

November 3, 2025

The Honorable Jamieson Greer
U.S. Trade Representative
Office of the United States Trade Representative
Executive Office of the President
600 17th Street, NW
Washington, DC 20508 U.S.A.

Re: USTR-2025-0004, Request for Comments to the Operation of the Agreement Between the United States of America, Mexican States and Canada, sent VIA USTR portal:
<https://comments.ustr.gov/s/>.

Dear Ambassador Greer:

The Worldwide Employee Relocation Council (WERC) welcomes the opportunity to submit comments in response to the United States Trade Representative's (USTR) request for comments to the Operation of the Agreement Between the United States of America-Mexican States-Canada (USMCA) in preparation for the joint review of the agreement required under Article 34.7. In particular, our comments will focus on the impact of the trade agreement on talent mobility as connected with Chapter 16 of USMCA.¹

An essential element of enabling American companies to thrive in a global market is to facilitate the ability of businesses to seamlessly attract, access, relocate, and maintain the workforce necessary to be successful. The USMCA is an important tool that enables businesses to do just that. WERC urges the Trump Administration to maintain the existing mechanisms within the USMCA that enable efficient movement of employees by U.S. companies while modernizing existing provisions within the USMCA to enhance their effectiveness for the needs of today's employers and enable them to better support evolving priorities for the U.S. Government and for American companies, particularly in the fields of technology and artificial intelligence (AI).

In a March 2025 WERC survey, 91 percent of surveyed corporate members indicated that changes to the USMCA agreement which hampered their ability to support movement of current and potential employees would negatively impact their businesses in the United States². Ninety-four percent of survey respondents indicated that changes restricting the TN visa would have an impact on their talent mobility programs; more than changes to any other visa. Over half of respondents noted changes to visa policy, including those with Canada and Mexico would result in revenue reductions, and nearly a third indicated it could result in the reduction of American domestic employee headcounts. Respondent employers had an average of over

¹ Chapter 16 of USMCA, "Temporary Entry for Business Persons," accessible at https://ustr.gov/sites/default/files/files/agreements/FTA/USMCA/Text/16_Temporary_Entry.pdf.

² "U.S. Immigration Corporate Pulse Survey," WERC, 31 March 2025, <https://www.talenteverywhere.org/Education/Research/Research-Library>.

21,000 U.S. employees per organization, representing a significant source of jobs spanning across all major industry sectors and economic activity for Americans from coast to coast.

The movement of talent is essential for positioning the United States to maintain its overall net surplus in the trade of services, and this movement will also be critical for helping U.S. companies ensure they have the capacity and skills necessary to successfully boost their operations as the Administration addresses the existing deficits in the trade of goods.

The Importance of the USMCA Talent Mobility Provisions

For over 30 years, the provisions of USMCA (Chapter 16) allowing for the temporary movement of professionals for employment-related purposes have been critical for enabling U.S. companies to support and grow business operations, engage in successful trade of goods and service across North America, move essential talent as needed between their facilities across North America, and address existing talent voids that may exist in key occupational areas. These provisions, in conjunction with the USMCA's provisions around cross-border trade in services (Section 15), have been central to facilitating trade in services between the United States, Canada, and Mexico. And the results of this have been beneficial to U.S. companies, their workforces and the American economy.

As reflected in data from the U.S. Census Bureau and the U.S. Bureau of Economic Analysis, the trade in services within North America has resulted in a trade surplus favorable to the United States. In 2024, the United States had a \$34.9 billion trade surplus in services with Canada and \$2.5 billion services trade surplus with Mexico³. With Canada, the United States has had a surplus in the trade of services every year for at least the last quarter century. The United States has had surplus with Mexico for 23 out of the last 25 years.⁴

For U.S. employers, the streamlined mechanisms under the USMCA for applying for, being adjudicated for, and utilizing the applicable visa once approved have provided businesses needed predictability and efficiency for their workforces, which results in benefits that extend beyond the mobile employee and the associated company.

Central to the economic benefits of the temporary movement provisions under the USMCA has been that they provide for a myriad of options that can support a wide range of needs for U.S. companies. These include:

- Temporary (TN) visas for individuals in prearranged professional level positions;

³ U.S. Census Bureau and U.S. Bureau of Economic Analysis, "U.S. International Trade in Goods and Services, January 2025. Release CB 25-34, BEA 25-07, Released 6 March 2025, https://www.census.gov/foreign-trade/Press-Release/current_press_release/ft900.pdf.

