November 3, 2025

The Honourable Dominic LeBlanc
Minister, Canada-United States Trade, Intragovernmental Affairs, and One Canadian Economy
Global Affairs Canada
Trade Negotiations – North America
John G. Diefenbaker Building
111 Sussex Drive
Ottawa, Ontario K1N 1J1 Canada

Re: Public Consultations by the Government of the Government of Canada Regarding the Operations of the Canada-United States-Mexico Agreement.

Sent via email to CUSMA-Consultations-ACEUM@international.gc.ca

Dear Minister LeBlanc:

The Worldwide Employee Relocation Council (WERC), the industry trade association for global talent mobility, welcomes the opportunity to submit comments in response to the Canadian Government's request for comments to the operation of the Canada-United States- Mexico Agreement (CUSMA) in preparation for the joint review of the agreement required under Article 34.7. In particular, WERC's comments will focus on the impact of the trade agreement on talent mobility, and in particular the provisions of Chapter 16 of CUSMA.[1]

WERC comprises over 5,000 corporate and service provider members around the world and represents the individuals and organizations that oversee and implement the movement of employees around the world for employment purposes, including for relocation programs occurring within their home country or to/from an international destination. Most of our members either directly work for or provide services to businesses that have significant physical and/or employee presences across Canada, reflecting many of the largest private sector employers within Canada.

An essential element of enabling 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. CUSMA is an important tool that enables businesses to do just that. WERC urges the Canadian Government, along with the Governments of the United States and Mexico, to maintain the existing mechanisms within CUSMA that enable efficient movement of employees by companies in Canada and across North America while modernizing existing provisions within CUSMA to enhance their effectiveness for the needs of today's employers and enable them to

[1] "Chapter 16 – Temporary Entry for Business Persons," Canada-United States-Mexico Agreement (CUSMA), https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/cusma-aceum/text-texte/16.aspx?lang=eng.

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better support evolving priorities for governments, companies, and workers in all three countries, particularly in the fields of technology and artificial intelligence (AI).

In a March 2025 WERC survey, 91 percent of corporate members surveyed indicated that potential changes to CUSMA which hampered their ability to support movement of current and potential employees would negatively impact their businesses[2]. Ninety-four percent of survey respondents indicated that changes restricting temporary visas for professionals would have an impact on their talent mobility programs; more than changes to any other visa type. Over half of respondents noted changes to visa policy, including those related to North American business mobility, would result in revenue reductions, and nearly a third indicated it could result in the reduction of employee headcounts.

The movement of talent is essential for positioning Canadian companies to ensure they have the capacity and skills necessary to successfully boost their operations and maintain a critical pillar of the economies in both Canada and the United States.

The Importance of the CUSMA Talent Mobility Provisions

For over 30 years, the provisions of CUSMA (Chapter 16) allowing for the temporary movement of professionals for employment-related purposes have been critical for enabling both Canadian and American 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 CUSMA's provisions around cross-border trade in services (Section 15), have been central to facilitating trade in services between Canada, the United States, and Mexico. And the results of this have been beneficial to Canadian companies, their workforces and the Canadian economy.

As reflected in data from Statistics Canada, the trade in services between the United States and Canada have resulted in significant financial benefits for Canadian businesses and Canadian workers. Since 2000, Canada's service-related exports have risen over 246 percent to over $208 billion (CAN) in 2023[3]. Of that, nearly 60 percent was connected to commercial service exports, to which the mobility provisions under CUSMA are critical for facilitating.

For employers, the streamlined mechanisms under CUSMA 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.

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[2] "U.S. Immigration Corporate Pulse Survey," WERC, 31 March 2025, https://www.talenteverywhere.org/Education/Research/Research-Library.
[3] Statistics Canada. Table 36-10-0007-01 International transactions in services, by selected countries, annual (x 1,000,000).

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Central to the economic benefits of the temporary movement provisions under CUSMA 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 visas for individuals in prearranged professional level positions;
- Intracompany transfers visas of managers, executives, and individuals with specialized knowledge; and
- Short-duration business travel visas.

Via this spectrum of options, both Canadian and 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 their respective workforces and boost the economies of communities across both countries.

Examples provided by WERC members of how the temporary talent mobility provisions within CUSMA 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 professionals and intra-company transferee mechanisms within CUSMA 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 professionals and intra-company transferee visa mechanisms under CUSMA, among other things, to enable eligible talent from its American and Mexican operations to work at its Canada locations alongside their Canadian colleagues.
- A U.S.-based multibillion dollar hospitality company regularly utilizes both the professionals and intra-company transferee visa provisions within CUSMA to support the movement of key facility managers between the company's various North American operations.

Opportunities for Modernizing Talent Mobility Provisions to Maximize Benefits to Canadian Companies and the Canadian Economy

While we urge the Canadian Government and the Governments of the United States and Mexico to ensure that existing temporary talent mobility provisions are maintained in the review of CUSMA, we ask the Governments 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:

- <u>Modernizing the Professionals List within CUSMA:</u> One of the biggest challenges for employers is that the existing list of 63 professions deemed eligible for a temporary professional visa under Section 16, Appendix 2 of CUSMA has had minimal updates since the original negotiations of the North American Free Trade Agreement (NAFTA)

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provisions in the early 1990s. As a result, certain professions which are today essential to 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 temporary professional 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 can 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 delays or denial of the visa. 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 Canadian companies, Canadian workers, and the Canadian economy.

CUSMA is critical for the success of Canadian businesses and for the economies across North America. 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 Canadian companies, along with companies in the United States and Mexico, have access to the talent they need to make their businesses successful and competitive and to maximize the benefits for companies, workers, and communities across North America.

Sincerely,

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