

CBSA – Preparing your Business Visitors for the Border

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BSOs (Border Services Officers)

- Are the men and women you encounter at the border and are the first officer that you will see when you enter Canada
- These officers may require foreign nationals seeking to enter Canada for the purpose of conducting business to present these documents:
 - Work Permit (R196)
 - Labour Market Opinion (R200)

There are exceptions to the above:

- Ruling R186 – not everyone needs a work permit. Such cases are generally restricted to instances in which the individual will not enter into the Canadian labour market directly, the primary source of remuneration for business activities is outside Canada, and the principal place of business remains predominantly outside Canada.
- Ruling R204 – R208 – some jobs are exempt from a Labour Market Opinion

It is important to remember the following changes have been implemented at the border:

It is important for visitors to **be prepared** when coming to Canada to ensure the minimal amount of delay and inquiries.

Business Visitors

- Business Visitors do not need a work permit (Ruling R186(a))¹
- Business Visitor activity falls under R187(2)²

Business visitors usually stay in Canada for a few days or a few weeks. To be considered a business visitor you must show that:

- Your stay is temporary and you do not plan to enter the Canadian labour market
- Your main place of business and source of income is located outside of Canada
- Profits from your business will accrue outside of Canada
- You can provide documents that support your application
- You:
 - Have a valid travel document, such as a passport
 - Have enough money for your stay and to return home
 - Plan to leave Canada at the end of your visit
 - Do not pose criminal, security or health risks to Canadians.

Visitors must be able to provide proof of each of the following items:

1. Citizenship of the United States or Mexico;
2. Business activities as described in Appendix 1603.A.1 (selected summary below);
3. Activities are international in scope;
4. No intent to enter the Canadian labour market;
5. The primary source of remuneration remains outside Canada;
6. The principal place of business remains outside Canada; and
7. Compliance with existing immigration/admissibility requirements for temporary entry.

Application:

1. Business visitors must apply at a Point of Entry (POE); an application cannot be made prior to arriving in Canada.
2. Business visitors may be admitted at the Primary Inspection Line by the BSO if they are satisfied all requirements have been met.

EXCEPTION: Persons applying for entry under the “after-sales service provision,” are a mandatory referral to Immigration Secondary,

¹ <http://www.cic.gc.ca/english/resources/manuals/fw/fw02-eng.pdf>

² <http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/nafta-alena/texte/chap16.aspx?lang=en>

Letter of Invitation

Companies should provide their visitors with **2 copies** of a letter of invitation to be provided to the BSO at the POE. The letter should spell out:

- Who the applicant is (full legal name), applicant's date of birth, applicant's citizenship, the company they work for, and their position at the company including any specialized knowledge statement
- Where they are planning to go during their visit and where they are visiting from
- Why they are on this visit, specifically what they will be doing at the host company site
- How long they intend to remain in Canada

The answers to the above questions should satisfy why you need to be physically present.

Don't use 'technical speak', use only layman's terms in the letter and in your conversations with the BSO. Visitors who will be having multiple meetings over a specified period of time can request to be put on a "visitor record" to facilitate repeated trips for the same purpose. This action is at the sole discretion of the officer in Immigration Secondary. and will require the above information. **See below for sample letter.**

Business Visitors: Arriving (Checklist)

When you arrive in Canada, you will be greeted by an officer of the Canada Border Services Agency (CBSA). The CBSA is responsible for protecting the borders and points of entry to Canada. The CBSA officer will ask you the purpose of your visit and confirm that you meet the requirements for admission to Canada, whether you have a temporary resident visa or not. You should have all relevant documents on hand to present to the officer when you arrive. These documents include, but are not limited to:

1. A valid passport or travel document that will be valid until the end of your stay
2. If applicable, a temporary resident visa
3. Letters of support from your parent company and a letter of invitation from the Canadian host business OR a Letter of Recognition from CBSA (applies to International Events and Convention Services Program. See below for information)
4. A copy of any original contracts, original service/sales agreements, warranty etc. to support your visit
5. 24 hour contact details of your business host in Canada
6. Proof that you have enough money for both your stay in Canada and your return home
7. The BSO will also ask you what goods, personal and/or commercial, you are bringing with you. You **must** report whether you are bringing in excess of \$10,000 CDN with you. For more information on importing goods to Canada, see <http://cbsa-asfc.gc.ca/import/menu-eng.html>

NOTE:

You will not be allowed into Canada if you give false or incomplete information, or if you do not satisfy the officer that you are eligible for entry into Canada. You will also have to satisfy the officer that you will leave Canada at the end of your authorized stay in Canada.

