

TN STATUS FOR CANADIAN AND MEXICAN PROFESSIONALS

Information for Hiring Departments and Current/Prospective TN Employees

TN (Trade-NAFTA) is a status available to Canadian and Mexican citizens to work in the U.S. on a temporary basis in a professional-level job under provisions of the North American Free Trade Agreement.

Who is eligible for TN status?

- Citizens of Canada or Mexico (landed immigrants or permanent residents do not qualify)
- Who plan to work temporarily in the U.S. and
- Possesses the minimum qualifications of one of the professions specified in Appendix 1603.D.1 of the NAFTA treaty. The Appendix also stipulates the minimum qualifications for entry into the U.S. in each occupation. See: http://www.nafta-sec-alena.org/DefaultSite/index_e.aspx?DetailID=167#Ap1603.D.1

Some of the TN categories most applicable in a university setting include the following:

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| <ul style="list-style-type: none"> • College and university teachers • Scientist • Research Assistant • Scientific Technician/Technologist • Computer Systems Analyst (note: programmers are <u>not</u> included) | <ul style="list-style-type: none"> • Economist • Engineer • Accountant • Librarian • Graphic Designer |
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TN employment is temporary in nature. Therefore, TN is not an appropriate visa status for tenure-track faculty. Although the regulations do not limit the total number of years one may remain in TN status, TN is a temporary, nonimmigrant status. You must establish to the satisfaction of USCIS that the employment opportunity is temporary.

TN or H-1B Status? Some PSU employees may be eligible for either TN or H-1B status. This chart summarizes some important differences.

Aspect	TN	H-1B
Job type	<ul style="list-style-type: none"> • Occupation must be on NAFTA Appendix 1603.D.1 • Usually requires bachelors degree, but some occupations do not 	<ul style="list-style-type: none"> • Must qualify as a "specialty occupation," requiring at least a bachelor's degree in a specific field of endeavor
Prior approval	<ul style="list-style-type: none"> • TN visa required for Mexican citizens • No visa necessary for Canadian citizens (apply at border) 	<ul style="list-style-type: none"> • Prior approval from Department of Labor and USCIS necessary
Time limits	<ul style="list-style-type: none"> • No maximum • Granted in up to 3-year increments 	<ul style="list-style-type: none"> • 6-year maximum • Granted in up to 3-year increments
Temporary or non-immigrant intent	<ul style="list-style-type: none"> • Must prove that entry is temporary and non-immigrant in nature. Not appropriate for tenure-track positions. 	<ul style="list-style-type: none"> • Dual-intent" applies (beneficiary may pursue permanent residence simultaneously). May be used for tenure-track positions.

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TN For Canadian Citizens entering the U.S. in TN Status:

Canadian citizens are exempt from the requirement to obtain a visa; instead, Canadian citizens apply directly with an immigration officer at the time s/he wishes to enter the U.S. In order to be admitted to the U.S. in TN status, a Canadian citizen entering the U.S. will need to show the following at the border:

- Proof of Canadian citizenship (Canadian passport)
- TN employer letter (obtained from your hiring department; see sample in packet). This letter should:
 - Affirm the temporary nature of the employment
 - Describe the duties to be performed, showing how they correspond to a TN occupational category
 - Length of stay being requested (currently the maximum is three years)
 - Describe the educational credentials of the applicant to demonstrate eligibility
- Evidence that the job is a TN occupation (this can be in the form of a copy of the Appendix.)
- Evidence that you have the credentials for the position (diploma, transcripts, licenses, etc.) Officials have the right to request to see the original or a certified copy.
- \$50 application fee (in US dollars)

More information for Canadians about entering the U.S. in TN status:

<http://www.consular.canada.usembassy.gov/nafta.asp>

TN for Mexican Citizens entering the U.S.:

All Mexican citizens seeking to enter the U.S. in TN status must schedule a visa interview in order to obtain a TN visa. At the interview, a Mexican citizen should have the following documentation:

- Mexican passport valid for at least 6 months beyond the period of stay requested
- TN employer letter (obtained from your hiring department)
- Evidence that the job is a TN occupation
- Evidence that you have the credentials for the position. (diploma, transcripts, licenses, etc.) Officials have the right to request to see the original or a certified copy.
- Nonimmigrant Visa Application (Form DS-156)
- Supplemental Nonimmigrant Visa Application (Form DW-157) (required for male applicants ages 16-45 only)
- One 2x2 photograph (Refer to the U.S. Department of State Nonimmigrant Photograph Requirements)
- \$100 processing fee for the Nonimmigrant Visa Application (Form DS-156)

For more information on obtaining a TN visa in Mexico:

U.S. Embassy in Mexico: <http://mexico.usembassy.gov/>

Or find your consulate at: <http://www.usembassy.gov/>

Changing to TN Visa Status in the U.S. (Canadians or Mexicans)

While most applicants choose to travel to the port-of-entry to obtain TN status, there is another option available. If a Canadian or Mexican applicant is present in the U.S. in another visa status and wishes to avoid travel and re-entry, s/he may request that PSU file an application with USCIS to change the applicant's status to TN. Please note: This process may take several months and entails a filing fee. If you plan to travel outside the U.S. while the petition is pending, this route is not recommended.

