4 2017</th>
<th>Q1 2018</th>
<th>Q2 2018</th>
<th>Q3 2018</th>
<th>Q4 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>0013. 0-Senior Managers - financial, Communications</td>
<td>2</td>
<td>3</td>
<td>5</td>
<td>12</td>
<td>5</td>
</tr>
<tr>
<td>0016. 0-Senior Managers - goods Production, Utilities</td>
<td>3</td>
<td>4</td>
<td>8</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>2232. 0-Mechanical Engineering Technologists and Technicians</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>7231. 0-Machinists and Machining and Tooling Inspectors</td>
<td>11</td>
<td>13</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1122. 0-Professional Occupations in Business Services to Management</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>0211. 0-Engineering Managers</td>
<td>5</td>
<td>7</td>
<td>1</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>2233. 0-Industrial Engineering &amp; Manufacturing</td>
<td></td>
<td></td>
<td>1</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>2171. 0-Information Systems Analysts and Consultants</td>
<td>2</td>
<td>4</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>0601. 0-Corporate Sales Managers</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>2132. 0-Mechanical Engineers</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>4</td>
<td>2</td>
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</tbody>
</table>

Table 3. Top 10 NOCs for work permit approved applications under the T43 LMIA exemption code, between fourth quarter 2017 and fourth quarter 2018

<table>
<thead>
<tr>
<th>NOC</th>
<th>Q4 2017</th>
<th>Q1 2018</th>
<th>Q2 2018</th>
<th>Q3 2018</th>
<th>Q4 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>1122. 0-Professional Occupations in Business Services to Management</td>
<td>12</td>
<td>15</td>
<td>17</td>
<td>25</td>
<td>15</td>
</tr>
<tr>
<td>7301. 0-Contractors and supervisors, mechanic trades</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5</td>
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<tr>
<td>2171. 0-Information Systems Analyst and Consultants</td>
<td>3</td>
<td>1</td>
<td>3</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>0211. 0-Engineering Managers Unspecified</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2232. 0-Mechanical Engineering Technologists and Technicians</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2132. 0-Mechanical Engineers</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>2131. 0-Civil Engineers</td>
<td></td>
<td></td>
<td>3</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2173. 0-Software Engineers and Designers</td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2174. 0-Computer Programmers and Interactive Media Developers</td>
<td>2</td>
<td></td>
<td>2</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2175. 0-Web Designer and Developers</td>
<td>2</td>
<td></td>
<td>2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 4. Top 10 NOCs for work permit approved applications under the T47 LMIA exemption code, between fourth quarter 2017 and fourth quarter 2018

<table>
<thead>
<tr>
<th>NOC</th>
<th>Q4 2017</th>
<th>Q1 2018</th>
<th>Q2 2018</th>
<th>Q3 2018</th>
<th>Q4 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>1122. 0-Professional Occupations in Business Services to Management</td>
<td>1</td>
<td>4</td>
<td>9</td>
<td>19</td>
<td>13</td>
</tr>
<tr>
<td>2171. 0-Information Systems Analyst and Consultants</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>2132. 0-Mechanical Engineers</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
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<tr>
<td>7219. 0-Contractors and Supervisors, Other Construction Trades, Installers, Repairers and Servicers</td>
<td>1</td>
<td>5</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2131. 0-Civil Engineers</td>
<td></td>
<td>3</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2173. 0-Software Engineers and Designers</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2231. 0-Civil Engineering Technologist and Technicians</td>
<td>1</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0211. 0-Engineering Managers</td>
<td></td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2144. 0-Geological Engineers</td>
<td></td>
<td></td>
<td>3</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>2233. 0-Industrial Engineering &amp; Manufacturing</td>
<td>1</td>
<td></td>
<td>5</td>
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</tbody>
</table>

\(^{11}\) National Occupational Classification, official webpage: https://noc.esdc.gc.ca/Home/AboutTheNoc/60e045c4ba0ba4b4b5f9ba05dd03d151560e
This section aims at describing the administrative steps an EU citizen would need to take to enter Canada and obtain a work permit. For each work permit falling within the scope of CETA Chapter 10, the process to apply, including relevant links to follow and documents to use, is described.

In addition, activities to be carried out under each work permit falling within the scope of CETA Chapter 10 are described below.

Each work permit falling within the scope of CETA Chapter 10 falls under federal immigration regulations. As such, activities to be carried out under each work permit, as well as processes to apply remain the same regardless of the province of entry.

Canada has two streams to apply for a work permit:
(a) The International Mobility Program (IMP); and
(b) The Labour Market Impact Assessment (LMIA) stream.

A positive LMIA will show that there is a need for a foreign professional to fill the job. It will also show that no Canadian nor Permanent resident professional is qualified and available to do the job. The IMP let the employer hire a temporary foreign professional without a LMIA.

Work permits falling within the scope of a Free Trade Agreement such as CETA are all processed under the IMP stream (labour market impact assessment exemptions). Each LMIA exemption has a specific code.

<table>
<thead>
<tr>
<th>Applicants</th>
<th>Definition</th>
<th>Duration</th>
</tr>
</thead>
</table>
| **Intra-Corporate Transferees – Senior personnel and specialists (T44)** | • **Intra-Corporate Transferees**: Persons employed in an enterprise (at least one calendar year) and temporarily transferred to a subsidiary or head company in the territory of the other Party.  
• **Senior personnel**: Primarily direct the management of the enterprise (or a department); and exercise wide latitude in decision making and exercise discretionary authority over daily operations.  
• **Specialists**: Persons who possess uncommon knowledge of the enterprise’s products or services and its application in international markets or expertise of the enterprise’s processes and procedures such as its production, research equipment, techniques, or management. | Shorter period between 3 calendar years and the contract length with extension possibility up to 18 months at the Host Party’s discretion |
| **Intra-Corporate Transferees – Graduate trainees (T44)** | • **Intra-Corporate Transferees**: Persons employed in an enterprise (at least one calendar year) and temporarily transferred to a subsidiary or head company in the territory of the other Party.  
• **Graduate trainees**: possess a university degree and are temporarily transferred to an enterprise in the territory of the other Party for career development or to obtain training in business techniques. | Shorter period between 1 calendar year or the contract length |
| **Intra-Corporate Transferees – Spouses (T45)** | Spouses of EU citizens, who are intra-corporate transferees to Canada, are eligible to an open work permit for the same duration as their spouses’ work permit. Spouses do not have to be senior personnel or specialist, nor to be intra-corporate transferees. | Same duration as their spouses’ work permit |
| **Investors (T46)** | Persons who establish, develop, or administer the operation of an investment in a capacity that is supervisory and to which those persons or the enterprise employing those persons has committed, or is in the process of committing, a substantial amount of capital. | 1 calendar year with extension possibility at the Host Party’s discretion |
| **Technologists (T48)** | • **Engineering technologists**: a natural person with a completion of a 3-year post-secondary degree from an officially recognised institution in engineering technology, which is considered equivalent to a university degree  
• **Scientific technologists**: completion of a 3 years post-secondary degree from an officially recognised institution in the disciplines of agriculture, architecture, biology, chemistry, physics, forestry, geology, geophysics, mining and energy, which is considered equivalent to a university degree. | 1 calendar year with extension possibility at the Host Party’s discretion |
### Applicants

