

(iii) Professionals

Once the Canadian specialty air services company has secured a contract, personnel employed by that company involved in providing the service will want to enter the U.S. and Mexico to perform the work. In general, the NAFTA ensures that those professionals listed in the NAFTA who wish to work in another NAFTA country enjoy simplified entry procedures. In order to qualify, your profession must be listed as a profession in Appendix 1603.D.1 and must possess minimum levels of education and experience also described in that Appendix (see Attachment "C" for a selected list of professionals and qualifications required).

Qualified professionals will not be required to undergo labour certification tests but will be required to obtain employment authorization. In addition, equipment of professionals is permitted duty free entry into the territory of the other NAFTA Party. Professions already included in Annex 1603.D.1 that may be relevant to specialty air services include: Forester, Engineer, Land Surveyor, and Scientific Technician.

However, most categories of specialty air services personnel, most significantly, pilots, are not included on this list of professionals, and, therefore, do not enjoy the benefit of these simplified temporary entry procedures. Specialty air service personnel wishing to enter the U.S. and/or Mexico who do not qualify as professionals according to the criteria in Annex 1603.D.1 and who do not otherwise qualify for temporary entry in the other categories listed above, must comply with normal immigration requirements (labour certification procedures) of those countries. Further information may be obtained at U.S. and Mexican consulates in major centres across Canada (see Attachments "G" and "H" for addresses and phone/fax numbers).

(iv) Services Providers - Next Steps

The requirements imposed by U.S. and Mexican immigration laws on foreign operators may be time consuming and involve uncertainties. For this reason, Canada maintained the position throughout the NAFTA negotiations that meaningful cross-border trade in specialty air services requires that key personnel involved in the provision of the service enjoy the simplified entry procedures described above, so long as individuals are entering to complete work undertaken by an employer based in their home country.

To this end Canada proposed to the U.S. and Mexico that ten categories of SAS personnel most essential to the provision of a SAS be granted temporary entry privileges. Neither the U.S. nor Mexico, however, has agreed, as neither is of the view that current arrangements hinder the entry of SAS personnel. The result is that Canadian specialty air services personnel who wish to enter the U.S. or Mexico to perform specialty air services, but who are not included in the NAFTA provisions for temporary entry, will be required to comply with existing immigration and labour