

"TN" Classification

As a result of the North American Free Trade Agreement (NAFTA), the Immigration and Naturalization Service (INS) established the special "TN" classification. It is not a visa category. Under NAFTA, a qualified Canadian or Mexican business person may be admitted temporarily to the United States to engage in business activities at a professional level for a period not to exceed one year. A citizen of a NAFTA country may work in a professional occupation in the U.S. provided that:

- The profession is on the NAFTA list,
- The visitor has the necessary criteria for the profession being hired,
- The position requires someone in that professional capacity, and
- The visitor will be working for an U.S. employer.

The INS has established specific guidelines that a citizen of Canada or Mexico must follow when seeking entry into the U.S. The TN application process is summarized below.

Application process for a citizen of Canada is as follows:

- The individual must apply for the TN status at the port of entry,
- Documentation that establishes qualification for jobs (i.e., copy of college degree),
- A written job offer from a U.S. - based employer. This must include a description of the job and the job must be listed on the NAFTA Job Series list¹², and
- A \$50.00 fee (in U.S. currency).

Canadian citizens are not required to obtain a visa to enter the U.S. They may receive a TN status with INS at the port of entry. The TN status is only granted if the stay in the U.S. is temporary.

Application process for a citizen of Mexico is as follows:

- The U.S. employer must file a Labor Condition application,
- The employer must file an I-129, "Petition for Nonimmigrant Worker", with INS, and
- After the I-129 has been approved, the visitor must apply for a nonimmigrant visa at a U.S. Embassy or Consulate in Mexico.

Dependents

The spouse and unmarried minor children of the principal alien are entitled to the derived, status but may not accept employment under that status while in the U.S. Generally, the designation will be a TD, dependent of TN holder.

Extension of Stay

The requirements for a Canadian citizen is as follows:

- The employer files an I-129 form at the nearest regional INS office. The visitor does not have to leave the U.S. to obtain approval, or
- The visitor may return to Canada and apply for a new TN at the port of entry with the same documentation that was required for the original entry.

The requirements for a Citizen of Mexico is as follows:

- The U.S. employer must renew the Labor Certification and file another I-129 with the regional INS office.

¹² The NAFTA Professional Job Series List is available from your campus Office of Students and International Scholars Services.