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All you need to know about CETA's Labor Mobility Provisions

Access to Market Webinar Series

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In-demand sectors in Canada: a brief overview

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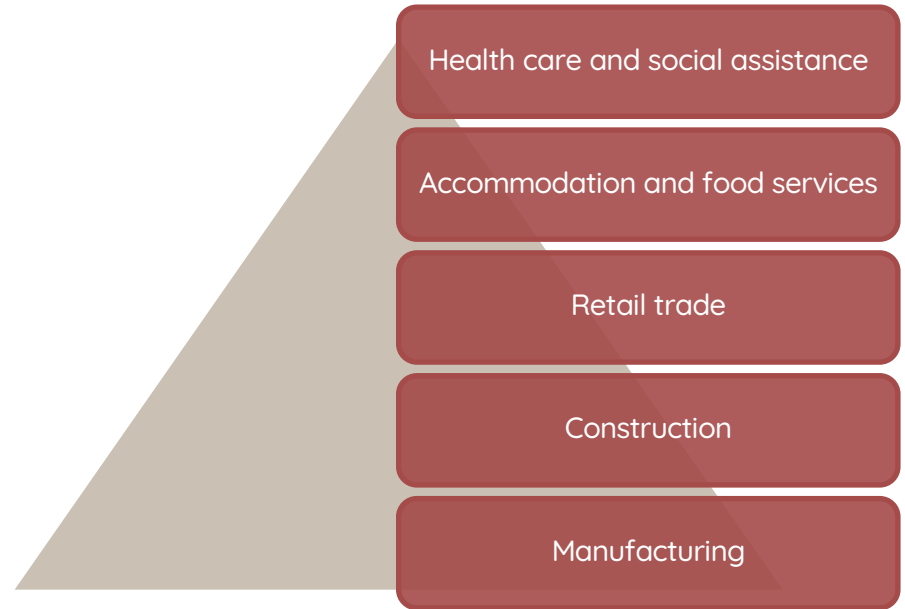
Job vacancies across Canada,
November 2022

38,70 %

Part of Canadian companies expecting recruiting skilled employees to be an obstacle

Top 5 in-demand sectors in Canada (2022)

- Market situation varies according to the provinces. Ontario, Québec and British-Columbia are suffering the most from labor shortage
- Demand is higher for unqualified jobs than for qualified jobs (in regards to immigration)
- Amongst the work permits issued under CETA, Senior Executives are highly represented.



Immigration: a key to Canada's economic growth



415 817

work permit holders in Canada (2021)

405 999

permanent residents were admitted in 2021

23,00 %

part of immigrants in the Canadian population

Immigration to Canada: basic rules



Entry to Canada: basic rules

- Entry to Canada is not subject to the issuance of a visa for European citizens. An eTA (Electronic Travel Authorization) allows to stay up to 6 months.
- Regardless of the project, a foreign national must have a **valid legal status to work, study, operate a business or stay in Canada**, including for internships or trial periods.
- And this, whatever the sector of activity or the circumstances. Exceptions are very rare and limited and are worth seeking advice to prevent any immigration concerns.

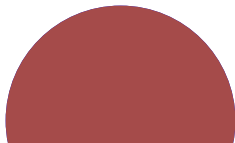
2 ways to immigrate to Canada

As a temporary foreign worker, applying for a work permit:

- Common path to expand its activities overseas;
- Limited to a specific activity, for a designated company;
- Duration of the status: up to 3 years (generally);
- Processing times from a few weeks up to 6 months;
- Fast track to permanent residency once in Canada.

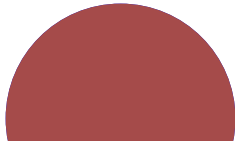
As a permanent resident, applying for permanent residency:

- Personal project;
- Processing times from 1 to 5 years, depending on the program.



Obtaining a work permit: basic rules

- The general rule is to prove that the employer has not been able to hire Canadians or permanent residents in the local market, with a LMIA: Labour Market Impact Assessment.
- There are exceptions to this process. CETA's Chapter 10 provides a list of exemptions, allowing EU citizens to obtain a work permit without a LMIA.



EU-Canada mobility of professionals under CETA



Main advantages CETA introduces

Ease mobility of professionals between the EU and Canada

CETA's Chapter 10 is dedicated to mobility of professional, giving access to EU citizens to specific work permits.

