

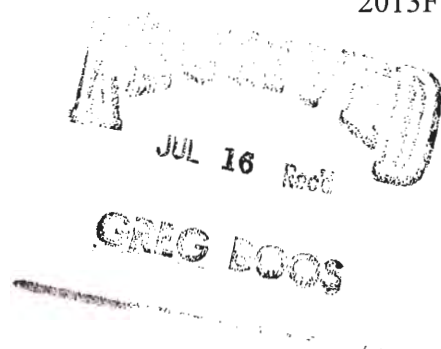


**U.S. Customs and  
Border Protection**

July 11, 2013

2013F12568

Greg Boos  
Pacific Corridor Enterprise Council  
1305 11<sup>th</sup> Street, Suite 301  
Bellingham, WA 98225



Dear Mr. Boos:

This is the final response to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP), requesting copies of all guidance issued in 2012 by CBP in any form regarding business entry into the U.S. under either or both NAFTA and non-NAFTA business options.

A search for CBP documents responsive to your request produced a total of one 24-page document. CBP has determined that this document is partially releasable pursuant to Title 5 U.S.C. § 552 (b)(7)(E). Enclosed is the 24-page document partially redacted with exemption(s) described below.

**FOIA Exemption (b)(7)(E)** protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. CBP has determined that disclosure could reasonably be expected to risk circumvention of the law.

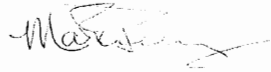
You have a right to appeal our withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: FOIA Appeals, Policy and Litigation Branch, U.S. Customs and Border Protection, 90 K Street, NE, 10<sup>th</sup> Floor, Washington, DC 20229-1177, following the procedures outlined in the DHS regulations at Title 6 C.F.R. § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at [ogis@nara.gov](mailto:ogis@nara.gov) or call (877) 684-6448.

Please notate file number 2013F12568 on any future correspondence to CBP related to this request.

Please notate file number 2013F12568 on any future correspondence to CBP related to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Martha Terry", with a stylized flourish at the end.

Martha Terry  
FOIA Division  
Office of International Trade

Enclosure(s)

**U.S. Customs and Border Protection  
Office of Field Operations  
Admissibility & Passenger Programs  
Enforcement Programs**



***NAFTA Guide  
For TN and L Applicants***

***June 2012***

**RECEIVED**  
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**U.S. Customs and Border Protection  
Office of Field Operations  
Enforcement Programs**

**NAFTA Reference Guide for  
TN and L Applicants**

The purpose of this guide is to serve as a reference tool to assist Customs and Border Protection officers (CBP) in processing TN and L-1 applicants under the North American Free Trade Agreement (NAFTA). This reference manual has been made into a format that is more direct, to the point and more “user friendly” for officers. We have included examples of Qualifying and Non Qualifying TN as well as L-1 applicants to illustrate the TN and L-1 application process at a port of entry. We have also included excerpts of policy and appendices taken from the NAFTA agreement.

This manual is also the result of a combined effort of Citizenship and Immigration Services (CIS), Department of Homeland Security (DHS) Office of Policy, CBP Field and Headquarters personnel from the Admissibility and Passenger Programs, Enforcement Programs Division working together for an improved resource tool for field use.

This manual should serve as reference guide for CBP officers to curtail the lack of uniformity and consistency in the way TN and L-1 applicants are processed at the ports of entry. In order to ensure a high level of confidence in the accuracy of TN and L-1 processing, this manual contains specific sections on: TN Requirements and Admission Procedures; L-1 (Intracompany Transferee) Requirements, Specialized Knowledge and Managerial Capacity.

# CONTENTS

## Table of Contents

### North American Free Trade Agreement (NAFTA) Reference Guide

What is NAFTA? .....	3
Overview of NAFTA Temporary Entry Provisions.....	3
Source of Information .....	4
Information to consider when processing a TN applicant .....	4
Verify Identity, Citizenship and Travel Documents .....	4
Establish Admissibility .....	4
Verify Documentation (For Citizen of Canada applying at a POE .....	5
Academic Degree and Professional Experience .....	5
Canadian Citizen Admission .....	5
Mexican Citizen Admission .....	5
<b>(b)(7)(E)</b> .....	
POE Temporary Record-Keeping .....	8
Processing concurrent TN Applications for a Single Event .....	8
Processing Trade NAFTA Dependents.....	9
Intracompany Transferee .....	9
Limitations on Stay .....	9
Manager Capacity Defined .....	9
Executive Capacity Defined .....	10
Evaluating Managerial or Executive Positions .....	10
<b>(b)(7)(E)</b> .....	
L-1B Specialized Knowledge Defined .....	11
<b>(b)(7)(E)</b> .....	
L-1 Processing Under NAFTA .....	13
Processing L-1 Dependents.....	13
Attachment 1 .....	15
Attachment 2 .....	18
Attachment 3 .....	22

