

**LABOR MOBILITY UNDER NAFTA:
ITS BORDER IMPACT**

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Forward

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The legislature provides funds to support the efforts of the **Texas Centers** in three principal activity areas:

- 1) Development and maintenance of an economic database;
- 2) The conduct of economic development research and planning; and,
- 3) The provision of technical assistance to industrial and governmental entities.

Texas A&M International University's **Texas Center** operates under the direction of the Graduate School for International Trade and Business Administration's **Institute for International Trade** (IIT).

This report "*Labor Mobility Under NAFTA: Its Border Impact*" by Jane LeMaster and Jim Giermanski contributes to the goals of the **Texas Centers**.

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LABOR MOBILITY UNDER NAFTA: ITS BORDER IMPACT

*The objectives of this Agreement, as elaborated more specifically through its principles and rules, including national treatment, most favored-nation treatment and transparency, are to...eliminate barriers to trade in, and facilitate the cross-border movement of, goods and services between the territories of the Parties....*¹

Now that the North American Free Trade Agreement (NAFTA) is here, many wonder about its potential impact on labor markets along the U.S. border. So much has been written about potential job loss or gain as a result of manufacturing shifts from the United States to Mexico that there is a natural concern about potential labor shifts on the border. It is commonly agreed that on balance Mexico maintains an advantage in low skilled, labor intensive jobs, and the United States demonstrates an advantage in higher skilled, capital intensive jobs. Therefore, shifts in labor are likely to occur in the manufacturing sector. But what about the non-manufacturing sectors? Will there be increased legal movement of Mexican labor into the U.S.? Does NAFTA permit or facilitate this movement?

It does, just as it permits U.S. labor into Mexico. However, not all Mexican labor is allowed legal immigration to the United States. NAFTA specifically lists those labor sectors including professionals which are given special consideration for entry into the U.S. Therefore, NAFTA encourages legal migration.

BACKGROUND

By virtue of the guidelines contained in the General Agreement on Tariffs and Trade (GATT), customs territories are not prevented from entering into regional agreements. These

¹ The NAFTA, Washington D.C.: U.S. Government Printing Office, 1993, p.1-1.

agreements are to ensure the elimination of trade barriers "...in order to facilitate frontier traffic;..." and develop "...closer integration between the economies of the countries parties to such agreements."² Furthermore, paragraph 8 within Article XXIV specifically references the elimination of not only duties but also "other restrictive regulations of commerce."

The language of GATT does not promote free-trade agreements. In fact, the language simply does not prevent the formation of these agreements: "The provisions of this Agreement shall not be construed to prevent..."³ the formation of these trade agreements. GATT's language also does not specifically authorize the movement of labor as part of a trade agreement. Of course, it does not prohibit it either. One might even argue that the issue of labor mobility is indirectly supported in language which allows the elimination of "other restrictive regulations of commerce." Those restrictive commercial regulations include investment and labor questions.

Thus, while GATT does not positively encourage free-trade arrangements, it does not prevent them and provides the legitimization of including investment, and labor provisions within these accords. The North American Free Trade Agreement consequently contains provisions which facilitate the legal migration of Mexican workers into the United States.

CORNERSTONE OF NAFTA'S PREFERENTIAL TREATMENT

Special operations by the U.S. Border Patrol in El Paso, Texas, recommendations for walls along the U.S. border, political platform campaigns advocating the use of federal troops or their surrogates for border interdiction activities, and a U.S. House republican bill authorizing

² General Agreement on Tariffs and Trade, Article XXIV, 3(a); 4, October 30, 1947.

³ GATT, Article XXIV, 3.

\$2.3 billion to add 6000 more Border Patrol Agents⁴ all highlight the concern for illegal migration of Mexican workers into the United States. Yet NAFTA contains provisions which, by their inclusion in the Agreement, suggest that to facilitate the legal cross-border movements of workers is good and is consistent with the special treatment authorized by NAFTA.

This special treatment is embodied in two fundamental doctrines which provide the framework for the acceptance of temporary foreign workers in a party nation: Most Favored Nation Treatment (MFN), and National Treatment.

1. Most Favored Nation Treatment

MFN treatment is defined in Article I of GATT.

