



International Trade
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Canada

***Temporary Entry
into the United States and Mexico
under the North American
Free Trade Agreement***



A Guide for Canadian Businesspersons



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International Trade Canada

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This guide provides readers with general information on the criteria and procedures for entering the United States and Mexico temporarily for business purposes and the related immigration requirements under the North American Free Trade Agreement (NAFTA).

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

In addition to this guide, travellers heading to the United States or Mexico are strongly encouraged to read the country-specific guides published by the Consular Affairs Bureau at Foreign Affairs Canada. These guides contain detailed information not contained in this publication. You can obtain a free copy by contacting the enquiry service above, or on-line at **www.voyage.gc.ca**.

*Available on-line through the International Trade Canada
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UNDER CHAPTER 16 of the North American Free Trade Agreement (**NAFTA**), four categories of Canadian businesspersons can enter the United States and Mexico temporarily to conduct business.

Chapter 16 provisions do not change a member country's general immigration regulations governing public health, safety and national security. They also do not waive the requirement for Canadian temporary workers to comply with a member country's applicable licensing or certification requirements regarding professions or after-sales service.

For more detailed information about U.S. immigration regulations and applicable forms and fees, consult the Web site of the United States Citizenship and Immigration Services (USCIS) <http://uscis.gov>. All Canadians planning on travelling to the United States for personal or business reasons are strongly encouraged to read the information provided by the Government of Canada in its consular publication "U.S.A. Bound – Advice for Canadian Travellers". This guide contains detailed information on a variety of important topics not covered in this publication. It is available on-line www.voyage.gc.ca/main/pubs/usa_bound-en.asp, or see Section VII to order a paper-copy at no cost.

For information regarding entry into Mexico as well as applicable forms and fees, please see the Web site of the Embassy of the United Mexican States www.embamexcan.com. All Canadians planning on travelling to Mexico for personal or business reasons are strongly encouraged to read the information provided by the Government of Canada in its consular publication "México: ¿Qué pasa? A Guide for Canadian Visitors". This guide contains detailed information on a variety of important topics not covered in this publication. It is available on-line www.voyage.gc.ca/main/pubs/mexico-en.asp, or see Section VII to order a paper-copy at no cost.



Am I eligible to enter the United States or Mexico temporarily on business?

Chapter 16 of the **NAFTA** allows the following categories of businesspersons access to the United States and Mexico:

- ▶ **Business Visitors (page 5)**
- ▶ **Professionals (page 9)**
- ▶ **Intra-company Transferees (page 15)**
- ▶ **Traders and Investors (page 18)**

What is Temporary Entry?

Temporary entry, as defined in the **NAFTA**, means entry without the intent to establish permanent residence. For example, the United States specifies that the alien must satisfy to the inspecting immigration officer that the proposed stay is temporary. A temporary period has a reasonable, finite end that does not equate to permanent residence. In order to establish that the alien's entry will be temporary, the alien must demonstrate to the satisfaction of the inspecting immigration officer that his or her work assignment in the U.S. will end at a predictable time and that he or she will depart upon completion of the assignment.

Can my family accompany me?

For each of the above four categories, spouses and dependents may accompany you as long as they meet the member country's existing temporary entry immigration regulations. In other words, spouses and dependents enter a **NAFTA** member country as visitors. There are no special provisions under the **NAFTA** to facilitate the issue of employment authorizations for spouses and dependents.

Spouses and dependents wishing to seek employment must also comply with the member country's regular job validation process for temporary foreign workers. Spouses or dependents can work in the United States only if they independently qualify under the **NAFTA** or under the general foreign worker provisions, including a labour certification test.

Spouses of Intra-company Transferees and Traders and Investors may benefit from general U.S. immigration provisions allowing spouses to work while in the United States. They must, however, first obtain an Employment Authorization before beginning work by submitting Form I-765, available on-line <http://uscis.gov/graphics/formsfee/forms/i-765.htm>. For additional information please consult the following Web site <http://uscis.gov>.

DON'T QUALIFY FOR TEMPORARY ENTRY UNDER THE NAFTA?

IF YOU HAVE A JOB OFFER or signed contract from an employer in the United States or Mexico, but you do not qualify under the four categories of **NAFTA** businesspersons, you may still qualify for entry under U.S. or Mexican general immigration provisions.

Occupations not covered under the **NAFTA** require different types of temporary worker authorizations. These include athletes, agricultural workers, computer programmers, journalists, performers, trades people, trainees, students and volunteers, among others. Information on the various processes for temporary entry into the U.S. is available on the USCIS Web site <http://uscis.gov/graphics/services/tempbenefits/tempworkers.htm>. (See also VI. Non-NAFTA Temporary Entry Visas in the United States.)

In Mexico, immigration regulations limit the categories to which foreign citizens may apply. Generally, they are only issued work permits in certain sectors or those undergoing labour shortages. More information on working or doing business in Mexico is available on the Embassy of Mexico in Canada Web site www.embamexcan.com/consular/working.shtml.

Be prepared!!!

- ▶ **Before you travel to the U.S. or Mexico, find out what is required to enter and stay in the country.**

- ▶ **The U.S. and Mexico are foreign countries. Crossing their borders is not what it used to be. With greater security concerns, border officials often conduct more thorough inspections.**
- ▶ **As a Canadian citizen legally entering the U.S. or Mexico on business, you should be prepared to show all documentation necessary to establish your identity and the purpose of your entry. You will also need to demonstrate that you do not plan to reside there indefinitely.**
- ▶ **Carry your passport – it is the only document that conclusively proves you are a citizen of Canada with the right to return.**
- ▶ **U.S. immigration officers have the authority to bar non-citizens from entering the country for five years if they present false documentation or misrepresent themselves. Lying to a border official is a serious offence.**
- ▶ **As soon as you stop at the border, you are subject to U.S. or Mexican law. A traveller held at the border can be detained without charges and without recourse to consular or legal representation.**

Before You Go, Don't Forget...

Chapter 16 provisions of the **NAFTA**:

- ✗ **apply only to citizens, not permanent residents, of Canada**
- ✗ **facilitate temporary entry of only certain businesspersons, not all**
- ✗ **complement, but do not replace, a member country's existing temporary entry rules and regulations**
- ✗ **do not waive these countries' existing immigration rules and regulations – you must still meet the member country's laws on national security, public health and safety**

EXPEDITED REMOVAL

CANADIANS TRAVELING to the United States should note that U.S. Immigration's "expedited removal" procedure allows an immigration agent, with the concurrence of a supervisor, to bar non-citizens from the United States for five years if, in their judgment, the individual presented false documentation or misrepresented themselves. Canadians should be aware that lying to a border official is a serious offence. Expedited removal is part of comprehensive reforms intended to control illegal immigration. There is no formal appeal process under expedited removal, but if you believe the law has been misapplied in your case, you can request a supervisory review by writing to the U.S. Department of Homeland Security's Citizenship and Immigration Services (USCIS) district director responsible for the port of entry where the decision was made. Cases of possible misapplication should also be brought to the attention of the Consular Affairs Bureau of Foreign Affairs Canada at **1 800-267-6788** or **(613) 944-6788** (in Ottawa) or to the attention of the nearest Canadian government office.

Not Eligible to Enter the United States?

CRIMINAL RECORDS

If you have a criminal record, no matter how minor or how long ago the offence occurred, you may be refused entry to the U.S. and there may be problems in transit through U.S. airports. Under U.S. law, a pardon issued by Canadian authorities is not recognized for purposes of entry into the U.S. If you have a criminal record or are unsure if you are eligible to enter the U.S., contact U.S. immigration officials at the relevant port of entry well before travelling to the United States. If you are not eligible, you may apply for a waiver of ineligibility (**FORM I-192, ADVANCE PERMISSION TO ENTER THE UNITED STATES**) which is available on-line <http://uscis.gov/graphics/formsfee/forms/i-192.htm>. Please keep in mind that there is a fee for this service and that it may take several months to process your application.

US VISIT

ON JANUARY 5, 2004, the U.S. Department of Homeland Security launched a new Entry/Exit program, dubbed US VISIT, at 115 airports and 14 seaports. Under the program, most travellers who need a visa to enter the U.S. will be required to have their fingerprints and photographs recorded electronically before entering the country. The majority of Canadian citizens travelling to the U.S. for business and/or pleasure do not require a visa, and are therefore exempt from US VISIT requirements. Only Canadians with a visa obtained from a U.S. Embassy or Consulate with their photo and biographical data in their passport are subject to US VISIT requirements. This includes Canadians with an **E-CLASS VISA (TRADERS/INVESTORS)** and the **K-CLASS VISA (FIANCÉES)**, among others.

The US VISIT program will be expanded to all major land crossings by the end of 2004, and to all remaining U.S. ports of entry by the end of 2005. US VISIT, when fully implemented, will also require travellers to register their departure from the United States. You can find more information regarding US VISIT on the Department of Homeland Security's Web site www.dhs.gov.