⁴ U.S. Bureau of Economic Analysis, "International Data: Table 2.2, U.S. Trade in Services, by Type of Service and by Country or Affiliation," <https://www.bea.gov/data/intl-trade-investment/international-services-expanded>.

- Intracompany transfers (L) visas of managers, executives, and individuals with specialized knowledge; and
- Short-duration business travel (B-1) visas.

Via this spectrum of options, American companies have been able to facilitate the movement of their North American workforces to enhance their competitiveness, address significant talent voids, and foster benefits that support U.S. workforces and boost the economies of communities across the United States.

Examples provided by WERC members of how the temporary talent mobility provisions within the USMCA are used to support the needs of their companies include:

- A U.S.-based multinational chemicals and manufacturing company with over 2,500 employees regularly utilizes both the TN visa and L visa (intercompany transfer) mechanisms within the USMCA to enable employees to move between its various U.S. locations and its facility in Canada.
- A multi-billion-dollar global professional services company utilizes the TN and L visa mechanisms under USMCA, among other things, to enable eligible talent from its Canadian and Mexican operations to work at its U.S. locations alongside their American colleagues and allow Canadian and Mexican nationals that have graduated from a U.S. college or university and subsequently joined one of the company's overseas entities to return back for temporary employment within its U.S. operations.
- A U.S.-based multibillion dollar hospitality company regularly utilizes both the TN and L visa provisions within the USMCA to support the movement of key facility managers between the company's various North American operations.
- A young and expanding U.S.-based biotechnology company utilizes the TN visa provisions to support its talent strategies.

Opportunities for Modernizing Talent Mobility Provisions to Maximize Benefits to U.S. Companies and the U.S. Economy

While we urge the Trump Administration and the Governments of Canada and Mexico to ensure that existing temporary talent mobility provisions are maintained in the review of the USMCA, we ask the Administration to also utilize the opportunity to modernize provisions to best align with current needs and priorities of employers and Governments in all three countries. This can be done by:

- Modernizing the Professionals List within the USMCA: One of the biggest challenges for U.S. employers is that the existing list of 63 professions deemed eligible for a TN visa under Chapter 16, Appendix 2 of the USMCA has had minimal updates since the original negotiations of the North American Free Trade Agreement (NAFTA) provisions in the early 1990s. As a result, certain professions which are today essential to American business operations were not widely used, or even in existence. The list needs to be

augmented to reflect new and emerging professions. Adding professions related to data science, machine learning, human resources, and artificial intelligence are cited by WERC members as critical opportunities for aligning TN visa eligibility with today's business needs.

Additionally, classifications for technology and other key growing fields, including biotechnology and financial analysts, should be broken out in further detail in Appendix B (like what is done for Medical/Allied Professional, Scientist, and Teacher) as opposed to being classified under a generic catch-all category. These titles become an issue during the adjudication process, when factors such as the lack of sufficient detail around a title in the Professionals List or the evolution of terminology used by employers for professions since the early 1990s can result in an individual being denied per USCIS policy guidance. Updating this list and determining a consistent timetable for reviewing the Professionals List in Appendix 2 can greatly improve the impact and efficiency of the temporary mobility provisions and their benefits for U.S. companies, U.S. workers, and the U.S. economy.

The USMCA is critical for the success of American businesses. We urge you to preserve the agreement and maintain and modernize the provisions in Chapter 16. We welcome the opportunity to work with you on these provisions to ensure that American companies, along with companies in Canada and Mexico, have access to the talent they need to make their businesses successful and competitive and to maximize the benefits for American companies, workers, and communities.

Sincerely,



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About Worldwide ERC (WERC):

WERC, a Washington, D.C.-based global industry trade association, represents talent mobility professionals representing over 5,000 individuals and 2,750 enterprises located in every state of the nation. Our members include corporations and government agencies moving employees across the United States and around the world. In 2024 our members moved nearly half a million employees to meet the talent needs of their private and public sector employers. Our membership is also comprised of the many service providers who support the move, such as relocation management companies, movers, real estate brokerages, tax and legal experts, and destination service providers.