


3-1-2000

## The Movement of Professionals, Technicians, and Other Workers Across NAFTA Borders

William J. Benos

Follow this and additional works at: <https://digitalrepository.unm.edu/usmexlj>

 Part of the [International Law Commons](#), [International Trade Law Commons](#), and the [Jurisprudence Commons](#)

### Recommended Citation

William J. Benos, *The Movement of Professionals, Technicians, and Other Workers Across NAFTA Borders*, 8 U.S.-Mex. L.J. 25 (2000).  
Available at: <https://digitalrepository.unm.edu/usmexlj/vol8/iss1/7>

This Article is brought to you for free and open access by the Law Journals at UNM Digital Repository. It has been accepted for inclusion in United States - Mexico Law Journal by an authorized editor of UNM Digital Repository. For more information, please contact [disc@unm.edu](mailto:disc@unm.edu).

# THE MOVEMENT OF PROFESSIONALS, TECHNICIANS, AND OTHER WORKERS ACROSS NAFTA BORDERS

WILLIAM J. BENOS\*

The implementation of the North American Free Trade Agreement ("NAFTA") since January 1, 1994 has created significant opportunities for greater freedom of movement for those traveling between NAFTA member nations for business purposes. Even so, the goal of seamless passage across the borders between the United States and Mexico and the United States and Canada still faces serious challenges and impediments. This article discusses the key immigration provisions implemented under NAFTA for the temporary entry of business persons, and recent developments that pose challenges to and opportunities for freer cross-border movement of professionals, technicians and other workers.

## A. NONIMMIGRANT VISA OPTIONS UNDER NAFTA

Many transactions and business activities invariably involve, or depend for their success upon, the cross-border movement of key executives, managers and members of a specialized workforce. It goes without saying that the efficient and unimpeded movement of such persons and personnel is critical for such business activities to be concluded efficiently and profitably. Described below are some of the advantageous immigration alternatives that are available to facilitate the cross-border movement of personnel between the United States, Mexico and Canada. The scope of the topics covered below is limited to nonimmigrant visas available under NAFTA and related immigration developments which are unique to the United States, Mexico and Canada.

The provisions of NAFTA which embody the commitments of the United States, Canada and Mexico with respect to the temporary entry of business persons into these countries are contained in Chapter 16. With NAFTA, the United States, Canada and Mexico did not intend to create a common market for labor, nor did they seek to harmonize the requirements for business entry between them. Instead, NAFTA created a platform of common criteria, definitions and principles which could later be used for the integration of additional member countries. NAFTA provisions only apply to the temporary entry of certain business persons and does not affect permanent immigration. Pursuant to Chapter 16 of NAFTA, each member country agreed to permit four basic categories of business persons who are citizens of a member country to be granted temporary entry. The four basic categories are as follows.

---

\* William J. Benos is a partner with Williams Mullen Clark & Dobbins. He is a member of the Firm's International Practice Section and heads its Immigration and Naturalization Practice Group. Mr. Benos was awarded his LL.B by the University of Western Ontario School of Law in 1982 and his JD by the University of Richmond in 1988. Mr. Benos began his practice of law in Ontario, Canada after being admitted to the Law Society of Upper Canada in 1984, and then continued his practice in Richmond, Virginia after being admitted to the Virginia State Bar in 1988. As an Associate Adjunct Professor of Law at the University of Richmond School of Law, Mr. Benos teaches a practical seminar course which focuses on international business and commercial law. Mr. Benos is a member of the American Immigration Lawyers Association, the American Bar Association, and is a Past-Chair of the International Practice Section of the Virginia State Bar. This article has been updated to be current as of April 17, 2000.

