

Intra Company Transfer Program

FACT SHEET FOR EXPRESSION OF INTEREST & BUSINESS CONCEPT

The intra-company category permits international companies to temporarily transfer qualified employees to Canada for the purpose of improving management effectiveness, expanding Canadian exports, and enhancing competitiveness in overseas markets.

Intra-company transferees may apply for work permits under the general provision if they

- are currently employed by a multi-national company and seeking entry to work in a parent, a subsidiary, a branch, or an affiliate of that enterprise;
- are transferring to an enterprise that has a qualifying relationship with the enterprise in which they are currently employed, and will be undertaking employment at a legitimate and continuing establishment of that company (where 18–24 months can be used as a reasonable minimum guideline);
- are being transferred to a position in an executive, senior managerial, or specialized knowledge capacity;
- have been employed continuously (via payroll or by contract directly with the company), by the company that plans to transfer them outside Canada in a similar full-time position (not accumulated part-time) for at least one year in the three-year period immediately preceding the date of initial application. Extensions may be granted up to the five- and seven-year maximums referred to in the section [Breaks, recaptured time and duration of work permit limit](#) below and in the section on the [categories of work with validity periods which may not be exceeded](#). Documented time spent outside Canada during the duration of the work permit can be “recaptured” to allow the intra-company transferee five or seven full years of physical presence in Canada;
- are coming to Canada for a temporary period only;
- comply with all immigration requirements for temporary entry.

Requirements for the company

Generally, the company must 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; for example, the company may use its counsel’s address until the executive can purchase or lease a premise. The company must furnish realistic plans to staff the new operation. The company must have the financial ability to commence business in Canada and compensate employees.

When transferring executives or managers, the company must demonstrate that it will be large enough to support executive or management function. When transferring a specialized knowledge worker, the company must demonstrate that it is expected to be doing business; ensure that work is guided and directed by management at the Canadian operation.

In the context of a recent corporate acquisition or merger, it is not a requirement that the applicant has worked for the named sending company for a year provided that the applicant has been working for one of the affiliates for at least one year in the previous three years as long as the new “successor entity” can demonstrate that it has assumed the interests and obligations, assets and liabilities of the original owner, and continues to operate the same type of business as the original owner.

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Example: A software design company from the United States, ABC Ltd., wishes to transfer an applicant to its affiliate in Canada. This American company recently acquired a smaller software design company in the United States and wishes to transfer an employee from the acquired company to its affiliate in Canada. The applicant has been working continuously with the smaller company for over 10 years in a highly specialized technical position similar to the one he will assume in Canada. Since ABC Ltd. has assumed the interests and obligations of the smaller software company and continues to operate the same type of business, the applicant may be considered for intra-company transfer.

For more information, see [Guide to mergers and acquisitions](#).

Intra-company transferees are not necessarily required to re-locate to Canada. However, they are expected to actually occupy a position within the Canadian branch of the company; there should be a clear employer-employee relationship with the Canadian company, and the Canadian company should be directing the day-to-day activities of the foreign worker. This is especially important for employees working at client sites and not at the parent, branch, affiliate, or subsidiary.

If an applicant is not going to take a position in a Canadian branch, officers should examine whether they might better be classified as a business visitor, which includes provisions for after-sales service (see [Authorization to work without a work permit – Business visitor](#)).

Rather than issuing multiple short-term permits for each specific project, a work permit for a maximum duration of one year may be issued for a number of specific projects. This applies to projects taking place at the company premises in Canada or at a client site (generally seen as applicable for persons the company needs to transfer for their specialized knowledge). Long-term work permits (more than one year) in the intra-company transferee category should not be issued for service personnel living outside Canada whom the company wishes to parachute into a client site of the international company on an as-needed basis.

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