Facilitate temporary transfers of EU executives in Canadian branches or subsidiaries

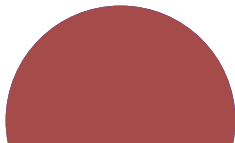
EU executives can be issued specific work permits (up to 3 years) to expand the company's activities in Canada, when opening a new branch or subsidiary.

Help addressing the demand for specific skills in in-demand sectors in Canada

Gives the opportunity to specific EU skilled-workers to conduct a temporary mission in Canada as contractual services suppliers.

Facilitate business development and prospection across Canada

EU professionals can enter Canada up to 90 days within a six months period to conduct business development activities.



Main advantages CETA introduces

- Provides new programs to obtain a work permit for:
 - Contractual services suppliers coming to Canada for short missions;
 - EU executives in charge of supervising investments operations when opening a new branch or subsidiary in Canada;
 - EU executives in charge of supervising the development of a new branch or subsidiary, as well as for their family.
- Allows EU companies to implement a strategy of expansion conducted by their EU professionals.

List of specific LMIA exemptions under CETA

Intra-Corporate Transferees (T44) and their spouses (T45)

Investors (T46)

Contractual service suppliers and independent professionals (T43 and T47)

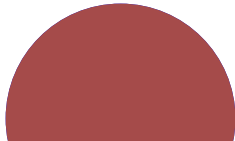
Business Visitors

Senior Personnel, Specialists or Graduate Trainees - 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.

Investors or persons who establish, develop, or administer the operation of an investment, employed by an enterprise that has committed a substantial amount of capital.

Contractual service suppliers:
Employed by an enterprise that has concluded a contract to supply a service. Must have completed 1 year of employment for the enterprise and have 3 years of experience.
Independent professionals: Persons engaged in the supply of a service and established as self-employed. Must have 6 years of experience.

Short-term visitors or business visitors for investment purposes.



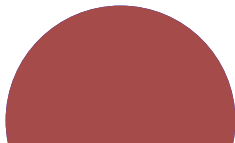
Intra-Corporate Transferees (T44) and their spouses (T45)

- Being currently employed or collaborating as partners of an EU company (a company established in an EU member state) and be employed or partners for at least one year when applying;
- Being temporarily transferred in a Canadian parent, branch, subsidiary, or affiliate, to provide services in the same capacity;
- Being transferred as a senior executive, specialist or graduate trainee.

3 years, possible extension of up to 18 months at the officer's discretion.

Spouses can be included in the application.

Interesting option for executives whose mission is to develop the company's activities in Canada.

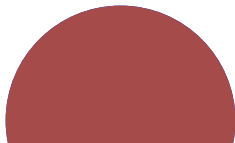


Investors (T46)

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

1 calendar year with extension possibility at the officer's discretion

Interesting option for executives when the project is an investment project

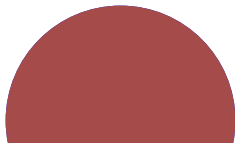


Contractual service suppliers and independent professionals (T43 and T47)

- Being engaged in the temporary supply of a service for a period not exceeding 12 months and being contracted to provide a service;
- Holding a university degree or a qualification demonstrating knowledge of an equivalent level;
- Holding 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.

Cumulative period of no more than 12 months in any 24-month period.

Interesting option for specific skilled-workers, when the EU company is not established in Canada

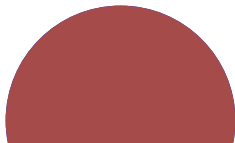


Business visitors

- **Work permit exemption**
- EU citizens who intend to engage in international business activities in Canada without directly entering the Canadian labor market;
- Two categories of business visitors: short-term business visitors and business visitors for investment purposes;
- Must conduct activities part of list of activities provided in Annex 10-D of CETA.

90 days in any
6-months period

The EU professional
must remain
exclusively employed
and remunerated
outside Canada.



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Implement an immigration strategy: key steps

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Expand in Canada: where to start

- Define precisely the project: open a new branch, acquire a company, invest, carry out a contract for services;
- Within what timeframe?
- Who will be affected to Canada to develop/supervise the activities or the investment operations?
- Is the project strictly a business project or is it also a personal immigration project for the manager or employee?

Key elements to consider

Expansion mode

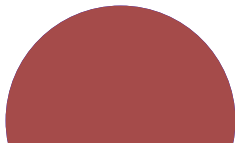
Different immigration programs exist depending on the mode of expansion: opening, acquisition, contract of services, investment...

