

(B) NATO countries. See list in Chapter 11.2.

(C) Dependents: Admit dependents in same category as principal. Dependents may attend school without changing status and may be granted employment authorization under 8 CFR 274a.12(c).

(6) Classification: **NATO-6** Includes civilian employees of NATO military and their dependents.

Documents required: Passport valid only to date of application for admission. Nonimmigrant visa (NATO-6).

Qualifications: Must be an individual described above. Excludable under 212(a)(3)(A)(i), (ii), (iii) and 212(a)(3)(B)(i)(I), and (ii) of the Act only. See §102 of the Act.

Terms of admission: Admit NATO-6 for duration of status.

Notations on I-94: NATO-6, D/S

Special notes:

(A) Distinction between NATO officials and NATO members of Armed Forces. Nonmilitary NATO nonimmigrants should not be confused with members of NATO Forces entering under official orders with proper identification who are exempt inspection and therefore, exempt normal passport and nonimmigrant visa requirements.

(B) NATO countries. See list in Chapter 11.2.

(C) Dependents: Admit dependents in same category as principal. Dependents may attend school without changing status and may be granted employment authorization under 8 CFR 274a.12(c).

(7) Classification: **NATO-7** Includes attendants, servants, or personal employees of NATO-1 through NATO-6, and members of their immediate family.

Documents required: Passport must be valid for 6 months beyond the date to which the alien desires to be admitted. Nonimmigrant visa (NATO-7).

Qualifications: Must be alien described above. All nonimmigrant grounds of inadmissibility apply.

Terms of admission: Admit NATO-7 for three (3) years. [Amended IN02-24]

Notations on I-94: NATO-7, three years from date of admission. Enter name of employer in block 26, on reverse of I-94. [Amended IN02-24]

Special notes:

(A) NATO countries. See list in Chapter 11.2

(B) Dependents: Admit dependents in same category as principal. Dependents may attend school without changing status and may be granted employment authorization under 8 CFR 274a.12(c).

15.5 NAFTA Admissions.

(a) General. The North American Free Trade Agreement (NAFTA) between the United States, Canada, and Mexico entered into force on January 1, 1994. Chapter 16 of NAFTA pertains to Canadian and Mexican citizens seeking classification as one of four types of business persons:

- **B-1** temporary visitors for business under section 101(a)(15)(B) of the Act;
- **E-1** or **E-2** treaty traders and treaty investors under section 101(a)(15)(E) of the Act;
- **L-1** intracompany transferees under section 101(a)(15)(L) of the Act; and
- **TN** professional level employees under section 214(e) of the Act.

The NAFTA is an historic accord governing the largest trilateral trade relationship in the world and covers trade in goods, services, and investments. NAFTA facilitates the movement of U.S., Canadian, and Mexican business persons across each country's border through streamlined procedures. The NAFTA maintains the provisions of existing laws that ensure border security and protect indigenous labor and permanent employment. Further, NAFTA fully protects the ability of state governments to require that Canadians and Mexicans practicing a profession in the United States are fully licensed under state law to do so. Current U.S. law and practice relating to exclusion and deportation of aliens applies unchanged to all business persons seeking temporary entry under the provisions of Chapter 16 of the NAFTA.

The immigration-related provisions of NAFTA are similar to those contained in the United States-Canada Free-Trade Agreement (CFTA), which was suspended with the entry into force of NAFTA. The NAFTA is an international agreement subject to scrutiny by the public, the media, other governments and the Temporary Entry Working Group. INS inspectors must maintain the highest standards of objectivity, courtesy and professionalism when processing applicants for admission.

(Revised IN99-28)

(b) Definitions.

(1) A **business person** as defined in NAFTA means a citizen of Canada or Mexico who is engaged in the trade of goods, the provision of services, or the conduct of investment activities.

(2) **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) **Temporary entry** as used in NAFTA means entry without the intent to establish permanent residence.

(4) To **engage in business activities at a professional level** means the performance of prearranged business activities for a U.S. entity, including an individual. It does not allow for entry in TN status of those business persons who are seeking entry to engage in self-employment.

(c) B-1 Classification: Business Visitor.

(1) Qualifications. A NAFTA B-1 must meet the same eligibility requirements, described in Chapter 15.4, as any other B-1. All persons seeking admission into the United States under this category, whether they engage in the activities listed in Appendix 1603.A.1 to Annex 1603 of the NAFTA or other legitimate business activities, must meet all the general standards described above. These standards have been written to be flexible and to accommodate normal legitimate business activities [See Appendix 15-3 of this manual.].

Appendix 1603.A.1 to Annex 1603 of the NAFTA is a list of business activities representative of a complete business cycle in which a B-1 business visitor seeking entry under the NAFTA may engage. Appendix 1603.A.1 is not an exhaustive list. Nothing precludes a citizen of Mexico or Canada from seeking entry to engage in traditional B-1 activities which are not included within Appendix 1603.A.1, provided they meet all requirements for entry in such states, including restrictions on sources of remuneration.

The activities contained in Appendix 1603.A.1 include:

(A) Research and design. Technical, scientific and statistical researchers conducting independent research or research for an enterprise located in the territory of another Party.

(B) Growth, manufacture and 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 territory of another party.

(C) Marketing. Market researchers and analysts conducting independent research or analysis for an enterprise located in the territory of another Party. Trade fair and promotional personnel attending a trade convention.

(D) Sales. Sales representatives and agents taking orders or negotiating contracts for goods or services for an enterprise located in the territory of another Party but not delivering goods or providing services.