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## **I. Sources of Information**

Sources of information in this guide include: Chapter 16 of the NAFTA, and accompanying Appendices and Annex, 8 CFR 214.2(b)(4), 8 CFR 214.6, Inspectors Field Manual (IFM) Chapter 15.5, Interim Decision and Case Law Summaries, and pertinent memoranda.

## **II. What is NAFTA?**

On December 17, 1992, the President of the United States, George H.W. Bush, Mexican President Carlos Salinas de Gortari, and Canadian Prime Minister Brian Mulroney entered into the North American Free Trade Agreement (NAFTA). The implementation of this agreement was provided for by the North American Free Trade Agreement Implementation Act (NAFTA Implementation Act), Public Law 103-182 that was signed into law by President William J. Clinton on December 8, 1993 and entered into force on January 1, 1994.

Created in 1994, NAFTA is a major international agreement governing trading laws between Canada, Mexico, and the United States. The aim of the agreement was to increase free trade, leading to more profitable markets and a wider selection of goods in all three countries. NAFTA is one of the most powerful and wide-reaching trade agreements in the world and it governs the entire spectrum of North American Trade.

## **III. Overview of NAFTA Temporary Entry Provisions**

Chapter 16 of the NAFTA provides for the temporary entry of business persons in four categories: business visitors, traders and investors, professionals, and intracompany transferees.

- Business Visitors

In order to qualify for temporary entry as a business visitor, a citizen of one of the parties must be engaged in one of the seven categories identified in Appendix 1603.A.1 of the NAFTA. (See Attachment #1)

- Traders and Investors

Annex 1603, Section B of the NAFTA provides that each NAFTA country shall grant temporary entry to a business person seeking to “carry on substantial trade in goods or services principally between the territory of the Party of which the business person is a citizen and the territory of the Party into which entry is sought,” or “establish, develop, administer or provide advice or key technical services” to an investment enterprise to which the business person or the business person's enterprise has committed, or is in the process of committing, a substantial amount of capital, in a capacity that is supervisory, executive or involves essential skills, provided that the business person otherwise complies with existing immigration measures applicable to temporary entry.”

Canadian and Mexican traders and investors must satisfy the eligibility criteria applicable to all E-1 (Treaty Trader) and E-2 (Treaty Investor) applicants for admission. Both



Canadian and Mexican E-1 and E-2 applicants for admission must possess a valid visa issued by a U.S. consulate.

- Professional Workers

In order to qualify for temporary entry as a “TN” business professional, a citizen of one of the parties must be engaged, at a professional level, in one of the professions listed in Appendix 1603.D.1 of the NAFTA, and reproduced at 8 CFR 214.6(c). (See Attachment #2)

- Intracompany Transferees

Annex 1603, Section C of the NAFTA provides that each NAFTA country shall grant temporary entry to a business person employed by an enterprise who seeks to render services to that enterprise or a subsidiary or affiliate thereof, in a capacity that is managerial, executive or involves specialized knowledge, provided that the business person otherwise complies with existing immigration measures applicable to temporary entry. The NAFTA also states that a signatory NAFTA country may require the business person to have been employed continuously by the enterprise for one year within the three-year period immediately preceding the date of the application for admission.

Canadian and Mexican intracompany transferees must satisfy the eligibility criteria applicable to all L-1 applicants for admission. Canadian L-1 applicants for admission are exempt from the visa requirement; Mexican L-1 applicants for admission must possess a valid L-1 visa issued by a U.S. consulate. In both cases, an L-1 petition must be approved as a prerequisite to admission in L-1 classification.

