



Behind, At, and Beyond the Border

*Doing Business across the
U.S.-Canada Border*

Direct Line 

For American Business

DirectLineMontreal@state.gov

US CONSULATE



MONTREAL



U.S. Mission to Canada



DirectLineMontreal@state.gov



The Canada-U.S. Relationship

- \$715 Billion in Trade (2012)
- Canada is #1 export destination for 38 of the 50 U.S. states
- Over 350,000 people cross the border every day
- Connected by over 120 land ports of entry and 115,000 annual flights



Beyond the Border

- Address threats early
- Facilitate trade, travel, and economic competitiveness
- Integrated cross-border law enforcement
- Critical infrastructure protection





Facilitating Trade

- “Cleared once, accepted twice”
- Pre-inspection pilot programs
- Expedited customs clearance (<\$2,500)
- NAFTA visa applications before the border
- NEXUS trusted traveler program





Canada Border Services Agency (CBSA) Commercial Importation Process

U.S. Consulate General
Direct Line Information Session

February 20, 2014

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Introduction

- The CBSA import process is a critical element in the Agency's mandate to protect the Canadian economy and safeguard Canadians.
- At every step of the import process, CBSA has implemented programs that facilitate the trade process while identifying potential risks to the health, safety and security of Canadians.



PIP and C-TPAT Harmonization

- As part of the *Beyond the Border Action Plan*, Partners in Protection (PIP) and the U.S. Customs Trade Partnership Against Terrorism (C-TPAT) program are working to harmonize our two programs to the fullest extent possible.
- Harmonization refers to aligning both programs where applicable, in the areas of policy, procedures and documentation practices.

Harmonization Benefits:

- Single application process for companies seeking to join both programs.
- Only one site validation / re-validation required.
- One point of contact for companies to maintain their information.



Import Process

Pre-Border

- Advance Commercial Information (ACI)
- Risk Assessment

At the Border including in-bond movement

- Report
- Release
- Accounting and Payment

Post-Border

- Post-Release Compliance Verification
- Recourse and Adjudications



Report

- Carriers report conveyance and cargo arrivals.
- Admissibility determined at first point of arrival including requirements of Participating Government Departments (PGD) and Agencies.
- Goods moving in-bond beyond first point of arrival in Canada require posting of security bond.



Release and Examination

- Release process determines the final admissibility decision of goods into Canada.
- Release entries can be submitted in electronic or paper form by importers/customs brokers.
- Release can be obtained at the border or shipment can move in-bond to an inland location for further processing.



Accounting

- Final accounting and payment of applicable duties and taxes must be done following release.
- Timeframes for payment vary depending on the release option used.
- Compliance verification is conducted post-border.



Post-Border

- Compliance verification (audit) reviews are conducted to ensure importers are complying with the Legislation and Regulations.
 - Origin
 - Valuation
 - Classification
- Recourse provides an impartial review of complaints, decisions and enforcement actions.



Facilitative Processes – Customs Self Assessment

- The Customs Self Assessment (CSA) Program is designed for low-risk, pre-approved importers/carriers who invest in compliance and meet stringent CBSA requirements
- The program gives approved importers, approved carriers, and registered drivers the benefits of a streamlined clearance option for CSA-eligible goods.
- Importers use the data stream from their own business systems to account for goods to the CBSA, eliminating the need to maintain additional and separate customs processes.
- Each importer is assigned a Compliance Manager to facilitate CSA participation.



Facilitative Process – Partners in Protection

- Designated FAST lane access (Canada – U.S. Border)
- Reduced Risk Score (lowered exam rate)
- Recognition at the border
- Access to CBSA expertise
- Improved company security levels
- Enhanced company marketability by being secure and low-risk
- Contribute to increased security of the international supply chain



Non-Resident Importers

- On June 19, 2013, Custom Self Assessment (CSA) Regulations were amended to allow U.S. resident importers of goods into Canada to participate in the CSA Program.
- The amendment to these Regulations expands requirements to include residents of the United States and corporations that have their head office in the United States or operate a branch office in the United States.
- We are now accepting applications from US non-resident importers.