<table>
<thead>
<tr>
<th>Definition</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contractual service suppliers and independent professionals</strong> (T43 and T47)</td>
<td>1 calendar year with extension possibility at the Host Party’s discretion</td>
</tr>
<tr>
<td>• <strong>Contractual service suppliers</strong>: Persons employed by an enterprise that has no establishment in the territory of the other Party and that has concluded a bona fide contract to supply a service to a consumer of the other Party that requires the physical presence on a temporary basis of its employees in order to fulfill the contract. Must have just completed 1 year of employment for the enterprise and have 3 years of professional experience.</td>
<td></td>
</tr>
<tr>
<td>• <strong>Independent professionals</strong>: Persons engaged in the supply of a service and established as self-employed who have no establishment in the territory of the other Party, and have concluded a bona fide contract to supply a service to a consumer of the other Party that requires the physical presence on a temporary basis in order to fulfill the contract. Must have 6 years professional experience.</td>
<td></td>
</tr>
<tr>
<td><strong>Short-term business visitors</strong> (Business Visitors)</td>
<td>90 days in any 6-month period</td>
</tr>
<tr>
<td>Activities to be carried out:</td>
<td></td>
</tr>
<tr>
<td>• meetings and consultations.</td>
<td></td>
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<tr>
<td>• research and design.</td>
<td></td>
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<tr>
<td>• marketing research.</td>
<td></td>
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<tr>
<td>• training seminars.</td>
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<tr>
<td>• trade fairs and exhibitions.</td>
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<td>• sales.</td>
<td></td>
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<tr>
<td>• purchasing.</td>
<td></td>
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<tr>
<td>• after-sales or after-lease service.</td>
<td></td>
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<tr>
<td>• commercial transactions.</td>
<td></td>
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<tr>
<td>• tourism personnel.</td>
<td></td>
</tr>
<tr>
<td>• translation and interpretation.</td>
<td></td>
</tr>
<tr>
<td>Do not receive remuneration from a source with the Party they are visiting.</td>
<td></td>
</tr>
<tr>
<td><strong>Business visitors – investment purposes</strong> (Business Visitors)</td>
<td>90 days in any 6-month period</td>
</tr>
<tr>
<td>Persons working in a managerial or specialist position who are responsible for setting up an enterprise but who do not engage in direct transactions with the general public and do not receive remuneration from a source located within the territory of the host Party.</td>
<td></td>
</tr>
</tbody>
</table>

### 3.1. T44 - Intra-corporate (company) transferees

The criteria of the T44 work permits can be found within IRCC website.

To summarise, intra-company transferees must be EU citizens, currently employed or collaborating as partners of an EU company and be employed or partners **for at least one year when applying**. They must be transferred in one of the following categories:

- Senior managerial or executive capacity; or
- In one which involves specialised knowledge; or
- As a graduate trainee.

The transfer must be to a Canadian parent, branch, subsidiary, or affiliate, to provide services in the same capacity.

Definitions of senior personnel and specialists can be found hereafter.

### A. Senior personnel

Senior personnel mean natural persons working in a senior position within an enterprise who:

- primarily direct the management of the enterprise or direct the enterprise, or a department or sub-division of the enterprise; and
- exercise wide latitude in decision making, which may include having the authority to personally recruit and dismiss or to take other personnel actions (such as promotion or leave authorisations), and
  - receive only general supervision or direction principally from higher level executives, the board of directors, or stockholders of the business or their equivalent; or
  - supervise and control the work of other supervisory, professional or managerial employees and exercise discretionary authority over day-to-day operations; or

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12 Text of the Comprehensive Economic and Trade Agreement – Chapter ten: Temporary entry and stay of natural persons for business purposes
B. Specialists

Specialists means natural persons working in an enterprise who possess:

a. uncommon knowledge of the enterprise’s products or services and its application in international markets; or
b. an advanced level of expertise or knowledge of the enterprise’s processes and procedures such as its production, research equipment, techniques, or management.

3.2. T46 work permit – Investors

The criteria of the T46 work permit can be found within IRCC website.

To qualify, EU professionals must meet the following requirements:

- will establish, develop, or administer an investment, in a capacity that is supervisory or executive; or
- be the investor; and
- be employed by an enterprise that has committed or is in the process of committing a substantial amount of capital.

The substantial amount of capital requirement is valid for any type of investor. The definition of investors can be found hereafter:13

Investors means natural persons who establish, develop, or administer the operation of an investment in a capacity that is supervisory or executive, and to which those persons or the enterprise employing those persons has committed, or is in the process of committing, a substantial amount of capital.

There is no minimum dollar figure established for meeting the requirement of “substantial” investment. Substantiality is normally determined by using a “proportionality test” in which the amount invested is weighed against one of the following factors:

- the total value of the enterprise
- the amount normally considered necessary to establish a viable enterprise of the nature contemplated.

Only the amount already invested or irrevocably committed for investment can be considered in determining substantiality.

The enterprise must be a real and active commercial or entrepreneurial undertaking which operates to produce some service or commodity for profit. It cannot be a “paper organisation” or an idle, speculative investment held for potential appreciation in value.

3.3. T43 and T47 - Contractual service suppliers and independent professionals

The criteria of the T43 and T47 work permits can be found within IRCC website.

CETA includes a list of service sectors applicable to contractual service suppliers and independent professionals in Annex 10-E. The list of covered sectors can be different for contractual service suppliers and independent professionals.

To qualify, the EU professional must hold the following qualifications:

- a university degree or a qualification demonstrating knowledge of an equivalent level and,
- professional qualifications, if required, to practice an activity pursuant to the laws or requirements in the province or territory where the service is to be supplied in Canada.

In addition, specific requirements shall apply whether you are applying as a contractual service supplier or as an independent professional.