#### IV. TN Professional Workers

- Regulation

**8 CFR Sec. 214.6 Citizens of Canada or Mexico seeking temporary entry under NAFTA to engage in business activities at a professional level. (Section heading revised 10/16/08; 73 FR 61332.)**

(a) General. Under Section 214(e) of the of the Immigration and Nationality Act (INA), 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 CBP 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 CBP 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 and the minimum requirements for qualification at a professional level in one of the professions set forth in Appendix 1603.D.1.

- **Information to consider when processing a TN applicant**

**Verify Identity, Citizenship and Travel Documents.**

- ❖ Establish that the applicant is a citizen of either Canada or Mexico
- ❖ If a citizen of Mexico, does the applicant have a valid passport and a TN visa?
- ❖ If a citizen of Canada, does the applicant have a valid WHTI compliant document?

**Establish Admissibility**

- ❖ Is the applicant admissible to United States?
  - Does the applicant have a criminal history or is there any other thing which would make him/her inadmissible to the U.S., or has the applicant ever been refused entry to the U.S.?
  - Does the applicant have immigrant intent?

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**Verify Documentation (For Citizen of Canada applying at a land border, a Preclearance station or at an airport handling international traffic )**



- ❖ Verify that documentation the applicant is presenting demonstrates engagement in business activities at a professional level in one the professions or occupations as set out in Chapter 16, Annex 1603, Appendix 1603.D.1 in the NAFTA.
- ❖ Verify the applicant has documentation from the prospective employer in the form of an employment contract or job offer that describes:
  - The professional activities that the applicant will perform in the United States.
  - A summary of the applicant's daily responsibilities at the job.
  - The length of time that the applicant's services are required (length of time must not exceed maximum allowable time for a TN). The applicant must also demonstrate to the inspecting CBP officer that his or her work assignment in the United States will be temporary and that he or she will depart upon completion of the assignment.
  - The educational requirement in the form of baccalaureate degree, licensing, years and type of experience, etc.
  - The salary and employment benefits that the applicant will receive.

#### **Academic Degree and Professional Experience**

- ❖ Ensure that the applicant has evidenced educational qualifications or credentials in a field directly related to the professional activity in which the TN will be engaged.
  - If the degree was issued by an institution outside the United States, Canada and Mexico, the degree must be evaluated by an accredited evaluation service and translated into English when the TN application is made.

#### • **Canadian Citizen Admission**

- ❖ A citizen of Canada who qualifies for admission under the NAFTA in the TN classification must remit the fee prescribed in 8 CFR 103.7 (presently \$50.00 U.S.) upon admission. Once paid, issue the applicant a fee receipt.
- ❖ The employment letter must state the anticipated length of employment. (The length of validity to be granted by the CBP Officer will depend on the documentation submitted.)
- ❖ If the alien is found admissible, a multiple entry Form I-94 should be issued showing admission in the classification TN for the period requested; the validity period of such Form I-94 should not to exceed 3 years.
- ❖ Annotate the occupation in block #18 and the employer name and address in block #26 on the back of the arrival portion of the Form I-94. (Example, See attachment 3).
- ❖ If the application is deficient, advise the applicant of the deficiencies. If the deficiencies cannot be overcome during the inspection and provided there are no other inadmissibility issues, allow the applicant to withdraw the application.

#### • **Mexican Citizen Admission**

- ❖ A citizen of Mexico seeking admission in the TN classification is required to present a valid TN visa issued by a U.S. consulate.
- ❖ The employment letter must state the anticipated length of employment. (The length of validity will depend on the documentation submitted.)
- ❖ If the alien is found admissible, a multiple entry Form I-94 should be issued showing admission classification as TN for the period requested not to exceed 3 years.
- ❖ Annotate the occupation in block #18 on the back of the arrival portion of the I-94. (Example, See Attachment 3).
- ❖ **Note:** Only citizens of Canada pay the \$50.00 TN fee at the port-of-entry. This fee is not charged to Mexican citizens when applying for TN classification at the port-of-entry because fees have already been charged for issuance of the TN nonimmigrant visa.

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- **POE Temporary Record Keeping**

- ❖ Maintaining accurate and up-to-date records is vital to the success of CBP. Good

record-keeping promotes better communication as well as continuity, consistency, efficiency and reinforces professionalism within the agency.

