

ABOUT US

At BorderLaw® we are, first and foremost, immigration law experts. Our exclusive focus means that we are able to provide expert advice and comprehensive services in an increasingly complex area of law.

PERSONAL SERVICES

When you contact us, you deal with a qualified and experienced lawyer who will take the time to identify and address your specific immigration issues.

FLEXIBILITY

We can help with a specific immigration problem or develop your business immigration plan. We provide services on a fixed fee basis or bill hourly, in US or Canadian currency, as per our clients' request.

REFERRALS

We value referral relationships. Because of our restricted practice area, we regularly assist Canadian, US & international law firms. We work hard to support you and your clients.

ACCOUNTABILITY

Qualified and licensed in Canada and the US, at Borderlaw® we adhere to stringent regulatory requirements applicable to practice, accounting and ethical conduct, in both countries.

BEREZOWSKI'S BORDERLAW®

*** UPDATE ***

Business Visitors - IRPA Reg 187 (a)

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Date: August 31, 2020

The general rule is that no person, other than a citizen or permanent resident, can work in Canada without the appropriate work authorization. Regulation 187(a) of Canada's *Immigration and Refugee Protection Act (IRPA)* sets out the general definition of a Business Visitor as a foreign national who "seeks to engage in international business activities without directly entering the labour market". In lay person terms, a Business Visitor is a foreign national who plans to visit Canada temporarily to look for new business opportunities, to invest in or to advance existing business relationships.

Legitimate Business Activities ~ Business activity (as opposed to 'work'), must relate to international business. The principal place of business and the place where profits will primarily accrue should be in the foreign country. As well, the foreign national's salary should normally come from outside Canada. Foreign trade agreements such as the CETA and CUSMA, may broaden the scope of permissible business activities for their citizens.

While the line between business and work activities is sometimes difficult to distinguish; to enter Canada as a Business Visitor one must generally:

- Have a foreign residence;
- Have no intention of abandoning this residence; and
- be entering for a temporary purpose of a defined duration.

One should also be able to demonstrate that he or she has, or is being supplied with, funds sufficient to carry out the purpose of the proposed visit and that he or she seeks admission solely to engage in legitimate business activities. These are minimum requirements and satisfaction of these underlying requirements does not, alone, qualify a foreign national as a Business Visitor. Canadian authorities make determinations as to what activities constitute acceptable business visitor activities on a case-by-case basis.

Duration~ Contrary to popular belief, there is no specific limit to the duration of a Business Visitor admission; the adjudicating officer makes the decision as to what is appropriate on a case-by-case basis. However, generally the longer a foreign national remains/intends to remain in Canada the less likely he or she will be considered a legitimate visitor.

According to the Immigration Refugee & Citizenship Canada website: "Business visitors usually stay in Canada for a few days or a few weeks". However, where a foreign national has received a stamp of admission that does not contain an

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expiry date, that duration of his or her entry for visitor purposes is deemed six (6) months.

Admissibility ~ All applicants must meet standard requirements of admission (criminal, medical and security related) to Canada.

Temporary Resident Visa ~ Many foreign nationals are exempt for the visa requirement; however, some nationals require a Temporary Resident Visa ("TRV") to enter Canada. In such cases, we make the initial business visitor rationale/request with the TRV application. Subsequent travel to Canada may be permitted if the TRV allows for multiple entries but the Canada Border Services Agency at the Port of Entry will still make the final determination as to the foreign national's admission as a Business Visitor.

COVID- 19 Travel Restrictions & Quarantine Requirements ~ At the time of writing, most travel to Canada is restricted and a foreign national must fall within a specific exemption in order to enter the country. In addition, all travelers to Canada, but for those specifically exempt, are currently required to quarantine for 14 days immediately upon entry. All travelers must also adhere to the Public Health Agency of Canada's travel rules.

For assistance please contact our office.

Nan Berezowski (BA, LL.B, LL.M) compiled this Update with the latest available information for the general information of Berezowski Business Immigration Law clients and other interested parties. This Update is not comprehensive and should not be relied upon without appropriate legal advice.