

March 11, 2025

The Honorable Jamieson Greer
U.S. Trade Representative
Office of the United States Trade Representative
Executive Office of the President
600 17th Street, NW
Washington, DC 20508

Re: USTR-2025-0001, Request for Comments to Assist in Reviewing and Identifying Unfair Trade Practices and Initiating All Necessary Actions to Investigate Harm from Non-Reciprocal Trade Agreements, sent VIA USTR portal: <https://comments.ustr.gov/s/>.

Dear Ambassador Greer:

The Worldwide Employee Relocation Council (WERC) welcomes the opportunity to submit comments in response to the United States Trade Representative's (USTR) request for comment on unfair and non-reciprocal foreign trade practices. In particular, our comments will focus on the United States-Mexico-Canada Agreement (USMCA), the Singapore-United States Free Trade Agreement, the Chile-United States Free Trade Agreement, and their respective impacts on talent mobility.

WERC applauds the Trump Administration's goal of increasing the competitiveness of American businesses and their workforces. An essential element of enabling American 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.

As President Trump and his Administration seek to address deficits associated with the trade of goods, we urge the Administration to maintain existing mechanisms that enable the successful movement of employees by U.S. companies. The most significant of these mechanisms for the vast majority of U.S. employers are found within the USMCA, but they also exist in several other trade agreement currently in force. These include provisions within the Singapore-U.S. Free Trade Agreement and the Chile-U.S. Free Trade Agreement allowing for temporary employment in the United States for Singapore and Chilean nationals in specialty occupations under the H1B1 visa.

We also ask the Administration to modernize existing provisions within the USMCA to enhance their effectiveness for the needs of today's employers and enable them to better support evolving priorities for the U.S. Government and for American companies, particularly in the fields of technology and artificial intelligence (AI).

The movement of talent is essential for positioning the United States to maintain its overall net surplus in the trade of services worldwide, and this movement will also be critical for helping U.S. companies ensure they have the capacity and skills necessary to successfully boost their operations as the Administration addresses the existing deficits in the trade of goods.

The Importance of the USMCA Talent Mobility Provisions

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

As reflected in data from the U.S. Census Bureau and the U.S. Bureau of Economic Analysis, the trade in services within North America has resulted in a trade surplus favorable to the United States. In 2024, the United States had a \$34.9 billion trade surplus in services with Canada and \$2.5 billion services trade surplus with Mexico¹. With Canada, the United States has had a surplus in the trade of services every year for at least the last quarter century. The United States has had surplus with Mexico for 23 out of the last 25 years.²

For U.S. employers, the streamlined mechanisms under the USMCA 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.

Central to the economic benefits of the temporary movement provisions under the USMCA 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 (TN) visas for individuals in prearranged professional level positions;
- Intracompany transfers (L) visas of managers, executives, and individuals with specialized knowledge; and
- Short-duration business travel (B-1) visas.

Via this spectrum of options, 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 U.S. workforces and boost the economies of communities across the United States.

Examples provided by WERC members of how the temporary talent mobility provisions within the USMCA 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 the TN visa and L visa mechanisms within the USMCA 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 TN and L visa mechanisms under USMCA, among other things, to enable eligible talent from its Canadian and Mexican operations to work at its U.S. locations alongside their American colleagues and allow Canadian and Mexican nationals that have graduated from a U.S. college or university and subsequently

¹ U.S. Census Bureau and U.S. Bureau of Economic Analysis, "U.S. International Trade in Goods and Services, January 2025. Release CB 25-34, BEA 25-07, Released 6 March 2025, https://www.census.gov/foreign-trade/Press-Release/current_press_release/ft900.pdf.

² U.S. Bureau of Economic Analysis, "International Data: Table 2.2, U.S. Trade in Services, by Type of Service and by Country or Affiliation," <https://www.bea.gov/data/intl-trade-investment/international-services-expanded>.

joined one of the company's overseas entities to return back for temporary employment within its U.S. operations.

