

# Travel Warning for TN Nonimmigrants in Economist Classification

**December 20, 2017**

In a policy memorandum dated November 20, 2017, but actually made available to the public on December 18, the United States Citizenship and Immigration Services (USCIS) "clarified" that "an applicant to qualify for TN status based upon work in the profession of Economist . . . must engage in activities consistent with the profession of economist."

The purpose of the memorandum seemed to be to warn adjudicators that closely-related professions, such as Financial Analyst, Market Research Analyst and Marketing Specialist, are not classifiable as Economists because they perform duties not directly associated with the profession of Economist, such as conducting quantitative analysis of information effecting investment programs, or marketing strategies, thus, they are not entitled to TN classification.

USCIS and CBP traditionally had taken a broader and more expansive view of what constitutes an "Economist" for purposes of the North America Free Trade Agreement.

We now can expect that many whom we would have classified previously as "Economist" would prove not to qualify in the future. Perhaps of greater concern are those already classified as TN "Economist" who may now find their visa status reexamined and re-adjudicated on a subsequent entry into the United States even if a formal application to extend or renew the classification is not being presented.

## **Travel Warning**

Accordingly, all individuals currently in TN classification as "Economists" who are considering traveling should consult with their legal advisors regarding their eligibility to reenter the United States in this classification, to properly assess the risk.

The full text of the November 20 Policy Memorandum can be found [here](#).