

THREE YEAR RENEWABLE WORK PERMITS FOR NAFTA PROFESSIONALS

by Kenneth Ing

Under Chapter Sixteen of the North American Free Trade Agreement (NAFTA), one of the main categories to facilitate the temporary entry of business persons is the Professionals category. Under this category, applicants who are citizens of Canada, the USA or Mexico are able to work temporarily in another NAFTA country without the need for a labour market opinion confirmation/certification.

In the case of Canada, under the authority of Immigration Regulation 204, which covers international agreements, a work permit may be issued without the need for a labour market opinion. Previously, Canada was able to issue a work permit to a NAFTA professional for an initial period of up to one year with the provision that it could be renewed year by year with no maximum term, provided that the professional continued to satisfy the requirements and that the work was still considered temporary.

On December 15, 2008, the Honourable Jason Kenney, Minister of Citizenship, Immigration and Multiculturalism announced, effective immediately, that Canada will extend the duration of work permits for NAFTA professionals. Initial work permits can now be granted for durations of up to three years. Extensions are also to be issued in increments of up to three years, with no limit on the number of extensions, provided that the professional's employment is still temporary and the professional is not using NAFTA entry as a means of circumventing the normal immigration procedures.