



AMIR ISMAIL & ASSOCIATES

CERTIFIED IMMIGRATION PRACTITIONERS

CANADA: Tel: (416)-913-0230, (647)-835-0660 - Fax: (416)-907-3338.

PAKISTAN: Tel: 021-35652860-1-2, Fax: 021-35221435 – Cell# 0300-2516207.

Email: info@amirismail.com - Web: www.amirismail.com

CANADA'S BUSINESS IMMIGRATION PROGRAMS

INTRODUCTION

Canada's Business Immigration Program (the "Program") is designed to promote, encourage and facilitate the immigration of experienced businesspeople from abroad who will make a positive contribution to the country's economic development by applying their risk capital and business experience to business ventures which will create jobs and other economic benefits for Canadians.

1: FEDERAL BUSINESS IMMIGRATION PROGRAM ("FEDERAL PROGRAM")

To qualify as a Business Immigrant under the Federal Program, an individual who seeks Canadian Permanent Resident status (the "Applicant") must establish that he has been a successful businessperson in his homeland. The Applicant should therefore be an individual who has actively and successfully operated and managed either his own business or has occupied an administrative/management position in a successful company or business. In addition, the Applicant must possess a substantial net worth.

The Federal Program contemplates two main categories under which a businessperson can apply for Canadian Permanent Resident status. These are the Entrepreneur and the Investor categories.

A. THE ENTREPRENEUR CATEGORY (FEDERAL PROGRAM)

The Entrepreneur Category has been suspended until further notice. As such, no application can be filed under this program for the time being.

B. THE INVESTOR CATEGORY (FEDERAL AND QUEBEC PROGRAMS)

The Investor Category is designed to attract experienced businesspeople and investment capital to Canada. Specifically, an Investor is an Applicant who has business/management experience, possesses a net worth of at least \$1,600,000.00 and makes an investment of at least \$800,000.00 in an approved Immigrant Investor Fund. The Investor category is therefore designed for the high net worth Applicant who possesses experience in either running his own business or as an executive/manager in a successful business.



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Investors are not required to be involved in the active management of a business after landing. However, the Investor is required to make a substantial, but passive, refundable investment of \$800,000.00 with either the Federal or Quebec Government. The Government of Canada or Quebec guarantees the return of the full amount of the investment after a mandatory five-year “hold” period, but without interest. We are able to assist in negotiating favourable “financing options” from major Canadian financial institutions. Financing is available from major Canadian financial institutions, which can reduce the actual amount of the Qualifying Investment to as low as \$180,000.

Unlike Entrepreneurs, there is no requirement to remain in Canada after landing to actively manage a business in this country. No “Terms and Conditions” are attached to the Permanent Resident Visas issued to an Investor and family members under this category. This category is therefore attractive to businesspeople who wish to secure Canadian Permanent Resident status but who also wish to maintain their interest and involvement in businesses and investments abroad.

Further information on the Quebec and Federal Investor categories is attached herewith separately.

2. PROVINCIAL NOMINEES PROGRAMS (BUSINESS)

Further to recent developments in Canadian law, immigration is now an area where jurisdiction is shared between the Federal and Provincial governments. As such, various provinces and territories of Canada, by agreement with the Federal government, have established their own immigration programs to nominate potential immigrant for Canadian permanent residency status. Once an Applicant has been nominated by a province/territory as a Provincial Nominee, the Applicant is assured of a prompt processing of his/her Application for Permanent Residence.

As such, various provinces and territories have established their own business immigration programs. These provincial business immigration programs focus on experienced businesspeople who may not qualify under the Investor Category or who may not wish to be subject to the “Terms and Conditions” under the Entrepreneur Category.

Most provincial business immigration programs require that “nominated” Applicant have the ability to establish themselves within that province/territory and that they develop and actively manage a business in that province that will provide significant economic benefit to the province. Personal net worth and qualifying investment thresholds are lower than those required under the Federal and Quebec Investor Categories. The personal net worth requirement may be as low as \$300,000, while the investment amount may be as low as \$125,000.



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Businesspersons who have been nominated by a specific province/territory for permanent residence under a PNP are not required to reside within that particular province/territory once they have fulfilled any performance agreements/contracts they may have entered into with the nominating province/territory. Under the Canadian law, all Permanent Residents have the right to reside anywhere in Canada.

Once your provincial nomination is accepted by the province or territory, you then have to make a separate application to CIC for permanent residence. A CIC officer will then assess your application based on Canadian immigration regulations. Currently all Canadian provinces administer their own business immigration programs with an exception of Alberta.

Further information on Provincial Programs and a comparison chart is attached herewith as a separate document.

CONCLUSION

As part of our services, we are able to assist in assessing an Applicant's personal situation to determine which Business Immigration Program is most suitable. Our office has access to the most up-to-date information relating to the business immigration categories offered under the Federal Program and to the provincial business immigration programs offered by the various provinces/territories of Canada.



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