A) Contractual service suppliers (T47)

This stream is designed for employees of an EU supplier who secured a service agreement with a Canadian service consumer. The EU professional must have been an employee of the EU-headquartered enterprise for at least one year prior to application and possess three years of professional experience in the sector of activity that is the subject of the contract. The EU professional must remain exclusively employed and paid by its EU employer.

B) Independent professionals (T43)

Independent professional means a self-employed professional who has a contract to supply a service to a Canadian consumer. The self-employed EU professional must possess at least six years of professional experience in the sector of activity which is the subject of the contract.

13 Text of the Comprehensive Economic and Trade Agreement – Chapter ten: Temporary entry and stay of natural persons for business purposes
3.4. T48 - Engineering technologists and scientific technologists

The criteria of the T48 work permit can be found within IRCC website. This work permit is subject to the same criteria as the T43 et T47 work permits (contractual service suppliers and independent professionals), to the exception of educational credentials.

CETA includes a list of service sectors applicable to engineering and scientific technologists in Annex 10-C. Additionally, a table demonstrating equivalency between CETA’s Annex 10-C and Canada’s NOC codes is available online.

To qualify, the EU professional must hold the following academic qualifications:

- **Engineering technologists**: a 3-year post-secondary degree from an officially recognised institution in engineering technology;
- **Scientific technologists**: a 3-year post-secondary degree from an officially recognised institution in the discipline of agriculture, architecture, biology, chemistry, physics, forestry, geology, geophysics, mining or energy

In addition, specific requirements shall apply whether the EU professional applying as an engineering technologist or scientific technologist is a contractual service supplier or is an independent professional.

**A) Contractual service supplier applying as an engineering technologist or scientific technologist**

The EU professional must have been an employee of the EU-headquartered enterprise for at least one year prior to application and possess three years of professional experience in the sector of activity that is the subject of the contract. The EU professional must remain exclusively employed and paid by its EU employer and be engaged as an employee of an enterprise that has obtained a service contract.

**B) Independent professionals applying as an engineering technologist or scientific technologist**

The EU professional must possess at least six years of professional experience in the sector of activity which is the subject of the contract. He/she must be engaged in the supply of a service as a self-employed person.

3.5. Business visitors under CETA

The business visitor category facilitates entry to Canada for people who intend to engage in international business activities in Canada without directly entering the Canadian labour market (thus no work permit required). Under CETA, there are two categories of business visitors: short-term business visitors and business visitors for investment purposes.

Annex 10-D of CETA covers the business visitor category. It provides a list of permissible activities for entry as a business visitor.14

![Figure 2. Recognised business purposes for EU professionals to request entry into Canada](image)

It is to be noted that receiving a remuneration directly from within Canada (i.e. wage, payment to a Canadian bank account) would automatically constitute work, for which a work permit is required. To remain a business visitor, the EU professional must remain exclusively employed and remunerated outside Canada.

A business visitor for investment purposes is an employee in a managerial or specialist position who is responsible for setting up an enterprise but who does not engage in direct transactions with the general public and will not receive direct or indirect remuneration from a Canadian source.

3.6. How to apply for the work permit (T44, T43 and T47, T46, T48)

When applying for a work permit under the T44, T43, T46, T47 or T48 LMIA exemption codes, the EU applicant and the Canadian employer will have the following four options (further details will be provided hereinafter):

- Applying online through My Citizenship Immigration Canada (MyCIC).
- Applying in-person at the nearest Visa Application Centre (VAC).
- Requesting a preliminary opinion with the International Mobility Workers Unit (IMWU).
- Applying for the work permit upon arrival to Canada (at the airport).

A) The four options

Option 1: Applying online using MyCIC

This is a process allowing the EU applicant and the Canadian employer to prepare and submit the whole application package exclusively online using MyCIC. The MyCIC account allows the EU applicant to submit and pay for the application, receive messages related to the application, check the status and update information when necessary.

When enrolling, the EU applicant must create a profile at MyCIC account online. Once the account is created, an application for a work permit can be initiated within the portal. The EU applicant will then be required to answer preliminary questions, which will lead to the issuance of a final checklist of documents. The EU applicant must then upload all required documents, below 4MB in size, in the portal and pay the required fees online to submit the application.

Final checklist of documents to be provided by the EU applicant after the completion of preliminary questions on the MyCIC portal

- Application Form(s) for Work Permit Made Outside of Canada (IMM1295)
- Supporting Documents:
  - Employment References Letter
  - Evidence of company relationship
  - Family information Form
  - Passport
  - Employment Records
  - CV/Resumé
  - Digital Photo
  - Proof that you meet the requirements of the job being offered
- Optional Documents:
  - IMM5802 Offer of Employment to a Foreign National LMIA-Exempt
  - Schedule 1 – Application for a Temporary Resident Visa Made Outside Canada (IMM 5237)
- Fees: €66.21 ($155)

Processing times vary significantly depending the EU country of application: usually from 5 to 20 weeks. You can easily check processing time online, indicating the country of application.

If the work permit is accepted, the EU applicant will receive a letter of introduction, through his/her online portal. He or she would automatically be issued an Electronic Travel Authorization (eTA), visible on page 2 of the letter.

When entering Canada, the work permit will be issued by the immigration officer, upon presentation of the letter of introduction, as well as the main documents of the application (i.e. diplomas, contract of employment).

Option 2: Applying in-person at a VAC

VACs are private companies, which have formal contracts with the Government of Canada notably to receive in-person paper applications and transmit them to the Canadian Embassy, Consulate or High Commission.

While VACs can receive the application package, they cannot provide any legal counsel to the applicant and/or the employer. They can however help filling out forms. The list of VACs around the world can be found online.

This mean tends to be replaced by online applications.
**Option 3: Requesting a preliminary opinion with the IMWU**

The Canadian employer (not the EU professional) can request a preliminary opinion from the IMWU, a department of Immigration, Refugees and Citizenship Canada (IRCC), to find out if the LMIA exemption T44 can apply to the position they wish to offer to the EU applicant.

To request an opinion from the IMWU, the employer must send an email to: IRCC.DNIMWU-UMITRN.IRCC@cic.gc.ca.

In the email, all documents and justifications will have to be included. In particular, the Canadian employer will be required to provide the IMWU with all standard documents justifying that the position offered to the EU applicant meets the CETA LMIA exemption policy.

There are no forms to be filled out to the exception of the form IMM5686e.

All documents should be scanned and sent by email and the total size of the email cannot be larger than 4 MB.

IMWU will provide a positive or negative opinion within 14 days. If the opinion is positive, the EU applicant can fly to Canada and request for the issuance of the work permit upon arrival to the Canadian airport (first point of entry).