BUSINESS VISITORS can enter the United States or Mexico on a temporary basis to perform work as follows:

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 or providing the goods or services.
- ▶ Buyers purchasing for an enterprise located in Canada.

DISTRIBUTION

- ▶ Transportation operators moving goods or passengers to the U.S. or Mexico, or loading goods or passengers and transporting them back to Canada, with no unloading within the U.S. or Mexico. Purely domestic service or solicitation, in competition with American or Mexican operators, is not permitted.

- ▶ Customs brokers providing consulting services to facilitate the import or export of goods.
- ▶ Customs brokers providing brokerage duties related to the export of goods from the U.S. or Mexico to or through Canada.

GENERAL SERVICE

- ▶ Professionals engaged in a business activity covered under the North American Free Trade Agreement (NAFTA), but not receiving salary or other payment from a U.S. or Mexican source (e.g. delivering speeches or giving presentations at conferences). Expense allowances or other expense reimbursements related to the temporary stay are permitted.
- ▶ Management and supervisory personnel involved in a commercial transaction for an enterprise located in Canada.
- ▶ Financial services personnel (insurers, bankers or investment brokers) participating in commercial transactions for an enterprise located in Canada.
- ▶ Public relations and advertising personnel consulting with business associates, 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 began in Canada.
- ▶ Tour bus operators entering the U.S. or Mexico.
- ▶ Translators or interpreters performing services as employees of an enterprise located in Canada.



AFTER-SALES SERVICE

This activity consists of installers, repair and maintenance personnel, and supervisors that:

- ▶ **have specialized knowledge essential to the seller's contractual obligations.**
- ▶ **perform services or train workers to perform services (pursuant to a warranty or other service contract related to the sale of commercial or industrial equipment or machinery, including software, manufactured in Canada). This provision, however, does not apply to residential sales or items.**

IF ENTERING THE U.S. OR MEXICO TO PROVIDE AFTER-SALES SERVICE, YOU MUST PRESENT A COPY OF THE ORIGINAL SALES CONTRACT CLEARLY STATING THE REASON FOR WHICH YOU ARE ENTERING THE COUNTRY.

SPECIALIZED KNOWLEDGE, IN RELATION TO AFTER-SALES SERVICE, is defined as a high degree of knowledge that can only be passed on to an already skilled person through extensive training. HANDS-ON BUILDING AND CONSTRUCTION WORK, EITHER ON-SITE OR IN-PLANT DOES NOT FALL UNDER THE AFTER-SALES SERVICE CATEGORY. This applies regardless of the wording in the sales, warranty or service agreements, as it is not considered to require specialized knowledge. A Canadian businessperson, however, may supervise or train workers that carry out installation, repair or maintenance work involving building or construction activities.

THIRD-PARTY SERVICE takes place when a seller located in Canada contracts the after-sales service to a third party and is allowable under the **NAFTA**. The original contract or bill of sale must clearly specify that a third party will perform the installation, warranty or service work.

The initial warranty or service agreement may be extended if the sales agreement, or the initial warranty or service agreement, provides for such an extension. In this case, the after-sales service continues to be part of the sale of equipment, machinery or computer software.

How do I qualify as a NAFTA Business Visitor?

You may qualify as a **NAFTA** Business Visitor if:

- ▶ **you are a Canadian citizen**
- ▶ **you are seeking entry for one of the business purposes listed in the previous section**
- ▶ **the proposed business activity is international in scope**
- ▶ **you do not intend to enter the U.S. or Mexican labour market**
- ▶ **your primary source of remuneration is outside of the U.S. or Mexico**
- ▶ **the principal place of business, and the accrual of profits, remain outside of the U.S. or Mexico**
- ▶ **you meet the member country's existing temporary entry immigration requirements**

IF YOU WISH TO WORK FOR AN EMPLOYER OR UNDER CONTRACT TO AN ENTERPRISE LOCATED IN THE U.S. OR MEXICO, YOU DO NOT QUALIFY AS A BUSINESS VISITOR. IN THIS CASE, YOU NEED TO APPLY UNDER A DIFFERENT NAFTA CATEGORY OR UNDER THE MEMBER COUNTRY'S GENERAL PROVISIONS THAT APPLY TO TEMPORARY FOREIGN WORKERS.

What documentation do I need at the border?

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

You should carry with you *PROOF OF CANADIAN CITIZENSHIP* (ideally, your Canadian passport) and a *LETTER OUTLINING THE PURPOSE OF YOUR BUSINESS TRIP*. This will assist in your inspection by U.S. or Mexican immigration officials.

The letter should include:

- ▶ **where you will be staying (itinerary while in the U.S. or Mexico)**
- ▶ **list of businesses you plan to visit (contacts and addresses)**
- ▶ **statement that your primary source of remuneration is outside of the U.S. or Mexico**

In addition, if you are entering to perform after-sales service, you will need a copy of the sales invoice and the related warranty and/or service agreement.

Tools of the Trade

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

For information on Mexican customs procedures, please refer to the Mexican Customs Agency Web site www.aduanas.sat.gob.mx.

UNITED STATES

How can I apply as a Business Visitor?

You may apply for entry to the United States as a Business Visitor at a land border port of entry, or at an international airport pre-flight inspection station. There is no written application or prior petition required, apart from providing evidence that you meet the requirements of the category, as outlined in the section above, "What documentation do I need at the border?"

Normally, Business Visitors can stay in the U.S. for the time required to conduct business, but not longer than six months. United States Citizenship and Immigration Services (USCIS) admits **NAFTA** Business Visitors under the **B-1 CLASSIFICATION**. Remember, the length of your stay is at the discretion of USCIS officials.

Business Visitors entering the U.S. can request that an **I-94 (RECORD OF ENTRY DOCUMENT)** be inserted in their passport if they are involved in activities that require frequent cross-border movement or extended stays. If you are a frequent Business Visitor, but the purpose of entry is different for each visit, you will not be issued an I-94 document. I-94 documents are issued for periods of up to six months. You cannot apply for an I-94 before seeking temporary entry into the United States. Please keep in mind that there is a nominal fee for issuing this document.

THE U.S. IMMIGRATION AND NATIONALITY ACT (INA) is based on the law of presumption. Therefore, an applicant for admission must prove that he or she fits into one of the non-immigrant classifications or is presumed to be an alien.

US Visit

Canadians entering the U.S. as Business Visitors, who already have a valid **I-94 (RECORD OF ENTRY DOCUMENT)**, do not have to present themselves to US VISIT stations when entering the United States. The I-94 is only a record of entry/exit and is not an actual visa. Please see page 4 for more information.

How can I change or renew my status?

If you wish to obtain or renew Business Visitor status from within the U.S., you may apply to the USCIS through **FORM I-539 (APPLICATION TO EXTEND/CHANGE NON-IMMIGRANT STATUS)**, which is available on-line <http://uscis.gov/graphics/formsfee/forms/i-539.htm>. Please keep in mind that there is a nominal fee and that applications may take three months or longer to process. You should remain in the U.S. while your application is being processed. Leaving the country at this time may negatively affect the successful completion of your application.



Forms & Fees

Information on current forms and fees for each of the four **NAFTA** business categories is available from the USCIS Web site <http://uscis.gov/graphics/formsfee/forms>. The site also provides additional information on how to extend your Business Visitor status in the United States.

MEXICO

How can I apply as a Business Visitor?

Canadian Business Visitors entering Mexico must complete a **MULTIPLE MIGRATORY FORM (FMN)**. You can obtain an FMN in advance from travel agencies and airlines, from the Mexican Embassy or one of its consulates in Canada, or as you enter at a Mexican port of entry. You can also find more information on the Mexican Embassy Web site www.embamexcan.com.

Besides the general information required above, the FMN requests information such as:

- ▶ **personal data**
- ▶ **type of activity you will be carrying out**
- ▶ **purpose of your business trip**
- ▶ **the enterprise(s) you will be visiting**

IT IS IMPORTANT TO KEEP THE FMN THROUGHOUT YOUR STAY IN MEXICO. YOU MUST, HOWEVER, RETURN THE FMN FORM TO IMMIGRATION OFFICERS UPON YOUR DEPARTURE FROM MEXICO. FAILURE TO DO SO CAN RESULT IN FINES AND DELAYS.

If you qualify as a Business Visitor but need to stay in Mexico for more than 30 days, you should obtain an **FM-3 Visa** from the Mexican consular office nearest your place of residence before departing for Mexico. This will allow you to remain in Mexico for a maximum period of one year with multiple entries. Application forms are also available on-line www.embamexcan.com/consular/Business.shtml.

The FM-3 requires:

- ▶ **completed application form**
- ▶ **valid passport**

- ▶ **letter from your company addressed to the Embassy of Mexico requesting the visa for its employee**
- ▶ **two recent, passport-size photos (no eyeglasses)**

Please keep in mind that there is a fee for processing the FM-3 form, and that you may extend the duration of the FM-3 card.

