



U.S. Department of Justice
Immigration and Naturalization Service

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Office of the Executive Associate Commissioner

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MEMORANDUM FOR REGIONAL DIRECTORS
EXECUTIVE ASSOCIATE COMMISSIONER
IMMIGRATION SERVICES DIVISION
ACTING DIRECTOR, INTERNATIONAL AFFAIRS
OFFICER DEVELOPMENT TRAINING FACILITY, GLYNCO
OFFICER DEVELOPMENT TRAINING FACILITY, ARTESIA

FROM: *JW* Johnny N. Williams
Executive Associate Commissioner
Office of Field Operations

SUBJECT: Field Guidance on the Admission of Scientific Technicians/Technologists under the North American Free Trade Agreement (IN 03-01)

This memorandum is being issued as a revision of Chapter 15.5 of the Inspector's Field Manual (IFM) to provide additional guidance to immigration officers who are evaluating the qualifications of applicants for admission as TN Scientific Technicians/Technologists under the provisions of the North American Free Trade Agreement (NAFTA).

Pursuant to regulation at 8 CFR 214.6 (e)(2), the applicant must present documentation sufficient to satisfy the immigration officer at the time of application for admission that the applicant is seeking entry to engage in business activities at a professional level and that the applicant meets the criteria to perform at such a professional level. The Scientific Technician/Technologist category has been problematic for all of the parties to NAFTA. At the NAFTA Temporary Entry Working Group annual meeting, the United States delegation proposed clarification of admission standards for Scientific Technician/Technologists. In December 2001, the parties drafted and subsequently agreed to guidelines for evaluating applicants for Scientific Technician/Technologist positions.

These revisions to the IFM will be incorporated into future releases of the Immigration and Naturalization Service Easy Research and Transmittal System (INSERTS). Should you have any questions regarding this memorandum, please contact

Accordingly Chapter 15.5 section (f) (2) (A) of the IFM is revised to read as follows:

- (A) A business person in the category of "Scientific Technician/ Technologist" must possess:
- (a) theoretical knowledge of any of the following disciplines: agricultural sciences, astronomy, biology, chemistry, engineering, forestry, geology, geophysics, meteorology or physics and (b) the ability to solve practical problems in any of those disciplines, or the ability to apply principles of any of those disciplines to basic or applied research. A scientific technician/technologist does not generally have a baccalaureate degree. The following principles will be used to evaluate the admissibility of scientific technician/technologist applicants.
- (1) Individuals for whom scientific technicians/ technologists wish to provide direct support must qualify as a professional in their own right in one of the following fields: agricultural sciences, astronomy, biology, chemistry, engineering, forestry, geology, geophysics, meteorology, or physics.
 - (2) A general offer of employment by such a professional is not sufficient, by itself, to qualify for admission as a Scientific Technician or Technologist (ST/T). The offer must demonstrate that the work of the ST/T will be *inter-related with* that of the supervisory professional. That is, the work of the ST/T must be managed, coordinated and reviewed by the professional supervisor, and must also provide input to the supervisory professional's own work.
 - (3) The ST/T's theoretical knowledge should have been acquired through the *successful completion of at least two years of training* in a *relevant* educational program. Such training may be documented by presentation of a diploma, a certificate, or a transcript accompanied by evidence of relevant work experience.
 - (4) U.S. authorities will rely on the Department of Labor's Occupational Outlook Handbook to establish whether proposed job functions are consistent with those of a scientific or engineering technician or technologist. ST/Ts should not be admitted to perform job functions that are primarily associated with other job titles.
 - (5) Not admissible as ST/Ts are persons intending to do work that is normally done by the construction trades (welders, boiler makers, carpenters, electricians, etc.), even where these trades are specialized to a particular industry (e.g., aircraft, power distribution, etc.)