

October 1, 2018

MEMBER UPDATE

USMCA Agreement

An agreement was reached last night between Canada and the United States, alongside Mexico, on a new and modern trade agreement, called the United States-Mexico-Canada Agreement USMCA, replacing the North American Free Trade Agreement (NAFTA).

According to the government of Canada website, “The Prime Minister and President stressed that the agreement would bring the countries closer together, create jobs and grow the middle class, enhance North American competitiveness, and provide stability, predictability, and prosperity to the region.”

From an initial review of the Agreement, there does not appear to be any changes to Chapter 16, which contains the rules for the Temporary Entry of Business Persons, including Intra-Company Transfers.

Comment

For the past several months, CERC along with business organizations in Canada and the United States have been encouraging both the Canadian and US governments to modernize Chapter 16. Our recommendations included expansion of the TN Visa Professionals list, the waiving of labour market tests for spouses of business persons granted temporary entry and implementation of a Trusted Employer Program.

While there have been no changes to the provisions of Chapter 16, we are encouraged to see that the current provisions remain intact. We are equally encouraged by the continued commitment of a Working Group (Article 1606) that will meet at least once per year to consider modifications of or additions to the chapter, and the inclusion of a new provision to consider “issues of common interest related to temporary entry of business persons, such as the use of technologies related to processing of applications, that can be further explored among the Parties in other fora.”

CERC will continue to monitor the situation and advise members of further developments.

[Read more about the announcement](#)

[Read details of Chapter 16 - Temporary Entry](#)

[Read CERC’s recommendations](#)

The information contained in this update is of a general nature and is not intended to address the circumstances of any particular individual or entity. Although we endeavour to provide accurate and timely information, there can be no guarantee that such information is accurate as of the date it is received or that it will continue to be accurate in the future. No one should act upon such information without appropriate professional advice after a thorough examination of the particular situation.

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