The opinion provided by the IMWU must be considered by the Border Security Officer (BSO) but does not guarantee that the EU applicant will be issued a work permit. However, in most circumstances, the BSO will issue the work permit given the positive opinion issued by IRCC.

While opinions can be issued within 2 weeks (14 calendar days), the request should be submitted to the IMWU at least 30 days before the date that the EU professional plans to enter Canada.

Assuming the opinion is positive, the EU applicant will then need to bring all the documents presented for the opinion to Canada for the work permit application process. Before flying to Canada, the EU professional would have to apply for an eTA.

**Option 4: Applying for the work permit upon arrival to Canada**

The last option is to fly directly to Canada, without seeking for a preliminary opinion. There is no obligation for the Canadian employer to apply for a preliminary opinion with the IMWU and many will prefer to fly directly to Canada and apply upon arrival.

This option is not recommended when applying for a T46 work permit. It should only be considered when the position offered to the EU professional appears to clearly meet the LMIA exemption policy.

The advantage is time, given that if approved, the work permit will be delivered on the same day. If refused however, the professional could either be sent back home, or allowed temporary entry as a visitor with an obligation to leave the country before a specific date.

Just as with the preliminary opinion, the EU applicant will need to bring a complete application package (see below) for presentation to a BSO upon arrival. Assuming the permit is duly approved, the professional will then need to pay €66.21 ($155) for the work permit and €54 ($85) for the biometrics (cash, debit or credit card).

To be able to fly to Canada, under this option, the EU professional will first need to obtain an eTA, applying online.

The eTA should be issued by email within 24 hours, however since it may take longer it is recommended to apply as soon as possible.

**B) Arrival to Canada**

Before entering Canada, the EU professional can download the eDeclaration application from Canada Border Services Agency (CBSA) for mobile phones. The eDeclaration mobile application helps to save time at the border upon arrival in Canada. Once completed, the EU professional can scan the QR code at a primary inspection terminal and take the receipt for presentation to the BSO.

After obtaining the receipt, the EU professional must indicate to the BSO that he or she wishes to be admitted to Canada as a foreign professional and that he/she has prepared all required documents accordingly.

Following the primary examination, the EU applicant will be directed to the offices of CBSA located within the airport. A CBSA Officer will then review the documentation and proceed with the work permit issuance (options 1, 2 and 3a) or review (option 4). Note that a letter of introduction or a positive preliminary opinion does not yet guarantee the issuance of the work permit.
Table 6. Core documents to apply for a T44 work permit

<table>
<thead>
<tr>
<th>Personal information and background</th>
<th>Work-related documents</th>
<th>Length of the work permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>• A copy of the EU professional’s passport.</td>
<td>• A written confirmation of employment from the EU employer.</td>
<td>• Senior personnel or Specialists: up to 36 months with a possible extension of up to 18 months.</td>
</tr>
<tr>
<td>• A digital photo (online application only).</td>
<td>• A written job offer from the Canadian employer.</td>
<td>• Graduate trainee: up to 12 months (no possible extension)</td>
</tr>
<tr>
<td>• The EU professional’s curriculum vitae (CV).</td>
<td>• Evidence of the corporate filiation between the EU and the Canadian enterprises (i.e. business licenses, article of incorporations, company flowchart, etc.)</td>
<td></td>
</tr>
<tr>
<td>• Copies of all diploma/degree/certificates of the EU professional.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Copies of the EU professional’s last three paystubs.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Electronic job offer

The electronic job offer to be submitted by the Canadian employer is an immigration compliance form that the Canadian employer must submit separately to IRCC through the MyCIC employer portal.

Upon submission and payment of the required fees (€147 - $230), a job offer number (usually starting with an “A”) will be issued. The EU professional will need that compliance number to include with the work permit application.

The Canadian employer submitting the electronic offer of employment is responsible to ensure that all conditions (i.e. wage, overtime, benefits, vacations) are duly respected during the stay of the EU professional in Canada.

Invitation letter

The invitation letter should include the following information regarding the job offer:
- Job title
- Annual remuneration and benefits
- Number of paid hours per week (ex: 40 hours per week)
- Location of employment (city/province)
- A description of the main responsibilities of the position

The job offer should be placed on the company letterhead and signed by a person in authority within the company.

Medical exam

Depending on which country of the EU the professional is from, or the type of work to be performed in Canada, a medical exam could be required.

If the EU professional is applying through MyCIC or through a local VAC, IRCC will eventually request for a medical exam, if required. However, if an EU professional is seeking to apply directly upon arrival to Canada, he/she should ensure to verify whether a medical exam is required or not, and if so, to complete the medical exam at least 10-15 days before departure to Canada.

Table 7. Core documents to apply for a T43 or T47 work permit

<table>
<thead>
<tr>
<th>Personal information and background</th>
<th>Work-related documents</th>
<th>Length of the work permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The EU professional’s passport.</td>
<td>• A written confirmation of employment from the EU employer (T47 only)</td>
<td>Up to 12 months with possible extension</td>
</tr>
<tr>
<td>• A digital photo (online application only).</td>
<td>• Evidence of self-employment (T43 only) such as business license, tax declaration, etc.)</td>
<td></td>
</tr>
<tr>
<td>• The EU professional’s curriculum vitae (CV).</td>
<td>• Copy of the contractual service agreement with the Canadian service consumer</td>
<td></td>
</tr>
<tr>
<td>• Copies of all diploma/degree/certificates of the EU professional.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Copies of the EU professional’s last three paystubs (T47 only).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Electronic job offer

The electronic job offer to be submitted by the Canadian enterprise is an immigration compliance form that the Canadian employer must submit separately to IRCC through the MyCIC employer portal.

If the business has not yet been established in Canada, the EU enterprise can create an account as a foreign entity.

Upon submission and payment of the required fees (€147 - $230), a job offer number (usually starting with an “A”) will be issued. The EU professional will need that compliance number to include with the work permit application.
### Invitation letter

The invitation letter should include the following information regarding the job offer:

- Job title
- Annual remuneration and benefits (under T47, confirm the EU professional will remain paid by the EU employer)
- Number of paid hours per week (ex: 40 hours per week)
- Location of employment (city/province)
- A description of the main responsibilities of the position

The invitation letter should be placed on the company letterhead and signed by a person in authority within the company.

### Medical exam

Depending on which country of the EU the professionals from, or the type of work to be performed in Canada, a medical exam could be required.