### 1. *B-1 Category*

Business visitors who are engaged in international business activities may enter a NAFTA member country in B-1 status for the purposes of conducting research and design (i.e., technical, scientific, and statistical researchers), growth, manufacture and production (i.e., harvester owner supervising a harvesting crew; purchasing and production management personnel), marketing (i.e., marketing researchers and analysts; trade fair and promotional personnel), sales (i.e., sales representatives and agents negotiating contracts; buyers), distribution (i.e., transportation operators; customs brokers), after-sales service (i.e., installers, repair and maintenance personnel, and supervisors, possessing specialized knowledge essential to the seller's contractual obligations), and general service (i.e., professionals, management, financial services, public relations, and tourism personnel).<sup>1</sup> Such business visitors are admitted in what is known as the B-1 visitor category.

The vast majority of business persons traveling between the United States, Mexico and Canada are admitted under the B-1 category. Such persons may enter to (i) engage in commercial transactions that do not involve gainful employment, (ii) negotiate contracts, (iii) consult with business associates, (iv) litigate, (v) participate in scientific, educational, professional or business conventions, conferences or seminars, or (vi) undertake independent research.<sup>2</sup> In addition to not engaging in gainful employment, the benefit of the activity must accrue to an entity abroad.

Citizens of Canada, unlike citizens of Mexico and nationals of other countries (except those entering under the Visa Waiver Pilot Program), do not need to obtain a visa from a U.S. consulate abroad to enter the United States in this category. Citizens of Canada and Mexico who wish to enter the United States as business visitors must present proof of citizenship in the case of Canadian applicants, and valid entry documents such as a passport and visa or Mexican border crossing card in the case of Mexican applicants, a description of the purpose of the entry, and evidence to demonstrate that they are engaged in one of the occupations or professions set forth in Appendix 1603.A.1 of NAFTA.<sup>3</sup> B-1 visitors may enter the United States for not more than one year and may apply for extensions in increments of not more than six months at a time.<sup>4</sup>

### 2. *E-1/E-2 Categories*

Traders who carry on substantial trade in goods or services between NAFTA member countries, and investors who wish to commit significant capital to a member country, provided they are supervisory or executive personnel or have essential skills, fall within the treaty trader and treaty investor E-1 and E-2 categories.<sup>5</sup> These visa categories are also available to nationals of other countries

---

1. 8 CFR § 214.2(b)(4)(i).

2. 8 CFR § 214.2(b)(4).

3. *Id.*

4. 8 CFR § 214.2(b)(1).

5. Immigration & Nationality Act (INA) § 101(a)(15)(E), 8 USC § 1001(a)(15)(e) (1996).

with which the United States has entered into a treaty of commerce and navigation, and, as such are not unique to citizens of Mexico and Canada.

### 3. *L-1 Category*

Persons who are employed in a managerial or executive capacity or in a capacity that involves specialized knowledge, who have been employed with the transferring company for twelve months, and who are being transferred to an appropriately affiliated entity in a member country, may qualify for entry in the L-1 visa category.<sup>6</sup>

Citizens of countries other than NAFTA members must submit their petitions to the Immigration and Naturalization Service (the "INS") for approval prior to their entry. Under NAFTA, Canadian citizens (but not citizens of Mexico) may by-pass this time-consuming process by submitting their petitions in person at a Class A port-of-entry or a designated pre-flight inspection station, provided their case is clearly approvable.<sup>7</sup>

### 4. *TN Category*

The TN category of visa is unique to citizens of NAFTA member nations and is not available to citizens of other countries. Specified professionals who meet minimum educational requirements or who possess designated credentials or licensures and experience, and who seek to engage in professional occupations in a NAFTA member country, may be admitted into the United States for up to one year in what is known as the TN category. The TN category is the successor to the TC category, which was created under the U.S.-Canada Free Trade Agreement. Whereas professionals typically use the H-1B visa category, NAFTA created a new category, TN, which is available to citizens of Canada and Mexico.

