

Human Resources: Basic TN Procedures

Regulations and procedures for obtaining TN status differ for citizens of Canada and Mexico

Basic Documents Requirements for Canadian and Mexican TNs

- Proof of citizenship. Canadian citizens can provide the short or long form Canadian birth certificate, a Canadian passport, or a certificate of Canadian naturalization. Mexican citizens must present their Mexican passport which is valid at least six months beyond the requested period of stay.
- Detailed letter from employer containing profession of the applicant, duties the applicant will perform in the U.S., anticipated length of stay, educational credentials that demonstrate that the applicant is qualified and has professional level status, describe the arrangement for payment for services rendered and confirmation that the applicant meets all licensure requirements, if applicable.
- Credentials to include originals or certified copies of diplomas, transcripts, licenses, certificates and other documents. Credentials obtained outside of Canada or Mexico should be accompanied by a credentials evaluation.
- A statement that the entry is temporary.
- For employees of foreign companies entering the U.S. as part of contracts with U.S. employers, a copy of the contract should also be provided in addition to a letter from the U.S. client describing the nature of the work.

Additional visa requirements for citizens of Mexico

In addition to the Basic documents requirements for Canadian and Mexican TNs listed above, the following must be presented to the U.S. Consulate to apply for a TN visa:

- Forms DS-156 and (if applicable) DS-157
- Visa Application Fee in U.S. dollars
- Machine Readable Visa Fee in U.S. dollars
- TN Reciprocity Fee (see http://travel.state.gov/visa/frvi/reciprocity/reciprocity_3272.html for current reciprocity fee information. In U.S. dollars.

Admission to U.S. in TN status

Canadian and Mexican citizens apply for admission to the U.S. in TN status at a U.S. Class A port-of-entry, a U.S. airport handling international traffic or a pre-clearance/pre flight station.

A Canadian citizen makes application for TN status directly with an immigration officer at the time he or she actually wants to enter the United States. Canadian citizens must present documentary evidence of their eligibility for TN classification; (Basic documents requirements for Canadian and Mexican TNs noted above) and pay the application fee in U.S. dollars.

A Mexican citizen and dependent(s) is required to obtain a TN visa prior to entering the U.S. in TN status. Mexican citizens present their passport with TN visa and documentation establishing eligibility for TN classification; (Basic documents requirements for Canadian and Mexican TNs noted above). Mexican applicants who have already paid the processing fees to the U.S. Consulate are not required to pay the application fee at the time of entry.

Mexican citizens, as aliens being admitted on the basis of a nonimmigrant visa, are also required to have their photograph taken and fingerprints scanned under the US-VISIT program.

Canadian and Mexican citizens receive an I-94 Arrival/Departure form with classification in the TN category (TN-1 for Canadians; TN-2 for Mexicans); with the arrival date and port-of-entry information. The form will also note an expiration date of up to three years and "multiple entry".

Procedure to file for an Extension of stay in TN status for Canadian and Mexican citizens

The documentation required for an extension of TN status is the same as what was required for the initial application. TNs can apply at a U.S. Class A port-of-entry, a U.S. airport handling international traffic or a pre-clearance/pre flight station or by filing for an extension of stay with the U.S. Citizenship and Immigration Services (USCIS) in the U.S.

To process an application with USCIS file:

- Form I-129 signed by employer
- Form I-129 filing fee in U.S. dollars
- Letter from U.S. employer including same information as in original letter specifying new dates for which the extension is being requested
- Proof of eligibility, including documentation that form basis for TN status
- Proof of current immigration status. Provide copies of both sides of Form I-94
- Form I-539 if dependents are currently in U.S. and proof of their current TD status (both sides of Form I-94)

Change of status to TN

Individuals presently in the U.S. in another visa status wishing to change status to TN may file an application with USCIS without travelling outside the U.S.

To file a change of status at the Vermont Service Center, the following documentation is required:

- Form I-129, duplicate originals signed by the employer or U.S. entity
- Nonimmigrant Classification Based on Free Trade Agreement, Supplement to Form I-129
- I-129 filing fee in U.S. dollars
- Documentation establishing eligibility for TN classification; (see Basic documents requirements for Canadian and Mexican TNs noted above)
- Proof of current immigration status. Applicants must be in valid status at the time they apply for the change of status and their current status must remain valid until the requested change of status date.
- Form I-539 if dependents are currently in U.S. and proof of their current TD status (both sides of Form I-94)

Procedure to add additional employers

TN workers may change employers or work for several employers, but because the TN is employer and employment-specific, multiple TN applications are required. Follow the same guidelines for an extension of TN status but mark the I-94 for “new employment”, “concurrent employment”, or “change in previously approved employment”, as appropriate.

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Mail: Woods Hole Oceanographic Institution, 266 Woods Hole Road, Woods Hole, MA 02543, USA.

E-Contact: info@whoi.edu; press relations: media@whoi.edu, tel. (508) 457-2000

Problems or questions about the site, please contact webdev@whoi.edu