If the EU professionals applying through MyCIC or through a local VAC, IRCC will eventually request for a medical exam, if required. However, if an EU professional is seeking to apply directly upon arrival to Canada, he/she should ensure to verify whether a medical exam is required or not, and if so, to complete the medical exam at least 10-15 days before departure to Canada.

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### Table 8. Core documents to apply for a T46 work permit

<table>
<thead>
<tr>
<th><strong>Personal information and background</strong></th>
</tr>
</thead>
</table>
| - The EU professional’s passport.  
- A digital photo (online application only).  
- The EU professional’s curriculum vitae (CV).  
- Copies of all diploma/degree/certificates of the EU professional. |

<table>
<thead>
<tr>
<th><strong>Work-related documents</strong></th>
</tr>
</thead>
</table>
| - Articles of incorporation and/or business license of the EU enterprise.  
- A written confirmation of employment from the EU employer and copies of the EU professional’s last three paystubs (for employees of EU enterprise investing in Canada)  
- Evidence of the significant investment to be made or made in Canada (i.e. financial records, business plan, bank records, financial statements, stocks certificate, commercial loan, commercial mortgage, purchase of equipment agreement, etc.) |

| **Length of the work permit** | Up to 12 months with possible extension |

| **Electronic job offer** | The electronic job offer to be submitted by the Canadian enterprise is an immigration compliance form that the Canadian employer must submit separately to IRCC through the MyCIC employer portal.  
If the business has not yet been established in Canada, the EU enterprise can create an account as a foreign entity.  
Upon submission and payment of the required fees (€147 - $230), a job offer number (usually starting with an “A”) will be issued. The EU professional will need that compliance number to include with the work permit application. |

| **Medical exam** | Depending on which country of EU the professional is from, or the type of work to be performed in Canada, a medical exam could be required.  
If the EU professional is applying through MyCIC or through a local VAC, IRCC will eventually request for a medical exam, if required. However, if an EU professional is seeking to apply directly upon arrival to Canada, he/she should ensure to verify whether a medical exam is required or not, and if so, to complete the medical exam at least 10-15 days before departure to Canada. |

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### Table 9. Core documents to apply for a T48 work permit

<table>
<thead>
<tr>
<th><strong>Personal information and background</strong></th>
</tr>
</thead>
</table>
| - The EU professional’s passport.  
- A digital photo (online application only).  
- The EU professional’s curriculum vitae (CV).  
- Copies of all diploma/degree/certificates of the EU professional. |

<table>
<thead>
<tr>
<th><strong>Work-related documents</strong></th>
</tr>
</thead>
</table>
| - Proof of relationship between the EU professional and the EU company  
- The electronic job offer from the Canadian company |
3.7. How to apply for entry into Canada as a Business Visitor

It is to be noted that all EU professionals are visa-waivers, meaning they do not require to hold a visa to enter Canada. This means an EU professional is not required to apply for a business visa to travel to Canada for business purposes.

When seeking entry into Canada as a business visitor, the EU professional has the following two options:

- Requesting a preliminary opinion with the IMWU
- Fly to Canada directly and seek entry as a business visitor upon arrival.

A) The two options

Option 1: Requesting a preliminary opinion with the IMWU

A Canadian company (not the EU professional) can request a preliminary opinion from the IMWU, a department of IRCC, to find out if the EU professional can fit within the criteria of a business visitor. The application would be submitted by a Canadian company that would either invite or need the EU professional for a specific business purpose (i.e. after-sales service).

To request an opinion from the IMWU, the Canadian company must send an email to: IRCC.DNIMWU-UMITRN.IRCC@cic.gc.ca.

In the email, all documents and justifications will need to be included. Normally, within 14 business days, the IMWU will provide a positive or negative opinion. If the opinion is positive, the EU professional can fly to Canada and request entry as a business visitor. The opinion provided by the IMWU must be considered by the BSO but does not guarantee that the EU professional will be permitted entry to Canada as a business visitor. However, in most circumstances, the BSO will allow entry as a business visitor.

When requesting a preliminary opinion with IMWU, the Canadian company will be required to provide all standard documents (see after) justifying how the EU professional qualifies as a business visitor.

There are no forms to be filled out to the exception of the form IMM5686e.

While the opinion can be issued within 2 weeks (14 calendar days), the request should be submitted to the IMWU at least 30 days before the date that the EU professional plans to enter Canada. All documents should be scanned and sent by email and the total size of the email cannot be larger than 4 MB.

Assuming the opinion is positive, the EU professional will then need to bring all the documents presented for the opinion to Canada for presentation to a BSO upon arrival. There is no fee to request a preliminary opinion.

Option 2: Requesting entry into Canada as a business visitor upon arrival

The alternative, which is the most common, is to fly directly to Canada, without seeking for a preliminary opinion.

Just as with the preliminary opinion, the EU professional will need to bring a complete application package (see below) for presentation to a Border Security Officer upon arrival.

To be able to fly to Canada, with or without a preliminary opinion, the EU professional will first need to obtain an eTA. The eTA should be issued by email within 24 hours, however since it may take longer it is recommended to apply as soon as possible.

The EU professional can also download on a mobile phone the eDeclaration application from CBSA. The eDeclaration mobile application helps to save time at the border upon arrival in Canada. Once completed, the EU professional can scan the QR code at a primary inspection terminal and take the receipt for presentation to the BSO.

After obtaining the receipt, the EU professional must indicate to the BSO that he or she wishes to be admitted to Canada as a business visitor and present all documents accordingly.

Following the primary examination, the EU professional will either be permitted entry into Canada without any further procedure or be directed to the offices of CBSA located within the airport for a secondary examination.

B) Secondary examination

When an EU professional arrives to Canada, he or she is examined at a primary inspection kiosk by a border services officer. The EU professional is admitted to Canada if the border services is satisfied that the EU national meets the admissibility requirements of a business visitor. A stamp can be placed into the passport with or without a departure date. The EU professional can also be referred for a secondary examination.
At immigration secondary inspection, a border services officer examines the EU professional’s request to enter Canada as a business visitor. If the person is admissible, then the officer may do the following (this list is not exhaustive):

- stamp the passport
- issue a Visitor Record

If a handwritten date has been placed under the stamp in the passport, the period of authorised stay expires on that date, as border services officers are not required to place a stamp in an EU professional’s passport at the primary inspection kiosk.

The border services officer can also require, if necessary, that a deposit be posted to ensure the person complies with the terms and conditions imposed.

C) The core documents to seek entry to Canada as a business visitor

There are no specific mandatory documents to seek entry into Canada as a business visitor. However, it is strongly recommended to bring documents to support the purpose of the trip to Canada to avoid being denied entry.