Extension of TN status

There is no limitation on the number of years an individual may be in TN status. However, it is necessary to establish that the position is temporary. An extension of TN status can be obtained in two ways:

1. The TN employee travels to the border and is readmitted in TN status based on a new letter of employment (obtaining a new TN visa may be necessary for Mexican citizens); or
2. The employer files an I-129 petition with USCIS before the employee's current TN period has expired. Provided that the petition is timely filed with USCIS, the individual in TN status may continue to work for 240 days beyond his or her current expiration date. Please see pages 5-9 for more information.

More Information

- Department of State information on TN (Mexican and Canadian NAFTA Professional Worker)
http://travel.state.gov/visa/temp/types/types_1274.html
- The entire list of TN professions and respective degree requirements may be found on the NAFTA website:
http://www.nafta-sec-alena.org/DefaultSite/index_e.aspx?DetailID=167#Ap1603.D.1

CHECKLIST - FOR DEPARTMENTS AND EMPLOYEES VIA PETITION TO USCIS

This checklist is ONLY for TN requests via petition to USCIS. If employee will obtain TN status through travel, please refer to instructions on page 2 and Employer Letter Template on page 7.

Hiring department: please review and submit both department and employee forms along with all supporting documentation listed below. Please save a copy of materials and forms submitted for your records.

Copies should be single-sided and on 8 ½ x 11” paper. Please do not use staples.

Please submit parts 1-4 as a complete packet to Eve Nilenders, Campus Mail code – OIA

Location -- Office of International Affairs, 101 East Hall (632 SW Hall St.) **Questions? Call Eve at 5-5075.**

1. Completed by the Hiring Department:

___ TN letter of support from employer to (USCIS), signed and on letterhead. See attached sample. **Before obtaining signatures, please email a draft to Eve Nilenders for review.**

___ Copy of letter of offer, signed by department chair and prospective employee.

___ Check(s) for \$320 Filing Fee (if the department has agreed to pay this fee).

___ Journal voucher for \$300 OIA Fee.

2. Completed by the Prospective Employee:

___ TN Prospective Employee Form

___ Copy of diploma from highest degree. If not in English, include a certified translation. If the degree does not specifically state the academic field, include a transcript (unofficial is acceptable) of the degree program.

___ Recent curriculum vitae.

___ Copy of photo identification page(s) from your passport. Page(s) should show: your full name; date of birth; passport issuance and expiration dates; and any extensions to passport validity.

___ Check for \$320 Filing Fee made payable to Department of Homeland Security (do not abbreviate) if your department is not paying this fee. The payment must be drawn on a U.S. bank in U.S. currency, with the name of the applicant on the face of the check or money order.

3. Additional documents needed from all TN prospective employees currently in the U.S.:

___ Copy (front and back) of most recent I-94 Departure Card (small white card stapled into passport).

___ Current immigration status documents, as follows:

- **If in F-1 status:** □ Copy of all I-20 forms, and □ a copy of the Employment Authorization Document (EAD) if on Optional Practical Training.
- **If in J-1 status:** □ Copy (front and back) of all DS-2019 forms □ copy of waiver from USCIS or recommendation from Department of State to waive two-year home residence requirement.
- **If in TN status:** □ Copies of all TN approval notices (I-797 forms), if status obtained through petition
- **If in a dependent status (F-2, J-2, H-4, TD):** □ a copy of both sides of spouse's I-94 and immigration documents (I-20's/DS-2019's, if in F or J status; I-797's if in H status)

4. For TN's whose family members will be applying to acquire/extend TD status:

- Completed Form I-539 signed in blue ink
- Immigration documents for each family member: 1) passport information pages 2) copy of front and back of I-94 Departure Cards; 3) I-20's/DS-2019's, if in F or J status; 4) I-797's if in H status
- Check or money order for \$300 made payable to Department of Homeland Security.

OBTAINING TN STATUS (VIA PETITION TO USCIS)

TO BE COMPLETED BY HIRING DEPARTMENT

Return to: Eve Nilenders
International Faculty Advisor
Campus Mail: OIA

Tel. 503-725-5075
Email: nilender@pdx.edu

OIA Street Address:
Office of International Affairs
101 East Hall (632 SW Hall St)

Who should use this form? Any department hiring a TN worker who is currently in the U.S. in another non-immigrant status and will NOT be traveling to Canada/Mexico to obtain/renew TN status.