With respect to customs duties and charges of any kind imposed on or in connection with importation or exportation or imposed on the international transfer of payments for imports or exports, and with respect to the method of levying such duties and charges, and with respect to all rules and formalities in connection with importation and exportation, and with respect to all matters referred to in paragraphs 2 and 4 of Article III, any advantage, favour, privilege or immunity granted by any contracting party to any product originating in or destined for any other country shall be accorded immediately and unconditionally to the like product originating in or destined for the territories of all other contracting parties.

In other words, MFN treatment is: "A commitment that a country will extend to another country the best conditions to its home market that it applies to any third country."⁵ Although MFN treatment refers substantially to the treatment accorded to products, it has been extended to people as evidenced by its inclusion in the U.S. Canada Free-Trade Agreement (Article 501) and NAFTA (Article 1203).

⁴ Martin, Gary, "GOP Immigration Plan Seeks to Add 6,000 More Agents, Eliminate Benefits," San Antonio Express News, February 11, 1994, p. 1.

⁵ Multilateral Trade Negotiations Glossary, The International Trade Communications Group, Department of External Affairs, Minister of Supply and Services Canada, Ottawa, Ontario, 1988, p. 9.

2. National Treatment

National Treatment is defined in GATT in Article III (4):

The products of a territory of any contracting party imported into the territory of any other contracting party shall be accorded treatment no less favourable than that accorded to like products on national origin in respect of all laws, regulations and requirements affecting their international sale, offering for sale, purchase, transportation, distribution or use....

In addition to its foundation in GATT, national treatment has special significance in NAFTA because it clearly extends the original scope of national and MFN treatment to include people in addition to products. NAFTA's Article 1202 reads:

1. Each Party shall accord to service providers of another Party treatment no less favorable than it accords, in like circumstances, to its own service providers.
2. The treatment accorded by a Party under paragraph 1 means, with respect to a state or province, treatment no less favorable than the most favorable treatment accorded, in like circumstances, by that state or province to service providers of the Party of which it forms a part.

What was originally intended by the world trading community to be applicable to products has now been extended to services and service providers — persons, a questionable application under GATT. Clearly, trade agreements, unlike common markets which do include labor movement principles and practices,⁶ have no basis in GATT for including cross-border labor movement.⁷ Actually, the United States and other GATT nations objected to the Treaty of

⁶ The Treaty Establishing the European Economic Community (Treaty of Rome 1957, as amended through 1990) dealt directly with the free movement of labor among the European Community. Part I, Article 3 of the Treaty contains its guiding principles, one of which is the free movement of workers across borders. In Part II, Title III, Article 48, the Foundations part of the Treaty goes into more specificity with respect to the rights of workers to cross borders.

⁷ GATT, Article 24.

Rome because it was not consistent with Article 24 of GATT by promoting cross-border labor movement.⁸

However, there is no Treaty of Rome for North America – only GATT. Thus, thirty-seven years after protesting, the United States, Canada, and Mexico interpreted Article 24 in a somewhat obtuse fashion to permit cross-border services and national treatment to service providers. Services and apparently their providers can be thought of as products. In effect, the Parties to NAFTA have agreed to equate the treatment of services to the treatment of products, a reality which may be fraught with some very unique and, perhaps, troublesome consequences. Are services, then, countervailable and subject to the dispute resolution provisions of NAFTA? For instance, at the time of this writing proceedings are underway at the Department of Commerce in a case involving natural and enriched uranium. Since the bulk value of enriched uranium is attributable to the enrichment services provided, should the enrichment services be countervailable?⁹ Could countervailing of the cross-border Mexican motor carrier transfer or drayage services, therefore, increase the employment in the U.S. drayage industry on the U.S.-Mexican border? Countervailing tariffs are defined as "Additional duties imposed by an importing country to offset government subsidies in an exporting country when subsidized imports cause or threaten to cause material injury to a domestic industry in the importing country."¹⁰

⁸ Folsom, Ralph H., European Community Law, (St. Paul: West, 1991), p. 12.

⁹ A provision of an initialled (but not yet signed) Amendment to the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation would expressly regulate the import of the "Separate Work Unit, (SWU)" the standard measure of services involved in the enrichment process. The agreement was initialled by Vice President Gore in December 1993.

¹⁰ Multilateral Trade Negotiations Glossary, p. 3.