Supporting documents can include:

- the EU professional’s passport (the only mandatory document).
- a written confirmation of employment from the EU employer.
- copies of the EU professional’s last three paystubs.
- an invitation letter from a Canadian company.
- evidence of a sales agreement requiring after-sale servicing.
- the EU professional’s curriculum vitae (CV).
- copies of all diploma/degree/certificates of the EU professional.
- any booked appointments in Canada (i.e. sales meetings, seminars, etc.).
- accommodation reservations during stay in Canada and airfare return ticket.

D) Maximum length of stay for CETA business visitors

The maximum length of stay for business visitors is 90 days in any six-month period.
4. CASE STUDIES

- **Exemption code T44 – A French goods retailer developing its activities in Canada**

In 2017, a French goods retailer, established in 57 countries around the world, expanded its activities to Canada. Usually, when a multinational opens a subsidiary in a new country, the first employees to be relocated are executives and managers of the mother company. They are transferred to ensure that the group procedures and the brand image are correctly implemented in the new country. Before CETA came into force, the applications for this type of work permits were made under the provisions of the intra-company transferees (R205(a)) (exemption code C12).

A major drawback of that program for a newly established Canadian company is that the initial work permits would only be granted for a 12-months period. This happens even if the new company in Canada is the subsidiary of a multinational. Exemption code T44 relates to the provisions applicable to the intra-company transferees under CETA. Under these CETA provisions, the work permits can be granted for an initial period of 3 years, which really improves the situation of families coming to Canada, as it takes away some of the issues that existed with a 1-year permit (For example: leasing a car, housing, schooling.) In most cases, a 3-year work permit will also enable his holder to secure his permanent residency in Canada, without having to renew his temporary status.

The French goods retailer has used the exemption code T44 for most of his European executives – French, Belgium or British citizens transferred from one of these countries to Nova Scotia, Ontario or Quebec, after September 21, 2017, when Chapter 10 of CETA came into force. Applications were all made online with the Canadian Embassy in Paris or directly at the border, after a positive opinion was given by the International Mobility Workers Unit (IMWU).

- **Exemption code T47 – A German company contracting with a major Canadian video game company**

An interesting use of Chapter 10 of CETA is the new exemption code T47, which facilitates mobility of service providers to Canada. This new category enables EU companies to relocate their employees to a Canadian company to perform a short task.

A German IT company was hired by a Canadian videogame editor to help them switch to a cloud-based model. The German company needed to relocate a developer to perform the IT work for 4 months - the initial duration of the contract. The developer would perform the work as an employee of the German company, not of the Canadian company. Therefore, the usual exemptions codes were not applicable. Considering the existing contract between the two companies, the qualification of the EU developer and the nature of the work to be performed, the developer applied for a work permit, using the exemption code T47. Decision was made to apply for the work permit upon arrival in Canada to avoid the request processing lead-time. To proceed as such, it is important to make sure beforehand that all the criteria of the exemption are met and can be easily demonstrated.

Also, any European citizen choosing this path to obtain a work permit should be was made aware of the risks of refusal inherent to each application made at the border. In this case, the developer accepted to take the risk, as he was travelling alone. This same process was followed again at a later stage, in which the work permit renovation was requested and granted for an additional 3-month period.

- **Exemption code T43 – Canadian company hiring an engineer as independent consultant**

Another useful legal tool is the introduction of the exemption code T43.

For internal reasons, inherent to the company we are referring to, a high-profile engineer was hired as an independent consultant instead of being employed by the Canadian management consulting company and naturally needed a work permit to be able to perform his activities in Canada. This Canadian company was a subsidiary of an EU consulting group present in Benelux and France.

In addition to be hired as an independent consultant instead of being directly employed, he did not have a year of relationship with the EU mother company, which excluded the possibility to apply for a work permit under the exemption code T44.

One of the options was to apply for a LMIA followed by a work permit, but the process would have taken about 6 months, with the obligation for the professional to be employed by the Canadian company.

The T43 exemption code, however, was a suitable option for this specific situation, as it was possible for the engineer to apply for a work permit without being employed by the Canadian company, and still work for the latter.
5. RESOURCES FOR EU BUSINESSES

USEFUL RESOURCES ON LABOUR MOBILITY

- Processing delays (online or VAC application only)
- Compliance obligations of the Canadian enterprise
- Policy to apply for an expedited 14-day processing (online or through VAC only)
- Short term work permit exemptions (15 to 30 days a year)
- International Mobility Workers Unit
### Table 10. EU Member States Embassies, Consulates and Chambers of Commerce in Canada

**EUROPEAN UNION**

**Delegation of the European Union to Canada**

150 Metcalfe Street, Suite 1900, K2P 1P1, Ottawa, Ontario
https://eeas.europa.eu/delegations/canada_en
Delegation-Canada@eeas.europa.eu
Tel. (1) 6132386464

**European Union Chamber of Commerce in Canada (EUCAN)**

622 College Street, Suite 201F, M6G 1B6, Toronto, Ontario
https://euccan.com/
info@euccan.com

**European Union Chamber of Commerce in Canada-West**

http://eu-canada.com/
office@eu-canada.com

**BELGIUM**

**Belgian Embassy in Ottawa**

60 Albert Street, 8th floor, Suite 820, K1R 7X7, Ottawa, Ontario
ottawa@diplobel.fed.be
Tel. (1) 613 236 7267

**Belgian Consulate General in Montreal**

1000, rue Sherbrooke Ouest - Suite 1400, H3A 3G4, Montreal
Montreal@diplobel.fed.be
Tel. (1) 514 849 7394

**Belgian Chamber of Commerce (Belgian Canadian Business Chamber)**

508-161 Bay Street, 27th Fl, M5J 2S1, Toronto, Ontario
http://www.belgiumconnect.com
info@belgiumconnect.ca
Tel. (1) 416 816 9154

**Cercle d’Affaires Belge-Québec**

C/O Consulat Général du Royaume de Belgique à Montréal
https://caq.ca/
info@caq.ca

**Agence wallonne à l’Exportation et aux Investissements Etrangers - Montréal**

1250 René-Levesque Ouest - Bureau 4115
Montréal, QC H3B 4W8
montreal@awex-wallonia.com
Tel. (1) 514 939 4049

**BULGARIA**

**Bulgarian Embassy in Ottawa**

325 Stewart Street, K1N 6K5, Ottawa, Ontario
http://www.mfa.bg/embassies/canada
Embassy.Ottawa@mfa.bg
Tel. (1) 613 563 9763