In order to qualify for TN status, in addition to being a citizen of the NAFTA member country, a business professional seeking to enter the United States must fall within one of the occupations listed on Schedule 2 of Chapter 16 of NAFTA. The occupations and the minimum requirements to be met in each case are listed in Appendix A which is included at the end of this article. The business professional must possess a baccalaureate degree or other enumerated credentials that demonstrate his or her professional status.<sup>8</sup>

Canadian citizens, unlike citizens of Mexico, are eligible for port-of-entry adjudication as TNs without first having to obtain a visa from a U.S. consulate abroad. The significant advantages of the TN category are (i) there is no numerical limitation such as that which currently exists in the H-1B visa category, (ii) TN visas are renewable indefinitely as long as the business professional remains employed in the professional occupation (unlike the six-year limitation under the H-1B visa category), and (iii) at least for citizens of Canada, TN visas are processed expeditiously at a border crossing or pre-flight inspection station.<sup>9</sup>

---

6. INA § 101(a)(15)(L).

7. 8 CFR § 214.2(1)(17).

8. 8 CFR § 214.6(c).

9. 8 CFR § 214.6(e).

Citizens of Mexico may obtain TN visa status by first having the U.S. employer file a petition and an approved labor condition application with the INS Nebraska Service Center.<sup>10</sup> The applicant must then take his or her approval to a U.S. consulate in Mexico and apply for the actual visa. Even though this is a process that is more cumbersome than that for Canadians, the TN visa may be valuable for Mexican professionals if the annual H-1B visa cap is reached (as it has for the past few years), and if there is a need to extend the person's period of stay beyond the six-year limit in the H-1B category.

The TN visa category may not be used by persons seeking to enter the United States for purposes of self-employment, even though the citizen of Mexico or Canada may be self-employed in his or her own country.<sup>11</sup> Furthermore, the business activity may not be performed for a company in the United States of which the Canadian or Mexican citizen is the sole or controlling shareholder or owner. Spouses and family members who accompany or follow the TN visa holder are eligible for TD (Trade Dependent) status,<sup>12</sup> but are not, at this time, permitted to be employed in the United States by virtue of holding such status.

## B. CURRENT ISSUES AND NEW DEVELOPMENTS

Current delays at border crossings are estimated to cost businesses an estimated US\$2 billion annually.<sup>13</sup> For business travelers to avoid unnecessary delays, they should understand existing and potential barriers to cross-border travel and some developing immigration options that are available to circumvent such barriers.

### 1. Section 110 of IIRAIRA

Section 110, a provision of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRAIRA"),<sup>14</sup> calls for the establishment of a computer system to automatically track and record every alien's arrival in and departure from the United States. Although the measure has yet to take effect, it has generated considerable controversy among lawmakers, attorneys and business professionals. Section 110 was scheduled to go into effect in October of 1998. However, when the INS notified Congress at that time that it was not ready to implement the provision at 39 U.S. border crossings, the legislature decided to postpone implementation until March 30, 2001. Part of this compromise was the decision that a further extension would be granted if a workable system was not available by the time of the deadline.

Opponents of Section 110 assert that its implementation would effectively close the U.S. border. Although the provision could be implemented with little or no impact at airport terminals, border crossings at land points could potentially be delayed by as much as 24 hours as immigration officials would be required to

---

10. 8 CFR § 214.6(d)(1).

11. 8 CFR § 214.6(b); See also 63 Fed. Reg. 1331 (Jan. 9, 1998).

12. 8 CFR § 214.6(j).

13. *U.S. Border Plan Slammed; American Senators Want ID Proposal Killed*, THE CALGARY SUN, March 27, 1999 at 22, available in 1999 WL 13063399.