Links and Resources

- Canada Border Services Agency website:
<http://www.cbsa-asfc.gc.ca>
- Small and Medium Enterprise Centre: A Step-by-Step Guide to Importing
<http://www.cbsa-asfc.gc.ca/sme-pme/i-guide-eng.html>
- CBSA Border Information Service
Calls within Canada (Toll-free)
1-800-461-9999
Calls outside Canada (Long distance charges apply)
1-204-983-3500 / 1-506-636-5064



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada



Perimeter **Security & Economic** Competitiveness

**Behind, At, and Beyond the
Border: Doing Business across
the U.S.-Canada Border**
Direct Line Call for American Businesses

February 20, 2014



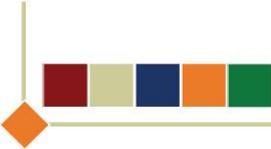
Canada



Outline

- Introduction
 - Mandate and objectives for CIC
- Facilitating cross-border business
 - Beyond the Border Action Plan
- Come to Canada
 - Visitors
 - Temporary foreign workers
 - Business persons and NAFTA
 - Applying for a work permit
- Qs&As
- Resources



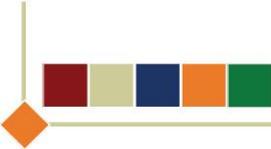


Introduction to Citizenship and Immigration Canada

- Permit Canada to pursue the maximum social, cultural and economic benefits of immigration
- Support the development of a strong and prosperous Canadian economy, in which the benefits of immigration are shared across all regions of Canada
- Facilitate the entry of visitors, students and temporary workers for purposes such as trade, commerce, tourism
- Protect public health and safety and to maintain the security of Canadian society

Immigration and Refugee Protection Act (2002)

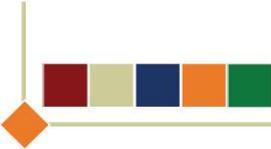
- In 2012, more than **124,338** temporary foreign workers were issued work permits for high-skilled occupations.
 - Among these, more than **31,775** work permits were issued to workers under international agreements, such as NAFTA.
- 



Faster, More Flexible Cross-Border Business

- The Beyond the Border Action Plan provides a practical road map for speeding up legitimate trade and travel across the Canada-U.S. border, while enhancing security.
- Facilitating the cross-border movement of business travelers is a central component of the Action Plan. Canada and the U.S. made several promises in the Action Plan, and have made significant progress since 2012:
 - Administrative guidance and training
 - Updated the Temporary Foreign Worker Guidelines Manual and launched an intranet page to provide enhanced training material to Border Services Officers
 - Specialized maintenance and repair personnel, and after-lease servicing
 - A positive labour market opinion (LMO) is no longer required for foreign nationals who provide emergency repair services, and foreign nationals who do after-sales or after-lease servicing are now able to enter as business visitors – they no longer require a work permit or an LMO
 - NEXUS client profile
 - Work permits have been added to NEXUS profiles
 - Advance ruling processes
 - U.S. business travelers who require a work permit can obtain advance determination before arriving at the border
 - Redress and recourse mechanisms for denied applications
 - Several redress and recourse mechanisms are in place for a business traveler whose application has been denied





Coming to Canada

- Visitors from certain countries need a visa to visit Canada.
 - If approved, they receive a Temporary Resident Visa (TRV)
 - Some are refused because of Admissibility concerns following security and medical checks.
- With the target date of April 2015, visitors from certain countries – including permanent residents of the U.S. – will need an Electronic Travel Authorization (eTA) to visit Canada.
 - Visitors will be able to apply online for an eTA. The process will be client-friendly, easy-to-use, and inexpensive
 - Approval of an eTA application is hinged upon the determination that the traveller is not inadmissible to Canada
 - U.S. citizens will be exempt from the eTA requirement





Who qualifies as a Business Visitor?