While one may question the appropriateness of including the cross-border service provisions in NAFTA, there is no question as to where the greatest impact is likely to occur. Given the differential between Mexican and U.S. labor costs, the U. S. border communities will certainly be affected.

THE BORDER IMPACT

Chapter 12, "Cross-Border Trade in Services;" and Chapter 16, "Temporary Entry for Business Persons" contain the provisions for this labor issue. Chapter 12, applies specifically to any entity which provides certain services. This chapter does not include financial services, air services, or loans, guarantees, or insurance subsidy-type services. NAFTA provides that any individual may seek employment in, or may be employed in any of the participating countries. Equally, any individual is able to provide or perform any service (conditioned under the agreement); i.e. "...law enforcement, correctional services, income security or insurance, social security or insurance, social welfare, public education, public training, health, and child care..." (Article 1201, 3, [b]). Further, there is no requirement for residency or physical presence in order for a service by one country to be provided in another country.

Given the initial scope of Chapter 12, it seems that there are few limitations to any participant in most service arenas under NAFTA. However, more specific provisions regarding present (Annex I), and future (Annex II), federal, state, and local governments are provided for under Article 1206: Reservations. For example, even though NAFTA provides reciprocity between the U.S. and Canada with respect to freight forwarding services, under the reservations Mexico has set forth in Annex I, only Mexican nationals can provide freight forwarding services from Mexico. As of January 1, 1994, the countries have a grace period of 2 years to make

specific reservations concerning cross-border trade in services. After the 2 year period, if the reservation is not already in place, it cannot be effected.

Additionally, both national treatment and most-favored-nation treatment are addressed in Chapter 12. As noted earlier, NAFTA's national treatment requires at least equal treatment of other member country service providers as is accorded to its own service providers¹¹ (Article 1202, 1, 2). NAFTA's "most-favored-nation" treatment requires that a participating country will treat any other participating in the same way as they would treat any country, member or non-member (Article 1203). Further, the standard treatment will be the best of the two — either national treatment or most-favored-nation treatment.

In many circumstances there are quantitative restrictions regarding the number of service providers, or the operations of a service provider in the form of quotas, permits, economic needs and so forth which are allowed for different services. For example, in Mexico under the private education sector, only the Secretary of Public Education or competent state authority may grant permission to a provider of private education of any country at any level. This restriction prevents a U.S. entity from going into Mexico and setting up an educational facility without written permission from the designated Mexican official. These quantitative restrictions must be evaluated by the participating countries at least every two years toward the eventual discontinuance of the restrictions. The specific quantitative restrictions are set forth in Annex V of the NAFTA. Additionally, Annex VI for Chapter 12, addresses a specific commitment to liberalize the quantitative restrictions, and requirements for licensure and performance of certain professions and service providers. Liberalization implies reciprocity. That is, if Mexico allows

¹¹ Article 1202 (1), (2) does not include non-member countries.

U.S. individuals to provide a service in Mexico, then the United States should allow the Mexican counterpart to provide the same service in the United States. In Annex VI, there are three Mexican reservations regarding liberalization of non-discriminatory measures; these concern the distribution of cinema films, professional legal services, and owning or leasing land transportation vehicles. The U.S. has one reservation which concerns the transmission of broadcast programs.

Chapter 12 requires that licensing and certification of individuals be based on competency and not constitute any unnecessary restriction for the service provider. It is expected that the participating countries will "develop mutually acceptable standards and criteria for licensing and certification of professional service providers..." (Annex 1210.5, Section A, 2), and it is further suggested that some procedure for temporary licensing of professional service providers be developed. However, even if the United States accepts a Mexican national's educational, experience, licensing and/or certification credentials as equivalent to those required in the United States, the agreement does not require that the individual be recognized by the United States as competent to provide the service. For example, a Mexican national with a license in social welfare in Mexico can apply for a license to provide social welfare counseling in the U.S. Even though their educational background in Mexico exactly matches the educational requirements in the U.S., according to NAFTA, the U.S. is not required to accept the Mexican national's license. However, if the United States does not accept the seemingly exact credentials of a service provider of Mexico, the U.S. must ensure that the rejection "does not constitute a disguised restriction on the cross-border provision of a service." (Article 1210, 1 [c])

