

This pamphlet was produced by Canada's Department of Foreign Affairs and International Trade in co-operation with Citizenship and Immigration Canada. Its purpose is to facilitate the trade in goods and services throughout member countries to the North American Free Trade Agreement. More specifically, it contains information on criteria and procedures for cross-border movement under the NAFTA as well as related immigration requirements, with the aim of making them more transparent. These guidelines pertain to Canadian business persons entering the United States and Mexico, and U.S. and Mexican business persons entering Canada.

It is important to keep in mind that what follows are guidelines, and should not be viewed as the actual legal text of the NAFTA or a member country's immigration regulations. Although basic information about fees and forms is included, this information is subject to change and should be verified before seeking entry.

For more information about Canadian, U.S. or Mexican immigration regulations, contact the relevant embassy, consulate or immigration office nearest you. Canadians who experience difficulty in entering a country for purposes of conducting business are advised to contact a Trade Policy Officer with the Department of Foreign Affairs and International Trade's Multilateral Trade Institutions Division by telephone at (613) 944-1569 or by fax at (613) 944-0757.

NAFTA

The guidelines contained in this pamphlet cover the following four categories of business persons:

1. **"Business Visitors"** are business persons who plan to carry on business activity related to research and design, growth, manufacturing and production, marketing, sales and distribution, after-sales service and general service.
2. **"Professionals"** are business persons who plan to carry out professional activities of the types indicated in NAFTA Appendix 1603.D.1 (see attached) for an employer or on contract to an enterprise located in a member country other than their own.
3. **"Intra-Company Transferees"** are business persons who are employed by an enterprise to perform management or executive functions or who bring specialized knowledge to this enterprise or its subsidiaries or branches established in one of the member countries.

4. **"Traders and Investors"** are business persons who plan to carry out trade in goods and services principally between member countries or to establish, develop, administer or provide consulting or technical services for the administration of an investment to which foreign capital has been committed or is in the process of being committed.

Accompanying Spouses and Dependants must meet existing immigration requirements for temporary entry. In addition, unless a spouse or dependant qualifies on his/her own merit for an employment authorization under the NAFTA, he/she must go through the regular job validation process applicable to all temporary foreign workers. Information on several of these processes applicable to entering the United States are provided in the section "Non-NAFTA U.S. Temporary-Entry Visas."

1. BUSINESS VISITORS

The NAFTA allows business persons to engage in certain business activities without an employment authorization – provided they otherwise comply with existing immigration requirements applicable to temporary entry. Examples of business activities are conducting market research, marketing products, negotiating contracts or taking orders. The intent of this category is to facilitate the entry of the short-term business visitor who has no intention of entering the labour market. If you wish to work for an employer or under contract to an enterprise located in the member country to which you are seeking entry, you are not a business visitor and will need to apply under a different NAFTA category or under the general provisions applicable to temporary foreign workers.

GENERAL QUALIFYING CRITERIA

You may qualify as a business visitor if:

- you are a citizen of a member country;
- you are seeking entry for business purposes;
- the proposed business activity is international in scope;
- you have no intention of entering the labour market;
- your primary source of remuneration is outside of the country in which you are seeking entry;
- the principal place of business and the accrual of profits remain outside of the country to which you are seeking entry; and
- you meet existing immigration requirements for temporary entry.

These requirements can best be satisfied by presenting a letter setting out all the circumstances of the business trip

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