How can I change or renew my status?

You cannot extend or renew the FMN. You will require a new one each time you re-enter the country. If you wish to stay in Mexico for more than 30 days, you must obtain an FM-3 visa, as outlined above. If you wish to change your temporary residency

status from within Mexico, for example, from an FMN to an FM-3, you can apply in Mexico at a National Migration Institute office

www.inami.gob.mx.



UNDER THE NAFTA, certain Canadian *PROFESSIONALS* may enter the United States and Mexico to carry out professional activities for an employer or on contract to an enterprise located in a member country. This includes performing training functions or conducting seminars related to your profession.

Professionals are exempt from the job-validation process normally required of individuals seeking to work in another country.

Your profession must be one of the 63 listed below.

PROFESSIONS

(see *Interpretive Note 1*)

GENERAL

| PROFESSIONS | REQUIRED CREDENTIALS |
|--|---|
| • Accountant | 1 or C.P.A., C.A., C.G.A. or C.M.A |
| • Architect | 1 or 2 |
| • Computer Systems Analyst | 1 or 4 and 3 |
| • Disaster Relief Insurance Claims Adjuster | 1 and 3 or 4 and 3 |
| • Economist | 1 |
| • Engineer | 1 or 2 |
| • Forester | 1 or 2 |
| • Graphic Designer | 1 or 4 and 3 |
| • Hotel Manager | 1 or 4 and 3 (in hotel/restaurant management) |
| • Industrial Designer | 1 or 4 and 3 |
| • Interior Designer | 1 or 4 and 3 |
| • Land Surveyor | 1 or 2 |
| • Landscape Architect | 1 |
| • Lawyer (Notary in Quebec) | LL.B., J.D., LL.L., B.C.L. or 1 (5 years) or membership in provincial bar |
| • Librarian | M.L.S. or B.L.S. (for which 1 is a prerequisite) |
| • Management Consultant (see <i>Interpretive Note 2</i>) | 1 or five years experience as a management consultant, or five years experience in a field related to the consulting agreement |
| • Mathematician/Statistician | 1 |
| • Range Manager/Range Conservationist | 1 |
| • Research Assistant (working in a post-secondary educational institution) | 1 |
| • Scientific Technician/Technologist (see <i>Interpretive Note 3</i>) | Possession of a) theoretical knowledge of any of the following disciplines: agricultural sciences, astronomy, biology, chemistry, engineering, forestry, geology, geophysics, meteorology or physics; and b) ability to solve practical problems in any of those disciplines, or the ability to apply principles of any of those disciplines to basic or applied research |

| | |
|--------------------------------------|--------------|
| • Social Worker | 1 |
| • Sylviculturist/Forestry Specialist | 1 |
| • Technical Publications Writer | 1 or 4 and 3 |
| • Urban Planner/Geographer | 1 |
| • Vocational Counsellor | 1 |

MEDICAL/ALLIED PROFESSIONALS

| | |
|--|--|
| • Dentist | D.D.S., D.M.D., Doctor en Odontologia or Doctor en Cirugia Dental or 2 |
| • Dietician (or provincial licence) | 1 or 2 |
| • Medical Laboratory Technologist (see <i>Interpretive Note 4</i>) | 1 or 4 and 3 |
| • Nutritionist | 1 |
| • Occupational Therapist | 1 or 2 |
| • Pharmacist | 1 or 2 |
| • Physician (Teaching or Research only) (see <i>Interpretive Note 5</i>) | M.D. or 2 |
| • Physiotherapist/Physical Therapist | 1 or 2 |
| • Psychologist | 1 or 2 |
| • Recreational Therapist | 1 |
| • Registered Nurse | 1 or 2 |
| • Veterinarian | D.V.M., D.M.V. or 2 |

SCIENTISTS

| | |
|----------------------------|---|
| • Agriculturist/Agronomist | 1 |
| • Animal Breeder | 1 |
| • Animal Scientist | 1 |
| • Apiculturist | 1 |
| • Astronomer | 1 |
| • Biochemist | 1 |
| • Biologist | 1 |
| • Chemist | 1 |
| • Dairy Scientist | 1 |
| • Entomologist | 1 |
| • Epidemiologist | 1 |
| • Geneticist | 1 |
| • Geochemist | 1 |
| • Geologist | 1 |



| | |
|--------------------------------|---|
| • Geophysicist (Oceanographer) | 1 |
| • Horticulturist | 1 |
| • Meteorologist | 1 |
| • Pharmacologist | 1 |
| • Physicist | 1 |
| • Plant Breeder | 1 |
| • Poultry Scientist | 1 |
| • Soil Scientist | 1 |
| • Zoologist | 1 |
| <i>TEACHERS</i> | |
| • College | 1 |
| • Seminary | 1 |
| • University | 1 |



*Key to Number Symbols

1 = Baccalaureate Degree 2 = Provincial Licence 3 = Post-secondary Diploma or Certificate 4 = Three Years Relevant Experience

INTERPRETIVE NOTES

1. A *BUSINESSPERSON* seeking temporary employment in one of the 63 professions may also perform training functions relating to the profession, including conducting seminars.

2. A *MANAGEMENT CONSULTANT* provides services designed to improve the managerial, operating and economic performance of public and private entities by analyzing and resolving strategic and operating problems. Consultants may assist and advise in implementing recommendations but do not perform operational work for clients.

Typically, a management consultant is an independent contractor or an employee of a consulting firm under contract to a client from a member country.

The professional services provided must be temporary, periodical or on a fixed consulting basis rather than as full-time employment.

3. A businessperson in the *SCIENTIFIC TECHNICIAN/ TECHNOLOGIST (ST/T)* category must have theoretical knowledge of any of the following disciplines: agricultural sciences; astronomy; biology; chemistry; engineering; forestry; geology; geophysics;

meteorology; or physics, and the ability to solve practical problems in any of these disciplines, or the ability to apply principles of any of these disciplines to basic or applied research. An ST/T does not generally have a Baccalaureate Degree.

The following principles will be used to evaluate Scientific Technician/Technologist (ST/T) applicants:

- ▶ **Individuals for whom ST/Ts wish to provide direct support must qualify as Professionals in their own right in one of the aforementioned disciplines.**
- ▶ **A general offer of employment by such Professionals is not sufficient, by itself, to qualify for admission as an ST/T. The offer must demonstrate that the work of the ST/T will be inter-related with that of the supervisory Professional. The work of the ST/T must be managed, coordinated and reviewed by the Professional Supervisor, and must also provide input to the Professional Supervisor's work.**

- ▶ **Generally, the ST/T's theoretical knowledge should have been acquired through at least two years of training in a relevant educational program. Such training may be documented by presentation of a diploma or a transcript accompanied by evidence of relevant work experience.**
- ▶ **Not admissible as ST/Ts are persons intending to perform work that is normally carried out by construction trades people (e.g. welders, boiler makers, carpenters, electricians, etc.), even where these trades are specialized to a particular industry (e.g. aircraft, power distribution, etc.).**

4. A businessperson in the *MEDICAL LABORATORY TECHNOLOGIST* category must be seeking temporary entry to carry out chemical, biological, haematological, immunologic, microscopic or bacteriological tests and analyses for the diagnosis, treatment or prevention of diseases.

5. *PHYSICIANS* may not enter the U.S. or Mexico to provide direct patient care. However, patient care associated with teaching and/or research is allowed.



CERTIFICATION REQUIREMENTS FOR HEALTH-CARE WORKERS

CERTAIN HEALTH-CARE WORKERS must meet specific certification requirements to enter and work in the United States. On July 25, 2003, the United States Citizenship and Immigration Service (USCIS) issued a final rule amending the interim regulations affecting certification requirements for certain health-care workers entering the U.S. to provide health-care services.

The regulations cover workers in seven health-care occupations: *REGISTERED NURSES; PHYSICAL THERAPISTS; OCCUPATIONAL THERAPISTS; SPEECH LANGUAGE PATHOLOGISTS; MEDICAL TECHNOLOGISTS; MEDICAL TECHNICIANS; AND PHYSICIAN ASSISTANTS.*

To enter the U.S. to perform labour as a health-care worker in these occupations, you must first have your credentials evaluated and certified. Please see the following Web site for more information: www.ilw.com/lawyers/immigdaily/news/2004,0720-visascreen.pdf.

If you are a member of one of these professions, you should contact your professional association. If you have a job offer or are currently working in the U.S., you may wish to contact your U.S. employer.

For additional information, see the Federal Registrar notice <http://uscis.gov/graphics/lawsregs/fr72503.pdf> or frequently asked questions http://uscis.gov/graphics/howdoi/Health_Cert.htm.

How do I qualify as a NAFTA Professional?