14. *Illegal Immigration Reform and Immigrant Responsibility Act*, Div. C. Pub. L. No. 104-208, 110 Stat. 3009 (Sept. 30, 1996).

record each individual arrival and departure. Such delays could easily result in billions of dollars of additional losses for shippers and business travelers due to potential increases in transit costs. Opponents of the measure also point out that the INS has done very little towards implementing a workable system. The INS has conducted some limited testing of magnetic cards in airports; however, there is little reason to anticipate that the INS will meet the 2001 deadline.<sup>15</sup>

On June 22, 1999, a Senate bill to repeal Section 110 was passed. This bill was co-sponsored by Senators Olympia Snowe, Slade Gorton and Spencer Abraham and had the backing of a contingent of northern lawmakers.<sup>16</sup> The Senate has twice before passed bills to eliminate Section 110; however, on both occasions the House of Representatives voted down similar measures. In April 1999, Representative Fred Upton of Michigan introduced a companion bill to the Senate's current attempt to kill Section 110 in the House.<sup>17</sup> This time lawmakers are predicting that immigration proponents may have the votes to carry the bill in the House as well.<sup>18</sup>

Representative Lamar Smith of Texas is leading the opposition to the effort, arguing that Section 110 should simply be delayed until the technology is available to make a painless implementation possible. Frustration over the inefficiency of the INS in developing a workable system, and the uncertainty over whether a functioning program will ever exist may finally result in Section 110's final defeat.<sup>19</sup> Stay tuned.

## 2. *New Developments for Facilitated Cross-Border Travel*

The INS has recently developed procedures to facilitate cross-border movement for frequent and low-risk travelers. These programs, though still in the testing phase, offer considerable advantages to business professionals and investors who are able to take advantage of them.

### PORTPASS

The INS is implementing programs to expedite entry for U.S. citizens, permanent residents of selected countries and non-immigrants holding B-1, E or L-1 visas as well as nationals of Visa Waiver Pilot Program member countries, Canada and Bermuda. These programs, collectively labeled PORTPASS,<sup>20</sup> are currently in the testing phase at selected locations. PORTPASS members are eligible to enter the United States at the Canadian-U.S. and Mexican-U.S. land borders via dedicated commuter lanes ("DCLs") or automated permit ports ("APPs"). DCLs are special lanes available to frequent travelers at busy border locations.<sup>21</sup> APPs are completely automated border stations operating for limited hours at remote areas on the

---

15. *Congress Delays Implementation of Foreigner Tracking Law*, THE SAN DIEGO UNION-TRIBUNE, October 4, 1998 at A8, available in 1998 WL 20051255.

16. *Senate Votes to Repeal Law on Border Checks*, BANGOR DAILY NEWS, June 23, 1999, available in 1999 WL 19801979.

17. *Border Checks Could Cut Business, Tourism at U.S. Crossing Points*, GANNETT NEWS SERVICE, March 27, 1999, available in 1999 WL 6964861.

18. *U.S. Congress in Talks on Border Delays*, FINANCIAL POST, March 23, 2000, available in 2000 WL 16226391.

19. *Id.*

20. 8 CFR § 235.7(a).

21. 8 CFR § 235.7(a)(iii).

northern border of the U.S. and are available for low-risk travelers.<sup>22</sup> Eligible participants include U.S. citizens and permanent residents, Canadian and Mexican citizens, Canadian landed immigrants and certain designated nonimmigrants. B-1 visa holders are admissible under PORTPASS.

PORTPASS applicants submit INS Form I-823 at the point of entry. Applicants for DCL usage must include an application fee of US\$25.00.<sup>23</sup> There is currently no application fee to use an APP.<sup>24</sup> Applications must be accompanied by evidence of citizenship and immigration status.<sup>25</sup> To obtain DCL approval, a vehicle registration fee of US\$80.00 is also required.<sup>26</sup> DCLs are currently in operation in Blaine, Washington; Scobey, Montana; Detroit, Michigan; San Diego, California; and, El Paso, Texas.

When a PORTPASS application is approved, an INS official stamps the applicant's passport and, if applicable, makes a notation on the applicant's I-94 card. INS officials generally admit applicants under PORTPASS for periods of six months, regardless of the duration of their visa. If a PORTPASS is issued to an applicant for a period of less than six months, the applicant ought not dispute his or her granted length of stay at the border point. Instead, if the applicant requires a longer duration of stay for his or her visit, he or she should seek an extension after he or she is admitted into the United States.

