

U.S. CUSTOMS AND BORDER PROTECTION
Department of Homeland Security

Memorandum

JAN 20 2004

OFO:IPP:LML

TO: Directors, Field Operations
Director, Preclearance Operations

FROM: Assistant Commissioner
Office of Field Operations

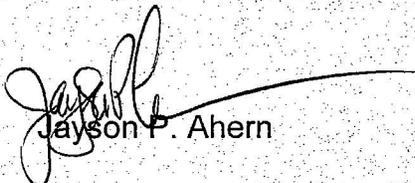
SUBJECT: Elimination of Certain Requirements for Entry of Mexican TN
Nonimmigrants, IFM Update IN03-40

Chapter 16 of the North American Free Trade Agreement (NAFTA) and Annex 1603 to Article 1603 of the NAFTA established various categories of businesspersons to be allowed temporary entry under NAFTA. One of these categories is the Trade NAFTA (TN) category, which provides for the admission of professionals from Canada and Mexico in accordance with section 214(e) of the Immigration and Nationality Act (INA).

At the time the NAFTA entered into force in 1994, the agreement imposed an annual numerical ceiling of 5,500 on Mexican TN admissions to the United States. In order to accurately administer this cap, the former Immigration and Naturalization Service required the filing of Form I-129, Petition for Alien Worker, with the Nebraska Service Center, as well as the associated requirement of a certified labor condition application (LCA) filed with the Department of Labor. Appendix 1603.D.4 of the NAFTA provided that these additional controls were to apply for no longer than 10 years. Effective January 1, 2004, the petition and LCA requirement for Mexican TN admissions has been eliminated.

Mexican nationals seeking entry under the TN category will still require a valid passport and nonimmigrant visa. Therefore, consular officials will make the determination as to whether the alien is eligible for the TN classification and issuance of the visa. Both the Department of State and the Department of Homeland Security (DHS) will be publishing amended regulations incorporating these provisions.

The attached revision to Chapter 15.5 of the Inspector's Field Manual will be included in a future release of INSERTS. Please ensure that all officers performing inspections of NAFTA applicants for admission are aware of these changes. Questions regarding these provisions may be directed to Linda Loveless at (202) 927-2493.

A handwritten signature in black ink, appearing to read "Jayson P. Ahern", with a long horizontal flourish extending to the right.

Jayson P. Ahern

Attachment