You may qualify as a **NAFTA** Professional if:

- ▶ **you are a Canadian citizen**
- ▶ **your occupation is one of the 63 listed above**
- ▶ **you meet the educational requirements of the occupation**
- ▶ **you have pre-arranged employment or a contractual agreement with an entity located in the U.S. or Mexico**
- ▶ **you meet the member country's existing temporary entry immigration requirements**

What documentation do I need at the border?

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

You should carry with you *PROOF OF CANADIAN CITIZENSHIP* (ideally, your Canadian passport) and A *LETTER FROM YOUR PROSPECTIVE EMPLOYER, OR SIGNED CONTRACT, OUTLINING THE PURPOSE OF YOUR ENTRY*. This will assist in your inspection by U.S. and Mexican immigration officials.

The letter or contract should include:

- ▶ **your job title and detailed summary of duties**
- ▶ **starting date and anticipated length of stay**
- ▶ **payment arrangements**
- ▶ **proof that you meet the necessary education and experience requirements to work in the profession, including all applicable degrees, and licences**
- ▶ **original or certified copies of your diploma or credentials**

UNITED STATES

How can I apply as a Professional?

You may apply for entry to the U.S. as a **NAFTA** Professional at major land border ports of entry or airports handling international flights with pre-flight inspection stations. There is no written application, and no prior petition, labour certification or prior approval required for Canadians applying for admission to the U.S. under the TN classification status. However, you will need to provide evidence that you meet the requirements of the category, as outlined in the above section, "What documentation do I need at the border?"

You will be issued an *I-94 (RECORD OF ENTRY DOCUMENT)* indicating the TN classification code, which serves as your employment authorization. You should present the I-94 to the U.S. Social Security Administration to receive a social security number. Please note that there is a processing fee for the TN employment authorization.

Professionals must comply with all applicable state and local certification, registration or licensing requirements before starting work. You should contact the state where you wish to work for additional information on certification requirements.

SELF-EMPLOYED BUSINESSPERSONS MAY NOT ENTER THE UNITED STATES TO BE SELF-EMPLOYED OR TO ESTABLISH A PROFESSIONAL PRACTICE. PROFESSIONALS MUST HAVE A PRE-ARRANGED CONTRACT WITH A U.S. ENTERPRISE. BUSINESSPERSONS LOOKING TO ESTABLISH A BUSINESS IN THE U.S. MAY WISH TO APPLY FOR TEMPORARY ENTRY IN EITHER THE INTRA-COMPANY TRANSFEREE OR TRADER AND INVESTOR CATEGORY.

US Visit

Canadians entering the U.S. under the TN classification do not have to present themselves to US VISIT stations when entering the United States. The *I-94 (RECORD OF ENTRY DOCUMENT)* is only a record of entry/exit and is not an actual visa. Please see page 4 for more information.

How can I change or renew my status?

TN status is generally issued for one year and may be renewed indefinitely provided that you are able to demonstrate that you have no intention of pursuing full-time employment in the United States.

You may change or add employers while in the U.S. by filing *FORM I-129 (PETITION FOR TEMPORARY WORKER)* at:

U.S. Department of Homeland Security
United States Citizenship and Immigration Services
Nebraska Service Center
P.O. Box 87129
Lincoln, NE 68501-7129

Please keep in mind that there is a fee associated with filing an I-129 and that applications take up to three months to process. You can find up-to-date information regarding forms and fees on the USCIS Web site <http://uscis.gov/graphics/formsfee/forms>.

You should remain in the U.S. while your application is being processed. Leaving the country at this time may negatively affect the successful completion of your application. You may not work for a different or an additional employer until United States Citizenship and Immigration Services (USCIS) approves the petition.

Alternatively, you may depart the U.S. and apply for re-entry to obtain an employment authorization with a new or additional employer. For more information, including on premium processing, please visit the following Web site <http://uscis.gov/graphics/fieldoffices/nebraska/index.htm>.

MEXICO

How can I apply as a Professional?

To work in Mexico as a Professional, you will require an approved **FM-3 FORM**, which you can obtain from a Mexican embassy or consulate in Canada, from a National Migration Institute office within Mexico, or on-line www.embamexcan.com/consular/Business.shtml.

You can also enter Mexico with a **MULTIPLE MIGRATORY FORM (FMN)**, which you can obtain at no charge from most travel agencies and airlines or at a Mexican port of entry. (The FM-3 form is not issued at Mexican ports of entry.) The FMN is valid for up to 30 days. However, before starting work in Mexico you must obtain an FM-3 form. You will also need to obtain a professional identity card from the Directorate General of Professions of the Ministry of Education before engaging in your profession.

When applying for an FM-3 form you must demonstrate that you meet the qualifying criteria as a **NAFTA** Professional. FM-3 forms are valid for one year but you may request up to four extensions of one year each before you need to get a new form. Please keep in mind that there is a processing fee for the FM-3 form.

Regardless of where you apply for the FM-3, the following information will be required:

- ▶ a letter in Spanish from the employer addressed to the immigration authority

- ▶ your passport (valid for at least six months from the date of application)
- ▶ two recent passport-size photos (no eyeglasses)
- ▶ cash or money order for the application fee
- ▶ a copy of your valid FMN, if the application is being made from within Mexico

The letter from the company in Mexico must contain your full name and address, request an FM-3 Visa, and refer to the attached documentation. In addition, it should explain the purpose of your trip, the arrangements for payment, and the location(s) of work within Mexico. Also, make sure that you provide the information required to demonstrate you meet the requirements of a **NAFTA** Professional as outlined in the above section, "What documentation do I need at the border?". If applying from Canada, you must forward four copies of each document. An immigration office must validate your visa within 45 days of your arrival in Mexico.

How can I change or renew my status?

If you wish to change your temporary residency status, you can apply in Mexico at a National Migration Institute office www.inami.gob.mx. If you are seeking an extension, you must make a declaration that there has been no change in the purpose or circumstances of your original entry.



INTRA-COMPANY TRANSFEREES are businesspersons employed by an enterprise to perform management or executive functions, or those which involve specialized knowledge, and are being transferred to an enterprise, parent branch, subsidiary or affiliated branch located in the United States or Mexico.

How do I qualify as a NAFTA Intra-company Transferee?

To qualify as a **NAFTA** Intra-company Transferee you must:

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

What documentation do I need at the border?

At a U.S. or Mexican port of entry, you must establish that you qualify as a **NAFTA** Intra-company Transferee.

You should carry with you *PROOF OF CANADIAN CITIZENSHIP* (ideally, your Canadian passport), *A LETTER OUTLINING THE DETAILS OF YOUR TRANSFER, AND A JOB OFFER OR CONTRACT FOR THE POSITION*. This will assist in your inspection by U.S. or Mexican immigration officials.

The letter should include:

- ▶ a detailed description of the purpose and length of your stay as a transferee
- ▶ a detailed outline of your current job description, position title and place in the organizational structure of the enterprise

- ▶ a description of the position to which you will be transferring
- ▶ evidence that you have worked at least one year out of the previous three for the Canadian-based enterprise
- ▶ evidence of a qualifying relationship between the two enterprises (e.g. annual report, financial statements, articles of incorporation of the Canadian company and foreign affiliate, and so on)

UNITED STATES

How can I apply as an Intra-company Transferee?

An approved *I-129 (PETITION FOR TEMPORARY WORKER)* is required before you will be admitted to the U.S. as an Intra-company Transferee <http://uscis.gov/formsfee/forms/i-129.htm>. While you may submit this petition at the port of entry, it is strongly recommended that your U.S. employer submit the petition in advance of your entry. You may also be asked to provide supporting evidence that could delay your entry into the United States. **NAFTA** Intra-company Transferees are admitted by United States Citizenship and Immigration Services (USCIS) in the L-1 classification.

US Visit

Canadians entering the U.S. as Intra-company Transferees, who already have a valid *I-94 (RECORD OF ENTRY DOCUMENT)* do not have to present themselves to US VISIT stations when entering the United States. The I-94 is only a record of entry/exit and is not an actual visa. Please see page 4 for more information.

YOU SHOULD SUBMIT FORM I-129 AND SUPPORTING DOCUMENTATION IN ADVANCE TO 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 AND AREAS OF RESPONSIBILITY ARE AVAILABLE ON-LINE
http://uscis.gov/graphics/fieldoffices/service_centers/index.htm
AND ARE ALSO LISTED AT THE END OF THE SECTION BELOW ENTITLED
"HOW CAN I CHANGE OR RENEW MY STATUS?" FOR ADDITIONAL
INFORMATION, SEE THE U.S. **NAFTA** HANDBOOK ON-LINE
<http://uscis.gov/graphics/shared/lawenfor/bmgmt/inspect/naftahan.pdf>.