- ❖ Any record keeping system should be accurate, reliable, easy to follow, consistent as to the basis used and be very simple. Good record keeping is vital in regards to past admission and refusal and providing information on which decisions for future admission can be based.

- Photocopy of the applicant's passport / proof of citizenship.
- Photocopy of the applicant's Form I-94.

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- Original employment letter.
- Copies of qualification, i.e. diploma, license and other supporting documents.
- Records may be kept up to a year.

- **Processing Concurrent TN Applications for a Single Applicant**

- A NAFTA applicant may be permitted to work for multiple employers in the U.S. at the same time.
- In order to work for multiple employers in the U.S., the TN applicant must present separate employment letters from each potential employer.
- A concurrent TN application is viewed as part of a single "event." The individual is applying for multiple TNs but is also applying for entry at the same time.
- A single fee will be charged for the "event" and not for each employment application. Refer to examples below:

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- **Processing NAFTA Trade Dependents**

- ❖ Trade Dependents (TD) are the spouse and unmarried minor children who are accompanying or following to join a TN professional. If otherwise admissible, these individuals are to be accorded TD (Trade Dependent) classification.
  - These aliens are required to present a valid, unexpired nonimmigrant visa unless otherwise visa-exempt under 8 CFR 212.1.
  - There is no requirement that the TD dependent be a citizen of Canada or Mexico.
  - No fee is required for admission of dependents in TD status (except the fee for the Form I-94 if applying at a land border) and they should be issued a multiple entry Form I-94 valid for the same period of time as the principal or until the passport expiry date.
  - A TD spouse or child is not authorized to accept employment while in the United States in such status. Dependents in TD status may attend school in the United States on a part-time or full-time basis, as such attendance is deemed incidental to their status.

#### V. Intra-Company Transferees

- **In General**
  - ❖ L-1A classification is for managers and executives.
  - ❖ L-1B classification is for specialized knowledge aliens.
  - ❖ L-2 classification is for dependents (dependents use Form I-539).
- **Limitations on Stay**
  - ❖ Managers and executives (L-1A) may be employed in the United States for a maximum period of seven years.
  - ❖ Specialized knowledge aliens (L-1B) may be employed in the United States for a maximum period of five years.
  - ❖ Dependents may be admitted for a maximum period of time equivalent to the principal.
- **Managerial Capacity Defined**
  - ❖ Managerial capacity means an assignment within an organization in which the employee **primarily**:
    - Manages the organization, or a department, subdivision, function, or component of the organization;
    - *Either* supervises and controls the work of other supervisory, professional, or managerial employees, *or* manages an essential function within the organization, or a department or subdivision of the organization;
    - Has the authority to hire and fire or recommend those as well as other personnel actions (such as promotion and leave authorization) if another employee or other employees are directly supervised; if no other employee is directly supervised, functions at a senior level within the organizational hierarchy or with respect to the function managed; and

- Exercises discretion over the day-to-day operations of the activity or function for which the employee has authority. A first-line supervisor is not considered to be acting in a managerial capacity merely by virtue of the supervisor's supervisory duties unless the employees supervised are professional.

**NOTE:** All four criteria listed above must be met to qualify as a manager.

- **Executive Capacity Defined**

- ❖ Executive capacity means an assignment within an organization in which the employee **primarily**:
  - Directs the management of the organization or a major component or function of the organization;
  - Establishes the goals and policies of the organization, component, or function;
  - Exercises wide latitude in discretionary decision-making; and
  - Receives only general supervision or direction from higher level executives, the board of directors, or stockholders of the organization. [See 8 CFR 214.2(l)]

**NOTE:** All four criteria listed above must be met to qualify as an executive.

- **Evaluating Managerial or Executive Positions**

- ❖ When evaluating the nature of a claimed managerial or executive position, the petition and supporting evidence must be reviewed to establish that the beneficiary's employment qualifies for L-1 purposes.
- ❖ The petitioner should describe the employer's business activities in a manner that allows the CBP officer to understand the products and services that are provided by the employer to its customers and how the beneficiary's position fits into the employer's organizational hierarchy.
- ❖ Frequently, the petitioner will merely reiterate the definitions of manager and executive as defined in statute and regulation; in the absence of other evidence to support such a contention, this is not sufficient to show that the alien is classifiable as a manager or executive.

