

TN Visa for Canadian and Mexican Professionals

The TN visa category is part of the North American Free Trade Agreement (NAFTA). It permits Canadian and Mexican citizens who possess specific required qualifications and credentials to work in the U.S. on a **temporary** basis in certain defined professional occupations. Canadian and Mexican citizens can be admitted to the United States in TN status in increments of up to 3 years. Extensions of stay are also granted in up to 3-year increments. Status can be renewed indefinitely, **provided that the stay remains temporary in nature.**

Canadian citizens are generally not required to possess a non-immigrant visa to enter the U.S. Therefore, if currently outside the US, a Canadian who has a job offer may apply for TN status when requesting admission to the U.S. at the Port of Entry to the United States or at a pre-clearance/pre-flight station in Canada. A TN petition with the United States Citizenship and Immigration Service (USCIS) is not required; although the employer has the option of filing the petition first, and having the employee travel to the U.S. when the petition is approved. If the Canadian employee is currently in the U.S. the employer may file a petition with USCIS to change or extend their status, or as an alternative, a Canadian who has a job offer may simply depart the U.S. and apply for TN classification directly upon re-entry to the U.S.

Mexican citizens require a visa to enter the US. A Mexican citizen who is currently abroad must first apply for a TN visa at the US Consulate before applying for admission to the US in TN status. A petition with the USCIS is not required. If the Mexican employee is currently in the U.S. the employer may file a petition with USCIS to change or extend their status; alternatively, the employee may simply leave the country and apply for a TN visa at the US Consulate abroad.

Admission to the U.S.

Mexican and Canadian professionals can apply for admission to the United States in TN status at the following locations: A U.S. Class A port-of-entry; A U.S. airport handling international traffic; A U.S. pre-clearance/pre-flight station. Pre-clearance/pre-flight stations in Canada include: Toronto, Canada - Lester B. Pearson International Airport, Montreal, Canada - Dorval Airport, Ottawa, Canada - Ottawa International Airport. Canadians pay an admission fee of \$50. Mexicans do not pay an admission fee; they pay visa application fees.

Upon admission to the U.S. Form I-94 will be issued for the Mexican/Canadian TN professional. The Form I-94 should be annotated with the appropriate date and port-of-entry information, the classification in the TN category (TN-1 for Canadians, TN-2 for Mexicans, TD for dependents); an expiration date of up to three years from the date of admission; and a "multiple-entry" notation.

Employment

A TN nonimmigrant may be employed on a part time or full time basis. A TN nonimmigrant may not start employment until they are actually in TN status, that is, when a TN petition is approved on their behalf and the start date has been reached; or when they have been admitted to the US in TN status. If an application for extension of TN status is received in a timely manner

by USCIS (before the current I-94 expires), the TN employee can continue working for the same employer for up to 240 days while the application is pending. TN status is employer and employment specific. Therefore, TN status holders may change jobs, or have more than one job, but USCIS must approve all new employment and the new employment cannot begin until the USCIS approves the employer's petition and the petition start date is reached, or the TN reenters the United States, with an I-94 issued for the new job.

International Travel

Travel outside of the U.S. while a change of nonimmigrant status is pending with USCIS is considered to be an abandonment of the application. Travel outside the U.S. while an extension of stay application is pending with USCIS is not considered an abandonment of the application, but may present problems, depending on timing. Therefore any plans to travel abroad while a petition is pending with USCIS must be discussed with the immigration advisor.

Dependents

Dependents of TN status holders (spouse and unmarried children under the age of 21) are admitted in TD status. Dependents need not be Canadian or Mexican. Generally, Canadian TDs do not need to obtain a TD visa, but non-Canadian TDs do. No fee is required for Canadian and Mexican TD applications at the port-of-entry. TD status holders may attend school, either part-time or full-time, but they are not authorized to work in TD status.

Address Notification

In accordance with the Department of Homeland Security regulations, all foreign nationals are required to notify the United States Citizenship and Immigration Services (USCIS) of a change of residential address within 10 days of the change by completing Form AR-11 found on the USCIS website at: <http://www.uscis.gov/portal/site/uscis>.

For more information about the TN visa category, see the Department of State website at: http://travel.state.gov/visa/temp/types/types_1274.html