You should carry with you *PROOF OF CANADIAN CITIZENSHIP* (ideally your Canadian passport) and *FORM I-129*. In addition, A *LETTER FROM YOUR EMPLOYER* outlining the purpose and length of your stay will assist in your inspection by USCIS officials.

Remember that your affiliate company must continue to do business in Canada during your stay in the United States.

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

Can I Enter the United States as a Business Owner?

If you currently own and operate a business, and are considering expanding into the United States, you can apply in advance as an Intra-company Transferee at the applicable U.S. embassy or consulate. (See VII. *Additional Information*.)

When applying for L-1 status to open or to be employed in a new office, you should submit your petition well before your expected date of entry. You must provide a detailed business plan showing that you meet the qualifying criteria, and how your expansion will result in direct local employment. Before your L-1 status can be extended, a review is conducted one year after entry has been granted to determine if you have met the business plan's objectives. You can reside temporarily in the U.S. in this classification for up to seven years.

How can I change or renew my status?

You should use form I-129 to apply for an extension or to change your status. Please keep in mind that there is a fee for this service and that applications take up to three months to process. You should remain in the U.S. while your application is being processed. Leaving the country at this time may negatively affect the successful completion of your application.

You should forward your application for renewal of Intra-company Transferee status to the USCIS Service Center with jurisdiction over your place of residence:

- ▶ **Immigration and Naturalization Service Texas Service Center, P.O. Box 850997, Mesquite, Texas 75185-0097**
- ▶ **Immigration and Naturalization Service California Service Center, P.O. Box 30080, Laguna Miguel, California 92607-0080**
- ▶ **Immigration and Naturalization Service Vermont Service Center, 75 Lower Weldon Street, St. Albans, Vermont 05479-0001**
- ▶ **Immigration and Naturalization Service Nebraska Service Center, Federal Building, Room B-26, 100 Centennial Mall, North Lincoln, Nebraska 68508-3898**



You can find a detailed list of which service centre has jurisdiction over each state on the USCIS Web site http://uscis.gov/graphics/fieldoffices/service_centers/index.htm.

MEXICO

How can I apply as an Intra-company Transferee?

To work in Mexico as an Intra-company Transferee, you will require an approved *FM-3 FORM*, which you can obtain from a Mexican embassy or consulate in Canada, from a National Migration Institute office within Mexico, or on-line www.embamexcan.com/consular/Business.shtml.

You can also enter Mexico with a *MULTIPLE MIGRATORY FORM (FMN)*, which you can obtain at no charge from most travel agencies and airlines or at a Mexican port of entry. The FM-3 form is not issued at Mexican ports of entry. The FMN form is valid for up to 30 days. However, before starting work in Mexico, you must obtain an FM-3 form.

When applying for an FM-3 you must demonstrate that you meet the qualifying criteria as a **NAFTA** Intra-company Transferee. FM-3 forms are valid for one year but you may request up to four extensions of one year each before you need to get a new form. Please keep in mind that there is a processing fee for this service.

When applying for an FM-3, the following information will be required:

- ▶ a letter in Spanish from the employer addressed to the immigration authority
- ▶ your passport (valid for at least six months from the date of application)
- ▶ two recent passport-size photos (no eyeglasses)
- ▶ cash or a money order for the application fee
- ▶ a copy of your valid FMN, if the application is being made from within Mexico



The letter from the company in Mexico must contain your full name and address, request an FM-3 Visa, and refer to the attached documentation. In addition, it should explain the purpose of the trip, the arrangements for payment, and the location(s) of work within Mexico. Also, make sure that you provide the information required to demonstrate you meet the requirements of a **NAFTA** Intra-company Transferee as outlined in the above section, "What documentation do I need at the border?" If applying from Canada, you must forward four copies of each document. An immigration office must validate the visa within 45 days of your arrival in Mexico.

If you are seeking an initial stay of more than one year, you will require an FM-2 form. The Mexican employer must submit the application for an FM-2 directly to the Secretaría de Gobernación, the Secretariat of the Interior.

How can I change or renew my status?

If you wish to change your temporary residency status, you can apply in Mexico at a National Migration Institute office www.inami.gob.mx. If you are seeking an extension, you must make a declaration that there has been no change in the purpose or circumstances of your original entry.

THE NORTH AMERICAN FREE TRADE AGREEMENT

(NAFTA) allows *TRADERS* to enter the United States and Mexico to conduct substantial trade (over 50 percent) in goods or services, principally between Canada and the **NAFTA** member country.

The **NAFTA** allows *INVESTORS* to enter the United States and Mexico to develop and direct a bona-fide company in which they have made a substantial investment of capital, and thereby own at least 50 percent, or maintain a controlling interest.

The Traders and Investors category also applies to businesspersons who intend to establish, develop, administer or provide consulting or technical services to manage an investment to which foreign capital has been, or is in the process of being, committed.

EMPLOYEES of Traders and Investors, whose 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 information on how to submit an application, please refer to the U.S. Consulate Web site www.usconsulatetoronto.ca.

How do I qualify as a NAFTA Trader?

When applying for **NAFTA** Trader status you must demonstrate that:

- ▶ you are a Canadian citizen
- ▶ the enterprise is Canadian
- ▶ your predominant activity is to conduct substantial trade in goods or services, principally between Canada and the U.S. or Mexico
- ▶ you will be acting in an executive or supervisory capacity, or one which involves essential skills
- ▶ you meet the member country's existing temporary entry immigration requirements



How do I qualify as a NAFTA Investor?

When applying for **NAFTA** Investor status you must demonstrate that:

- ▶ you are a Canadian citizen
- ▶ the enterprise is Canadian
- ▶ substantial investment has, or is, being made
- ▶ the enterprise is a real, functioning commercial enterprise which operates continuously to produce some service or commodity for profit
- ▶ you are in a position to "develop and direct" the enterprise, or if an employee of an Investor, you are in an executive or supervisory position, or one which involves essential skills
- ▶ you meet the member country's existing temporary entry immigration requirements

What documentation do I need at the border?

With your application, you must establish that you qualify as a **NAFTA** Trader or Investor.

Along with the relevant application forms, you will need to provide clear evidence of your qualifications as a Trader or Investor. You should include the following documents with your application:

- ▶ cover letter summarizing all the attached documents
- ▶ corporate tax returns for the past two years
- ▶ income statement and asset/liability statement
- ▶ loan documents, promissory notes and mortgages
- ▶ proof of citizenship
- ▶ proof of ownership, such as stock certificates
- ▶ evidence of employees

UNITED STATES

How can I apply as a Trader or Investor?

You must complete *FORM DS-156* and the *SUPPLEMENT DS-156E*, available at the U.S. Consulate in Toronto, by phone at 1 900-451-2778 (charges apply), or on-line

www.amcits.com/evisa.asp, and pay the applicable processing fee. In addition, all males between 16 and 45, regardless of nationality, must complete form *DS-157*. You will need to demonstrate that you meet the qualifying criteria as a **NAFTA** Trader or Investor before you are issued an *E-1 (TRADER)* or *E-2 (INVESTOR) VISA*.

REQUESTS FOR TRADER (E-1) AND INVESTOR (E-2) STATUS ARE PROCESSED ONLY AT THE U.S. CONSULATE GENERAL IN TORONTO. FOR INFORMATION ON HOW TO SUBMIT AN APPLICATION, PLEASE REFER TO THE U.S. CONSULATE WEB SITE www.usconsulatetoronto.ca.

Once your application is approved, you will be contacted to arrange an interview in Toronto before your visa is issued. While the principal applicant must take the interview at the Consulate in Toronto, dependents on your application may choose to have their interviews at one of the other U.S. consulates in Canada. You must pay a fee before the visa(s) is issued. You will be provided with an *I-94 DOCUMENT* at a U.S. port of entry, which is your employment authorization. You must present the I-94 to the U.S. Social Security Administration to receive a social security number.

Applicants should read the information on E-visas provided on the American Citizen Information Services (AMCITS) Web site www.amcits.com/evisa.asp.

How can I change or renew my status?

Holders of E-visas may reside in the United States as long as they continue to maintain their status with the enterprise. The E-1 and E-2 Visas, initially issued for two years, may be extended up to two additional years at a time and can be renewed indefinitely, with some exceptions. You should use *FORM I-129 (PETITION FOR TEMPORARY WORKER)*, available on-line <http://uscis.gov/formsfee/forms/i-129.htm>, to apply for an extension or change of your status. Please keep in mind that there is a nominal fee and that applications may take three months or longer to process. You should remain in the U.S. while your application is being processed. Leaving the country at this time may negatively affect the successful completion of your application.

