



U.S. Customs and
Border Protection

OCT 26 2004

MEMORANDUM FOR: DIRECTORS, FIELD OPERATIONS
DIRECTOR, PRECLEARANCE OPERATIONS

FROM: Acting Executive Director
Immigration Policy and Programs

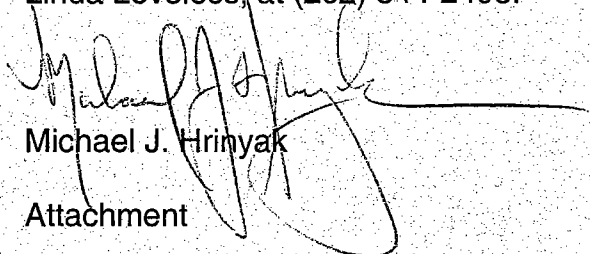
SUBJECT: Additional TN (Trade NAFTA) Occupations: Actuaries and
Plant Pathologists

On October 13, 2004, the Department of Homeland Security published a final rule (69 FR 60939) amending the regulations to add actuaries and plant pathologists to Appendix 1603.D.1 to Annex 1603 of the North American Free Trade Agreement (NAFTA).

In Appendix 1603.D.1 contained in 8 CFR 214.6(c), a footnote is added to note that the profession of Actuary is now included within the meaning of the term "Mathematician." An actuary must satisfy the necessary requirements to be recognized as an actuary by a professional actuarial association or society operating the territory of at least one of the Parties. Within the profession of Scientist, a new footnote is added to the term "Biologist" to now include the profession of Plant Pathologist.

Please also note that an interim rule published March 10, 2004 (69 FR 11287) relating to the elimination of the numerical cap on Mexican TN nonimmigrants incorporated certain technical changes to 8 CFR 214.6 that are discussed in the October 13, 2004 rule. The earlier rule eliminated the requirement that TN nonimmigrants must present evidence of licensure at the time of application for admission or application for a visa, as this requirement is inconsistent with the NAFTA. All TN nonimmigrants are subject to any individual state's licensure requirements, but such state license is not a mandatory documentary requirement for entry. State or Federal law will continue to require the alien's employer to ensure that the alien has the proper license before the alien commences employment.

Chapter 15.5 and Appendix 15-4 of the Inspector's Field Manual will be amended to reflect these changes. Questions regarding this memorandum may be addressed to Linda Loveless, at (202) 344-2493.



Michael J. Hirnyak

Attachment