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- **L-1B Specialized Knowledge Defined**

- ❖ Specialized knowledge means either:
  - special knowledge possessed by an individual of the petitioning organization's:
  - Product
  - Service
  - Research
  - Equipment
  - Techniques
  - Management, or
  - other interests and its application in international markets,

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- or
- ❖ An advanced level of knowledge or expertise in the organization's processes and procedures.

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Note: There is no requirement that the alien's specialized knowledge be "unique" or "proprietary" to the prospective employer.

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- **L-1 Processing under NAFTA**

- ❖ Under NAFTA, a petitioner may file an individual Form I-129 Petition for a Nonimmigrant Worker, or Form I-129S Nonimmigrant Petition Based on Blanket L Petition, on behalf of a Canadian citizen for L-1 classification by having the beneficiary present the petition to CBP in conjunction with his/her application for admission at land border ports-of-entry or at designated Preclearance stations. In the case of the I-129S, the approval notice of the petitioner's blanket L petition is sufficient to establish the qualifying relationship between the U.S. and foreign companies. CBP officers must be familiar with the adjudication process of the Form I-129 and Form I-129S petitions for L-1 benefits and follow these procedures when adjudicating the L-1 application at a POE:

- Determine applicant to be a Canadian citizen and otherwise eligible for admission;
- Verify that the Form I-129 or I-129S is completed in duplicate and signed;
- Determine there exists a qualifying relationship between the U.S. and Canadian entities. (Note: for Form I-129S processing, evidence of this would

be the approval notice for the blanket petition with the attached list of qualifying companies included in the blanket approval).

- Verify that the applicant has been employed abroad by the Canadian entity in a qualifying capacity for a period of 1 year during the 3 years immediately preceding the date of application for admission;
- The position within the U.S. entity must be one in which the applicant will be primarily employed in a qualifying managerial, executive or specialized knowledge capacity.
- Carefully examine supporting documentation.
- Collect fee, place fee stamp, approval stamp, and officer signature in proper places on the Form I-129 or Form I-129S;
- Prepare the Form I-94 multiple entry for 1 year if the alien is coming to a new office, (i.e. a qualifying related entity that has been in business in the United States for less than 1 year) 3 years if other than new office;
- Make sure alien receives the I-94, as well as a receipt for the fee paid.
- Advise the alien that he or she will receive Form I-797, Notice of Action, from the U.S. Citizenship and Immigration Service (USCIS) Service Center having jurisdiction over the place of proposed employment; and attach the arrival portion of the I-94 to the "record of proceedings" (original Form I-129 or Form I-129S with supporting documents), and forward to the designated USCIS Service Center for processing.

- **Processing of L-1 dependents**

- ❖ The spouse and children of an L-1 will be processed as L-2 nonimmigrant dependents of the L-1 principal alien.
- ❖ The L-2 must have the required family relationship with the principal alien.
- ❖ Must be accompanying or following to join the principal L-1. All nonimmigrant grounds of inadmissibility apply.
- ❖ Admit L-2 for the same period as principal or until the passport expiry date.
- ❖ Annotate the remarks section of the dependent's Form I-94 with the dependent's specific relationship to the principal and the principal's name (e.g., "Spouse of John Jones" or "Child of John Jones").

- **Notes**

- ❖ Employment authorization: Spouse and children may attend school without changing status. Following admission, the L-2 spouse may apply to USCIS for (and be issued) an employment authorization document, but the child(ren) of the L-1 principal alien may not work in L-2 status.
- ❖ NAFTA L dependents: Under the North American Free Trade Agreement, only the principal applicant need be a Canadian/Mexican citizen.

**Attachment 1**  
**Appendix 1603.A.1:**  
**Business Visitors**

**Research and Design**

- Technical, scientific and statistical researchers conducting independent research or research for an enterprise located in the territory of another Party.

**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 the territory of another Party.

**Marketing**

- Market researchers and analysts conducting independent research or analysis or research or analysis for an enterprise located in the territory of another Party.
- 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 the territory of another Party but not delivering goods or providing services.
- Buyers purchasing for an enterprise located in the territory of another Party.

