



Temporary Entry to the United States: **A Guide for Canadian Business Persons**

To promote trade in goods and services, and to increase investment opportunities, Chapter 16 of the North American Free Trade Agreement (NAFTA) facilitates the cross-border movement of certain business persons who are citizens of Canada, Mexico, or the United States. This guide contains general information on criteria and procedures for Canadian citizens who are travelling to the United States for business purposes.

Dept. of Foreign Affairs
Min. des Affaires étrangères

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Who is eligible to enter the United States under the NAFTA?

NAFTA facilitates the temporary entry of the following four categories of business persons:

- ◆ Business Visitors
- ◆ Professionals
- ◆ Intra-company Transferees
- ◆ Traders and Investors

Family Members

For all of the above four categories, **spouses** and **minor children** can accompany you in the United States. The spouses of two of the above categories (Intra-company Transferee, Trader or Investor) may be employed. They must obtain an Employment Authorization Document by submitting Form I-765.

What if I don't qualify for entry under the NAFTA?

If you have a job offer or signed contract from an employer in the U.S., but you do not qualify under the four categories of NAFTA business persons listed above, you may qualify for entry under U.S. general immigration provisions. Some occupations not covered under the NAFTA will require a different type of Temporary Worker Visa. These include athletes, agricultural workers, computer programmers, journalists, performers, tradespeople, trainees, students, and volunteers, among others. Information on the various processes for temporary entry into the U.S. is available on the United States Immigration and Naturalization Service (USINS) Web site at www.ins.usdoj.gov

Before You Go, Don't Forget...

The provisions in Chapter 16 of the NAFTA:

- apply to citizens, not permanent residents of Canada, the U.S. or Mexico;
- facilitate temporary entry of only certain business persons, not all;
- complement existing temporary entry rules and regulations of Canada, Mexico or the U.S.; and
- do not affect these countries' existing immigration rules and regulations — you must still meet U.S. laws on national security, public health and safety.

More Information

For detailed information on Canadian business persons entering the United States and Mexico, and American or Mexican business persons entering Canada, please see the publication *Cross-Border Movement of Business Persons and the North American Free Trade Agreement (NAFTA)*, available online at www.dfait-maeci.gc.ca/nafta-alena/cross-e.asp

For copies, contact

Enquiries Services
 Department of Foreign Affairs and
 International Trade (DFAIT)
 125 Sussex Drive
 Ottawa, ON K1A 0G2
 Tel.: (613) 944-4000 or
 1-800-267-8376 (in Canada)
 E-mail: enqserv@dfait-maeci.gc.ca

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Business Visitors

The North American Free Trade Agreement (NAFTA) allows Business Visitors to enter the United States for a limited period of time to engage in any of the following business activities.

Research and design

- Technical, scientific and statistical researchers conducting independent research or research for an enterprise located in Canada.

Growth, manufacture and production

- Harvester-owner supervising a harvesting crew admitted under applicable law.
- Purchasing and production management personnel conducting commercial transactions for an enterprise located in Canada.

Marketing

- Market researchers and analysts conducting independent research or analysis for an enterprise located in Canada.
- Trade fair and promotional personnel attending a trade convention.

Sales

- Sales representatives and agents **taking orders** or negotiating contracts for goods or services for an enterprise located in Canada, but not delivering goods or providing services.
- Buyers purchasing for an enterprise located in Canada.

Distribution

- Transportation operators moving goods or passengers to the U.S., or loading goods or passengers and transporting them back to Canada, with no unloading within the United States. Purely domestic service or solicitation, in competition with U.S. operators, is not permitted.
- Customs brokers providing consulting services for facilitating the import or export of goods.

After-sales service

- Installers, repair and maintenance personnel and supervisors, with specialized knowledge essential to a seller's contractual obligation, performing services or training workers to perform services, pursuant to a warranty or other service contract which is incidental to the sale of commercial or industrial equipment or machinery. This includes computer software, purchased from an enterprise located outside the U.S., during the life of the warranty or service agreement. For further information, please see the publication *Cross-Border Movement of Business Persons and the NAFTA*.

General service

- Professionals engaging in a business activity covered under the NAFTA, but receiving no salary or other remuneration from a U.S. source, except for expense allowances or other expense reimbursements incidental to the temporary stay.
- Management and supervisory personnel engaging in a commercial transaction for an enterprise located in Canada.
- Financial services personnel (insurers, bankers or investment brokers) engaging in

commercial transactions for an enterprise located in Canada.