In some professions there may be citizenship or residency requirements. NAFTA mandates that within 2 years after the agreement goes into force, the countries must work toward

eliminating these requirements. However, if a country does not comply, the other countries may reinstate their citizenship and residency requirements.(Article 1210 3 [a] [b]) This is an interesting clause. Other articles within the agreement mandate dissolution of rules, requirements, and so forth within certain time frames. Here, if one country does not comply, the others can reinstate citizenship or residency requirements. The question arises, at what point must there be compliance, or can a country "fail to comply" forever? Chapter 16, article 1603, addresses the event of a request for temporary entry of a business person being denied. If a country refuses to issue an immigration document (visa) "authorizing employment to a business person ... [the country must] ..." inform, in writing, both the person being denied and the country of the person being denied of the reasons for refusal to grant temporary entry privileges.

Annex I of Chapter 12 further clarifies and extends the issue of citizenship and residency requirements for professionals. Canada and the United States will remove the citizenship and residency requirements for patent and trademark specialists (I-U-9; I-C-21; I-C-22) while Mexico agreed to lift these two conditions for accountants (I-M-48); commercial notaries (I-M-49); and lawyers (I-M-46).

There is special attention given in Annex 1210.5 to Professional Services from the perspective of applications for licensure and/or certification, development of professional standards, and temporary licensing. Of primary concern is that each country elicit the aid of the respective professional organizations regarding the requirements for licensure and certification. This is particularly important because in some professions (engineering) there are multiple levels and multiple types of licenses and/or certifications; and these various requirements may differ across each state. It is not just a simple task of being licensed or not licensed, but rather licensed to perform certain aspects of a profession. NAFTA does not address these differences. Further,

Chapter 16 "Temporary Entry for Business Persons," provides a specific list of general professions with the minimum education requirements and alternative credentials for each country (see Appendix A for a listing of these professions from both the agreement between the United States and Canada, and the NAFTA). Although, engineers are listed in Chapter 16 under professionals, Chapter 12 addresses engineers in particular, and requires that a work program be established in conjunction with the appropriate professional organizations to allow for persons licensed as engineers in one country to have temporary licensing in the other country, so that these engineers may continue to practice their professions with the least inconvenience. Chapter 12, therefore, sets the framework for the creation of two new professional categories: temporarily licensed engineers, and licensed legal consultants. It is expected that this temporary licensing procedure will be in place within two years after NAFTA is in force.

Annex 1212 addresses only the liberalization of land transportation issues with regard to the bus and truck transportation industries. Each country needs to consider the effectiveness, specific problems, and unanticipated effects of liberalization in these particular industries. There is also a comment that recognizes the possibility for modifying the proposed time period for liberalization. NAFTA states that after 6 years, all barriers to cross border trade in land transportation will be lifted, and states specifically that "...each party shall designate [by January 1, 1994] contact points to provide information published by that Party relating to land transportation services regarding operating authority, safety requirements, taxation, data, studies and technology, and to provide assistance in contacting its relevant government agencies" (Annex 1212, 1).¹² It is not clear at this point which entities constitute "contact points", or if

¹² Land transportation is not addressed directly as a chapter of NAFTA. Truck and bus drivers are addressed, however, in Chapter 16. Harmonization of standards involving land transportation, to include drivers, are explained in Chapter 9, and issues of access of land transportation services are treated in

these contact points will be those entities through which each country will be responsible for providing the information required by Article 1604 concerning temporary entry for business persons.

How do Chapters 12 and 16 affect the border area specifically? First, Article 1201 which sets the scope and coverage of the chapter includes: services or service providers regarding production, distribution, marketing, sale and delivery of a service; purchase or use of, or payment for a service; access to and use of distribution and transportation systems in connection with a service; physical presence in its territory of a service provider; and a bond or other financial security as a condition for providing a service. These services include many of those low-skilled, low-paying positions which constitute many of the jobs along the border area. Also, some limited attention is given to certain professionals who are also prevalent along the border area.

Second, NAFTA states that

"Nothing in this Chapter [12] shall be construed to:

prevent a [country] from providing a service or performing a function such as law enforcement, correctional services, income security or insurance, social security or insurance, social welfare, public education, public training, health, and child care, in a manner that is not inconsistent with this Chapter" (Article 1201,3[b]).

