

must be business enterprises actively "doing business" in both the country to be entered and your home country.)

**"Managerial capacity"** means an assignment within an organization in which the employee primarily manages the organization or a department, subdivision, function or component of the organization.

**"Executive capacity"** means an assignment within an organization in which the employee primarily directs the management of a major component or function of an organization.

**"Specialized knowledge"** means special knowledge possessed by an individual of the enterprise's product, service, research, equipment, techniques, management or other interests and the application in international markets, or an advanced level of knowledge of, or expertise in, the organization's processes and procedures.

#### **CANADIAN INTRA-COMPANY TRANSFEREES ENTERING THE UNITED STATES**

Before a Canadian intra-company transferee seeks entry to the United States, the proposed U.S. employer must submit an application to the U.S. Immigration and Naturalization Service on the "Petition for Temporary Worker" form (I-129). The fee for processing an I-129 is US\$75. In addition to meeting the "General Qualifying Criteria" listed above, the intra-company transferee must show the approved application when seeking entry at a U.S. port of entry, whereupon he/she will be issued a record of entry document (I-94) indicating an L-1 classification code. The I-94 serves as a record of entry document and employment authorization, and should be presented to the U.S. Social Security Administration for the issuance of a social security number.

#### **CANADIAN SMALL BUSINESS OWNERS ENTERING THE UNITED STATES**

A Canadian who currently owns and operates a business, and who is considering expanding into the United States, can apply as an intra-company transferee at any U.S. embassy, consulate or U.S. port of entry. You must provide a detailed business plan showing, among other things, how your expansion will result in direct local employment, and you must comply with existing immigration requirements for temporary entry. Before your temporary residency will be extended, a review will be conducted one year after entry has been granted to determine whether you have met the objectives of the business plan. You can temporarily

reside in the United States in this classification for up to seven years.

#### **CANADIAN INTRA-COMPANY TRANSFEREES ENTERING MEXICO**

Intra-company transferees require an approved FM3 form to work in Mexico. The FM3 form can be obtained from a Mexican embassy or consulate, or from within Mexico.

Intra-company transferees can also enter Mexico with an FMN form, which can be obtained at no charge from most travel agencies and airlines or at a Mexican port of entry. (The FM3 form is not issued at Mexican ports of entry.) The FMN form is valid for up to 30 days. However, before commencing work in Mexico, transferees must obtain an FM3 form from a National Migration Institute office.

When applying for an FM3 form, you will be expected to demonstrate that you meet the "General Qualifying Criteria" listed above. The FM3 is valid for one year, but can be renewed for four additional years before a new FM3 form must be obtained. The processing fee for an FM3 form is 424 pesos, and it is usually issued within five working days.

#### **U.S. AND MEXICAN INTRA-COMPANY TRANSFEREES ENTERING CANADA**

Intra-company transferees must either complete an Application for an Employment Authorization at a Canadian consulate or embassy before departing for Canada, or apply directly at a Canadian port of entry. Intra-company transferees will need to comply with the "General Qualifying Criteria" listed above before they can receive an employment authorization, which is issued initially for a period of up to one year. Extensions may be granted in increments of up to two years. There is a C\$125 processing fee for issuing employment authorizations. Upon arrival, intra-company transferees should obtain a Social Insurance Number from a local Canada Employment Centre.

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### **4. TRADERS AND INVESTORS**

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Traders are business persons who conduct substantial trade in goods or services principally between their country of residence and the country into which entry is being sought. Investors are business persons seeking to establish, develop, administer, or provide advice or key technical services to the operation of an investment to which they or their enterprises have committed, or are in the process of committing, a substantial amount of capital. Employees of