- Public relations and advertising personnel consulting with business associates, or attending or participating in conventions.
- Tourism personnel (tour and travel agents, tour guides or tour operators) attending or participating in conventions or conducting a tour that has begun in Canada.
- Tour bus operators entering the U.S.
- Translators or interpreters performing services as employees of an enterprise located in Canada.

What documentation do I need at the border?

At a U.S. port of entry, you must establish that you qualify as a NAFTA Business Visitor.

In addition to your **proof of Canadian citizenship** (ideally, your Canadian passport), a letter outlining the purpose of your business trip may assist in your inspection by United States Immigration and Naturalization Service (USINS) officials.

This letter should include:

- place where you will be staying (itinerary in the U.S.);
- list of businesses you plan to visit (contacts and addresses);
- statement that your salary is paid by your employer and that you will not receive payment of any kind from a U.S. source.

If you enter the U.S. to provide after-sales service, you should carry a copy of the original sales contract which clearly shows the purpose of entry.

How long can I stay?

As business visitors, you are normally allowed to stay in the U.S. for the period of time requested to conduct business, **but not exceeding one year**. NAFTA Business Visitors are admitted by USINS in the **B-1 classification**. Remember that the length of your stay is authorized at the discretion of USINS officials.

At port of entry, Canadian Business Visitors can request that an I-94 (record of entry document) be inserted in their passport to facilitate temporary entry when engaged in activities requiring frequent cross-border movement or an extended stay.

Be Prepared!!!

Before you travel, you need to make adequate preparations and read about what is required to enter and stay in the U.S.

Crossing the border is not what it used to be. As a result of increased security concerns, officials at the border have been directed to conduct more thorough inspections.

As a Canadian citizen legally entering the U.S. for business, you should be prepared to show all necessary documentation to establish your identity and purpose of entry.

As soon as you stop at the border, you are subject to U.S. law. Persons with criminal records or persons who cannot demonstrate that they have a legitimate reason to enter the U.S. can be refused entry.

You will also need to demonstrate that you have no plans to reside indefinitely in the U.S.

Professionals

The North American Free Trade Agreement (NAFTA) allows certain Professionals to enter the United States to carry out professional activities pursuant to a contract or an offer of employment. This includes performing training functions or conducting seminars related to your profession.

Your profession must be one of the 63 listed below. For most of these professions, the minimum education requirement is a Bachelor's degree in the field or in a closely related field. To find out education requirements for a specific profession, see the publication *Cross-Border Movement of Business Persons and the NAFTA*.

General

- Accountant
- Architect
- Computer Systems Analyst
- Disaster Relief Insurance Claims Adjuster
- Economist
- Engineer
- Forester
- Graphic Designer
- Hotel Manager
- Industrial Designer
- Interior Designer
- Land Surveyor
- Landscape Architect
- Lawyer (Notary in Quebec)
- Librarian
- Management Consultant
- Mathematician/Statistician
- Range Manager/Range Conservationalist
- Research Assistant
- Scientific Technician/Technologist
- Social Worker
- Sylviculturist/Forestry Specialist

- Technical Publications Writer
- Urban Planner/Geographer
- Vocational Counsellor

Medical/Allied Professionals

- Dentist
- Dietitian
- Medical Laboratory Technologist
- Nutritionist
- Occupational Therapist
- Pharmacist
- Physician (Teaching or Research only)
- Physiotherapist/Physical Therapist
- Psychologist
- Recreational Therapist
- Registered Nurse
- Veterinarian

Scientists

- Agriculturist/Agronomist
- Animal Breeder
- Animal Scientist

- Apiculturist
- Astronomer
- Biochemist
- Biologist
- Chemist
- Dairy Scientist
- Entomologist
- Epidemiologist
- Geneticist
- Geochemist
- Geologist
- Geophysicist (Oceanographer)
- Horticulturist
- Meteorologist
- Pharmacologist
- Physicist
- Plant Breeder
- Poultry Scientist
- Soil Scientist
- Zoologist

Teachers

- College
- Seminary
- University

What documentation do I need at the border?

At a U.S. port of entry, you must establish that you qualify as a NAFTA Professional.

In addition to your proof of **Canadian citizenship** a **letter from your prospective employer**, or a **signed contract** may assist in your inspection by United States Immigration and Naturalization Service (USINS) officials.

The letter or contract should include:

- job title and detailed summary of your duties;
- starting date and anticipated length of stay;
- arrangement for payment;
- proof that you have the necessary degree to work in the profession for which you are to be engaged;
- professional-level qualifications (**certified copies of your diploma/alternative credentials**).