You should forward your application for renewal of Trader and Investor (*E-1 OR E-2*) status to:

U.S. Department of Homeland Security

United States Citizenship and Immigration Services
Texas Service Center
P.O. Box 852211
Mesquite, TX 75185-2211

<http://uscis.gov/graphics/fieldoffices/Texas/aboutus.htm>

U.S. Department of Homeland Security

United States Citizenship and Immigration Services
California Service Center
P.O. Box 10129
Laguna Miguel, CA 92607-0129

<http://uscis.gov/graphics/fieldoffices/California/aboutus.htm>

If you have routine administrative questions about the processing of an application, you may contact the E-visa office by fax (**416-595-5466**), e-mail evisatoronto@state.gov, or phone (**416-595-1700, ext. 500 or 241**). Please note that the E-visa office will not decide on cases over the phone.

MEXICO

How can I apply as a Trader or Investor?

To work in Mexico as a Trader or Investor, you will require an approved *FM-3 FORM*, which you can obtain from a Mexican embassy or consulate, from a National Migration Institute office within Mexico, or on-line www.embamexcan.com/consular/Business.shtml.

You can also enter Mexico with a *MULTIPLE MIGRATORY FORM (FMN)*, which you can obtain at no charge from most travel agencies and airlines or at a Mexican port of entry. The FM-3 form is not issued at Mexican ports of entry. The FMN form is valid for up to 30 days. However, you must obtain the FM-3 form before you start work in Mexico.

When applying for an FM-3 form you must demonstrate that you meet the qualifying criteria as a **NAFTA** Trader or Investor. FM-3 forms are valid for one year but you may request up to four extensions of one year each before you need to get a new form. Please keep in mind that there is a processing fee for the FM-3 form, which is normally issued within five working days.

Regardless of where you apply for the FM-3, the following information will be required:

- ▶ **letter in Spanish from the employer addressed to the immigration authority**
- ▶ **your passport (valid for at least six months from the date of application)**
- ▶ **two recent passport-size photos (no eyeglasses)**
- ▶ **cash or a money order for the application fee**
- ▶ **copy of your valid FMN, if the application is being made from within Mexico**

The letter from the company in Mexico must contain your full name and address, request an FM-3 Visa, and refer to the attached documentation. In addition, it should explain the purpose of the trip, the arrangements for payment, and the location(s) of work within Mexico. Also, make sure you provide the information required to demonstrate you meet the requirements of a **NAFTA** Trader or Investor as outlined in the above section, "What documentation do I need at the border?" If applying from Canada, you must forward four copies of each document. An immigration office must validate the visa within 45 days of your arrival in Mexico.

How can I change or renew my status?

If you wish to change your temporary residency status, you can apply in Mexico at a National Migration Institute office www.inami.gob.mx. If you are seeking an extension, you must make a declaration that there has been no change in the purpose or circumstances of your original entry.



DIFFICULTY ENTERING THE UNITED STATES OR MEXICO?

Contact the Enquiries Service
Tel.: 1 800-267-8376 (toll free in Canada)
or (613) 944-4000 (in the National Capital region and outside Canada)
Fax: (613) 944-9709
TTY for the Deaf: (613) 944-9134

SOME OCCUPATIONS are not covered under the **NAFTA**. A few of these specialty occupations are listed below. For more information on these and other specialty occupation categories, contact the U.S. Embassy in Ottawa or the U.S. Consulate nearest your place of residence (see *VII. Additional Information*).

SPECIALTY OCCUPATIONS

If you do not qualify for temporary entry into the United States you may still qualify under existing immigration regulations.

Generally, a specialty occupation is defined as one that requires the theoretical and practical application of a body of highly specialized knowledge and a Bachelor's degree in the specific specialty. A combination of education and experience and/or specialized training equivalent to a degree is also acceptable.

Your prospective U.S. employer must secure a certified **LABOUR CONDITION APPLICATION (FORM ETA 9035)** from the U.S. Employment and Training Administration of the Department of Labor www.ows.doleta.gov/foreign/pdf/h1bhand_format.pdf. Once obtained, you must then submit an **I-129** petition <http://uscis.gov/formsfee/forms/i-129.htm> to the United States Citizenship and Immigration Services (USCIS). Upon approval of the I-129 petition, you may apply for temporary entry at any port of entry.

You must meet existing temporary entry immigration requirements (health, safety, security, etc.) before you are issued an **I-94 (RECORD OF ENTRY DOCUMENT)** indicating an **H-1B SPECIALTY OCCUPATION CLASSIFICATION**. You will also need to present photo identification when applying for entry.

Persons working in a specialty occupation may initially be admitted to the U.S. for three years with possible extensions of up to three additional years. Please refer to the U.S. Citizenship and Immigration Services Web site for more information <http://uscis.gov/graphics/howdoi/h1b.htm>.

PERFORMING ARTISTS

Canadian performing artists (e.g. individuals or 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 U.S. for single or multiple performances, need a temporary employment visa. See **CANADIAN PERFORMERS: HOW TO ENTER THE UNITED STATES**, available from the Departments' Enquiries Service (SXGI) at **1 800-267-8376**, by fax at **(613) 996-9709**, by e-mail at enqserv@international.gc.ca, or on-line www.voyage.gc.ca/main/pubs/canadian_performers-en.asp.

If you are having trouble entering the U.S. as a Canadian performing artist, contact the Canadian Consulate General in New York City at **(212) 596-1600**.

MEDIUM- OR LOWER-SKILLED WORKERS

The **H-2B** non-agricultural category for temporary workers can be used by U.S.-based enterprises to hire medium- or lower-skilled workers 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 displaces U.S. workers capable of performing such services or labour, or if the employment of the temporary worker has an adverse effect on the wages and working conditions of U.S. workers.

Your prospective U.S. employer must file an **ETA 750 FORM**, available on-line www.ows.doleta.gov/foreign/pdf/eta750a.pdf with the local state job service office. The U.S. employer must also demonstrate that the basic recruiting, posting and advertising for qualified U.S. workers have been completed. If labour certification is approved, the prospective employer must then file the petition **FORM I-129** with the United States Citizenship and Immigration Services (USCIS). For additional information please refer to the USCIS Web site <http://uscis.gov/graphics/services/tempbenefits/TempWorker.htm>.

Once the I-129 petition is approved, temporary workers can then apply at a U.S. port of entry and will be issued an **I-94 (RECORD OF ENTRY DOCUMENT)**.

The initial period of stay authorized in the U.S. 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.

CANADA

INTERNATIONAL TRADE CANADA: www.itcan-cican.gc.ca

FOREIGN AFFAIRS CANADA: www.fac-aec.gc.ca

ENQUIRIES SERVICE

Tel.: 1 800-267-8376 (toll free in Canada)

or (613) 944-4000 (in the National Capital region
and outside Canada)

Fax: (613) 996-9709

TTY for the Deaf: (613) 944-9134

E-mail: enqserv@international.gc.ca

TRADE COMMISSIONER SERVICE: www.infoexport.gc.ca

Contact us by phone 1 800-551-4946

or (613) 944-4946 in Ottawa

CONSULAR AFFAIRS BUREAU: www.voyage.gc.ca

General:

Tel.: 1 800-267-6788 (in Canada and the U.S.)

or (613) 944-6788

E-mail: voyage@international.gc.ca

TTY: 1 800-394-3472 (in Canada and the U.S.)

or (613) 944-1310

TRAVEL INFORMATION AND COUNTRY TRAVEL REPORTS:

These publications www.voyage.gc.ca/alt/pubs.asp and reports www.voyage.gc.ca/dest/ctry/reportpage-en.asp are available for free on-line or can be ordered from the Enquiries Service. Country reports can also be accessed by telephone by calling 1 800-267-6788 (in Canada and the U.S.) or (613) 944-6788.

CONSULAR EMERGENCIES:

Tel.: (613) 996-8885 (call collect
from abroad)

E-mail: sos@international.gc.ca



CANADA BORDER SERVICES AGENCY (CBSA)

www.cbsa.gc.ca

Automated Customs Information Service

Tel.: 1 800-461-9999 (in Canada) or (204) 983-3500

or (506) 636-5064

Information for exporters

www.cbsa-asfc.gc.ca/export/menu-e.html

CANADA REVENUE AGENCY (CRA)

www.cra.gc.ca

International Tax Services Office

For Individuals: 1 800-959-8281 (English)

1 800-959-7383 (French)

For Business: 1 800-959-5525 (English)

1 800-959-7775 (French)

CITIZENSHIP AND IMMIGRATION CANADA (CIC)

www.cic.gc.ca

CIC Call Centre

Tel.: 1 888-242-2100 (in Canada)

Hearing impaired, with text telephone, can access the TTY
Service at 1 888-576-8502 (in Canada, from 8 a.m. to 4 p.m.).

