

(4) Request for reinstatement of student status.

(5) Application for change of nonimmigrant status.

(Secs. 103, 212, 214, 248; 8 U.S.C. 1103, 1182, 1184, 1258)

[48 FR 10297, Mar. 3, 1983]

**§ 214.6 Canadian 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 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 United States-Canada Free-Trade Agreement (FTA).

(b) *Definitions.* (1) The term *Business person*, as defined in the FTA, means a citizen of Canada who is engaged in the trade of goods or services or in investment activities.

(2) The term *Business activities at a professional level* means those undertakings which require that, for successful completion, the individual has at least a baccalaureate degree or appropriate credentials demonstrating status as a professional.

(3) The term *Temporary entry*, as used in the FTA, means entry without the intent to establish permanent residence.

(c) *Application for admission.* A citizen of Canada seeking admission under this section shall make application for admission with an immigration officer at a United States Class A port of entry, at a United States airport handling international traffic, or at a United States pre-clearance/pre-flight station. No prior petition, labor certification, or prior approval shall be required.

(d) *Evidence.* A visa shall not be required of a Canadian citizen seeking admission as a nonimmigrant under section 214(e) of the Act. Upon application for admission at a United States port of entry, an applicant under this section shall present the following:

(1) *Proof of Canadian citizenship.* Unless traveling from outside the Western Hemisphere, no passport shall be required; however, an applicant for admission must establish Canadian citizenship.

(2) *Documentation demonstrating engagement in business activities at a professional level and demonstrating professional qualifications—(i) General.* The applicant must present documentation sufficient to satisfy the immigration officer at the time of application for admission, that the applicant is seeking entry to the United States to engage in business activities for a United States employer(s) at a professional level, and that the applicant meets the criteria to perform at such a professional level. This documentation may be in the form of a letter from the prospective employer(s) in the United States or from the foreign employer and may be required to be supported by licenses, diplomas, degrees, certificates, or membership in professional organizations. The documentation shall fully affirm:

(A) The business activity to be engaged in;

(B) The purpose of entry;

(C) The anticipated length of stay;

(D) The educational qualifications or appropriate credentials which demonstrate that the Canadian citizen has professional level status;

(E) That the Canadian citizen complies with all applicable state laws and/or licensing requirements for the business activity to be engaged in; and

(F) The arrangements for remuneration for services to be rendered.

(ii) *Schedule 2 to Annex 1502.1 of the FTA.* Pursuant to the FTA, an applicant seeking admission under this section shall demonstrate business activity at a professional level in one of the professions or occupations set forth in Schedule 2 to Annex 1502. Unless otherwise specified below, a baccalaureate degree is the minimum requirement for the following professions as listed in Schedule 2:

*Schedule 2 (Annotated)*

- Accountant
- Engineer
- Scientist
  - Biologist
  - Biochemist
  - Physicist
  - Geneticist
  - Zoologist
  - Entomologist
  - Geophysicist

- Epidemiologist
- Pharmacologist
- Animal scientist
- Agriculturist (agronomist)
- Dairy scientist
- Poultry scientist
- Soil scientist
- Research assistant (working in a post-secondary educational institution)
- Medical/allied professional
  - Physician (teaching and/or research only)—M.D., provincial license, or state license
  - Dentist—D.D.S., provincial license, or state license
  - Registered nurse—provincial license, or state license
  - Veterinarian—D.V.M., provincial license, or state license
  - Medical technologist
  - Clinical lab technologist
- Architect
- Lawyer—member of bar in province or state, L.L.B., or J.D.
- Teacher
  - College
  - University
  - Seminary
- Economist
- Social worker
- Vocational counselor
- Mathematician
- Hotel manager—baccalaureate degree and three years experience in hotel management
- Librarian—Master's degree in Library Science
- Animal breeder
- Plant breeder
- Horticulturist
- Sylviculturist (forestry specialist)
- Range manager (range conservationist)
- Forester
- Journalist—baccalaureate degree and three years' experience in journalism
- Nutritionist
- Dietician
- Technical publications writer
- Computer systems analyst
- Psychologist
- Scientific technician/technologist
  - Must work in direct support of professionals in the following disciplines: chemistry, geology, geophysics, meteorology, physics, astronomy, agricultural sciences, biology, or forestry
  - Must possess theoretical knowledge of the discipline
  - Must solve practical problems in the discipline
  - Must apply principles of the discipline to basic or applied research
- Disaster relief insurance claims adjuster—baccalaureate degree or three years' experience in the field of claims adjustment

—Management consultant—baccalaureate degree or five years' experience in consulting or related field

(e) *Procedures for admission.* A Canadian citizen who qualifies for admission under this section shall be provided confirming documentation (Service Form I-94), and shall be admitted under the classification symbol TC for a period not to exceed one year. Form I-94 shall bear the legend "multiple entry." The fee prescribed under § 103.7 of this chapter shall be remitted upon admission to the United States pursuant to the terms and conditions of the FTA. Upon remittance of the prescribed fee, the Canadian citizen applicant shall be provided a Service receipt (Form G-211, Form G-711, or Form I-797).