USINS admits NAFTA Professionals in the TN classification.

Certification and Licensing

Please note that Professionals must also comply with all applicable state and local certification, registration, or licensing requirements before commencing work. You must contact the state where you wish to work for additional information on any certification requirements.

The TN serves as your work permit and can be presented to the U.S. Social Security Administration to receive a social security number.

How long can I stay?

The TN classification is generally issued for one year and is renewable as long as you can demonstrate that your employment is temporary.

The TN entitles you to work or provide services only to the employer(s) indicated on your classification. Should you wish to change your work situation or work for an additional employer while in the U.S., you must contact USINS officials to obtain an amendment to your original authorization or to request a new one before you start working in the new functions or for the new employer.

Tools of the Trade

For more information on commercial samples, trade show displays or professional equipment that you wish to carry when travelling to the U.S., refer to the U.S. Customs Web site at www.customs.ustreas.gov

Intra-company Transferees

The North American Free Trade Agreement (NAFTA) allows Intra-company Transferees to enter the United States temporarily to perform services in a managerial or executive capacity, or in a manner which requires specialized knowledge for the same company, branch, parent, subsidiary or affiliate, that employs you in Canada.

What documentation do I need at the border?

At a U.S. port of entry, you must establish that you qualify as an Intra-company Transferee. When you apply for entry, you must submit **form I-129**, which is a petition for non-immigrant workers. This petition must be submitted with evidence of the qualifying relationship between the American and the Canadian employer which addresses ownership and control (annual report, financial statements, etc.).

In addition to your proof of **Canadian citizenship** and **form I-129**, a **supporting letter from your employer** outlining the purpose and length of stay may assist in your inspection by United States Immigration and Naturalization Service (USINS) officials, as well as:

- dates of employment, job duties, qualifications, salary, experience and place in the organizational structure of your employer in Canada;
- proof that you have been engaged in a similar position for at least one year within the previous three years;
- detailed description of the proposed job duties and qualifications, and evidence that the proposed job is in an executive or managerial capacity, or in a position involving specialized knowledge;

- in the case of specialized knowledge, evidence that you possess such knowledge, and that such knowledge is required for the job.

USINS admits NAFTA Intra-company Transferees in the **L-1 classification**.

Remember that your **affiliate** company must continue to **do business** in Canada during the entire period of your stay in the U.S.

If you would prefer to have your application processed in advance of your transfer, form I-129 and supporting documentation may be submitted at an Immigration Naturalization Service Center in the U.S., depending on where the work will be performed, i.e. Vermont Service Center, California Service Center, Nebraska Service Center, Texas Service Center. Addresses are available on-line at www.ins.usdoj.gov

How long can I stay?

The L-1 is generally issued for three years (one year for a new company) and is renewable for up to seven years for a person employed in an executive or managerial capacity, and for up to five years for a person employed in a capacity that requires specialized knowledge.

Traders and Investors

The North American Free Trade Agreement (NAFTA) allows **Traders** to enter the United States to facilitate and administer substantial trade involving the flow of goods or services principally between the U.S. and Canada. The best example of "substantial trade" is a large number of high valued transactions. Over 50% of the international trade (note: not all total trade) must be conducted between the U.S. and Canada.

The NAFTA also allows **Investors** to enter the U.S. to develop and direct a bona-fide company in which they have made a substantial investment of capital, and thereby own at least 50%, or maintain a controlling interest.

Employees of Traders and Investors whose job duties are supervisory or executive in nature, or whose skills are essential to the operation of the company, may also qualify.

Requests for **Trader (E-1)** and **Investor (E-2)** status are processed only at the U.S. Consulate General in Toronto. For detailed information on how to submit an application, consult the Web site of the U.S. Consulate General in Toronto (www.usembassycanada.gov).

If you have routine administrative questions about the processing of an application, you may contact the E-visa office by fax, e-mail, or phone. (Tel.: (416) 595-1700, ext. 500 or 241; Fax: (416) 595-5466; e-mail: evisatoronto@state.gov). Cases are not judged over the phone.

Forms and Fees: Changing or Renewing Your Status

For information on all forms and fee packages, visit the USINS Web site. The site also provides information on how to extend your business visitor status in the U.S.

www.ins.usdoj.gov

Difficulty Entering the United States or Mexico

Contact NAFTA Temporary Entry
Information Line at

(613) 944-2046,

or by fax at

(613) 944-0058.

