



CAFTA Facts

Office of the United States Trade Representative
CAFTA Policy Brief – July 2005

www.ustr.gov

CAFTA DOES NOT AFFECT U.S. IMMIGRATION LAWS

CAFTA DOES NOT CREATE ANY “RIGHTS” TO ENTER OR WORK IN THE UNITED STATES

- Opponents of CAFTA are using scare tactics to claim that the agreement includes “cloaked” provisions that would require the United States to change its immigration laws. This is absolutely not true.
- In fact, U.S. negotiators were crystal clear from the beginning of the negotiations about the Congressional sensitivity to any provisions that might be perceived to limit Congressional prerogatives regarding immigration policy. For this reason, the U.S. and CAFTA countries signed a separate, legally-binding agreement that says nothing in the CAFTA has anything to do with immigration.
- CAFTA does not require any changes to U.S. immigration laws. Congressional powers to regulate immigration as Congress sees fit are fully preserved. In fact, the CAFTA implementing bill says that no provision of CAFTA overrides existing federal law.
- All free trade agreements negotiated by the United States cover goods and services. The CAFTA’s services chapter contains standard language included in every recent FTA.
 - This chapter is not a “disguise” for anything. It is nothing more than the part of the agreement that gives U.S. consumers access to foreign services, and U.S. service providers access to foreign markets.
 - This chapter does not afford any “rights” for foreign workers to enter or work in the United States.
 - It has no provisions that address visas, temporary entry or any other special treatment for foreign workers. In fact, the chapter contains a clear statement that the United States is not required to allow CAFTA nationals to work in the United States.
- CAFTA establishes rules to prevent discriminatory and other protectionist measures. But if service providers, like doctors, musicians, or lawyers, want to travel from their home country to another to provide services, they must do so under existing immigration rules.
 - If a music performer from Costa Rica wants to come into the United States, for example, that performer will have to seek a visa using the procedures that Congress then has in place. CAFTA would give that performer no immigration rights and will not raise the number of temporary workers allowed into the United States. CAFTA simply says there cannot be discrimination against the performer after he or she arrives.