Manager or employee citizenship

To be eligible to CETA's Chapter 10, the chosen manager or employee must be an EU citizen. If not, other immigration programs should be considered.

Manager or employee experience and education

Experience and education will define to which type of work permit the chosen manager or employee will be eligible.



How to apply for a work permit under CETA?



Options to apply for a work permit

Applying online through My Citizenship Immigration Canada (MyCIC)

This process allow the EU applicant and the Canadian employer to prepare and submit the whole application package exclusively online. Fees can be paid online as well.

Applying in-person at the nearest Visa Application Centre (VAC)

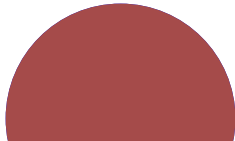
VACs are private companies, which have formal contracts with the Government of Canada. *This mean tends to be replaced by online applications.*

Requesting a preliminary opinion with the International Mobility Workers Unit (IMWU)

The Canadian employer can request a preliminary opinion from the IMWU, to find out if the LMIA exemption can apply to the position they wish to offer to the EU applicant.

Applying for the work permit upon arrival to Canada (at the airport)*

The EU worker can fly directly to Canada, without seeking for a preliminary opinion, and apply for a work permit directly upon arrival.*



Applying online through MyCIC

- **Two levels: employer portal and applicant portal**
- The employer should submit an electronic job offer online, through his/her own employer portal, and pay a \$230 fee;
- EU applicant can then apply online through his/her own portal, by uploading the required documents and paying a \$155 fee (+ \$85 for the biometrics).

Once the application approved, the applicant will receive a letter of introduction.

He/she will automatically be issued an eTA.

When entering Canada, the work permit will be issued by the immigration officer.

Applying online through MyCIC

EMPLOYER



ELECTRONIC JOB OFFER

DECLARATION OF ALL OF THE APPLICANT'S
CONDITIONS OF EMPLOYMENT, WHICH
MUST BE RESPECTED THROUGHOUT THE
DURATION OF THE PERMIT

APPLICANT



ONLINE WORK PERMIT APPLICATION



WORK PERMIT
APPROBATION

UNDER 24 TO 48 HOURS



UNDER
30 DAYS

INVITATION TO SUBMIT
BIOMETRICS

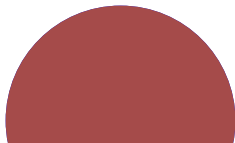
Requesting a preliminary opinion

- **Must be the EU employer, and not the applicant**
- The employer can request a preliminary opinion by email, to make sure that the worker will qualify for the desired exemption code.
- IMWU will provide a positive or negative opinion within 14 days.
- If the opinion is positive, then the EU applicant can fly directly to Canada and request for the issuance of the work permit upon arrival to the Canadian airport.

Request should be submitted at least 30 days before the anticipated arrival date in Canada.

The applicant will have to apply for an eTA before flying to Canada.

When entering Canada, the work permit will be issued by the immigration officer.

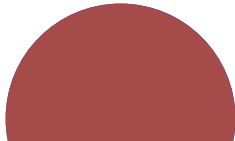


Applying for a work permit upon arrival

- This option is not recommended when applying under the T46 exemption
- Main advantage: if approved, the work permit will be delivered on the same day.
- The applicant will have to bring a complete application package and will pay the related fees upon arrival.
- If refused, 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.

The applicant will have to apply for an eTA before flying to Canada.

When entering Canada, the work permit will be issued by the immigration officer.



How to renew or extend a work permit issued under CETA?

In concrete terms

STEP 1

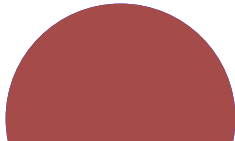
Before starting any immigration application: define precisely the project and the suitable immigration strategy.

STEP 2

Undertake immigration procedures to obtain the desired status. Make sure to anticipate the status of accompanying relatives, if applicable.

STEP 3

Once in Canada, make sure to always maintain a legal status, and to anticipate work permits renewals.



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Questions?

Thank you

All you need to know about CETA's Labor Mobility Provisions

This webinar is intended to provide general information on immigration, to simplify the terms, and should not be taken as legal advice.

The information provided is accurate as of February 8, 2023, and is subject to change at any time.

For full legal advice, please contact our professionals.