Temporary Foreign Worker Unit

The CBSA is encouraging Canadian businesses to utilize the services of the Temporary Foreign Worker Unit (TFWU). The TFWU is willing to look at business visitors and foreign worker applications in advance to help ensure a smooth border crossing.

You (as the inviting company) or your visitor (as the invitee) can call the unit, and leave a voice mail and wait for a call back. This happens relatively quickly and is the most efficient way to process requests.

Once you have received a call back, you will send the application and documentation either by email or fax. The TFWU will then provide a written opinion that should be taken to the border with the rest of the documentation outlined in this guide. While the written opinion of the TFWU is not a guarantee that the business visitor will be admitted, it allows the BSO to feel more comfortable by having that professional opinion.

The normal turnaround time for this service is 5 business days. (In some cases of high periods of activity, or periods surrounding traditional vacation times, the turnaround can be longer, i.e. up to 12 business days). To reach the TFWU, please use the following:

Toronto (serving Ontario region)

Toronto Temporary Foreign Worker Unit
Telephone: 416-954-7954
Fax: 416-973-9768
E-mail: TFWU-Toronto-UTET@cic.gc.ca

The application (below) provides a list of documentation required from the inviting company (the “employer”) and the activities of the visitor(s) under “Main duties of the job”. **Note**, it is the same application used to hire a foreign worker; so much of it does not apply for business visitors. The **key** thing to remember is to describe the business activity (e.g. sales, meetings, etc.) in the Details of the Job section; in this case the exemption is as a Business Visitor, so again select the activity from those listed in this guide. The unit needs to ensure the visitor is not working, so for those with a technical background, it should be clear that they are there for the sales contract, etc. **not** to do hands-on work.

Since the visitor is not a foreign worker, they will also have to send the information as outlined in this guide, including the 2 letters of support (one from the inviting company and one from the invited company). It must be clear what the business activities will be (i.e. sales meeting or

whatever the case may be), and should include any pertinent contracts, purchase orders, etc. and **must** include the bio page from their passport.

This process is not mandatory, and may be a bit onerous for “day-to-day” regular business visitors, and may be reserved for more critical meetings to ensure no glitches at the border.

Sample Letter of Invitation from Canadian company

The letter should be on the Canadian host company's letterhead.

Date

ABC Auto Supply
123 Any Street,
Any Town, MI, 12345

To Whom It May Concern,

I, Joe/Jane Johnson of Jack's Tool & Die Corp., invite Joe/Jane Businessperson, Purchaser for ABC Auto Supply to visit our office in Canada for the purpose of attending a meeting at Jack's Tool & Die Corp. to negotiate the sales agreement and after service support contract for the purchase of tools to produce plastic automotive parts from Jack's Tool & Die. We expect him/her to arrive on 03/25/2011 and return to the United States on 03/26/2011. Joe/Jane Business person will be staying at the Holiday Inn Select, located at 1111 Huron Church, Windsor, ON N0N 0N0 and his/her accommodations and expenses will be covered by his/her employer, the US-based company ABC Auto Supply.

We formally invite the following business visitor to Canada:

Joe/Jane Businessperson
Born: 03/23/1969
Purchaser
ABC Auto Supply
123 Any Street, Any Town, MI, 12345
(313) 555-1212
Home Address: 123 Any Street, Any Town, MI, 12345
Home Phone: (248) 555-1212

He/She is being invited to Canada by:

Joe/Jane Johnson, Vice-President
123 Any Street, Any Town, ON, N0N 0N0
(519) 555-1212
jack@jacktool.com

This invitation is being extended on behalf of:

Jack's Tool & Die Corp.
123 Any Street, Any Town, ON, N0N 0N0
www.jacktool.com
24 Hour Contact details in Canada: (800) 555-1212

Jack's Tool & Die Corp.'s date of registration/incorporation is January 1, 2000. The nature of our business is Manufacturer of forming tools for the mass production of plastic parts for use in the assembly of automobiles.

