

## CHANGES TO THIRD COUNTRY NATIONAL VISA PROCESSING IN MEXICO

November 5, 2008

With no advance notice, U.S. consulates in Mexico are imposing significant restrictions on the services available to so-called third-country nationals (TCNs) applying for nonimmigrant visas. In particular, the following TCNs cannot apply for nonimmigrant visas in Mexico:

- Applicants who entered the U.S. with a visa issued in their home country and changed status with Department of Homeland Security in the U.S., who now seek a new visa in the new visa category.
- Applicants who entered the United States in one visa category and seek to re-enter the U.S. in a different visa category.
- Applicants who obtained their current visa in a country other than that of their legal residence.

In the past, individuals who were lawfully admitted to the U.S. in one visa category (such as an F-1 student) would often apply for a new visa stamp in Mexico after they were approved for H-1B or other nonimmigrant status. Please note that the following TCNs may continue to apply for nonimmigrant visas in Mexico:

- Applicants seeking to renew their C1/D, D, F, H, I, J, L, M, O, P and R visas, if the initial visa was issued in the applicant's home country or at one of the border posts in the past few years.

In response to an inquiry from Jackson & Hertogs, the Chief of the Nonimmigrant Visa Unit at Mexico City has advised that the new TCN policy applies to all ten consular posts in Mexico, based on a determination that "the applicant's home country can best determine the applicant's eligibility under U.S. immigration laws when an applicant has changed from one visa status to another." The Chief also advised that the "policy was enacted to create a homogeneous policy throughout Mission Mexico."

It is important to note that certain individuals may be required to apply for a visa in their home country, either due to regulatory or security requirements. In addition, U.S. consulates have always retained discretion to refuse applications from - or issue visas to - TCNs. Please see our Travel Issues for detailed information on visa processing and helpful links for travel while in nonimmigrant status. Jackson & Hertogs recommends that all visa applicants ensure that they check with the consulate and/or the consulate's website prior to appearing for a scheduled visa appointment. As evidenced by the shift in Mexico, policies can change with little or no notice.