- A U.S.-based multibillion dollar hospitality company regularly utilizes both the TN and L visa provisions within the USMCA to support the movement of key facility managers between the company's various North American operations.
- A young and expanding U.S.-based biotechnology company utilizes the TN visa provisions to support its talent strategies.

The Importance of Talent Mobility Mechanisms with Singapore and Chile

The temporary movement of specialized professionals permitted within the Singapore-U.S. Free Trade Agreement and the Chile-U.S. Free Trade Agreement via the H-1B1 program³ have also resulted in significant benefits for the American economy. Since the signing of the Agreements in 2003, U.S. employers have been able to more easily move key talent to and from both countries, and the positive impacts have been reflected in U.S. trade data. For both countries, the United States has seen a trade surplus each year that the agreement has been in effect.⁴ In the case of Singapore, the trade surplus in 2024 had grown to over \$27 billion, making it one of the most beneficial relationships for the United States in terms of the trade of services.⁵

Opportunities for Modernizing Talent Mobility Provisions to Maximize Benefits to U.S. Companies and the U.S. Economy

While we urge the Trump Administration to ensure that existing temporary talent mobility provisions are maintained in any reviews of U.S. trade agreements, we ask the Administration to also utilize the opportunity to modernize provisions to best align with current needs and priorities of American employers and the U.S. Government. This can be done by:

- Modernizing the Professionals List within the USMCA: One of the biggest challenges for U.S. employers is that the existing list of 63 professions deemed eligible for a TN visa under Section 16, Appendix 2 of the USMCA has not been updated since the original negotiations of the North American Free Trade Agreement (NAFTA) provisions in the early 1990s. As a result, certain professions which are today essential to American 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, and artificial intelligence are cited by WERC members as critical opportunities for aligning TN visa 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

³ More information on the H1B1 nonimmigrant visa program is available from the U.S. Department of Labor at <https://www.dol.gov/agencies/whd/immigration/h1b1>.

⁴ U.S. Bureau of Economic Analysis, "International Data: Table 2.2, U.S. Trade in Services, by Type of Service and by Country or Affiliation," <https://www.bea.gov/data/intl-trade-investment/international-services-expanded>.

⁵ U.S. Census Bureau and U.S. Bureau of Economic Analysis, "U.S. International Trade in Goods and Services, January 2025. Release CB 25-34, BEA 25-07, Released 6 March 2025, https://www.census.gov/foreign-trade/Press-Release/current_press_release/ft900.pdf.

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 an individual being denied. 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 U.S. companies, U.S. workers, and the U.S. economy.

- Explore opportunities for leveraging additional temporary talent mobility mechanisms to enhance U.S. trade: In addition to maintaining existing mechanisms, we encourage the Administration to explore additional opportunities where targeted temporary talent mobility mechanisms within trade agreements can be used to benefit the United States. As seen in the cases of Canada, Mexico, Singapore, and Chile, these provisions can help bolster American companies and workers in the trade of services. Additionally, they can support companies in establishing or expanding their operational footprint within the United States, which creates opportunities for new jobs and economic investment in local communities.

We applaud your effort to ensure America businesses can compete effectively in a world market and look forward to working with you to ensuring that American companies have access to the talent they need to make their businesses successful and competitive and to maximize the benefits for American companies, workers, and communities.

Sincerely,



Michael T. Jackson
Vice President, Public Policy and Research
Email: mjackson@talenteverywhere.org

cc: Catherine Gibson, Deputy Assistant Trade Representative for Monitoring and Enforcement

About Worldwide ERC (WERC):

WERC, a Washington, D.C.-based global industry trade association, represents talent mobility professionals representing over 5,000 individuals and 2,750 enterprises located in every state of the nation. Our members include corporations and government agencies moving employees across the United States and around the world. In 2024 our members moved nearly half a million employees to meet the talent needs of their private and public sector employers. Our membership is also comprised of the many service providers who support the move, such as relocation management companies, movers, real estate brokerages, tax and legal experts, and destination service providers.