

## TN-1 NAFTA: A U.S. IMMIGRATION PERMIT FOR CANADIANS

<b>Main procedural step:</b>	Apply at the U.S./Canadian border.
<b>Initial duration of status:</b>	Three year maximum.
<b>Total time-limit cap on category:</b>	No time limitation.
<b>Processing time:</b>	Instant approval.
<b>Major advantage:</b>	Quick.
<b>Major disadvantage:</b>	Not all professions qualify.

### Introduction:

Under NAFTA (North American Free Trade Agreement) Canadian and Mexican professionals may apply to enter the U.S. under the TN visa classification. The TN process for Mexican professionals is identical to the H-1B visa process (including the 3-4 month processing time). The TN process for Canadian professionals does not require U.S. Department of Labor (DOL) certification of a Labor Condition Application or prior approval by the Immigration and Naturalization Service (INS) of any petition. The result is that qualifying Canadian nationals trained in one of a published list of professions may obtain TN-1 visa status and enter the U.S. in one day by applying at the U.S. port-of-entry. Applications for extensions of the TN-1 status for Canadian professionals may be filed with the USCIS by mail, and are processed in 2-3 months, or can be made at the border.

### Advantages of TN-1 Status:

- \* Granted in three year increments, with unlimited renewals.
- \* No forms are required. TN-1 status can be obtained in person at the U.S. border.
- \* TN-1 status is available to some people who may not qualify for H-1B status.

### Requirements for TN-1 Status:

- \* Proof of Canadian citizenship. Canadian Landed Immigrants and non-Canadian citizens must apply for H-1B status.
- \* Evidence that the intended U.S. employment and the applicant qualify under Schedule 2 of NAFTA. (A list of professionals who qualify under Chapter 15, Schedule 2, of NAFTA is provided in the following pages.)
- \* Applicants must intend to engage in employment at a professional level. The employment must be prearranged by a U.S. company or institution.
- \* A letter from the U.S. employer detailing the nature of the employment. TN-1 status is granted for only one employer at a time for a specific type of work. For multiple employers, multiple TN-1 applications must be filed.
- \* Self-employed professionals are precluded from obtaining TN-1 status, and the USCIS has advised its field offices that E-2, treaty investor classification may be the appropriate alternative for these types of Canadian professionals.

### Documents Necessary to Prove Nature of Employment:

- \* A letter from U.S. employer detailing nature of employment in U.S. (See sample letter attached).
- \* The employment must be temporary. A letter from U.S. employer stating that employment is temporary. A person on TN-1 status can later apply for permanent resident status based on the same U.S. employment. However, at the time of the TN-1 application, the applicant cannot intend to remain in the United States permanently.
- \* There must be no strike or lockout at proposed worksite. If there is, the USCIS may deny the entry or employment.

### Documents Necessary to Prove Applicant's Qualifications:

- \* Originals or certified copies of school records, diplomas, licenses, degrees, certificates or membership

- in professional organizations, or transcripts showing an appropriate degree (bachelor's degree or higher) from a recognized university or college; a statement of U.S. equivalency might be required.
- \* If a license is necessary in the U.S. state where employment is located (i.e., C.P.A., lawyer, professional engineer, etc.), then applicant must provide proof of possession of a license to be able to practice in the U.S. or an explanation in petitioner's covering letter regarding why the beneficiary does not need to be licensed to perform services in the particular state.
  - \* USCIS will approve an unlicensed applicant who will be under the direct supervision of licensed personnel. (This occurs only in professions that customarily permit members to practice under these conditions.)

### **TN-1 (Treaty NAFTA) CHECKLIST FOR CANADIAN PROFESSIONALS WHEN CROSSING THE BORDER**

- \_\_\_\_\_ Proof of Canadian citizenship: Original Passport and/or Birth Certificate
- \_\_\_\_\_ Employment contract from U.S. Employer - detailing position responsibilities and employment dates (please note: employment must be on a temporary basis)
- \_\_\_\_\_ Professional license or certification (if applicable)
- \_\_\_\_\_ \$50.00 (cash or money order)
- \_\_\_\_\_ Evidence of academic qualifications: Diploma (copy and original)

**NOTE:** TN-1 status may be obtained at any U.S. Port of Entry along the Canadian border. Some border crossing posts are more experienced with the TN-1 status than others. It is always better to have too much documentation than too little. Original documents should be presented whenever possible.