**Bulgarian Consulate General in Toronto**

65 Overlea Blvd, Suite 230, ON M4H 1P1, Toronto
https://www.bgconsultoronto.info/
Consulate.Toronto@mfa.bg
Tel. (1) 416 696 2420

**Bulgarian Chamber of Commerce (Canada Bulgaria Business Network)**

6 Hillholm Rd #1, M5P 1M2, Toronto, Ontario
http://www.canadabulgaria.com/
info@canadabulgaria.com

**CROATIA**

**Croatian Embassy in Ottawa**

229 Chapel St, K1N 7Y6, Ottawa, Ontario
http://ca.mvep.hr/en/
croemb.ottawa@mvep.hr
Tel. (1) 613 562 7820

**Croatian Consulate General in Mississauga**

918 Dundas Street East, Suite 302, L4Y 2B8, Mississauga, Ontario
http://ca.mvep.hr/en/
genmiss@mvep.hr
Tel. (1) 905 277 9051

**Croatian Chamber of Commerce**

630 The East Mall, M9B 4B1, Etobicoke, Ontario
https://croat.ca/
contactus@croat.ca
Tel. (1) 416 641 2829

**CYPRUS**

**Cyprus Embassy in Ottawa**

150 Metcalfe Street, Suite 1002, K2P 1P1, Ottawa, Ontario
http://www.mfa.gov.cy/mfa/consulate/
ottawahighcom@mfa.gov.cy
Tel. (1) 613 563 9763
https://Canada.diplo.de/
info@vanc.diplo.de
Tel. (1) 604 684 8377

German Chamber of Commerce
480 University Avenue, Suite 1500, MSG 1V2,
Toronto, Ontario
www.germanchamber.ca
info@germanchamber.ca
Tel. (1) 416 598 3355

Germany Trade and Invest – Toronto
480 University Avenue, Suite 1500, MSG 1V2,
Toronto, Ontario
https://www.gtai.de/gtai-en/invest/service/
toronto-office-75352.pdf
Tel. (1) 416 598 8813

GREECE
Greek Embassy in Ottawa
80 MacLaren Street, Ottawa, ON, K2P 0K6
https://www.mfa.gr/canada/presveia
gremb.otv@mfa.gr
Tel. (1) 613 238 6271

Office for Economic and Commercial Affairs
80 MacLaren Street, Ottawa, ON, K2P 0K6
http://www.agora.mfa.gr/ta-grafeia-
oikonomikon-emporikon-upotheon/grafeia-
aana-xora/office/844
ecocom-ottawa@mfa.gr
Tel. (1) 613 238 6271

General Consulate of Greece in Toronto
1075 Bay Street, suite 600, Toronto, ON M5S 2B1
https://www.mfa.gr/canada/geniko-proxeneio-
toronto
grgencon.tor@mfa.gr; toronto@mfa.gr
Tel. (1) 416 515 0132

Office for Economic and Commercial Affairs
1075 Bay Street, suite 600, Toronto, ON M5S 2B1
http://www.agora.mfa.gr/ta-grafeia-oikonomikon-
emporikon-upotheon/grafeia-aana-xora/
office/845
ecocom-toronto@mfa.gr
Tel. (1) 416 515 0132 ext. 8222

General Consulate of Greece in Montreal
1002 Sherbrooke Ouest, Suite 2620, Montreal,
QC, H3A 3L6
https://www.mfa.gr/canada/geniko-proxeneio-
montreal
grgencon_mon@mfa.gr; montreal@mfa.gr
Tel. (1) 514 875 2119

General Consulate of Greece in Vancouver
688 West Hastings St, Suite 500, Vancouver,
BC, V6B 1P1
https://www.mfa.gr/canada/geniko-proxeneio-
vancouver
gvangcon.van@mfa.gr
Tel. (1) 604 681 1381

Hellenic Board of Trade (EUCCAN member)
www.hcbt.com
membership@hcbt.com
events@hcbt.com

Hellenic Board of Trade of Metropolitan Montreal
381 St-Antoine West, Suite 6000, Montreal,
Quebec, H2Y 3X7
http://hbotmontreal.com
info@hbotmontreal.com

HUNGARY
Embassy of Hungary in Ottawa
299 Waverley St., K2P 0V9, Ottawa, Ontario
https://ottawa.mfa.gov.hu/
mission.ott@mfa.gov.hu
Tel. (1) 613 230 2717

Consulate General of Hungary in Toronto
1075 Bay Street, suite 600, South Tower,
M4W 3R4, Toronto, Ontario
https://toronto.mfa.gov.hu/eng
mission.tor@mfa.gov.hu
Tel. (1) 647 349 2550

Vice Consulate of Hungary in Vancouver
808 Nelson Street, Suite #701, Vancouver, BC,
V6Z 2H2 (Mail Box #12131)
mission.van@mfa.gov.hu
Tel. (1) 604 258 9658

HEPA Hungarian Export Promotion Agency –
Regional Office Canada
8750 Jane St. unit 12, L4K 0E7, Concord,
Ontario
info@hepaoffice.ca
www.hepaoffice.ca
Tel. (1) 877 203 9548

IRELAND
Irish Embassy in Ottawa
Varette Building, 130 Albert St, K1P 5G4,
Ottawa, Ontario
https://www.dfa.ie/irish-embassy/canada/
about-us/team-ireland
ottawaembassy@dfa.ie
Tel. (1) 613 233 6281

Consulate General of Ireland in Vancouver
1300-1095 West Pender Street Vancouver, BC,
Canada V6E 2M6, Vancouver, British Columbia
https://www.dfa.ie/irish-consulate/vancouver/
Tel. (1) 236 521 7300

Ireland Canada Chamber of Commerce
Vancouver
101-1001 West Broadway, Suite 164,
Vancouver, British Columbia
https://www.iccccto.com/
cmurphy@iccccto.com
Tel. (1) 604 681 1381

Ireland Canada Chamber of Commerce Ottawa
info@iccccott.ca
Tel. (1) 613 219 7654

Ireland Canada Chamber of Commerce Montreal
630 Sherbrooke Street West,
Suite 210, Montreal QC H3A 1E4
https://icccmtl.com/en/
contact@icccmtl.com
Tel. (1) 514 289 9289

Ireland-Canada Center of Commerce Calgary
https://www.iccccal.com/
lregan@iccccal.com
Tel. (1) 403 441 8800

ITALY
Embassy of Italy in Ottawa
275 Slater St, suite 2100, K1P 5H9, Ottawa, Ontario
http://www.ambottawa.esteri.it/ambasciata_ottawa/it
ambasciata.ottawa@esteri.it
Tel. (1) 613 232 2401