PASSPORT OFFICE

www.ppt.gc.ca

Tel.: 1 800-567-6868 (in Canada)

Montreal (514) 283-2152

Ottawa-Gatineau (819) 994-3500

Toronto (416) 973-3251

Vancouver (604) 586-2500

CANADIAN GOVERNMENT OFFICES IN THE UNITED STATES

| <i>Location</i> | <i>Phone & Fax Number</i> | <i>Email & Internet Address</i> | <i>Territory</i> |
|-----------------------------------|---|--|--|
| Atlanta: | Tel.: 1 (404) 532-2000 Fax: 1 (404) 532-2050 | atnta@international.gc.ca www.can-am.gc.ca/atlanta | Alabama, Georgia, Mississippi, North and South Carolina, Tennessee, Puerto Rico and the U.S. Virgin Islands |
| Boston: | Tel.: 1 (617) 262-3760 Fax: 1 (617) 262-3415 | bostn@international.gc.ca www.can-am.gc.ca/boston | Maine, Massachusetts, New Hampshire, Rhode Island and Vermont |
| Buffalo: | Tel.: 1 (716) 858-9500 Fax: 1 (716) 852-4340 | bfalo@international.gc.ca www.can-am.gc.ca/buffalo | Pennsylvania, West Virginia, and the western and northern counties of New York state. |
| Chicago: | Tel.: 1 (312) 616-1860 Fax: 1 (312) 616-1877 | chcgo-cs@international.gc.ca www.can-am.gc.ca/chicago | Illinois, Indiana (counties of Jasper, Lake, Laporte, Newton and Porter), Iowa (cities of Bettendorf and Davenport), Kansas (Kansas City), Missouri and Wisconsin. |
| Dallas: | Tel.: 1 (214) 922-9806 Fax: 1 (214) 922-9815 | dalas@international.gc.ca www.can-am.gc.ca/dallas | Arkansas, Kansas, Louisiana, New Mexico, Oklahoma and Texas. |
| Detroit: | Tel.: 1 (313) 446-4747 Fax: 1 (313) 567-2164 | dtrot@international.gc.ca www.can-am.gc.ca/detroit | Indiana (except for the counties covered by Chicago), Kentucky, Michigan and Ohio. |
| Honolulu: | Tel.: 1 (808) 524-5050 Alt.: 1 (808) 524-5054 Fax: 1 (808) 531-5142 | | Hawaii |
| Los Angeles: | Tel.: 1 (213) 346-2700 Fax: 1 (213) 620-8827 | lngls@international.gc.ca www.can-am.gc.ca/los_angeles | Arizona, California, Guam, Hawaii, Nevada and Utah. |
| Miami: | Tel.: 1 (305) 579-1600 Fax: 1 (305) 374-6774 | miami@international.gc.ca www.can-am.gc.ca/miami | Florida. |
| Minneapolis: | Tel.: 1 (612) 333-4641 Fax: 1 (612) 332-4061 | mnpls@international.gc.ca www.can-am.gc.ca/minneapolis | Colorado, Iowa, Minnesota, Montana, Nebraska, North and South Dakota and Wyoming. |
| New York: | Tel.: 1 (212) 596-1628 Fax: 1 (212) 596-1666/1790 | cngny@international.gc.ca www.can-am.gc.ca/new_york | Connecticut, New Jersey, the eastern and southern counties of New York state, and Bermuda. |
| San Juan, Puerto Rico: | Tel: 1 (787) 759-6629 Fax: 1 (787) 294-1205 | | Puerto Rico. |
| Seattle: | Tel.: 1 (206) 443-1777 Fax: 1 (206) 443-9662 | seatl@international.gc.ca www.can-am.gc.ca/seattle | Alaska, Idaho, Oregon and Washington. |
| Washington: | Tel.: 1 (202) 682-1740 Fax: 1 (202) 682-7726 | wshdc-outpack@international.gc.ca www.canadianembassy.org | Delaware, District of Columbia, Maryland and Virginia. |

CANADIAN GOVERNMENT OFFICES IN MEXICO

Assistance and information may be sought in Mexico from the Consular Section of the Canadian Embassy and Canadian consulates throughout the country. When calling these offices

from within Mexico, you must dial 01 before the area code and number; when calling from outside Mexico, you must dial country code 52 beforehand.

| <i>Location</i> | <i>Phone & Fax Number</i> | <i>Email & Internet Address</i> |
|--------------------------|--|--|
| Mexico City | Tel.: 52 (55) 5724-7900; toll-free (within Mexico): 01 800-706-2900 Fax: 52 (55) 5724-7943 | E-mail: mxico@international.gc.ca www.canada.org.mx |
| Acapulco | Tel.: 52 (744) 484-1305, 481-1349 Fax: 52 (744) 484-1306 | E-mail: acapulco@canada.org.mx |
| Cancún | Tel.: 52 (998) 883-3360, 3361 Fax: 52 (998) 883-3232 | E-mail: cancun@canada.org.mx |
| Guadalajara | Tel.: 52 (33) 3615-6270, 3615-6215, 3615-6266, 3616-5642 Fax: 52 (33) 3615-8665 | E-mail: gjara@international.gc.ca |
| Mazatlán | Tel.: 52 (669) 913-73-20 Fax: 52 (669) 914-66-55 | E-mail: mazatlan@canada.org.mx |
| Monterrey | Tel.: 52 (81) 8344-32-00, 8344-27-53, 8344-29-06, 8344-29-61, 8345-9105, 8345-9045 Fax: 52 (81) 8344-30-48 | E-mail: mxicomntry@international.gc.ca |
| Oaxaca | Tel.: 52 (951) 513-3777 Fax: 52 (951) 515-2147 | E-mail: oaxaca@canada.org.mx |
| Puerto Vallarta | Tel.: 52 (322) 222-5398, 223-0858 Fax: 52 (322) 222-3517 | E-mail: vallarta@canada.org.mx |
| San José del Cabo | Tel.: 52 (624) 142-4333 Fax: 52 (624) 142-4262 | E-mail: loscabos@canada.org.mx |
| Tijuana | Tel.: 52 (664) 684-04-61 Fax: 52 (664) 684-03-01 | E-mail: tijuana@canada.org.mx |

U.S.A.

U.S. GOVERNMENT OFFICES IN CANADA

The U.S. Department of State maintains a number of diplomatic offices in Canada. The Embassy is located in Ottawa, and there are consulates general in Calgary, Halifax, Montreal, Quebec City,

Toronto and Vancouver. Each has U.S. consular officers available to help you with problems. Or consult the Embassy Web site www.usembassycanada.gov and select "Traveling to the U.S.A.?".

| <i>Location</i> | <i>Phone & Fax Number</i> | <i>Email & Internet Address</i> | <i>Territory</i> |
|---------------------|---|--|---|
| Ottawa: | Tel.: 1 800-283-4356 or (613) 238-5335 | www.usembassycanada.gov | eastern Ontario, western Quebec and Baffin Island. |
| Calgary: | Tel.: (403) 266-8962 | | Alberta, Manitoba, Saskatchewan and the Northwest Territories. |
| Halifax: | Tel.: (902) 429-2485 | | New Brunswick, Newfoundland and Labrador, Nova Scotia and Prince Edward Island. |
| Montreal: | Tel.: (514) 398-9695 | | southwestern Quebec. |
| Quebec City: | Tel.: (418) 692-2095 | | eastern Quebec and Nunavut. |
| Toronto: | Tel.: (416) 595-1700 | www.usconsulatetoronto.ca | western Ontario. |
| Vancouver: | Tel.: (604) 685-4311 | | British Columbia and Yukon. |
| Winnipeg | Tel.: (204) 940-1800 Fax: (204) 940-1809 | www.usconsulatetoronto.ca | |

U.S. ENTRY WAIVERS

Canadian citizens requiring waivers to enter the United States should call the U.S. Department of Homeland Security's Citizenship and Immigration Services (USCIS) office serving their area:

| | |
|------------------|----------------|
| Montreal | (514) 631-2097 |
| Ottawa | (613) 523-2105 |
| Toronto | (416) 929-6011 |
| Winnipeg | (204) 783-2340 |
| Calgary | (403) 221-1730 |
| Edmonton | (780) 890-4486 |
| Vancouver | (604) 278-3360 |

Waiver application forms are also available from any land port of entry to the United States or can be ordered by mail from the U.S. Embassy in Ottawa. Call the Embassy at 1 800-283-4356 or (613) 238-5335, press 2 for the menu and select U.S. Immigration. Follow the voice mail instructions to receive a package by mail.

For answers to questions about waivers, members of the general public may call the U.S. Department of Homeland Security's Citizenship and Immigration Services (USCIS) office in Buffalo at (716) 551-4741, ext. 6810, on Friday mornings from 8 a.m. to 12 noon.