**Distribution**

- Transportation operators transporting goods or passengers to the territory of a Party from the territory of another Party or loading and transporting goods or passengers from the territory of a Party, with no unloading in that territory, to the territory of another Party.
- With respect to temporary entry into the territory of the United States, Canadian customs brokers performing brokerage duties relating to the export of goods from the territory of the United States to or through the territory of Canada.

- With respect to temporary entry into the territory of Canada, United States customs brokers performing brokerage duties relating to the export of goods from the territory of Canada to or through the territory of the United States.
- Customs brokers providing consulting services regarding the facilitation of the import or export of goods.

#### **AfterSales Service**

- Installers, repair and maintenance personnel, and supervisors, possessing specialized knowledge essential to a seller's contractual obligation, performing services or training workers to perform services, pursuant to a warranty or other service contract incidental to the sale of commercial or industrial equipment or machinery, including computer software, purchased from an enterprise located outside the territory of the Party into which temporary entry is sought, during the life of the warranty or service agreement.

#### **General Service**

- Professionals engaging in a business activity at a professional level in a profession set out in Appendix 1603.D.1.
- Management and supervisory personnel engaging in a commercial transaction for an enterprise located in the territory of another Party.
- Financial services personnel (insurers, bankers or investment brokers) engaging in commercial transactions for an enterprise located in the territory of another Party.
- Public relations and advertising personnel consulting with business associates, or attending or participating in conventions.
- Tourism personnel (tour and travel agents, tour guides or tour operators) attending or participating in conventions or conducting a tour that has begun in the territory of another Party.
- Tour bus operators entering the territory of a Party:
  - a) with a group of passengers on a bus tour that has begun in, and will return to, the territory of another Party;
  - b) to meet a group of passengers on a bus tour that will end, and the predominant portion of which will take place, in the territory of another Party; or
  - c) with a group of passengers on a bus tour to be unloaded in the territory of the Party into which temporary entry is sought, and returning with no passengers or reloading with the group for transportation to the territory of another Party.
- Translators or interpreters performing services as employees of an enterprise located in the territory of another Party.

#### **Definitions**

For purposes of this Appendix:

***territory of another Party*** means the territory of a Party other than the territory of the Party into which temporary entry is sought;

***tour bus operator*** means a natural person, including relief personnel accompanying or following to join, necessary for the operation of a tour bus for the duration of a trip; and

***transportation operator*** means a natural person, other than a tour bus operator, including relief personnel accompanying or following to join, necessary for the operation of a vehicle for the duration of a trip.



## Attachment 2

### Appendix 1603.D.1

#### Professionals

#### PROFESSION <sup>1</sup>

#### MINIMUM EDUCATION REQUIREMENTS AND ALTERNATIVE CREDENTIALS

##### General

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>2</sup>
Computer Systems Analyst	Baccalaureate or Licenciatura Degree; or PostSecondary Diploma <sup>3</sup> or PostSecondary Certificate <sup>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 PostSecondary Diploma or PostSecondary Certificate, and three years experience
Hotel Manager	Baccalaureate or Licenciatura Degree in hotel/restaurant management; or PostSecondary Diploma or PostSecondary Certificate in hotel/restaurant management, and three years experience in hotel/restaurant management
Industrial Designer	Baccalaureate or Licenciatura Degree; or PostSecondary Diploma or PostSecondary Certificate, and three years experience
Interior Designer	Baccalaureate or Licenciatura Degree; or PostSecondary Diploma or PostSecondary 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)	LL.B., J.D., LL.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 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>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 PostSecondary Diploma or PostSecondary Certificate, and three years experience
Urban Planner (including Geographer)	Baccalaureate or Licenciatura Degree
Vocational Counsellor	Baccalaureate or Licenciatura Degree
<b>Medical/Allied Professional</b>	
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	Baccalaureate or Licenciatura Degree; or Post-Secondary

(Canada)/Medical Technologist (Mexico and the United States) <sup>6</sup>	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. or 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

**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
Geologist	Baccalaureate or Licenciatura Degree
Geochemist	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

<sup>1</sup> A business person seeking temporary entry under this Appendix may also perform training functions relating to the profession, including conducting seminars.

<sup>2</sup> "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.

<sup>3</sup> "Post-Secondary Diploma" means a credential issued, on completion of two or more years of postsecondary education, by an accredited academic institution in Canada or the United States.

