

# NAFTA TN Visa Summary

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More on TN Visa status at: [www.tnvisabulletin.com](http://www.tnvisabulletin.com)

## **TN Visa Basics:**

- Need employer Sponsor. Employer specific. No self-employment.
- No annual numerical limitation.
- No Labor Condition Application, wage requirements, testing job market, or advertisement requirements.
- No visa stamp required of Canadian citizens; Mexican citizens must obtain TN visa stamp.
- Work authorization issued up to 3 years.
- No limit on the number of TNs if continue to meet temporary entry requirements.
- May perform training functions.

## **Requirements for TN Visa:**

1. Be a citizen of Canada or Mexico.
2. Have an offer of employment for a professional occupation listed under NAFTA. Sixty-three occupations available.
3. Satisfy the educational and/or experience requirements for the occupation listed under NAFTA. Most require a bachelor's degree.

## **Basic Application Package:**

- Employer Support Letter describing nature of position, applicant's credentials, and employment duration and compensation.
- Degrees, diplomas, certificates and other credentials to establish eligibility for TN category.
- Valid passport (some exceptions e.g. NEXUS).
- Proof of Canadian / Mexican citizenship (passport satisfies this requirement).
- DS-160 Visa Application for Mexican citizens.
- Government filing fees.

## **Application Process:**

- Canadians: Submit application at U.S. border port-of-entry, pre-flight inspection office, or international U.S. airport. If approved, I-94 card issued same day at border evidencing TN visa status valid up to 3 years.
- Mexicans: Submit DS-160 visa application at U.S. consulate for TN visa stamp. Present TN visa stamp at border for I-94 card.

## **Travel under TN Visa:**

- Canadians: I-94 card issued for multiple entries used to re-enter U.S. provided valid and unexpired.
- Mexicans: Generally must have valid and unexpired TN visa stamp to re-enter the U.S. Some exceptions.

## **Extensions & Changes:**

- After approval may extend TN status by mail using Form I-129.
- If present in U.S. under other nonimmigrant classification, may file by mail for change of status to TN status using Form I-129.
- If in U.S. can change employers by mail using Form I-129. Caveat: Cannot work with new employer until petition is approved.
- Alternatively: request change of employer, or "extend" or "change" status, by filing new application at border (Canadians) or obtaining new TN visa stamp at U.S. Consulate (Mexicans).

## **Maintenance of TN Visa Status:**

- Must continue to work with sponsored employer in occupational category to maintain lawful immigration status. Otherwise, violate status.
- Generally, may only reside and work until I-94 expires. May extend / change status prior to I-94 expiration.
- If terminated or laid-off, must obtain new employment, change status, or depart the U.S. by employment end-date to avoid penalties.

## **TN Visa Status & Green Cards:**

- TN applicant may not possess immigrant intent, i.e. may only seek temporary entry into the U.S. without the intent to establish permanent residence.
- May intend to immigrate to the U.S. in the future and file for green card based on employment or family relationship.

## **Family Members:**

- Spouse and unmarried children under 21 may obtain TD status. Same duration as TN worker.
- May study, but cannot work under TD status.