Please contact Jack Johnson or myself, Joe Johnson, with any questions.

Sincerely,
Joe/Jane Johnson
Vice-President
Jack's Tool & Die Corp.

Sample Letter of Employment from US Company (Business Visitor's employer)

The letter should be on the US company's letterhead.

Date

To Whom It May Concern,

On behalf of Joe/Jane Businessperson, we are submitting this letter of support to assist his/her ability to enter Canada as a business visitor. He/She is a Purchaser with ABC Auto Supply, and has been an employee of this company since January 2, 2009. ABC Auto Supply is a US Registered company with head offices located at 123 Any Street, Any Town, MI, 12345 with profits from our business activities accumulating in the United States.

ABC Auto Supply is the manufacturer of plastic parts for use in the assembly of automobiles. We require the purchase of specialized tools to form the plastic parts at our facility located at 123 Any Street, Any Town, MI, 12345.

Joe/Jane Businessperson is planning a Business Visit to Canada to attend a meeting at Jack's Tool & Die Corp. to negotiate the sales agreement and after service support contract for the purchase of tools to produce plastic automotive parts. He will depart the US on 25-March-2011 and arrive in Canada on the same date. H/She will remain in Canada for approximately 1 day and return to the US on 26-March-2011. His/her accommodations and expenses will be covered by our company, ABC Auto Supply.

While in Canada, he/she will be meeting with Joe/Jane Johnson, Vice President of Jack's Tool & Die Corp, located at 123 Any Street, Any Town, ON, N0N 0N0 and 24-hour phone number of (800) 555-1212.

ABC Auto Supply guarantees that Joe/Jane Johnson will have adequate funds in his/her possession, as well as confirmed accommodations and return transportation. ABC Auto Supply also guarantees that he/she will not become dependent on the Government of Canada in any way during the course of his visit.

We would greatly appreciate any assistance you can provide us in this process. Please contact me with any questions.

Sincerely,

John/Jane Brown
President
ABC Auto Supply
1-800-666-9898
Email: johnbrown@abcautosupply.com

Appendix 1603.A.1 - Business Activities Summary:

- **After Sales 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 Canada **during the life of the warranty or service agreement**.
 - After-sales services include those provided by persons repairing and servicing, supervising installers, and setting up and testing commercial or industrial equipment (including computer software).
 - “Setting up” does not include hands-on installation generally performed by construction or building trades (electricians, pipe fitters, etc.).
 - R187 also applies to persons seeking entry to repair or service specialized equipment, purchased or leased outside Canada, provided the service is being performed as part of the original or extended sales agreement, lease agreement, warranty, or service contract.
 - Service personnel coming to perform service work on equipment or machinery that is either out of warranty, or where no service contract exists, continue to require a positive LMO and a work permit.
 - Service contracts must have been negotiated as part of the original sales or lease agreements or be an extension of the original agreement.
 - Service contracts negotiated with third parties after the signing of the sales or lease agreement are **not** covered by this exemption. If, however, the original sales agreement indicates that a third company has been or will be contracted to service the equipment, R187 applies.
 - Where the work is not covered under a warranty, a confirmed work permit is required.
 - If the job will last for more than 2 days, the BSO must put applicant on a “visitor record”.
 - The paperwork that the applicant has should outline the specialized knowledge of the applicant, and also be identified in the letter of invitation.
- **Distribution** – Transportation operators transporting goods or passengers to Canada from the United States. With respect to the temporary entry into Canada, United States customs brokers performing brokerage duties relating to the export of goods from Canada to or through the United States. Also, customs brokers providing consulting services regarding the facilitation of the import or export of goods.
- **General Service** – Professionals engaging in a business activity at a professional level in a profession set out in Appendix 1603.D.1. (see below)