(f) *Readmission.* A Canadian citizen in this classification may be readmitted to the United States for the remainder of the period authorized on Form I-94, without presentation of the letter or supporting documentation described in paragraph (d)(2) of this section, and without remittance of the prescribed fee, provided that the original intended business activities and employer(s) have not changed. An alien who seeks readmission to the United States under this section to continue in business activities at a professional level who is no longer in possession of a valid, unexpired Form I-94 and whose period of initial admission has not lapsed, shall present alternate evidence entitling the alien to readmission as TC. This alternate evidence may be in the form of a Service fee receipt for admission as TC or a previously issued admission stamp as TC in a passport, and a confirming letter from the United States employer(s).

(g) *Extension of stay.* A Canadian citizen admitted under this section may apply for an extension of stay on Form I-539, as provided in § 214.1(c) of this chapter. Extensions of stay may be granted in increments of one year. The application shall be accompanied by a letter(s) from the United States employer(s) confirming the continued need for the Canadian citizen's services and stating the length of additional time needed.

(h) *Request for change or addition of United States employer(s).* A Canadian citizen admitted under this paragraph who seeks to change or add a United States employer during the period of admission shall file an application for extension of stay on Form I-539. The application shall be accompanied by a letter from the new employer describing the services to be performed, the time needed to render such services, and the terms of remuneration for services. Employment with a different or with an additional employer is not authorized prior to Service approval of the request for extension of stay. No action shall be required on the part of a Canadian citizen who is transferred to another location by the United States employer to perform the same services. Such an acceptable transfer would be to a branch or office of the employer, not to a separately incorporated subsidiary or affiliate. In the latter cases, an application for extension of stay with a new employment letter is required.

(i) *Spouse and unmarried minor children accompanying or following to join.* (1) The terms and conditions set forth under § 214.2(b)(1) of this chapter shall apply to the admission and the extension of temporary stay of the spouse or unmarried minor child of a Canadian citizen admitted under this section.

(2) The spouse or unmarried minor child shall be required to present a valid, unexpired nonimmigrant visa or a valid, unexpired Canadian border crossing identification card unless otherwise exempt under § 212.1 of this chapter.

(3) The spouse and dependent minor children shall be issued confirming documentation (Form I-94). Form I-94 shall bear the legend "multiple entry." There shall be no fee required for admission of the spouse and dependent minor children.

(4) The spouse and dependent minor children shall not accept employment in the United States unless otherwise authorized under the Act.

[54 FR 48579, Nov. 24, 1989]

**PART 215—CONTROLS OF ALIENS DEPARTING FROM THE UNITED STATES**

**Sec.**

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- 215.7 Instructions from the Administrator required in certain cases.

**Authority:** Sec. 104, 66 Stat. 174, Proc. 3004, 18 FR 489; 8 U.S.C. 1104, 3 CFR, 1953 Supp. Interpret or apply sec. 215, 66 Stat. 190; (8 U.S.C. 1185).

**Source:** 45 FR 65516, Oct. 3, 1980, unless otherwise noted.

**§ 215.1 Definitions.**

For the purpose of this part:

(a) The term *alien* means any person who is not a citizen or national of the United States.

(b) The term *Commissioner* means the Commissioner of Immigration and Naturalization.

(c) The term *regional commissioner* means an officer of the Immigration and Naturalization Service duly appointed or designated as a regional commissioner, or an officer who has been designated to act as a regional commissioner.

(d) The term *district director* means an officer of the Immigration and Naturalization Service duly appointed or designated as a district director, or an officer who has been designated to act as a district director.

(e) The term *United States* means the several States, the District of Columbia, the Canal Zone, Puerto Rico, the Virgin Islands, Guam, American Samoa, Swains Island, the Trust Territory of the Pacific Islands, and all other territory and waters, continental and insular, subject to the jurisdiction of the United States.