U.S. IMMIGRATION

For general information, members of the public may call the U.S. Department of Homeland Security's Citizenship and Immigration Services (USCIS) office in Buffalo at (716) 551-4741, ext. 4101, on Monday, Wednesday and Friday mornings from 8 a.m. to 10 a.m., or consult the USCIS Web site. If you have questions about your immigration status, you may contact U.S. Department of Homeland Security's Citizenship and Immigration Services (USCIS) offices in:

| | |
|--|--|
| Champlain, NY | (518) 298-7900 (NAFTA; status enquiries on waivers) |
| Massena, NY | (315) 764-0310 (NAFTA) |
| Ogdensburg, NY | (315) 393-0770 |
| Ottawa Airport | (613) 523-2105 (10:30 a.m. and 2:00 p.m., otherwise a recording) |
| Peace Bridge, Buffalo, NY | (716) 885-3367 |
| Rainbow Bridge, Niagara Falls, NY | (716) 282-3141 |
| Thousand Islands, NY | (315) 482-2681 |

For marriage or immigration information, call 1 900-451-6330 (recording) or 1 900-451-2778 (to speak to a visa specialist). There is a fee for these calls. You may also consult the USCIS Web site.

ENTRY UNDER NAFTA

There are free trade specialists at the U.S. ports of entry listed below who may be able to give you detailed information and the necessary documentation you require. However, the specialists cannot guarantee the admission of any applicant.

| | |
|--------------------|----------------|
| Albany, NY | (518) 472-7140 |
| Blaine, WA | (206) 332-8511 |
| Buffalo, NY | (716) 885-3367 |

| | |
|-----------------------------|----------------|
| Calais, ME | (207) 454-2546 |
| Calgary, AB | (403) 221-1728 |
| Champlain, NY | (518) 298-8433 |
| Derby Line, VT | (802) 454-3316 |
| Detroit, MI | (313) 568-6019 |
| Eastport, ID | (208) 267-2183 |
| Edmonton, AB | (780) 890-4489 |
| Grand Portage, MN | (218) 475-2494 |
| Highgate Springs, VT | (802) 868-3349 |
| Houlton, ME | (207) 945-0041 |
| Int'l Falls, MN | (218) 283-8611 |
| Jackman, ME | (207) 668-3151 |
| Madawaska, ME | (207) 728-4565 |
| Niagara, NY | (716) 282-3141 |
| Norton, VT | (802) 822-5217 |
| Noyes, MN | (218) 823-6291 |
| Oroville, WA | (509) 476-3132 |
| Port Huron, MI | (810) 982-0493 |
| Portal, ND | (701) 926-4221 |
| Richford, VT | (802) 848-7766 |
| Sault Ste. Marie, ON | (906) 632-8822 |
| Sumas, WA | (206) 988-4781 |
| Sweetgrass, MT | (406) 335-2911 |
| Thousand Island, NY | (315) 482-2681 |
| Toronto, ON | (905) 676-2563 |
| Van Buren, ME | (207) 868-2202 |
| Vanceboro, ME | (207) 788-3813 |
| Vancouver, BC | (604) 278-2520 |
| Winnipeg, MB | (204) 783-5747 |

OFFICES OF U.S. CUSTOMS AND BORDER PROTECTION (CBP)

www.cbp.gov

The office of the U.S. Customs and Border Protection Attaché is located at the U.S. Embassy in Ottawa and may be contacted as follows:

Embassy of the United States of America
U.S. Customs and Border Protection Attaché
P.O. Box 866, Station B
Ottawa, ON K1P 5T1
Tel.: 1 800-283-4356 or (613) 238-5335, ext. 322

U.S. Customs and Border Protection preclearance stations in Canada can be contacted at the following numbers:

| | |
|------------------|----------------|
| Calgary | (403) 221-1734 |
| Edmonton | (780) 890-4515 |
| Montreal | (514) 636-3859 |
| Ottawa | (613) 523-8120 |
| Toronto | (905) 676-2606 |
| Vancouver | (604) 278-7422 |
| Victoria | (250) 384-1894 |
| Winnipeg | (204) 783-2062 |

In the United States, U.S. Customs and Border Protection can be contacted at the following border points:

| | |
|-----------------------------|----------------|
| Calais, ME | (207) 454-3690 |
| Houlton, ME | (207) 532-2131 |
| Highgate Springs, VT | (802) 868-2778 |
| Derby Line, VT | (802) 873-3489 |
| Champlain, NY | (518) 298-8347 |
| Ogdensburg, NY | (315) 393-1390 |
| Buffalo, NY | (716) 551-5200 |

| | |
|-----------------------|----------------|
| Detroit, MI | (313) 226-6061 |
| Pembina, ND | (701) 825-6551 |
| Sweetgrass, MT | (406) 335-2434 |
| Blaine, WA | (360) 332-5771 |

U.S. TAX INFORMATION

www.irs.ustreas.gov

For information on U.S. tax laws and regulations as they may affect Canadians, contact:

United States Internal Revenue Office Tel.: (215) 516-2000

In the United States: Tel.: 1 800-TAX-FORM (829-3676)

USEFUL LINKS

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS)
<http://uscis.gov>

INTRODUCTION TO E-FILING –

<http://uscis.gov/graphics/formsfee/forms/eFiling.htm>

Available Forms:

- I-90 – Application to Replace Permanent Residence Card
- I-129 – Petition for a Nonimmigrant Worker
- I-129S – Nonimmigrant Petition Based on Blanket L Petition
- I-131 – Application for Travel Document
- I-140 – Immigrant Petition for Alien Worker
- I-539 – Application to Extend/Change Nonimmigrant Status
- I-765 – Application for Employment Authorization
- I-821 – Application for Temporary Protected Status
- I-907 – Request for Premium Processing Service

INFORMATION FOR TEMPORARY WORKERS

<http://uscis.gov/graphics/services/tempbenefits/TempWorker.htm>

DEPARTMENT OF HOMELAND SECURITY www.dhs.gov

U.S. CUSTOMS & BORDER PROTECTION www.cbp.gov

APPLICATION FORMS AND FEE INFORMATION

<http://uscis.gov/graphics/formsfee/forms>

CERTIFICATION OF FOREIGN HEALTH CARE WORKERS

- frequently asked questions

http://uscis.gov/graphics/howdoi/Health_Cert.htm

U.S. SERVICE CENTERS http://uscis.gov/graphics/fieldoffices/service_centers/index.htm

U.S. NAFTA HANDBOOK

<http://uscis.gov/graphics/shared/lawenfor/bmgmt/inspect/naftahan.pdf>

U.S. CONSULATE IN TORONTO www.usconsulatetoronto.ca

ACADEMIC HONORARIUM FOR VISITING B NONIMMIGRANT ALIENS

<http://uscis.gov/graphics/lawsregs/handbook/academichon.pdf>

U.S. DEPARTMENT OF STATE: BORDER COUNTRIES

- Canada and Mexico

<http://travel.state.gov/tcn.html>

US VISIT

www.dhs.gov/dhspublic/interapp/content_multi_image/content_multi_image_0006.xml

HOW DO I ENTER THE UNITED STATES AS A COMMERCIAL TRUCK DRIVER?

www.cbp.gov/xp/cgov/import/carriers/how.xml

WHAT GIVES CUSTOMS THE RIGHT TO SEARCH ME?

www.cbp.gov/xp/cgov/travel/leavingarrivinginUS/right_to_search.xml



MEXICO

MEXICAN GOVERNMENT OFFICES IN CANADA

| <i>Location</i> | <i>Phone & Fax Number</i> | <i>Internet Address</i> |
|------------------|---|--|
| Ottawa | Tel.: (613) 233-8988 Fax: (613) 235-9123 | www.embamexcan.com |
| Montreal | Tel.: (514) 288-2502, 288-2707 and 288-4916 Fax: (514) 288-8287 | www.consulmex.qc.ca mcosio@consulmex.qc.ca |
| Toronto | Tel.: (416) 368-2875, 368-1847 and 368-8141 Fax: (416) 368-8342 and 368-9384 | www.consulmex.com cgmToronto@consulmex.com |
| Vancouver | Tel.: (604) 684-3547, 684-1859 and 683-0674 Fax: (604) 684-2485 | www.consulmexvan.com mexico@consulmexvan.com |
| Calgary | Tel.: (403) 444-5399 Tel.: (403) 444-6966 Fax: (403) 444-6766 | |

MEXICAN CUSTOMS AGENCY (Spanish only)
www.aduanas.sat.gob.mx

VISA INFORMATION
www.embamexcan.com/CONSULAR/VisaInfo.shtml

NATIONAL MIGRATION INSTITUTE OFFICE (Spanish only)
www.inami.gob.mx

MINISTRY OF THE ECONOMY www.nafta-mexico.org

DOING BUSINESS IN MEXICO – Labour Law
www.nafta-mexico.org/sphp_pages/canada/invierte/doing_business/labor_law.htm

PROFESSIONALS PRACTICING IN MEXICO
www.nafta-mexico.org/sphp_pages/canada/invierte/doing_business/professionals_practicing_in_me.htm

MEXICAN MINISTRY OF TOURISM
24-hour telephone number for tourists requiring assistance in any part of Mexico:
Tel.: **01 800-903-9200**;
in Mexico City: **5250-0123**