### INSPASS

The INS Passenger Accelerated Service System ("INSPASS"), which is part of the Portpass program, allows eligible frequent air traveler participants to receive expedited service via automated inspection. INS currently offers INSPASS at international airports at: Los Angeles, Miami, Newark, New York (JFK), San Francisco, Washington-Dulles and the U.S. pre-clearance sites at Vancouver and Toronto.<sup>27</sup>

Approximately 45,000 persons have participated in the program since 1995, with more than 300,000 admissions. In no instance has the INS discovered a case of fraud perpetrated by an INSPASS participant.<sup>28</sup> This success has resulted in interest within the INS in expanding the program.

Applications for the INSPASS program are made on INS Form I-823 and are accepted in-person at any INSPASS Enrollment Center. Adjudication generally requires only a few minutes. Applicants may also submit applications by mail; however, final processing must be conducted at an Enrollment Center. Once granted membership, INSPASS travelers may make repeated entries and exits from any participating airport for one year, or until expiration of the applicant's current visa status.

The following table depicts the application particulars for each currently participating airport.

---

22. 8 CFR § 235.7(a)(ii).

23. 8 CFR § 103.7(b)(1).

24. INS Form I-823 (Rev. 08-24-95).

25. 8 CFR § 235.7(a)(4)(iv).

26. 8 CFR § 103.7(b)(1).

27. See INS Passenger Accelerated Service System, (visited April 12, 2000) <[www.ins.usdoj.gov/graphics/lawenfor/bmgmt/inspect/inspass.htm](http://www.ins.usdoj.gov/graphics/lawenfor/bmgmt/inspect/inspass.htm)>.

28. *Id.*

INSPASS APPLICATION PARTICULARS AT PARTICIPATING AIRPORTS		
Location / Airport	In-Person Enrollment Centers	Mailing Address
Los Angeles, CA Los Angeles International Airport	- International Arrivals Level; M-F 8:00 a.m.-9:00 p.m.; Sat. 8:00 a.m.- 4:00 p.m.	U.S. INS – INSPASS 380 World Way Box N-20 Los Angeles, CA 90045
Miami, FL Miami International Airport	- International Arrivals Level, Concourse B; Daily 8:00 a.m.-8:00 p.m.	U.S. INS – INSPASS P.O. Box 997895 Miami, FL 33299-7895
Newark, NJ Newark International Airport	- Terminal B, Near Customs; Daily 12:00 p.m.-8:00 p.m.	U.S. INS – INSPASS P.O. Box 2010 Newark, NJ 07114-2010
New York, NY JFK International Airport	- International Arrivals, Terminal 4; Daily 4:00 p.m.-8:00 p.m. - American Airlines, Terminal 8, Second Floor; Daily 3:00 p.m.-7:00 p.m. - British Airways, Terminal 7, Arrival Meeting Area; Daily 7:00 a.m.-11:00 a.m. / 4:00 p.m.- 8:00 p.m. - Delta Airlines, Terminal 2, Third Floor; Daily 1:00 p.m.-8:00 p.m.	U.S. INS – INSPASS P.O. Box 300766 JFK Airport Station Jamaica, NY 11430
San Francisco, CA San Francisco International Airport	- International Terminal D, Arrival Level Mon. – Sat. TBD	U.S. INS P.O. Box 280551 San Francisco, CA 94128 ATTN: INSPASS Enrollment Center
Toronto, Canada Pearson International Airport	- Terminal 2, U.S. Federal Inspection Services (FIS) Area; Daily 5:30 a.m.-7:00 p.m. - Terminal 3, Near FIS Area; Daily 5:30 a.m.-7:00 p.m.	U.S. INS Pearson International Airport P.O. Box 6011 Toronto AMF Ontario, Canada, L5P 1B2
Vancouver, Canada Vancouver International Airport	- Departure Level, Near FIS Area; Mon. – Sat. 6:00 a.m.-6:00 p.m.	U.S. INS – INSPASS P.O. Box 24139 Airport Postal Outlet Richmond, B.C., Canada V7B 1Y3
Washington, D.C. Dulles International Airport	- Main Terminal, Arrivals Level, West End Mon. – Sat. 10:00 a.m.-6:00 p.m.	U.S. INS – INSPASS P.O. Box 17775 Washington, D.C. 20041