Who does NOT need this form? Departments employing someone who will gain/renew TN status by travel, such as:

- A new TN employee who will apply for TN status/visa at the border/consulate and who enter in TN status; or
- An existing TN employee who will travel to renew his/her status.

In these cases, please use the TN employer letter (sample included) and see instructions on page 6. The employee will use this letter, along with supporting documentation, to obtain TN status (or a TN visa).

Employment type: Initial TN status at PSU (change of status to TN) TN extension, no changes in employment
TN extension, change in PSU position and/or PSU department

Name of (prospective) employee _____

TN dates requested (MM/DD/YYYY) _____ to _____ (Dates should not exceed funding availability. A maximum of 3 years may be requested in one petition.)

Hiring Department _____ Index code _____ Mail code _____

Administrative Contact Person _____ Phone _____

Supervisor of Foreign National _____ Phone _____

POSITION INFORMATION

TN employee's PSU job title _____

TN occupational category _____

The occupation listed must be listed in the NAFTA appendix (http://www.nafta-sec-alena.org/DefaultSite/index_e.aspx?DetailID=167#Ap1603.D.1) or contact the International Faculty Advisor about choosing an appropriate category.

Description of job to be performed _____

Street address of where work will be performed _____

Salary rate: \$ _____ based on a _____-month appointment

Is the job full-time? Yes No If no, provide number of hours worked weekly _____

Minimum (not preferred) university degree and field **required** for position ("or related field" is acceptable):

_____ in _____
Special requirements or licenses required for the position (if any) _____

I attest that the above information is accurate. The hiring department will contact the International Faculty Advisor as soon as possible prior to any anticipated changes in the terms and conditions of employment (such as changes in position, location, and duties.)

Department Chair: _____

Name

Signature

Date

PSU INVOICE FOR TN EXTENSIONS and INSTRUCTIONS FOR ORDERING CHECKS

INVOICE

Information adapted from the U.S. Citizenship and Immigration Services (USCIS) website to serve as an internal PSU invoice when requesting departmental checks for the TN petition. For more information, please see www.uscis.gov. Look under the “Forms” tab for forms I-129 (Petition for a Non-Immigrant Worker) and I-907 (Request for Premium Processing Service) and the accompanying instructions for more information on each associated TN extension fee.

Name of TN Employee: _____
Name Department

Checks ordered (please check the appropriate boxes). See page 2 of the application packet for more information on fees:

\$320 I-129 Filing Fee for TN extension/change of status

INSTRUCTIONS

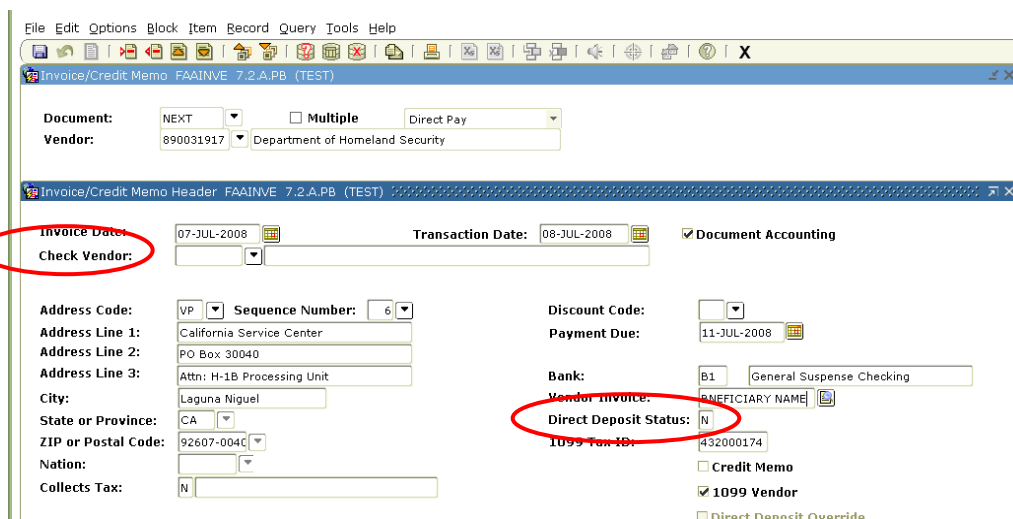
Checks must be made payable to Department of Homeland Security (see screenshot below):

- Order separate checks for each fee.
- Do not mail checks – Use Special Handling form** found at:
http://www.pdx.edu/media/b/a/BAO_Special_Handling.pdf

- Check the box marked “Other (provide business reason)”
- In the blank, write “Immigration forms - contact Eve Nilenders at 5-5075 for pick-up.”

