

Canadian Immigration – Updates Intra-Company Transfer Rules: What You Need To Know



On July 18th, 2024, the Immigration, Refugees, Citizenship Canada (IRCC), introduced new updates for intra-company transfers using exemption codes C61, C62, and C63 related to Canada's Intra-Company Transfer (ICT). The ICT program allows multinational companies to transfer key employees to their Canadian branches. This program is crucial for expanding operations in Canada while bringing in essential talent to support business growth. These changes are designed to refine the criteria and streamline the process. Here's a breakdown of the new requirements and how they differ from the previous ones.

Exemption Code C61: Start-Up Operations

Before: Employees needed to be involved in setting up new operations, but the requirements were vague:

- Required one year of employment in a relevant capacity, with less stringent documentation.
- A business plan was required but often lacked detail and consistency.

Now: Employees must be integral to establishing new branches or significant business operations in Canada, with specific roles and responsibilities:

- Must have been employed for at least one year in an executive, managerial, or specialized knowledge capacity.
- A detailed business plan must be provided, outlining the setup of Canadian operations and the employee's role, with clear milestones and goals.

Key Changes: More detailed and clearer requirements for establishing new operations, ensuring thorough planning and documentation.

Exemption Code C62: Senior Executives and Managers

Before: Employees needed to hold a high-level position, but the exact responsibilities were broadly defined. A year-long employment with the company was required, but the documentation was less detailed. Job roles needed to show seniority but lacked specific criteria.

Now: Employees must be in a senior executive or managerial position with clear documentation of the following:

- Must have worked continuously for the company for at least one year in a similar role.
- The Canadian role must involve managing the organization or a major part of it, with detailed responsibilities and decision-making authority clearly outlined.

Key Changes: More precise definitions and documentation are required to ensure only true senior executives and managers qualify.

Exemption Code C63: Specialized Knowledge

Before: Employees needed to demonstrate specialized knowledge, but the standards were vague:

- Required one year of employment, but the nature of the specialized role was loosely defined.
- The need for the employee's specialized knowledge had to be justified, but criteria were inconsistent.

Now: Employees must have advanced expertise or unique knowledge not easily available in Canada, with clear evidence provided:

- Must have been with the company for at least one year in a specialized role.
- The transfer must be justified by the necessity of the employee's specialized knowledge for the Canadian operations, supported by detailed documentation.

Key Changes: Stricter and clearer criteria for what constitutes specialized knowledge, ensuring only truly specialized employees qualify.

Implications and Benefits

The updated requirements for exemption codes C61, C62, and C63 make the process more straightforward for multinational companies transferring key employees to Canada. By providing clearer definitions and documentation standards, IRCC aims to facilitate compliance and attract global talent, supporting the growth of international businesses in Canada.

Please see the following link for additional resources: [IRCC updates 2024- ICTs](#)

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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