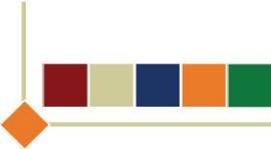
- Someone who comes to Canada to engage in international business activities **without directly entering the Canadian labour market.**
 - For example, someone who comes to Canada to meet people from companies doing business with his or her country would be a business visitor
- Visitors may come to Canada to observe or do site visits.
 - Alternatively, a Canadian company may have invited them to Canada for training in product use, sales or other functions related to a business transaction
- Business visitors must prove that their **main source of income and their main place of business are outside Canada.**
- Business visitors do not require a work permit.





Business People and NAFTA

- There is a difference between coming to Canada as a **business visitor** and coming to Canada as a **business person**.
 - **Business people** come to do business under a free trade agreement (FTA)
 - They can enter and work in Canada if they qualify under a Free Trade Agreement (e.g., NAFTA, other FTAs or GATS).
 - Business people seeking entry to Canada under a FTA do not need a LMO, but some need a work permit (e.g., NAFTA professional).
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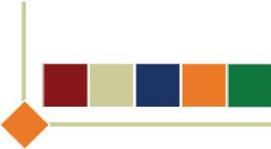
Temporary Foreign Worker Program

- The Temporary Foreign Worker Program lets employers hire foreign workers to fill temporary labour and skill shortages.
- A work permit is needed for most Temporary Foreign Workers (TFWs).
 - The TFW program is managed jointly by CIC and Employment and Social Development Canada (ESDC)
 - ESDC, through Service Canada, supplies an LMO confirming that the employer can hire a foreign worker and CIC issues work permits
 - Employers must apply for an LMO through ESDC/Service Canada
 - Exceptions from the LMO requirement: International Agreements (NAFTA); Canadian Interests; Youth Mobility Agreements - (LMO-exempt streams account for 62% of TFW entries).

The Temporary Foreign Worker Units (TFWU) offer guidance **ONLY to employers and/or their authorized representatives** seeking to employ foreign workers who may be exempted from obtaining a work permit or from the ESDC- Service Canada LMO process.

<http://www.cic.gc.ca/english/work/employers/tfw-units.asp>

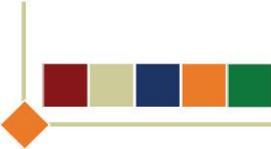




Where to Apply for a Work Permit?

- Directly at a Port of Entry
 - U.S. Citizens and permanent residents, and those who are LMO-exempt from visa-exempt countries
- Canadian visa offices.
 - U.S. Delivery Network
 - Visa Application Centres (VACs) or Application Support Centres (ASCs) in the U.S.
- Online (electronic application)
 - For visas and work permits
 - Most Business Visitors from the U.S. do not need to apply online
- In Canada
 - To extend your stay
 - Must apply before current status expires





Resources

- CIC website and specific links to the TFWP: <http://www.cic.gc.ca/english/index.asp>
 - Worker: <http://www.cic.gc.ca/english/work/index.asp>
 - Hiring a foreign worker: <http://www.cic.gc.ca/english/hire/index.asp>
 - TFWP: <http://www.cic.gc.ca/english/resources/publications/employers/temp-foreign-worker-program.asp>
 - TFW Guide: <http://www.cic.gc.ca/english/resources/publications/tfw-guide.asp>
- Temporary Foreign Worker Policy and Operational Guidelines: <http://www.cic.gc.ca/english/resources/manuals/fw/fw01-eng.pdf>
- TFW Units: <http://www.cic.gc.ca/english/work/employers/tfw-units.asp>
- ESDC/Service Canada for LMOs: http://www.esdc.gc.ca/eng/jobs/foreign_workers/index.shtml
- “PM’s **“Benefits of The Beyond The Border Action Plan for Canadians”**”
<http://pm.gc.ca/eng/news/2013/12/19/benefits-beyond-border-action-plan-canadians>