Vendor number: 890031917
 Account code: 24999
 Address: Select the following address sequence:
 USCIS Vermont Service Center
 75 Lower Welden Street
 St. Albans, VT 05479-8001

Vendor Invoice: Enter the TN employee’s name. This will show on the check remittance.
 (This is important so that I can match the check(s) with the correct petition.)



After ordering checks, submit this page (one copy for each check ordered) and the Special Handling Form to Specialized Accounting. This page will serve as your invoice.

TEMPLATE FOR TN EMPLOYER LETTER

[This letter is needed in all applications for TN status, regardless of whether an employee will obtain TN status through travel or via USCIS petition. Please send a draft to Eve Nilenders at nilender@pdx.edu for review.]

DATE: _____

TO: (If TN will apply at border): U.S. Department of Homeland Security, Customs and Border Patrol
(If TN will apply at consulate): Consular Officer, U.S. Embassy/Consulate in Mexico
(If petition to be sent to USCIS): U.S. Citizenship and Immigration Services

RE: (Obtaining/extending) TN classification for ___ **(name of individual)** ___, under the NAFTA category of ___ **(list occupation)** _____

The Department of _____ at Portland State University would like to employment of ___ **(name of individual)** __ (in TN status for the period from **(date)** to **(date)** **(period must not exceed 3 years)**) as ___ **(position at PSU)**. _____ will be employed at an annual salary rate of _____, plus university benefits (if applicable).

This is a temporary appointment under the category of ___ **(list occupation)** _____ in Appendix 1603.D.1 of Annex 1603 of the NAFTA. **(Please contact me with questions about the appropriate category.)**

This position requires a ___ **(list degree)** ___ in ___ **(list field)** _____. The duties of this position are _____ **(Provide brief description of individual's duties demonstrating that the duties match the TN category.)**

___ **(Name of individual)** ___ is fully qualified for this position. He/she holds a **(XX degree)** from ___ University. **(Provide brief information about explaining how the individual meets the requirements.)**

Thank you for your consideration of this application. Please let us know if any additional information is needed.

_____, Chair, Department of _____ date

Marvin Kaiser, Dean, College of Liberal Arts and Sciences date

Carol L. Mack, Vice Provost date
Academic Administration and Planning

OBTAINING TN STATUS (VIA PETITION TO USCIS) – EMPLOYEE FORM

To be completed ONLY by current or prospective TN employees who are requesting a change of status or extension via petition. Please fill out completely and return to your hiring department.

Name: (as it appears in your passport)

Residential Address in U.S. Last (family name) First Middle

Street address Apt. No.

City State Zip Code

Work Phone: _____ Home Phone: _____ Email: _____

Current Visa Status (if in the U.S.): _____ Current Expiration Date: _____

Date of birth: (month/day/year) _____ Province of birth: _____

Country of birth _____ Country of Citizenship: _____

Passport issued by (country): _____ Passport Number: _____

Passport issued on (date): _____ Passport Expiration Date: _____

Social Security Number: _____ Date of Last Entry to U.S. _____

Most recent I-94 number: _____ A# (if any): _____

Do you have a pending immigrant petition or adjustment of status application? _____

Have you ever worked in TN status before? _____ If yes, provide details on a separate piece of paper.

Have you ever been denied TN status? _____ If yes, provide details on a separate piece of paper.

Are you in exclusion or deportation proceedings? _____ If yes, please explain on a separate piece of paper.

Do you have plans to travel outside the U.S. within the next 6 months? If yes, please indicate dates below and consult with the International Faculty Advisor before traveling; this is important to ensure that your petition remains valid.

OBTAINING TN STATUS (VIA PETITION TO USCIS) – EMPLOYEE FORM

Permanent Address outside the U.S.

Street address

City Country Postal code

For Mexican citizens only: List location of U.S. embassy or consulate outside the U.S. where you will obtain a TN visa if you are outside the U.S. **or** if the requested extension of stay or change of status cannot be granted.

City _____ Country _____

If you are currently in the U.S., please complete the following:

- Current non-immigrant status (e.g. J-1, F-1, TN) _____
- Date of most recent arrival in the U.S. (month/day/year) _____
- I-94 number (from the small white card stapled into passport) _____
- If F-1 and on optional practical training, please provide dates on Employment Authorization Document (EAD) (month/day/year - month/day/year) _____
- If this application is for a change of status or extension within the U.S., will dependents be included in this application? If yes, list name, date of birth and relationship (spouse or child) below, and submit 1) a signed and completed I-539 including all dependents requesting TD status and 2) copies of all documents in part 4 of the checklist on page

I certify that the information I have provided above is accurate and complete.

Signature of prospective/current TN employee:

signature date