

Cross-Border Business Travel Facilitation for Executive, Professional and Technical Specialists (XPT Program)

With the growth of cross-border business, the increasing demand for qualified personnel and the increasing scarcity of skilled personnel, there is an accelerating need for travel between the United States and Canada by executives, professionals and technical specialists. Labour market conditions and skills shortages are quite different now than when current arrangements were established for cross-border travel by these categories of individuals.

For example, an individual who needs to travel between Canada and the United States cannot obtain the required visa in advance. The individual must present themselves at the border or more likely at United States Immigration at an international airport immediately prior to departure, bearing original university degrees (not copies), specific written material identifying the purpose of the trip, and an offer of short-term employment from an employer in the United States. This requirement must be met for something even as simple as traveling to the United States to make a paid speech.

There is no assurance that the qualified individual will be granted entry to the United States, due to inconsistent treatment by inspecting officers. The least irregularity may trigger a refusal from the inspecting officer, a refusal that in effect cannot be appealed. The business traveler then must cancel their obligations in the United States on very short notice.

Qualified residents of the United States can face similar challenges on seeking entry to Canada. This situation impedes the normal conduct of business between the two countries. There is a need for a solution to this that will ensure that qualified individuals can know in advance that they will be able to cross the border, while ensuring at the same time that the need for security has been met.

It is proposed that a mechanism be established for multiple entries by security cleared executive, technical and professional citizens and permanent residents of the United States and Canada for travel between the two countries. This would be a broadly based arrangement covering all executive, professional and technical personnel who are able to demonstrate their qualifications as members of the qualified occupational categories.

It is proposed that qualified personnel would apply under the trusted traveler program(s) that have been established for travel between Canada and the United States. This would ensure that all identity and security requirements are met. However, in addition to the information and background checks involved in enrolment as a trusted traveler, the essential background information required for border crossing and the issuance of permission for multiple entries would also be recorded. The applicant, at the time of the interview for enrolment in the trusted traveler program, would produce the required documentation satisfying qualification under the executive, technical or professional categories.

The free movement of executive, professional and technical specialist personnel between the United States and Canada would be a desirable outcome. Over time, the program would involve not only those four categories already specified under NAFTA, but also the more broadly qualified group of personnel actively engaged in these areas in the United States or Canada. In essence, this would be a much more open labour market for these increasingly sought after occupations.

Some of these categories would require the recognition of their credentials in the states or provinces where they might work if they intend to practice a regulated occupation. That would be no different than the situation that now exists.

To facilitate the trial of this type of arrangement, it would be useful to mount a pilot program, which has been a key ingredient in the successful deployment of the trusted traveler programs that increasingly are being used to expedite the travel of individuals whose identity and trustworthiness has been verified.

Recommendations

1. That the federal government work with the government of the United States to establish a pilot program to facilitate the movement of executive, professional and technical specialist categories of business travelers between Canada and the United States.
 - Qualified citizens and permanent residents would apply under the established trusted traveler program(s) to ensure all security requirements are met.
 - Establish an optional pre-approval process for qualified individuals to obtain necessary visas/approvals
 - In addition to trusted traveler data, essential information for border crossing under the new program would be added to the electronic records.
 - Recognition of professional credentials by provinces or states would operate as at present.
2. That the federal government move quickly to expand this program in order to apply to all qualified personnel actively engaged in the United States and Canada, so as to create a much more open labour market for executive, professional and technical specialists.