
EXECUTIVE BRIEFING · JULY 2026

Cross-Border Mobility *Survey*

*What employers told us about Temporary Entry for
Business Persons — and what it will take to modernize
Chapter 16 of the USMCA/CUSMA.*



PRESENTED JOINTLY BY



The rules haven't changed. *How they are applied has.*

A June 2026 survey of 46 employers that have employees who cross the Canada–U.S. border for work finds that Chapter 16 of USMCA/CUSMA — the provision that lets companies move skilled people across the Canada–U.S. border — is being administered less predictably than it was two years ago, with adjudication challenges most prevalent on the U.S. side of the border and the occupation list now three decades behind the economy it serves.

In advance of the scheduled review of the Canada–U.S.–Mexico Agreement (CUSMA/USMCA), expected to begin in July 2026, the Canadian Employee Relocation Council (CERC) and its partners, Pacific NorthWest Economic Region (PNWER) and Worldwide ERC (WERC), conducted a joint employer survey. The objectives of the survey were to:

1. Gain a deeper understanding of the challenges employees encounter when crossing the Canada–U.S. border for employment purposes.
2. Identify opportunities to modernize Chapter 16, which governs the movement of professionals, executives, and intra-company transferees across Canada, the United States, and Mexico.

Although the U.S. government has recently decided not to renew the Agreement at this time, the existing rules remain unchanged. This report summarizes the findings of the survey conducted in the spring of 2026.

70%

of surveyed employers move talent across the Canada–U.S. border under B-1, L-1, or TN visas.

28%

of those employers have had projects delayed or cancelled because of border issues.

44%

of respondents have employees needing to cross the border in occupations the TN USMCA/CUSMA Professionals list does not cover.

WHY THIS MATTERS

CONTEXT

Cross-border mobility is the plumbing of an integrated economy.

*Canada–U.S. trade under CUSMA/USMCA remains a major driver of employment and economic growth across both countries. More than **USD \$2 billion in goods and services** cross the border each day, supporting **roughly 8 million jobs in the United States** and **2.5 million jobs in Canada**. These figures reflect the deep integration of North American supply chains and the central role of cross-border mobility in sectors such as manufacturing, agriculture, energy, and professional services.*

When companies cannot reliably move the people who design, sell, build, and support that trade, the integration itself starts to retreat.

USD \$2B / day

in goods and services crossing the Canada–U.S. border every day.

8M U.S. · 2.5M CA

jobs in the United States and Canada respectively are tied to cross-border trade.

“We have had to rethink how work gets done in North America to rely less on teams that work cross-border so we do not have to deal with trying to obtain permits where they may not be granted.”

— SURVEY RESPONDENT, FINANCE, JUNE 2026

Entering Canada has remained consistent. Entering the United States has not.

Over the past 24 months, roughly three times as many respondents reported service deteriorations around U.S. entries versus those into Canada. Confidence that border officials have the training to adjudicate applications expeditiously diverges by 28 percentage points between the two countries. This is not a change in the agreement; it is a change in how the agreement is being administered.

PAST 24 MONTHS — RESPONDENT EXPERIENCE

The framework hasn't shifted. *How it is applied has.*

ENTERING CANADA

16%

of respondents say service has deteriorated

9%

say service has improved

81%

say officers have sufficient training to adjudicate

ENTERING THE U.S.

48%

say service has deteriorated (53% of them, significantly)

10%

say service has improved

53%

say officers have sufficient training to adjudicate

ASYMMETRY VERBATIM FROM RESPONDENTS

"Rules not changed but enforcement seems much more strict." (PROFESSIONAL SERVICES) · *"This (sic enforcement) has starkly increased in the last month."* (FINANCE) · *"This (sic enforcement) never used to be the case, but we are seeing it occasionally now."* (NATURAL RESOURCES)

WHAT EMPLOYEES FACE

The problem isn't the rule. It's which rule, applied by whom, on which day.

Asked which challenges employees most often encounter at the border, respondents put inconsistent adjudication first and clearly so — while ranking "understanding which visa is required" as the easiest item on the list. Companies know how the system is supposed to work; they cannot predict how it will be applied on any given day.

CHALLENGES AT THE PORT OF ENTRY

01

Inconsistent adjudication of applications

Outcomes vary by port of entry, by officer, by time of day, and by land vs. air — on materially identical applications.

53%

RATED CHALLENGING

02

Access to reliable agency information

Even sophisticated mobility teams struggle to know what the current operating reality is.

34%

RATED CHALLENGING

03

Compliance complexity

Requests for Evidence, opaque fee triggers, and shifting interpretations of stable rules.

26%

RATED CHALLENGING

04

Understanding which visa to use

The legal framework itself is the least challenging item — 38% of respondents call it “not at all challenging.”

19%

RATED CHALLENGING

“Employees have varying experiences when applying for their visa at the port of entry. Some have been made to wait for a very long time just making their flight while others breeze through. The experience is very unpredictable.”

