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Canada's Start-Up Visa Program

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While it is an uphill battle to lure Silicon Valley entrepreneurs away from California's vibrant community of tech start-ups, Canada has been taking on the challenge. The Start-Up Visa program, launched in 2013 as a five-year pilot project, was made permanent in March 2018. The Start-Up Visa Program is seeking to bring to Canadian soil the minds that may dream up the next Google or Facebook. A strategically placed billboard en route to San Francisco's technology hub calls for those in the industry struggling to land a U.S. H-1B visa to consider the Canadian alternative.

The Start-Up Visa Program facilitates entry to Canada for entrepreneurs who want to establish a start-up business in Canada that is innovative, creates jobs for Canadians and can compete on a global scale. To be eligible for admissibility into Canada you must (1) have a qualifying business; (2) have a letter of support from a designated list of organizations; (3) be able to work and communicate in either English or French; and (4) have enough money to settle and live in Canada before you make money from your business.

The designated organizations are business groups that are approved by the Government of Canada to invest in or support possible start-ups through the Start-up Visa Program. The three designated business groups are found on IRCC's website. The Business Incubator group is the only business group that does not require a substantial investment. Instead, you need to be accepted into this group and they must provide you with a letter of support. The other two business groups require investments in the form of a minimum \$75,000 CAD from an approved Canadian angel investor, or minimum \$200,000 CAD from an approved Canadian venture capitalist.

The program is not limited to any specific industry, but it is expected that the majority of beneficiaries will work in technology. Similar programs introduced in the UK, Australia and Chile have also focused on tech start-ups.



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Canada is hoping that entrepreneurs will be enticed by the World Bank's recent finding that Canada is the best place in the G7 to start a business due to a strong banking system, growing job market, low taxes, and high standard of living. Also, a key selling point of the Canadian program is the fact that those accepted will be granted permanent residence in Canada—regardless of whether the business succeeds. This sets it apart from the programs of other countries.

Canada's program contrasts with the U.S. H1-B visa, which has been criticized for its slow processing times and extremely limited quotas. The Canadian program was ambitious at its inception, allowing up to 2,750 applications per year through its expedited process.

Unfortunately, Canada has only admitted approximately 200 immigrant entrepreneurs through the Start-Up Visa Program since 2013, including dependents.

Critics of Canada's Start-Up Visa state that it is too limited and too risky. Venture capitalists in Canada are reputed to be risk-averse, so potential applicants may struggle to secure the requisite funding. Also, given the difficulty of predicting which start-up idea will thrive, Canada is taking a gamble in offering permanent status to those with an idea and Canadian funding.

The Start-Up Visa program is just one of numerous options available to entrepreneurs looking to establish themselves in Canada. Many Canadian provinces and territories also have entrepreneur-focused immigration streams that are part of Canada's Provincial Nominee Program (PNP).

The Immigration Law Group at Perley-Robertson, Hill & McDougall LLP/s.r.l. has the expertise to assist potential Start-Up Visa applicants with assessing their eligibility, preparing comprehensive application packages, and addressing any potential complications.

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Canada should look favourably upon those currently in other countries who have already been vetted and approved by U.S. authorities and consider welcoming them as foreign workers and ultimately permanent residents. This chance to add to our human capital with skilled individuals seeking a new home should not be squandered.

Apart from the economic opportunity that a new wave of talented immigrants could mean for Canada, we cannot forget our obligation, grounded in international law, to accept refugees and provide safe haven for those fleeing war, terror and persecution. The Canadian Bar Association, Amnesty International, the Canadian Association of Refugee Lawyers and law professors from across the country, among others, have all called on the Government of Canada to reassess its Safe Third Country Agreement with the United States. As long as many refugees are barred from the United States, Canada should be considering whether we can do more to alleviate the suffering of refugees the world over. This should start with considering the claims of asylum-seekers who have already been approved to be re-settled in the United States but who are now barred from entry due to the Executive Orders.

Canada has an opportunity to become the global leader in immigrant attraction and refugee resettlement. We can use this opportunity to attract the skills we need to power our economy and support our population growth into the future. While the U.S. President continues to ban millions through the politics of fear, Canada must show those potential immigrants and refugees that our best days, as well as theirs, are still ahead of us. We can get there together.