Does this mean that since January 1, 1994, Mexican law enforcement officers, security guards, social welfare workers, child care providers, public education (at the primary and secondary levels), and health care providers such as licensed vocational or practical nurses have been able to come into the United States and provide services? If the answer is yes, are there directives which will control or guide the potential flow of these persons into the United States?

different parts of the Annexes.

Chapter 12 does not set forth specific guides to control cross-border trade; however in Chapter 16, Article 1604 states that by January 1, 1995, each country will provide a publication including all policies, rules, and regulations regarding cross-border trade and temporary entry. This publication will be made available to all those concerned "...in such a manner as will enable business persons of the [countries] to become acquainted with [the requirements for temporary entry]" (Article 1604, 1 [b]). There is no apparent provision for what should be done until the time these guidelines are published. So, what happens between January 1, 1994 and January 1, 1995? This is particularly important for the border area because of the large disparity in earning potential of like jobs between the two countries.

When comparing the United States-Canada Free-Trade Agreement Chapter 14, "Services" with the NAFTA Chapter 12, "Cross-Border Trade in Services," the scope and coverage in the two agreements are the same. The difference is noted in the listing of services covered by the Canada agreement (Annex 1408) and the specific inclusion of construction services¹³. Construction services are not explicitly named in NAFTA. Therefore, does "production" under the scope and coverage of NAFTA imply construction services as it apparently does in the US-Canada agreement? If yes, Mexican construction workers (bricklayers, concrete workers, framers, and so forth) may come to the United States and practice their trade on a temporary-entry basis. Since new construction permits along the South Texas border area have seen steady increases in recent months, and the high growth rates in both residential and commercial permits in the area suggest this trend will continue, Mexican construction laborers should find lucrative work, possibly at the expense of U.S. workers.

¹³ Under "construction services" is included: building, developing and general contracting services; and special trade contracting services.

Chapter 16 of NAFTA defines business persons as "...a citizen of a [country] who is engaged in trade in goods, the provision of services or the conduction of investment activities" (Article 1608), and further categorizes business visitors into research and design; growth, manufacture and production; marketing; sales; distribution; after-sales service, and general service. Each of these categories is specifically defined as well. For example, the research and design category includes "technical, scientific and statistical researchers conducting independent research or research for an enterprise located in the territory of another [country]." (Appendix 1603.A[1]) The growth, manufacture and production category of business visitor includes "harvester owner supervising a harvesting crew admitted under applicable law and purchasing and production management personnel conducting commercial transactions for an enterprise located in the territory or another [country]." (Appendix 1603.A[1])

Market researchers and analysts and trade fair and promotional personnel are included in the marketing category of business visitor, and sales representatives, agents, and buyers are included in the sales category. The distribution category of business visitor includes "transportation operators transporting goods or passengers [from one country to another] or loading and transporting goods or passengers [from one country to another] with no unloading" (Appendix 1603.A[1]). The description of this category includes two paragraphs regarding customs broker services between the United States and Canada specifically; and then a final paragraph allowing cross-border service to "customs brokers providing consulting services regarding the facilitation of the import or export of goods" (Appendix 1603.A[1]). After-sales service persons include installers, repair and maintenance personnel, and supervisors with special knowledge regarding the service. And finally, the general service category includes professionals as outlined in Appendix 1603.D[1], management and supervisory personnel,

financial services personnel, public relations and advertising personnel, tourism personnel, tour bus operators, and translators or interpreters.

One final observation is important to understanding Chapters 12 and 16. According to Annex 1603, service providers may only enter on a temporary basis. To be granted preferential treatment under NAFTA as service providers of a Party nation, they must show (1) proof of citizenship of a Party; (2) describe the purpose of entry and demonstrate its temporary character; and (3) demonstrate that the business activity is international in scope, and there is no intention of entering the local labor market. Requirement three, however, can be satisfied instead by demonstrating that the primary source of remuneration is outside the territory of the nation granting temporary entry and the business person's principal place of business and actual place of accrual of profit remain outside the territory granting entry. The potential problem with all this is that Annex 1603 further reveals that the territory granting temporary entry "shall normally accept an **oral** (emphasis added) declaration as to the principal place of business and the actual place of accrual of profits."