<sup>4</sup> "Post-Secondary Certificate" means a certificate issued, on completion of two or more years of postsecondary 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.

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

<sup>6</sup> 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 disease.

**Attachment 3**

**This Side For Government Use Only**  
**Primary Inspection**

Applicant's Name \_\_\_\_\_  
 Date Referred \_\_\_\_\_ Time \_\_\_\_\_ Insp. # \_\_\_\_\_  
 Reason Referred  
 212A     PP  Visa  Parole  SLB  TWOY  
 Other \_\_\_\_\_

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**Secondary Inspection**

End Secondary Time \_\_\_\_\_ Insp. # \_\_\_\_\_  
 Disposition \_\_\_\_\_

18. Occupation <b>Job Title</b>	19. Waivers
20. CIS A Number A-	21. CIS FCO
22. Petition Number <b>Receipt #</b>	23. Program Number
24. <input type="checkbox"/> Bond	25. <input type="checkbox"/> Prospective Student

26. Itinerary Comments  
**Employment Authorized @**  
 (Name of Employer)

---

27. TWOY Ticket Number  
 \_\_\_\_\_

Warning: A nonimmigrant who accepts unauthorized employment is subject to deportation.  
 Important: Retain this permit in your possession; you must surrender it when you leave the U.S. Failure to do so may delay your entry into the U.S. in the future. You are authorized to stay in the U.S. only until the date written on this form. To remain past this date, without permission from Department of Homeland Security authorities, is a violation of the law.  
 Surrender this permit when you leave the U.S.:  
 - By sea or air, to the transportation line.  
 - Across the Canadian border, to a Canadian Official.  
 - Across the Mexican border, to a U.S. Official.  
 Students planning to reenter the U.S. within 30 days to return to the same school, see "Arrival-Departure" on page 2 of Form I-20 prior to surrendering this permit.

**Record of Changes**

**Employment Authorized @**  
 (Name of Employer)  
**Receipt #**

Part: \_\_\_\_\_ Departure Record  
 Date: \_\_\_\_\_  
 Carrier: \_\_\_\_\_  
 Flight # / Ship Name: \_\_\_\_\_

Canadians TN and L-1 (I-94)

**This Side For Government Use Only**  
**Primary Inspection**

Applicant's Name \_\_\_\_\_  
 Date Referred \_\_\_\_\_ Time \_\_\_\_\_ Insp. # \_\_\_\_\_  
 Reason Referred  
 212A     PP  Visa  Parole  SLB  TWOY  
 Other \_\_\_\_\_

---

**Secondary Inspection**

End Secondary Time \_\_\_\_\_ Insp. # \_\_\_\_\_  
 Disposition \_\_\_\_\_

18. Occupation <b>Job Title</b>	19. Waivers
20. CIS A Number A-	21. CIS FCO
22. Petition Number <b>Receipt #</b>	23. Program Number
24. <input type="checkbox"/> Bond	25. <input type="checkbox"/> Prospective Student

26. Itinerary Comments  
**Employment Authorized @**  
 (Name of Employer)

---

27. TWOY Ticket Number  
 \_\_\_\_\_

Warning: A nonimmigrant who accepts unauthorized employment is subject to deportation.  
 Important: Retain this permit in your possession; you must surrender it when you leave the U.S. Failure to do so may delay your entry into the U.S. in the future. You are authorized to stay in the U.S. only until the date written on this form. To remain past this date, without permission from Department of Homeland Security authorities, is a violation of the law.  
 Surrender this permit when you leave the U.S.:  
 - By sea or air, to the transportation line.  
 - Across the Canadian border, to a Canadian Official.  
 - Across the Mexican border, to a U.S. Official.  
 Students planning to reenter the U.S. within 30 days to return to the same school, see "Arrival-Departure" on page 2 of Form I-20 prior to surrendering this permit.

**Record of Changes**

**Receipt #**  
**Employment Authorized @**  
 (Name of Employer)

Part: \_\_\_\_\_ Departure Record  
 Date: \_\_\_\_\_  
 Carrier: \_\_\_\_\_  
 Flight # / Ship Name: \_\_\_\_\_

Mexican TN I-94



24

~~Law Enforcement Sensitive~~  
~~FOR OFFICIAL USE ONLY~~