

Questions/Answers from the CBP Ohio AILA December 14, 2015 Liaison Meeting
(approved by CBP)

In Attendance: Michael Fox, Assistant Area Port Director - Passenger, U.S. Customs and Border Protection; Bradley L. Ortman, Rosner, Ortman & Moss Partners, LLC.; JoAnna Gavigan, Rosner, Ortman & Moss Partners, LLC.

- 1) Do the CBP ports-of-entry in Ohio handle applications submitted pursuant to the NAFTA (i.e. TN and L-1 for Canadians)? If only certain Ohio ports handle these, which are these?

No, we do not handle these in our area. The closest area ports where these are handled are Buffalo and Detroit.

- 2) Can NAFTA Applications be submitted at any Class A port-of-entry? If not, how is one to know which Class A ports of entry will adjudicate NAFTA related TN and L-1 applications?

Fourteen total ports are designed for optimized processing, including four preclearance locations. Please click on this link to access cbp.gov webpage for a list of these locations, www.cbp.gov/travel/canadian-and-mexican-citizens/traveling-tn-or-11-visa-canada

- 3) Does CBP have a system for scheduling appointments in advance for the submission of a NAFTA application (i.e. TN applications, and L-1 applications for Canadians)? If so, how should this be done?

The applicant should contact the port of arrival to inquire directly.

- 4) What should a Canadian applicant who has previously been approved for L-1 status based on an application submitted at a port-of-entry do if he/she has not received a Form I-797 documenting that approval if he/she plans to travel internationally? Is the passport stamp and online documentation of the L-1 approval sufficient?

Yes.

- 5) We have experienced differing interpretations from CBP ports-of-entry on what qualifies one as an "engineer" under NAFTA. Specifically, can one who serves in an Engineering Manager role be approved for TN status when the position requires a Bachelor's degree in Engineering, involves supervision of other engineers, and involves both engineering, as well as other purely managerial duties?

Engineers may not fill computer-related jobs under the TN classification unless they have the credentials as computer or software engineers from institutions that recognize computer or software engineering as bona fide engineering specialties offering full

engineering credentials, such as professional engineering licenses. Furthermore, the U.S. positions to be filled must require this level of credentials.

- 6) Is the Global Entry system presently equipped to process an applicant for admission through Advance Parole? If not, will there be changes in the Global Entry system to allow for this?
No and not in the immediate future.
- 7) Please provide the names and contact information for the Port Directors and supervisors for the ports-of-entry under your jurisdiction.

Please refer to cbp.gov to locate a POE and contact information at the following link. www.cbp.gov/contact/ports.

- 8) E-1 and E-2 nonimmigrants are to be admitted for two years, assuming their passports are valid for the full two-year period. 8 C.F.R. § 214.2(e)(19)(i). With this in mind, we have the following questions:

(a) When an E-1/E-2 nonimmigrant is not admitted for the full two-year period, can the affected foreign national go to the local CBP office to have his/her Form I-94 corrected?

CBP will make the correction only if they did not admit correctly on initial entry.

(b) If so, does it matter when the admission issue is discovered by the nonimmigrant (i.e. Does it make a difference whether it is discovered immediately after the admission vs. if it is not discovered until the Form I-94 at issue has already expired?)

Please see the answer to the previous question. If I-94 has expired, then CBP could make the correction, but only if CBP did not admit correctly upon initial arrival.

(c) When an inspecting CBP Officer chooses not to admit the E-1/E-2 nonimmigrant for the full two-year period, is the Officer instructed to make the E-1/E-2 nonimmigrant aware of this at the time of admission, so that the nonimmigrant can be made aware of the need to extend his/her status in a timely manner?

The admit to date will be annotated in the passport of the E-1/E-2. The nonimmigrant is responsible for looking at their admission documents and need to be aware of the authorized period of admission in all cases.