Immigration, Refugees and Citizenship Canada / Immigration, Réfugiés et Citoyenneté Canada
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Archived: June 2, 2025 10:24:42 AM
From: [redacted] Représentants [redacted]
Sent: Fri, 14 Feb 2025 21:07:55
To:
Cc: Immigration Representatives / Représentants immigration (IRCC)
Subject: FW: CUSMA Investor/Trader Questions - REP-2025-0184- Due 02-Feb-25
Importance: Normal
Sensitivity: None

Hello

[redacted] to Immigration, Refugees and Citizenship Canada's Immigration Representatives mailbox. We appreciate your patience.

Note that this service provides guidance and not case-specific advice.

Please find the answers to your questions below:

Duration – Traders/Investors:

The online guidance from IRCC with respect to CUSMA Investor/Trader Work Permits is that they will be valid for 1 year and an applicant can extend for up to 2 years.

Does this mean 2 **additional** years such that the total amount of time an investor/trader would have in work permit eligibility is 3 years?

Are extensions available indefinitely so long as the applicant can demonstrate ongoing investment/trade with Canada and can demonstrate temporary intent OR is there a cap?

The traders/ Investors category does NOT have a cap, and may be available indefinitely. The onus is on the applicant to demonstrate with each application that they meet not only the program requirements as per R204(a), but also the requirements for temporary residents as per R200(1)(b). An officer must be satisfied that the foreign national will leave Canada at the end of the period of authorized stay.

Work Permit Issuance – Traders:

Once issued, is the Work Permit in the name of the Mexican/U.S. entity employing the applicant abroad? IRCC's guidance online simply says "Business operating name". Please explain what IRCC considers to be the employer and what would be indicated on the Work Permit in that field.

The enterprise employing the foreign national must have American or Mexican nationality. Please review the information under Documentary evidence for further information.

Foreign Entity Submitting OOE – Traders:

Is the Mexican/U.S. entity able to submit the Offer of Employment form through the employer portal in this case since the trader may be providing goods/services to multiple Canadian entities? Or, is a separate OOE required to be

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submitted for each entity doing business with the Trader in Canada?

The Mexican/ US entity is able to submit the Offer of Employment form through the employer portal. An application may specify that Multiple locations may be required on the work permit.

Work Permit Issuance – Investors:

Is the Work Permit issued in the name of the Canadian enterprise? Or, is the Work Permit open? Please explain what IRCC considers to be the employer and what would be indicated on the Work Permit in this field.

The work permit is employer specific and is not an open document.
The information provided on the IMM 5321 form can help direct the foreign national in their FTA work permit under the Trader/ Investor categories.

Work Permit Application Structure – Investors:

Can an employee of an investor and the investor apply for their Work Permits at the same time? Or, must the investor apply for their Work Permit first, be approved and provide the employee applicant with proof of same for their application?

Each application would be assess on its own merits. The onus is on the foreign national to demonstrate that an employee at the supervisory or executive capacity for the enterprise is required. Furthermore, an existing relationship must already be established, and substantial trade must be demonstrated.

Foreign Entity Submitting OOE – Investors:

Is the Mexican/U.S. entity able to submit the Offer of Employment form through the employer portal or, is the Canadian enterprise required to do this?

The Canadian employer is expected to submit the offer of employment.

For more information, please consult the following webpages:
Traders – CUSMA [R204(a) – T34] Agreements or arrangements – International Mobility Program - Canada.ca

We hope this information is of assistance. Do not hesitate to reach out again if you required further clarification.

Sincerely,

Immigration Representatives Mailbox

De :
Envoye : 17 janvier 2025 13:51
À : Immigration Representatives / Représentants immigration (IRCC) <IRCC.ImmigrationRepresentatives-Representantsimmigration.IRCC[redacted]
Objet : CUSMA Investor/Trader Questions

[redacted]

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Below are a series of questions about CUSMA Investor/Trader Work Permits:

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Thank you.

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