

May 14, 2010

MEMORANDUM FOR: Directors, Field Operations

Director, Preclearance
Operations

Director, Field Operations Academy
Office of Training and Development

FROM: Acting Executive Director (b) (6), (b) (7)(C)
Admissibility and Passenger Programs

SUBJECT: Trade NAFTA (TN) Computer Systems Analysts (CSA)

Customs and Border Protection (CBP) officers adjudicate applications for citizens of Canada seeking to work as professionals in the United States under the North American Free Trade Agreement (NAFTA). When CBP officers admit an individual, the person is admitted in the Trade NAFTA (TN) class of admission.

One of the occupations for TN's is computer systems analyst (CSA). CSAs can be (b) (7)(E) (b) (7)(E) in Appendix 1603.D.1 of NAFTA. Appendix 1603.D.1 of NAFTA is annotated at Title 8, Code of Federal Regulations (CFR), Section 214.6(c). To assist CBP officers to properly adjudicate TN applications, the guidance in Chapter 15.5(f)(2)(H) of the Inspector's Field Manual on the CSA occupation is being updated and clarified to state the following:

A computer systems analyst (CSA) is an information specialist who analyzes how data processing can be applied to the specific systems needs of users and who designs and implements computer-based processing systems. Computer systems analysts study the overall organization or organizational component to identify its information needs and design computer systems which meet those needs. A computer systems analyst is generally precluded from performing actual programming functions, although a computer systems analyst may be required, on occasion, to engage in limited programming activities. Such limited programming activities, however, should be the exception, and not the rule. The computer systems analyst category does not include computer programmers, whose primary responsibility is creating or modifying computer programs.

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8 CFR 214.6(c) lists the qualification for a CSA as the applicant requiring either a Baccalaureate (U.S./Canada)/Licenciatura (Mexico) Degree, or a Post Secondary Diploma (U.S./Canada)/Post Secondary Certificate (Mexico) and three years experience.

CBP officers who adjudicate TN applications should be familiar with both the Occupational Outlook Handbook (www.bls.gov/OCO/) and 8 CFR 214.6(c) to assist in determining whether a person is qualified as a TN. CBP officers should carefully scrutinize applications for individuals entering as CSAs, admit those who are admissible, and deny admission to those who are inadmissible. If the applicant is admissible, the person is admitted in the TN class of admission for the time requested in the letter, not to exceed three years.

Questions regarding this procedure may be addressed to (b) (6), (b) (7)(C) Program Manager, Admissibility and Passenger Programs, (b) (6), (b) (7)(C)

Weekly Muster

Week of: When received
Topic: Trade NAFTA (TN) Computer Systems Analysts (CSA)
References: Title 8, Code of Federal Regulations (CFR), Section 214.6(c)
Chapter 15.5(f)(2)(H) of the Inspector's Field Manual
Occupational Outlook Handbook, 2010-11 Edition
Headquarters POC: (b) (6), (b) (7)(C)
Office: Admissibility and Passenger Programs

- Computer systems analysts (CSA) can be (b) (7)(E) (b) (7)(E) (b) (7)(E) in Appendix 1603.D.1 of NAFTA and 8 CFR 214.1(c).
- Guidance on CSAs in Chapter 15.5(f)(2)(H) of the Inspector's Field Manual is being clarified to state:

A computer systems analyst (CSA) is an information specialist who analyzes how data processing can be applied to the specific systems needs of users and who designs and implements computer-based processing systems. Computer systems analysts study the overall organization or organizational component to identify its information needs and design computer systems which meet those needs. A computer systems analyst is generally precluded from performing actual programming functions, although a computer systems analyst may be required, on occasion, to engage in limited programming activities. Such limited programming activities, however, should be the exception, and not the rule. The computer systems analyst category does not include computer programmers, whose primary responsibility is creating or modifying computer programs.

- The U.S. Bureau of Labor Statistics, Occupational Outlook Handbook (www.bls.gov/OCO) provides an in depth description of the CSA occupation.
- When CBP officers adjudicate a TN application and find the applicant admissible, the person should be admitted for the length of time requested not to exceed three years.