When arriving at a designated port of entry, INSPASS holders insert their INSPASS cards into a kiosk card reader. The traveler is then prompted to place their hand in a "hand geometry" reader for the taking of a biometric scan. This process validates the traveler's identity. U.S. permanent residents and Canadian and Bermudan nonimmigrants are issued receipts. Other INSPASS members are issued special I-94 documents. Typical processing times are between 15 and 20 seconds per automated inspection.<sup>29</sup>

### 3. *The Three and Ten-Year Bars Under IIRAIRA*

Even though the concept of the three and ten-year bars under IIRAIRA is no longer new, their implementation and enforcement continue to create problems and pitfalls for persons who enter the United States. In the very simplest of terms, persons who enter the United States and thereafter overstay their permitted duration of stay or who otherwise lose their status through, for example, engaging in unauthorized employment, are subject to being barred from re-entering the United States for three or ten years.

If the overstay or loss of status continues for a continuous period of 180 days, the foreign national may be barred from re-entry for three years.<sup>30</sup> If the overstay or loss of status continues for a continuous period of one year, the foreign national may be barred from re-entry for ten years.<sup>31</sup> In light of the severity of these penalties, business visitors to the United States should exercise extreme care with respect to the abiding by the duration of their stay and the permitted activities under their visa status.

## C. CONCLUSION

In conclusion, the movement of professionals, technicians and other workers across NAFTA borders has been significantly impacted by the implementation of NAFTA. Business persons who are planning their business affairs and investments should become familiar with and take advantage of the NAFTA visa categories to travel back and forth to the United States. This will become even more important as the new developments being implemented to facilitate cross-border business travel, such as INSPASS and PORTPASS, come in effect. In addition, it is of critical importance to be aware of the new requirements and pitfalls that exist under IIRAIRA, namely the specter of Section 110 and the three and ten-year bars. As with other aspects of cross-border commerce, careful planning and attention to detail can save many headaches and delays down the road.

\* \* \*

---

29. *Id.*

30. INA § 212(a)(9)(B)(i)(I), 8 USC § 1182(a)(9)(B)(i)(I) (1996).

31. INA § 212(a)(9)(B)(i)(II), 8 USC § 1182(a)(9)(B)(i)(II) (1996).

## APPENDIX A

LIST OF NAFTA TN OCCUPATIONS AND REQUIREMENTS  
[8 C.F.R. § 214.6]*§214.6 Canadian and Mexican citizens seeking temporary entry to engage in business activities at a professional level.*

(a) *General.* Under section 214(e) of the act, a citizen of Canada or Mexico who seeks temporary entry as a business person to engage in business activities at a professional level may be admitted to the United States in accordance with the North American Free Trade Agreement (NAFTA).

(b) *Definitions.* As used in this section, the terms:

*Business activities at a professional level* means those undertakings which require that, for successful completion, the individual has a least a baccalaureate degree or appropriate credentials demonstrating status as a professional in a profession set forth in Appendix 1603.D.1 of the NAFTA.

*Business person*, as defined in the NAFTA, means a citizen of Canada or Mexico who is engaged in the trade of goods, the provision of services, or the conduct of investment activities.

*Engage in business activities at a professional level* means the performance of prearranged business activities for a United States entity, including an individual. It does not authorize the establishment of a business or practice in the United States in which the professional will be, in substance, self-employed. A professional will be deemed to be self-employed if he or she will be rendering services to a corporation or entity of which the professional is the sole or controlling shareholder or owner.

*Temporary entry*, as defined in the NAFTA, means entry without the intent to establish permanent residence. The alien must satisfy 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 United States will end at a predictable time and that he or she will depart upon completion of the assignment.