There should be no misunderstanding regarding NAFTA's impact on immigration. NAFTA institutionalizes it, and promotes it. The estimates of an incremental immigration flow into the U.S. directly attributable to NAFTA range from 10% to 50% over current levels of about 200,000 to 300,000 Mexicans who settle in the U.S. annually.¹⁴ While this NAFTA-generated surge should be temporary, there is no clear expectation that it will be. Mexican wages on an annual per capita basis are about \$2,700 on average. Mexico's rural areas which are significant

¹⁴ Martin, Philip L., Trade and Migration: NAFTA and Agriculture, (Washington, D.C.: Institute for International Economics, 1993), pp. 4-6.

(28 million population) earn only about \$891 dollars per capita annually.¹⁵ Finally, the working population in Mexico is increasing faster than the capacity of the market to absorb the increase. At the same time the lure of possible U.S. employment is still strong.

It is quite clear that the facilitation of labor movement under NAFTA may have some serious effect on job displacement along the United States southern border. While this may be manageable on a macro level, there is concern about its effect on a micro level at the border. Additionally, unlike other labor displacement which results from substantial quantities of imported goods constituting a serious injury or threat to labor of that industry, service providers on the U.S. southern border do not appear to be eligible for emergency action under Chapter 8 of The NAFTA Supplemental Agreements. In effect, the U.S. southern border has no "surge protection" with respect to job displacement of service providers which might be brought about by NAFTA.

Title V's "NAFTA Transitional Adjustment Assistance Program (TAAP)" provides employment services, training, and allowances to U.S. workers who lose their jobs or whose jobs are threatened because of NAFTA. These benefits, however, are not available for those U.S. service providers on the border who lose their jobs or whose jobs are threatened **unless** their job condition is tied directly to some type of product. The benefits are available if:

- "...a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or threatened to become totally or partially separated, **and** (emphasis added) either ———
- (A) that ———
 - (i) the sales or production, or both of such firm or subdivision have decreased absolutely,

¹⁵ Martin, p. 6.

- (ii) imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and
 - (iii) the increase in imports under clause (ii) contributed importantly to such workers' separation or threat of separation and the decline in the sales or production of such firm or subdivision; or
- (B) that there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision...."

In other words, job loss must be linked to Mexican or Canadian product substitution of U.S. goods. Therefore, certain job loss in the service sector on the border which is most likely to be affected as a result of the temporary entry provisions of NAFTA will not be protected. Consequently, if a U.S. drayage commercial truck driver loses his job to a Mexican drayage truck driver, the U.S. truck driver will not be eligible for benefits under NAFTA. Other U.S. service providers are equally at risk, such as correctional workers, health and child care workers, and service providers in public education.

Petitions determined to be valid by the Governors of the states which host the injured U.S. worker have already been submitted. In the first 60 days of NAFTA 37 groups of workers from 13 states successfully placed a petition before the Secretary of Labor applying for benefits under the TAAP.

For all the good NAFTA should produce, its impact on the border may not be as positive as many have claimed. A clear and concise understanding of what the benefits contained in Chapters 12 and 16 provide for each nation is critical in preparing for their impact.

Border communities must understand that within in the fundamental purposes of NAFTA is the aim of removing barriers to trade which include barriers to cross-border service providers.

Chapters 12 and 16 are merely indicators of other efficiencies to come such as the modernization and streamlining of Mexican customs services and its consequential impact on those Mexican brokers practicing along the border. The gate is now opened. What will the traffic bring?

APPENDIX

LISTINGS OF PROFESSIONALS AND SERVICES
NOTED IN NAFTA AND THE UNITED STATES-CANADA
FREE-TRADE AGREEMENT

Professionals (NAFTA, Appendix 1603.D[1])

General

Accountant
Architect
Computer Systems Analyst
Disaster Relief Insurance Claims Adjuster (claims adjuster employed by an insurance company located in the territory of a Party, or an independent claims adjuster)
Economist
Engineer
Forester
Graphic Designer
Hotel Manager
Industrial Designer
Interior Designer
Land Surveyor
Landscape Architect
Lawyer (including Notary in the Province of Quebec)
Librarian
Management Consultant
Mathematician (including Statistician)
Range Manager/Range Conservationist
Research Assistant (working in a post-secondary educational institution)
Scientific Technician/Technologist
Social Worker
Sylviculturist (including Forestry Specialist)
Technical Publications Writer
Urban Planner (including Geographer)
Vocational Counsellor