Consulate General of Italy in Toronto
136 Beverley Street, M5T 1Y5, Toronto, Ontario
https://constoronto.esteri.it/Consolato_Toronto/it/
ancip.toronto@esteri.it
Tel. (1) 416 977 1566

Consulate General of Italy in Montreal
3489 Drummond Street, H3G 1X6, Montréal,
Québec
https://consmontreal.esteri.it/consolato_montreal/it/
archivio.montreal@esteri.it
Tel. (1) 514 849 8351

Consulate General of Italy in Vancouver
Standard Building
1100-510 West Hastings Street, V6B 1L8,
Vancouver, British Columbia
https://consvancouver.esteri.it/consolato_vancouver/it/
consolato.vancouver@esteri.it
Tel. (1) 604 684 7288
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Polish Consulate General in Vancouver
1177 West Hastings Street, Suite 1600, V6E 2K3, Vancouver, British Columbia
www.vancouver.msz.gov.pl
vancouver.info@msz.gov.pl
Tel. (1) 604 688 3458

Polish Chamber of Commerce
2680 Matheson Boulevard East, Suite 102, L4W 0A5, Mississauga, Ontario
http://www.canada-poland.com/
Tel. (1) 416 871 1938

Polish Foreign Trade Office

Polish Investment and Trade Agency
438 University Avenue Suite 1810
Toronto, Ontario M5G 2K8
www.paih.gov.pl
zack.labieniec@paih.gov.pl
Consulate General of the Republic of Poland in Toronto
2603 Lake Shore Blvd. West
Toronto, ON M8V 1G5
natalia.iwaszko@msz.gov.pl
Tel. (1) 416 252 5471

PORTUGAL

Portuguese Embassy in Ottawa
645 Island Park Dr, K1Y 0B8, Ottawa, Ontario
https://www.otava.embaixadaportugal.mne.pt/en/ottawa@mne.pt
Tel. (1) 613 729 0883

Consulate General of Portugal in Montreal
2020 Robert-Bourassa Boulevard, Suite 2425, H3A 2A5Montréal, QC
https://www.montreal.consuladoportugal.mne.pt/toronto@mne.pt
Tel. (1) 604 688 3458

Consulate General of Portugal in Toronto
438 University Avenue, Suite 1400, box 41,
Toronto, ON M5G 2K8 Canada

SLOVAKIA

Slovak Embassy in Ottawa
50 Rideau Terrace, K1M 2A2, Ottawa, Ontario
https://www.mzv.sk/web/ottawa-en/home emb.ottawa@mzv.sk
Tel. (1) 613 749 4442

SLOVENIA

Slovenian Embassy in Ottawa
150 Metcalfe Street, Suite 2200, K2P 1P1
Ottawa, Ontario
http://www.ottawa.veleposlanistvo.si/sloembassy.ottawa@gov.si
Tel. (1) 613 565 5781

Slovenian Consulate General in Toronto
5096 South Service Road, Suite 102, L7L 5H4
Burlington, Ontario, Canada
jdoma@sloveniacg.com
Tel. (1) 506 383 1246

Slovenian Consulate in Moncton
53 Emerald Road ElH 2E3 Irkintown, New Brunswick
ejdoma@rogers.com
Tel. (1) 778 279 0277

Slovenian Consulate in Vancouver
5361 Montiverdi Place, V7W 2W8 West Vancouver, British Columbia
sloveniaconsulbc@gmail.com
Tel. (1) 778 279 0277

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5096 South Service Road, Suite 102, L7L 5H4
Burlington, Ontario, Canada
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5361 Montiverdi Place, V7W 2W8 West Vancouver, British Columbia
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sloveniaconsulbc@gmail.com
Tel. (1) 778 279 0277

Slovenian Chamber of Commerce in Halifax
5361 Montiverdi Place, V7W 2W8 West Vancouver, British Columbia
sloveniaconsulbc@gmail.com
Tel. (1) 778 279 0277

SWEDEN

Swedish Embassy in Ottawa
377 Dalhousie Street, Suite 305, K1N 9N8, Ottawa, Ontario
https://www.swedenabroad.se/en/embassies/canada-ottawa/contact/
sweden.ottawa@gov.se
Tel. (1) 613 244 8200

Business Sweden
2 Bloor Street West, Unit 2120, M4W 3E2,
Toronto, Ontario
https://www.business-sweden.com/markets/americas/canada/
Tel.(1) 416 922 8152

Swedish-Canadian Chamber of Commerce
2 Bloor Street West, Unit 2109, M4W 3E2,
Toronto, Ontario
https://www.sccc.ca/
info@sccc.ca
Tel. (1) 416 925 8661

SWEEDEN

Spanish Embassy in Ottawa
74 Stanley Ave, K1M 1P4, Ottawa, Ontario
http://www.exteriores.gob.es/Embassy.ottawa@mae.es
Tel. (1) 613 747 2252

Spanish Consulate in Toronto
2 Bloor Street East, Suite 1201, ON M4W 1A8,
Toronto, Ontario
Tel. (1) 416 977 1611

General Consulate of Spain in Montreal
1200 Avenue McGill College, Suite 2025
Montréal, Québec H3B4G7
cog.montreal@maec.es
Tel. (1) 514 935 5235

Spanish Economic and Commercial Office in Ottawa
130 Albert St. Suite 1511. Ottawa, ON K1P 5G4
ottawa@comercio.mineco.es
Tel. (1) 613 236 0409

Spanish Economic and Commercial Office in Toronto
170 University Avenue, Suite 700
Toronto, ON, M5H 3B3
toronto@comercio.mineco.es
Tel. (1) 416 967 0488

SPAIN

Spanish Chamber of Commerce in Ottawa
2 Bloor Street East, Suite 1201, ON M4W 1A8,
Toronto, Ontario
cog.toronto@maec.es
Tel. (1) 416 977 1611

General Consulate of Spain in Montreal
1200 Avenue McGill College, Suite 2025
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cog.montreal@maec.es
Tel. (1) 514 935 5235

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170 University Avenue, Suite 700
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377 Dalhousie Street, Suite 305, K1N 9N8, Ottawa, Ontario
https://www.swedenabroad.se/en/embassies/canada-ottawa/contact/
sweden.ottawa@gov.se
Tel. (1) 613 244 8200

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2 Bloor Street West, Unit 2120, M4W 3E2,
Toronto, Ontario
https://www.business-sweden.com/markets/americas/canada/
Tel.(1) 416 922 8152

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Toronto, Ontario
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Tel. (1) 416 925 8661
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