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## OVERVIEW OF TN NAFTA PROFESSIONALS (Rev. 3-2014)

The North American Free Trade Agreement (NAFTA) created special economic and trade relationships for the United States, Canada and Mexico. The TN nonimmigrant classification permits qualified Canadian and Mexican citizens to seek temporary entry into the United States to engage in business activities at a professional level.

Among the types of professionals who are eligible to seek admission as TN nonimmigrants are accountants, engineers, lawyers, pharmacists, scientists, and teachers. The following are eligible for TN nonimmigrant status:

- Citizens of Canada or Mexico
- Member of a profession that qualifies under the regulations
- The position in the United States requires a NAFTA professional
- Prospective TN has a prearranged full-time or part-time job with a U.S. employer (but not self-employment - see documentation required below)
- Prospective TN has the qualifications of the profession

### Eligibility Criteria for Canadian Citizens

Canadian citizens are not required to apply for a visa with a U.S. consulate or file a petition with U.S. Citizenship and Immigration Services (USCIS). They can request admission as a TN nonimmigrant at a U.S. port of entry and must provide the following documentation:

- Canadian Passport as proof of Canadian citizenship.
- Letter from prospective employer detailing items such as the professional capacity in which the individual will work in the United States, the purpose of employment, length of stay, and educational qualifications.
- Copy of official University offer letter.
- Copy of employee's CV.
- Copy of highest diploma earned or other credential required to show eligibility to enter the U.S. as a TN professional.
- Fee for TN entry, payable in U.S. dollars, of **\$50**.

If found eligible following inspection by a U.S. Customs and Border Protection (CBP)

Officer, the individual will be admitted to the U.S. as a TN nonimmigrant. Form I-94, Arrival/ Departure Record, will be evidence of admission. I-94s are now issued electronically, but are available from the U.S. CBP website at <http://www.cbp.gov/travel/international-visitors/i-94-instructions>.

### **Eligibility Criteria for Mexican Citizens**

Mexican citizens are not required to file a petition with USCIS. However, they are required to obtain a visa to enter the United States as a TN nonimmigrant. They should apply for a TN visa directly at a U.S. embassy or consulate in Mexico.

Once a Mexican citizens is approved for a TN visa he or she may apply for admission at a United States port-of-entry. If he or she is eligible following inspection by a CBP Officer, then he or she will be admitted as a TN nonimmigrant. Form I-94, Arrival/ Departure Record, will be evidence of your admission. I-94s are now issued electronically, but are available from the U.S. CBP website at <http://www.cbp.gov/travel/international-visitors/i-94-instructions>.

### **Period of Stay/Extension of Stay**

If the TN international scholar wishes to stay beyond the time indicated on Form I-94, he or she may seek an extension of stay. If the TN status holder is in the United States, his/her employer may file Form I-129, Petition for Nonimmigrant Worker, with USCIS.

In the alternative, he or she may apply at a port of entry using the same application and documentation procedures required at the time of the initial entry.

### **Family of TN Visa Holders**

Any accompanying or following to join spouse and children under the age of 21 may be eligible for TD nonimmigrant status. They must demonstrate a bona fide spousal or parent-child relationship to the international scholar. Dependents do not have to be citizens of Mexico or Canada, but they must contact the U.S. embassy or consulate that serves their area for information on how to apply for a visa. Spouses and children cannot work while in the United States, but they are permitted to study.

### **Canadian Citizen's Dependents**

Any spouse and children of a Canadian citizen do not need visas, but they must provide the following documentation at the port of entry:

- Proof of Canadian citizenship
- Proof of relationship to the TN nonimmigrant, such as a marriage certificate of birth certificate
- Photocopies of the TN nonimmigrant's entry documents

### **Mexican Citizen's Dependents**

Any spouse and children of a Mexican citizen must apply for the TD nonimmigrant visa at

an American embassy or consulate.

**Dependents Following to Join**

If any spouse and children are following to join the TN nonimmigrant, then they must show a valid Form I-94 as proof that the TN nonimmigrant is maintaining his or her TN nonimmigrant status.