Medical/Allied Professional

Dentist
Dietitian
Medical Laboratory Technologist (Canada)/Medical Technologist (Mexico and the United States)
Nutritionist
Occupational Therapist
Pharmacist
Physician (teaching or research only)
Physiotherapist/Physical Therapist
Psychologist
Recreational Therapist
Registered Nurse
Veterinarian

Scientist

Agriculturist (including Agronomist)

Animal Breeder

Animal Scientist

Apiculturist

Astronomer

Biochemist

Biologist

Chemist

Dairy Scientist

Entomologist

Epidemiologist

Geneticist

Geologist

Geochemist

Geophysicists (including Oceanographer in Mexico and the United States)

Horticulturist

Meteorologist

Pharmacologist

Physicist (including Oceanographer in Canada)

Plant Breeder

Poultry Scientist

Soil Scientist

Zoologist

Teacher

College

Seminary

University

Note: Each of these professions is accompanied by the minimum education requirements and alternative credentials set forth in NAFTA.

Schedule 2 to Annex 1502.1 (United States-Canada
Free-Trade Agreement)

(This listing is from Chapter 15 - *Temporary Entry for Business Persons* in the agreement)

Accountant

Engineer

Scientist

biologist

biochemist

physicist

geneticist

zoologist

entomologist

geophysicists

epidemiologist

pharmacologist

animal scientist

agriculturist (agronomist)

dairy scientist

poultry scientist

soil scientist

Research Assistant (working in a post-secondary educational institution)

Medical/Allied Professional

physician (teaching and/or research only)

dentist

registered nurse

veterinarian

medical technologist

clinical lab technologist

Architect

Lawyer

Teacher

college

university

seminary

Economist

Social Worker

Vocational counselor

Mathematician

Hotel manager

Librarian

Animal breeder

Horticulturist

Sylviculturist (forestry specialist)

Range manager (range conservationist)
Forester
Journalist
Nutritionist
Dietitian
Technical publications writer
Computer systems analyst
Psychologist
Scientific technician/technologist
Disaster relief insurance claims adjuster
Management consultant

Note: Only a few of the professions listed have specific educational or experience requirements.

Annex 1408 (United States-Canada Free-Trade Agreement)

(This listing is from Chapter 14 - *Services*, from PART FOUR, SERVICES, INVESTMENT AND TEMPORARY ENTRY of the agreement)

Agriculture and forestry services

Soil preparation services
Crop planting, cultivating and protection services
Crop harvesting services (primarily by machine)
Farm management services
Landscape and horticultural services
Forestry services (such as reforestation, forest firefighting)
Crop preparation services for market
Livestock and animal specialty services (except veterinary)

Mining services

Metal mining services
Coal mining services
Oil and gas field services
Non-metallic minerals (except fuels) services

Construction services

Building, developing and general contracting services
Special trade contracting services

Distributive trade services

Wholesale trade services
Vending machine services
Direct selling services

Insurance and real estate services

Insurance services
Segregated and other funds services (managed by insurance companies only)
Insurance agency and brokering services
Subdivision and development services
Patent ownership and leasing services
Franchising services
Real estate agency and management services
Real estate leasing services

Commercial services

Commercial cleaning services
Advertising and promotional services
Credit bureau services
Collection agency services

Stenographic, reproduction and mailing services
Telephone answering services
Commercial graphic art and photography services
Services to buildings
Equipment rental and leasing services
Personnel supply services
Security and investigation services
Security systems services
Hotel reservation services
Automotive rental and leasing services
Commercial educational correspondence services
Professional services, such as:
 engineering, architectural, and surveying services
 accounting and auditing services
 agrolology services
 scientific and technical services
 management consulting services
 librarian services
 agriculture consulting service
Non-professional accounting and bookkeeping services
Training services
Commercial physical and biological research services
Commercial economic, marketing, sociological, statistical and educational research services
Public relations services
Commercial testing laboratory services
Repair and maintenance services
Other business consulting services
Management services:
 hotel and motel management services
 health care facilities management services
 building management services
 retail management services
Packing and crating services

Other services

Computer services
Telecommunications-network-based enhanced services
Tourism services
 relations services
Commercial testing laboratory services
Repair and maintenance