This line operates Monday to Friday,
9 a.m. - 5 p.m., Eastern Standard Time.

For Additional Information

Web Sites

U.S. NAFTA Handbook

www.ins.usdoj.gov/graphics/lawenfor/bmgmt/inspect/naftahan.pdf

This Web site contains detailed reference material provided by the USINS to assist their immigration inspectors in processing applicants for admission under the NAFTA.

U.S. Department of State

travel.state.gov/visa_services.html

This site contains information on visa services.

Embassy of the United States of America

www.usembassycanada.gov

This site contains information on U.S. consular services, specifically visa services for Canadian citizens.

Publications

Crossing the 49th: Advice for Canadians Travelling to the United States is a good booklet to read before you travel to the U.S.

www.voyage.gc.ca/Consular-e/Publications/crossing_49th-e.htm

Are You a Canadian Citizen Seeking Temporary Entry into Mexico?

You should consult the brochure *Mexico, que pasa? A Guide for Canadian Visitors*

www.voyage.gc.ca/Consular-e/Publications/mexico-e.htm

You should also consult the publication *Cross-Border Movement of Business Persons and the North American Free Trade Agreement*

www.dfait-maeci.gc.ca/nafta-alena/cross-e.asp

For additional information regarding entry into Mexico, applicable forms and fees, please contact:

Embassy of the United Mexican States (Ottawa)

Tel.: **(613) 233-8988**; Fax: **(613) 235-9123**

www.embamexcan.com

Free Trade Specialists

Canadians may call the USINS office in Buffalo at (716) 551-4741, ext. 4101, on Monday, Wednesday, and Thursday mornings from 8 a.m. to 10 a.m., or consult the USINS Web site for general information on requirements: www.ins.usdoj.gov

There are Free Trade Specialists at the various ports-of entry listed below. These specialists may be able to provide you with detailed information regarding temporary entry into the U.S. under the NAFTA.

Albany, NY	(518) 220-2100	Norton, VT	(802) 822-5217
Blaine, WA	(360) 332-8781	Oroville, WA	(509) 476-3132
Calais, ME	(207) 454-2546	Ottawa, ON	(613) 523-2105
Calgary, AB	(403) 221-1728	Pembina, ND	(701) 825-6722
Champlain, NY	(518) 298-3221	Port Huron, MI	(810) 982-0493
Detroit, MI	(313) 568-6019	Portal, ND	(701) 926-4221
Eastport, ID	(208) 267-2183	Richford, VT	(802) 848-7766
Edmonton, AB	(780) 890-4486	Sault Ste. Marie, ON	(906) 632-8822
Grand Portage, MN	(218) 475-2494	Swanton, VT	(802) 868-3361
Highgate Springs, VT	(802) 868-3349	Sweetgrass, MT	(406) 335-2911
Houlton, ME	(207) 945-0041	Thousand Island, NY	(315) 482-2681
International Falls, MN	(218) 283-8611	Toronto, ON	(905) 676-2563
Jackman, ME	(207) 668-3151	Van Buren, ME	(207) 686-2202
Madawaska, ME	(207) 728-4565	Vanceboro, ME	(207) 788-3813
Massena, NY	(315) 393-0310	Vancouver, BC	(604) 278-2520
Montreal, QC	(514) 631-2097	Winnipeg, MB	(204) 783-2340
Niagara, NY	(716) 282-3141, ext. 316		

Other questions regarding entry into the U.S. should be directed to the U.S. embassy or a U.S. consulate general:

U.S. Embassy, Ottawa, ON	(613) 238-5335
U.S. Consulate General, Calgary, AB	(403) 266-8962
U.S. Consulate General, Halifax, NS	(902) 429-2485
U.S. Consulate General, Montreal, QC	(514) 398-9695
U.S. Consulate General, Québec, QC	(418) 692-2095
U.S. Consulate General, Toronto, ON	(416) 595-1700
U.S. Consulate General, Vancouver, BC	(604) 685-4311

You may also call the 1-900 information lines listed below for general information on how to obtain visas to visit, work, study or live in the United States. (Fees apply for use of these hot lines.)

Calling from the United States

- live operator assistance **1-900-656-2222**

Calling from Canada

- live operator assistance **1-900-451-6663**
- recorded information (24 hours daily) **1-900-451-6330**

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Important Notice

The content of this guide is not the actual "legal text" of the North American Free Trade Agreement (NAFTA) or a member country's immigration regulations. Although basic information is included, it is subject to change and should be verified before seeking temporary entry for business purposes.