(c) *Appendix 1603.D.1 to Annex 1603 of the NAFTA.* Pursuant to the NAFTA, an applicant seeking admission under this section shall demonstrate business activity at a professional level in one of the professions set forth in Appendix 1603.D.1 to Annex 1603. The professions in Appendix 1603.D.1 and the minimum requirements for qualification for each are as follows:<sup>A-1</sup>

---

A-1 A business person seeking temporary employment under this Appendix may also perform training functions relating to the profession, including conducting seminars.

## APPENDIX 1603.D.1 (ANNOTATED)

- Accountant-Baccalaureate or Licenciatura Degree; or C.P.A., C.A., C.G.A., or C.M.A.
- Architect-Baccalaureate or Licenciatura Degree; or state/provincial license.<sup>A-2</sup>
- Computer Systems Analyst- Baccalaureate or Licenciatura Degree; or Post-Secondary Diploma<sup>A-3</sup> or Post Secondary Certificate<sup>A-4</sup> and three years experience.
- Disaster relief insurance claims adjuster (claims adjuster employed by an insurance company located in the territory of a Party, or an independent claims adjuster)- Baccalaureate or Licenciatura Degree and successful completion of training in the appropriate areas of insurance adjustment pertaining to disaster relief claims; or three years experience in claims adjustment and successful completion of training in the appropriate areas of insurance adjustment pertaining to disaster relief claims.
- Economist—Baccalaureate or Licenciatura Degree.
- Engineer—Baccalaureate or Licenciatura Degree; or state/provincial license.
- Forester—Baccalaureate or Licenciatura Degree; or state/provincial license.
- Graphic Designer—Baccalaureate or Licenciatura Degree; or Post-Secondary Diploma or Post-Secondary Certificate and three years experience.
- Hotel Manager—Baccalaureate or Licenciatura Degree in hotel/restaurant management; or Post-Secondary Diploma or Post Secondary Certificate in hotel/restaurant management and three years experience in hotel/restaurant management.
- Industrial Designer—Baccalaureate or Licenciatura Degree; or Post-Secondary Diploma or Post Secondary Certificate, and three years experience.
- Interior Designer—Baccalaureate or Licenciatura Degree or Post-Secondary Diploma or Post-Secondary Certificate, and three years experience.
- Land Surveyor—Baccalaureate or Licenciatura Degree or state/provincial/federal license.
- Landscape Architect—Baccalaureate or Licenciatura Degree.
- Lawyer (including Notary in the province of Quebec)—L.L.B., J.D., L.L.L., B.C.L., or Licenciatura degree (five years); or membership in a state/provincial bar.
- Librarian—M.L.S., or B.L.S. (for which another Baccalaureate or Licenciatura Degree was a prerequisite).
- Management Consultant—Baccalaureate or Licenciatura Degree; or equivalent professional experience as established by statement or professional credential

---

A-2 The terms “state/provincial license” and “state/provincial/federal license” mean any document issued by a state, provincial, or federal government, as the case may be, or under its authority, but not by a local government, that permits a person to engage in a regulated activity or profession.

A-3 Post Secondary Diploma” means a credential issued, on completion of two or more years of post secondary education, by an accredited academic institution in Canada or the United States.

A-4 “Post Secondary Certificate” means a certificate issued, on completion of two or more years of post secondary education at an academic institution, by the federal government of Mexico or a state government in Mexico, an academic institution recognized by the federal government or a state government, or an academic institution created by federal or state law.

- attesting to five years experience as a management consultant, or five years experience in a field of specialty related to the consulting agreement.
- Mathematician (including Statistician)—Baccalaureate or Licenciatura Degree.
  - Range Manager/Range Conservationist—Baccalaureate or Licenciatura Degree.
  - Research Assistant (working in a post-secondary educational institution)—Baccalaureate or Licenciatura Degree.
  - Scientific Technician/Technologist<sup>A-5</sup>—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) the 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—Baccalaureate or Licenciatura Degree.
  - Sylviculturist (including Forestry Specialist)—Baccalaureate or Licenciatura Degree.
  - Technical Publications Writer—Baccalaureate or Licenciatura Degree, or Post-Secondary Diploma or Post-Secondary Certificate, and three years experience.
  - Urban Planner (including Geographer)—Baccalaureate or Licenciatura Degree.
  - Vocational Counselor—Baccalaureate or Licenciatura Degree.

