

that the employment remains temporary, and that you continue to be qualified to work in your profession.

CANADIAN PROFESSIONALS ENTERING MEXICO

Professionals 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.

You 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, entering professionals must obtain an FM3 form from a National Migration Institute office. You will also need to obtain a professional identity card from the Directorate General of Professions of the Ministry of Education before practising your profession.

When applying for an FM3 form you will be expected to demonstrate that you meet the "General Qualifying Criteria" listed above. FM3 forms are valid for one year but can be renewed for an additional four 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 PROFESSIONALS ENTERING CANADA

U.S. and Mexican professionals can apply for an Employment Authorization at any Canadian embassy, consulate, or port of entry. You must demonstrate that you meet the "General Qualifying Criteria" listed above. When applying at ports of entry, no written application is required and determination can be made at the time of application. The processing fee for issuing an employment authorization is C\$125. After admittance into Canada, a Social Insurance Number can be obtained from a local Canada Employment Centre.

3. INTRA-COMPANY TRANSFEREES

Intra-company transferees are business persons employed by an enterprise who are seeking to render services to a branch, parent, subsidiary or affiliate of that enterprise, in a managerial or executive capacity or in a manner that involves specialized knowledge.

The total period of stay for a person employed in an executive or managerial capacity cannot exceed seven years. The total period of stay for a person employed in a capacity that requires specialized knowledge cannot exceed five years.

GENERAL QUALIFYING CRITERIA

To qualify as an intra-company transferee you must:

- be a citizen of a member country;
- be seeking employment in an executive or managerial capacity, or one involving specialized knowledge (in the case of specialized knowledge, provide evidence that you possess such knowledge and that it is required for the proposed employment);
- have been engaged in a similar position within the enterprise for at least one year within the previous three years;
- be transferring to an enterprise that has a clear relationship with the enterprise in which you are currently employed; and
- comply with existing immigration requirements for temporary entry.

When seeking entry you will be expected to provide:

- a detailed outline of the purpose and length of stay for which entry is being sought; and
- a detailed outline of your current job description, position title and place in the organizational structure of the enterprise.

TERMS

"Branch" means an operating division or office of the same organization housed in a different location.

"Parent" means a firm, corporation or other legal entity that has subsidiaries.

"Subsidiary" means a firm, corporation, or other legal entity with a parent that owns, directly or indirectly, half or more than half of the entity and controls the entity; or that owns, directly or indirectly, 50 per cent of a 50-50 joint venture and has equal control and veto power over the entity; or that owns, directly or indirectly, less than half of the entity but in fact controls the entity.

"Affiliate" means one of two subsidiaries, both of which are owned and controlled by the same parent or individual; or one of two legal entities, owned and controlled by the same group of individuals, each individual owning and controlling approximately the same share or proportion of each enterprise.

"Doing business" means the regular, systematic and provision of goods and/or services on a continuing basis by a parent, branch, or subsidiary or affiliate, and does not include the mere presence of an agent or office. (There