(E) Distribution. Transportation operations transporting goods or passengers to the territory of a Party from the territory of another Party or loading and transporting goods or passengers from the territory of a Party, with no unloading in that territory, to the territory of another Party. With respect to temporary entry into the territory of the United States, Canadian customs brokers performing brokerage duties relating to the export of goods from the territory of the United States to or through the territory of Canada. With respect to temporary entry into the territory of Canada, United States customs brokers performing brokerage duties relating to the export of goods from the territory of Canada to or through the territory of the United States. (It should be noted that, during the course of negotiations relating to NAFTA immigration provisions, Mexico decided not to be a Party to the language involving temporary entry of customs brokers into the signatory countries. Therefore, Mexican citizen customs brokers are not referenced in Appendix 1603.A.1. A citizen of Mexico is not precluded, however, from seeking entry into the United States in B-1 status to perform the functions of a customs broker provided he or she meets all existing requirements for B-1 classification.) Customs brokers providing consulting services regarding the facilitation of the import or export of goods.

(F) After-sales services. 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 the territory of the Party into which temporary entry is sought, during the life of the warranty or service agreement. The language concerning the life of a renewable service contract must have been included in clear and definitive terms in the original contract at the point of sale. Nothing under NAFTA precludes third party contracts for after-sales service providing the third party agreement was contracted at the time of sale.

(G) General service. Professionals engaging in a business activity at a professional level in a profession set forth in Appendix 1603.D.1 to Annex 1603, but receiving no salary or other remuneration from a U.S. source (other than an expense allowance or other reimbursement for expenses incidental to the temporary stay). Management and supervisory personnel engaging in a commercial transaction for an enterprise located in the territory of another Party. Financial services personnel (insurers, bankers or investment brokers) engaging in commercial transactions for an enterprise located in the territory of another Party. Public relations and advertising personnel consulting with business associates, or attending or participating in conventions. Tourism personnel (tour and travel agents, tour guides or tour operators) attending or participating in conventions or conducting a tour that has begun in the territory of another Party. The tour may begin in the United States, but must terminate in foreign territory, and a significant portion of the tour must be conducted in foreign territory. In such cases, an operator may enter the United States with an empty conveyance and a tour

guide may enter on his or her own and join the conveyance. Tour bus operators entering the territory of another Party with a group of passengers on a bus tour that has begun in, will return to, the territory of another Party to meet a group of passengers on a bus tour that will end, and the predominant portion of which will take place, in the territory of another Party or with a group of passengers on a bus tour to be unloaded in the territory of the Party into which temporary entry is sought, and returning with no passengers or reloading with the group for transportation to the territory of another Party. Translators or interpreters performing services as employees of an enterprise located in the territory of another Party.

(2) Terms of Admission. A citizen of Canada need not apply for a B-1 nonimmigrant visa, but is not precluded from doing so. A citizen of Mexico must apply for a B-1 visa at a U.S. embassy or consulate abroad. A citizen of Canada or Mexico will be admitted into the United States at the discretion of the inspecting officer for the period necessary to engage in the intended activities, not to exceed 1 year. The alien may apply to extend his or her stay by filing an Application to Extend/Change Status on Form I-539 with the appropriate Service office. Extensions of stay are granted in increments of not more than 6 months.

There is a \$6.00 fee at all land border ports-of-entry to process a Form I-94 for an applicant's admission into the United States.

(3) Spouses and Children. The spouse and children of a business person may accompany or follow to join the B-1 business visitor in B-2 classification if they otherwise meet the general requirements for temporary entry of visitors for pleasure. Such dependents may not work in the U.S. without obtaining a change of status, but may attend school, if incident to status.

(d) E Classification as a Treaty Trader or Treaty Investor.

(1) Qualifications. Section B of Annex 1603 of the NAFTA provides for the temporary entry of Canadian and Mexican citizens as treaty traders and treaty investors. This section required no changes to existing law and practice under section 101(a)(15)(E) of the Act, other than to authorize citizens of Canada and Mexico to apply for treaty trader (E-1) or treaty investor (E-2) status pursuant to the NAFTA.

A treaty trader is a business person who is coming to the U.S. solely to carry on substantial trade, principally between the U.S. and Canada, if the trader is a citizen of Canada, or between the U.S. and Mexico, if the trader is a citizen of Mexico.

A treaty investor is a business person who is coming to the United States solely to develop and direct the operations of an enterprise in which he or she has invested, or of an enterprise in which he or she is actively in the process of investing, a substantial amount of capital.

Immigration officers must familiarize themselves with the definition of the E classification in §101(a)(15)(E) of the Act and the regulations at 8 CFR 214.2(e) and 22 CFR 41.51.

(A) Treaty Traders. NAFTA business persons applying for the E-1 visa as a Treaty Trader must meet the following requirements.

- Citizenship. The trader, individual or entity, must possess citizenship of Canada or Mexico. In the case of an entity, at least 50% of that business must be owned by Canadian citizens or Mexican citizens.
- Trade. There must be an international exchange of a good or service, including title to that trade item, for consideration between the United States and either Canada or Mexico.
- Substantial Trade. The volume of trade must constitute a continuous flow of trade items involving numerous transactions between the United States and Canada or Mexico.
- Trade Linked to Citizenship. Trade is principally between the U.S. and Canada, if the trader possesses Canadian citizenship, or between the U.S. and Mexico, if the trader possesses