— SURVEY RESPONDENT, CONSTRUCTION/ENGINEERING, JUNE 2026

WHAT RESPONDENTS SAY WILL HELP

TOWARD PREDICTABILITY

The fixes are operational, not regulatory.

Respondents converged on a clear set of practical improvements that could be advanced without renegotiating Chapter 16’s substantive text. These cluster around training and consistency, trusted-employer pathways, processing efficiency, and digital infrastructure.

TRAINING & CONSISTENCY

Sustained, harmonized officer training — focused on the U.S. side, where the confidence gap is largest.

Publish up-to-date operational guidance that matches current realities of what officers see at the ports of entry, and track inconsistency between ports as a measurable performance metric.

TRUSTED EMPLOYER

Scale Known Employer and pre-clearance models for compliant, repeat-use companies.

Reduce friction for high-volume corporate mobilizers, expand pre-clearance availability, and allow visa holders access to expedited security lanes.

PROCESSING

Faster pre-filing decisions, broader premium processing, and clearer fee triggers.

U.S.-to-Canada pre-filing is currently too slow to be practical. Recent U.S. fee changes — including the \$100K fee for H-1B visa holders — need clearer published guidance on when they apply, or do not apply, for Canadians.

DIGITAL INFRASTRUCTURE

Digitize and harmonize visa and work-permit systems across the three parties.

Give employers and travellers reliable status visibility through standardized digital portals — an expectation of any modern adjudication system.

TARGETED FIXES

Make the TN visa dual-intent and restore the L-1 border-extension option.

Review and modernize permanent residence pathways for those whose skills support North American economic integration, while preserving the temporary-entry objectives of Chapter 16.

RECOGNITION

Extend Chapter 16 consistency to permanent residents, not only to citizens.

Permanent residents are a significant component of workforce populations across North America but are currently excluded from temporary cross-border mobility based on the focus purely on “citizens.” The eligibility scope should be revised to also account for permanent residents.

THE PROFESSIONALS LIST

MODERNIZE THE PROFESSIONALS LIST

Chapter 16 Appendix 2 is a list from the 1990s, in an economy that is not.

The professional categories, degree requirements, and eligibility criteria remain identical to those originally established under NAFTA — none of which reflect the digital, data, and AI roles that now drive cross-border work in technology, finance, engineering, and professional services. 44% of respondents have employees needing to cross the border in occupations the professionals list does not cover. The survey gives a concrete inventory of where the gaps are.

Digital, data & AI	Data scientists · machine-learning engineers · cybersecurity professionals · data analysts · software engineers (with clearer scope beyond Computer Systems Analyst) · product managers
Management & leadership	Line managers with direct reports · project managers · executive and senior-management roles not captured by the current Management Consultant definition
Modern engineering	BIM and Digital Construction Specialists · EPC engineers · environmental engineers · quality-assurance engineers · advisory engineering roles
Business & professional services	Business operations specialists · financial analysts · business-development professionals · HR, talent, and mobility specialists
Skilled trades & vocational	Specialized manufacturing and construction trades · chefs · pilots · hospitality attendants

Structural recommendations

1. Modernize the Professionals List to address key gap areas, particularly those occupation clusters described above.
2. Establish a process to conduct regular reviews and an update mechanism to ensure the Professionals List remains timely and responsive to changing talent roles and business needs.
3. Develop a process for clarifying “alternative credentials” in the Professionals List to allow for application of a mutually agreed framework of equivalent experience in professions/occupations in cases where an exact match on job title does not exist and/or in lieu of a baccalaureate or licenciatura degree.

Modernize the framework. Modernize how it's run.

Five priorities for the Governments of Canada and the United States to advance through the USMCA/CUSMA review and through bilateral discussions on adjudication practice. Each is anchored in survey evidence from employers, June 2026.

01 Address the service and adjudication challenges bilaterally.

Treat the 28-percentage-point officer training-confidence gap and the roughly three-to-one service deterioration ratio as measurable and actionable bilateral priorities. Remedy lies in the operational layer: officer training, published guidance, accountable consistency across ports of entry.

02 Modernize the Professionals List in Appendix 2.

Update the Professionals list to cover digital, data, AI, management, modern engineering, business services, and skilled-trade occupations. Establish an annual trilateral review mechanism.

03 Scale Trusted-Employer and pre-clearance pathways.

Expand Known Employer and pre-clearance models, restore L-1 border-extension for Canadian citizens, and extend expedited-lane eligibility to visa holders.

04 Make targeted legal updates that operational fixes can't reach.

Extend Chapter 16 eligibility consistency to permanent residents, not only to citizens.

05 Digitize and harmonize the underlying systems.

Prioritize implementing the digitization and harmonization of visa and work-permit systems across the three USMCA/CUSMA parties, with reliable status visibility and standardized digital portals for employers and travellers.

“North America’s competitiveness depends not only on the efficient movement of goods, services and capital, but also on the ability of skilled professionals to move where their expertise is needed. Modernizing Chapter 16 would help ensure the agreement continues to support economic growth on both sides of the border.”



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