- Public relations and advertising personnel consulting with business associates, i.e. colleagues or clients, or attending or participating in conventions
- **Growth, Manufacture & 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 United States.
- **Marketing** – Market researchers and analysts conducting independent research or analysis or research or analysis for an enterprise located in the United States. Trade fair and promotional personnel attending a trade convention.
- **Research & Design** – Technical, scientific and statistical researchers conducting independent research or research for an enterprise located in the United States/Mexico.
- **Sales** – Sales representatives and agents taking orders or negotiating contracts for goods or services for an enterprise located in the United States or Mexico but not delivering goods or services. **Buyers purchasing for an enterprise located in the United States or Mexico**
 - Sales representatives and agents taking orders or negotiating contracts for goods or services for an enterprise located in the United States or Mexico but not delivering goods or providing services.
 - Buyers purchasing for an enterprise located in the United States or Mexico.
 - Sales representatives and agents cannot sell Canadian-made goods or services provided by a Canadian.
 - This provision allows persons to sell to the general public, provided that the goods or services are not delivered or available to the buyer at the time of sale (on the same business trip). The seller may only take orders for the goods or enter into contracts for the services.
- General Criteria must be met under R187 (3)

Professionals³

A professional must be qualified to work in one of more than the 60 professions listed in Appendix 1603.D.1 of Chapter 16 of NAFTA⁴ and have pre-arranged employment with a Canadian enterprise in an occupation that matches the qualification.

A summary of selected professions, with acceptable educational credentials is below:

- **Computer Systems Analyst**
Baccalaureate or Licenciatura degree; or Post-Secondary Diploma or Post Secondary Certificate and three years' experience.
- **Engineer**
Baccalaureate or Licenciatura degree; or state/provincial license.
- **Graphic designer**
Baccalaureate or Licenciatura degree; or post-secondary diploma and three years experience.

³ http://www.consular.canada.usembassy.gov/nafta_professions.asp

⁴ <http://www.sice.oas.org/trade/nafta/chap-161.asp>

- **Industrial designer**
Baccalaureate or Licenciatura degree; or post-secondary diploma or post-secondary certificate, and three years experience.
- **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. Baccalaureate or Licenciatura degree.
- **Research assistant**
(working in a post-secondary educational institution)
Baccalaureate or Licenciatura degree.
- **Scientific technician/ technologist**
 1. a theoretical knowledge of any of the following disciplines: agricultural sciences, astronomy, biology, chemistry, engineering, forestry, geology, geophysics, meteorology, or physics; *and*
 2. 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.
- **Technical publications writer**
Baccalaureate or Licenciatura degree, or post-secondary diploma or post-secondary certificate, and three years experience.

International Events and Convention Services Program (IECSP)

If you are a convention, meeting or event planner, trade show organizer, or if you are involved in promoting Canada as a destination for a concert, art show or exhibition, this information will be of special interest to you.

The Canada Border Services Agency (CBSA), together with the help of other government departments and agencies, has designed the [International Events and Convention Services Program \(IECSP\)](#) to assist you in the planning process of your event being held in Canada.

By using this CBSA service early in your planning process, you will be aware of any Canadian border-related requirements for your event.

The IECSP coordinator is able to access a vast network of Government of Canada agencies and departments on your behalf, and has the expertise to advise you on what you need to know about bringing your type of event to Canada, including information on:

- the *Letter of Recognition* - a letter of introduction, issued by the IECSP coordinator, which you may present to the CBSA upon your arrival in Canada to facilitate the entry process;
- border-related requirements, exemptions and services that may apply to your specific event;
- moving your goods from the Canadian border to your specific event;
- non-Canadians working in Canada;
- visitor visa requirements for persons from countries that require a visa to visit Canada;
- duties and taxes;

- Canada's goods and services tax (GST) or harmonized sales tax (HST); and
- security deposits.

For further details call one of our [IECSP coordinators](#) (provided in this brochure). They are available to answer your questions and provide advice.

Southern Ontario

Toronto, Windsor, London, Niagara Falls and Hamilton

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P. O. Box 7000, Station "A"
Mississauga ON L5A 3A4
Telephone: 905-803-5261
Facsimile: 905-803-5353

Email: IECSP-PSEIC_GTA@cbsa-asfc.gc.ca

Request for Labour Market Opinion Exemption (Application Form)