#### MEDICAL/ALLIED PROFESSIONALS

- Dentist—D.D.S., D.M.D., Doctor en Odontologia or Doctor en Cirugia Dental or state/provincial license.
- Dietitian—Baccalaureate or Licenciatura Degree; or state/provincial license.
- Medical Laboratory Technologist (Canada)/Medical Technologist (Mexico and the United States)<sup>A-6</sup>—Baccalaureate or Licenciatura Degree; or Post-Secondary Diploma or Post-Secondary Certificate, and three years experience.
- Nutritionist—Baccalaureate or Licenciatura Degree.
- Occupational Therapist—Baccalaureate or Licenciatura Degree; or state/provincial license.
- Pharmacist—Baccalaureate or Licenciatura Degree; or state/provincial license.
- Physician (teaching or research only)—M.D. Doctor en Medicina; or state/provincial license.
- Physiotherapist/Physical Therapist—Baccalaureate or Licenciatura Degree; or state/provincial license.
- Psychologist—state/provincial license; or Licenciatura Degree.
- Recreational Therapist—Baccalaureate or Licenciatura Degree.
- Registered nurse—state/provincial license or Licenciatura Degree.
- Veterinarian—D.V.M., D.M.V., or Doctor en Veterinaria; or state/provincial license.

---

A-5 A business person in this category must be seeking temporary entry for work in direct support of professionals in agricultural sciences, astronomy, biology, chemistry, engineering, forestry, geology, geophysics, meteorology or physics.

A-6 A business person in this category must be seeking temporary entry to perform in a laboratory chemical, biological, hematological, immunologic, microscopic or bacteriological tests and analyses for diagnosis, treatment, or prevention of diseases.

## SCIENTIST

- Agriculturist (including Agronomist)—Baccalaureate or Licenciatura Degree.
- Animal Breeder—Baccalaureate or Licenciatura Degree.
- Animal Scientist—Baccalaureate or Licenciatura Degree.
- Apiculturist— Baccalaureate or Licenciatura Degree.
- Astronomer— Baccalaureate or Licenciatura Degree.
- Biochemist— Baccalaureate or Licenciatura Degree.
- Biologist— Baccalaureate or Licenciatura Degree.
- Chemist— Baccalaureate or Licenciatura Degree.
- Dairy Scientist—Baccalaureate or Licenciatura Degree.
- Entomologist— Baccalaureate or Licenciatura Degree.
- Epidemiologist— Baccalaureate or Licenciatura Degree.
- Geneticist— Baccalaureate or Licenciatura Degree.
- Geochemist— Baccalaureate or Licenciatura Degree.
- Geologist— Baccalaureate or Licenciatura Degree.
- Geophysicist (including Oceanographer in Mexico and the United States)—  
Baccalaureate or Licenciatura Degree.
- Horticulturist— Baccalaureate or Licenciatura Degree.
- Meteorologist— Baccalaureate or Licenciatura Degree.
- Pharmacologist— Baccalaureate or Licenciatura Degree.
- Physicist (including Oceanographer in Canada)—Baccalaureate or Licenciatura  
Degree.
- Plant Breeder—Baccalaureate or Licenciatura Degree.
- Poultry Scientist—Baccalaureate or Licenciatura Degree.
- Soil Scientist—Baccalaureate or Licenciatura Degree.
- Zoologist—Baccalaureate or Licenciatura Degree.

## TEACHER

- College—Baccalaureate or Licenciatura Degree.
- Seminary—Baccalaureate or Licenciatura Degree.
- University—Baccalaureate or Licenciatura Degree.