

need to secure a certified Labour Condition Application (Form ETA 9035) from the U.S. Employment and Training Administration of the Department of Labour. Once secured, an I-129 petition would then need to be submitted to the U.S. Immigration and Naturalization Service. Upon approval of the I-129 petition, the individual can then apply for temporary entry at any port of entry.

You will be required to meet existing immigration requirements for temporary entry (health, safety, security, etc.) before being issued a record of entry document (I-94) indicating an H-1B classification. Photo identification will need to be shown when applying for entry.

A person working in a specialty occupation is limited to a maximum of six years in the United States with H-1B status. Initial admissions may be for a maximum of three years, with an extension of up to three years.

PERFORMING ARTISTS

Canadian performing artists (e.g., members of a Canadian entertainment group in a creative field such as music, opera, dance, theatre or the circus) who have a signed contract with an enterprise in the United States for single or multiple performances require a temporary employment visa. Canada's Department of Foreign Affairs and International Trade has produced a pamphlet entitled "Guide for Canadian Performing Artists Entering the United States." The pamphlet outlines the major provisions applicable to foreign performers under the United States Immigration Act of 1990 and the amendments and regulations instituted in September 1994. It can be obtained by contacting the Department's InfoCentre by telephone at 1-800-267-8376 or by fax at (613) 996-9709. For a more definitive interpretation of U.S. immigration law and regulations, contact the closest United States Immigration and Naturalization Service District Office or Regional Service Center, or a U.S. embassy or consulate in Canada. If you are experiencing difficulty in entering the United States as a Canadian performing artist, contact the Canadian Consulate General in New York City at (212) 596-1600.

LABOURERS

The H-2B non-agricultural category for temporary worker can be utilized by U.S.-based enterprises that require person(s) to perform temporary services or non-agricultural labour within the United States. An H-2B visa will not be issued if the labour or service to be rendered by the temporary worker is judged as displacing U.S. workers capable of performing such services or labour, or if employment of the

temporary worker adversely affects the wages and working conditions of U.S. workers.

The prospective employer must file an ETA 750 form with the local state job service office, and must demonstrate that the basic recruiting, posting, and advertising for qualified U.S. workers have been carried out. If labour certification is approved, the prospective employer must then file the I-129 petition form with the U.S. Immigration and Naturalization Service.

Once the I-129 petition is approved, the temporary worker will then be issued a record of entry document (I-94) at any port of entry. Temporary workers will be required to meet existing immigration requirements for temporary entry (health, safety, security, etc.), and applicable state or local licensing or certification requirements.

The initial period of stay authorized in the United States to H-2B temporary workers cannot exceed one year. A maximum of two one-year extensions may be granted. However, each new I-129 extension petition must be accompanied by a new labour certification.