#### **Recognized TN Professionals (Appendix 1603.D.1 Annex 1603 of NAFTA)**

<b>PROFESSIONS/ OCCUPATIONS</b>	<b>MINIMUM EDUCATIONAL REQUIREMENT AND ALTERNATIVE CREDENTIALS</b>
Accountant	Baccalaureate or Licenciatura degree; or C.P.A., C.A., C.G.A., or C.M.A.
Architect	Baccalaureate or Licenciatura degree; or state/provincial license.
Computer Systems Analyst	Baccalaureate or Licenciatura degree; or Post-Secondary Diploma or Post-Secondary Certificate and 3 years' experience.
Disaster Relief Insurance	Baccalaureate or Licenciatura degree and successful completion of Claims Adjuster training in the appropriate areas of insurance adjustment pertaining to disaster relief claims; or 3 years' experience in claims adjustment and successful completion of training in appropriate areas of insurance adjustment pertaining to disaster relief.
Economist	Baccalaureate or Licenciatura degree.
Engineer	Baccalaureate or Licenciatura degree; or state/provincial license.
Forester	Baccalaureate or Licenciatura degree; or state/provincial license.
Graphic Designer	Baccalaureate or Licenciatura degree; or Post-Secondary Diploma and 3 years' experience.
Hotel Manager	Baccalaureate or Licenciatura degree in hotel/restaurant management or Post-Secondary Diploma or Post-Secondary Certificate in hotel/restaurant management and 3 years' experience in hotel/restaurant management.
Industrial Designer	Baccalaureate or Licenciatura degree; or Post-Secondary Diploma or Post-Secondary Certificate and 3 years' experience.
Interior Designer	Baccalaureate or Licenciatura degree; or Post-Secondary Diploma or Post-Secondary certificate and 3 years' experience.
Land Surveyor	Baccalaureate or Licenciatura degree; or state/provincial license.
Landscaper Architect	Baccalaureate or Licenciatura degree.
Lawyer (including Notary	L.L.B., J.D., L.L.L., B.C.L., or Licenciatura degree (5 years); or in

Librarian	province of Quebec) membership in state/provincial bar. M.L.S., or B.L.S. (For which another Baccalaureate or Licenciatura degree was a pre-requisite).
Management Consultant	Baccalaureate or Licenciatura degree; or equivalent professional experience as established by statement or professional credential attesting to 5 years' experience as a management consultant, or 5 years' experience in a field of specialty related to the consulting agreement.
Mathematician (including Statistician)	Baccalaureate or Licenciatura degree.
Range Manager/Range Conservationist	Baccalaureate or Licenciatura degree.
Research Assistant (working in a post-secondary educational institution)	Baccalaureate or Licenciatura degree.
Scientific Technician or	Possession of (a) theoretical knowledge of disciplines: agricultural Technologist sciences, astronomy, biology, chemistry, engineering, forestry, geology, geophysics, meteorology, or physics; and (b) the ability to solve practical problems in discipline, or the ability to apply principles of any of those disciplines to basic or applied research.
Social Worker	Baccalaureate or Licenciatura degree.
Sylviculturist (including Forestry Specialist)	Baccalaureate or Licenciatura degree.
Technical Publications Writer	Baccalaureate or Licenciatura degree; or Post-Secondary Diploma or Post-Secondary Certificate and 3 years' experience.
Urban Planner	Baccalaureate or Licenciatura degree.
Vocational Counselor	Baccalaureate or Licenciatura degree.

**MEDICAL/ALLIED PROFESSIONALS**

**MINIMUM EDUCATIONAL REQUIREMENT AND ALTERNATIVE CREDENTIALS**

Dentist	D.D.S., D.M.D., Doctor en Odontologia or Doctor en Cirugia Dental or state/provincial license.
Dietician	Baccalaureate or Licenciatura degree; or state/provincial license.
Medical Technologist (Mexico and U.S.), Medical Laboratory Technologist (Canada)	Baccalaureate or Licenciatura degree; or Post-Secondary Diploma or Post-Secondary Certificate and 3 years' experience.
Nutritionist	Baccalaureate or Licenciatura degree.
Occupational Therapist	Baccalaureate or Licenciatura degree; or state/provincial license.
Pharmacist	Baccalaureate or Licenciatura degree; or state/provincial license.
Physician (teaching or research only)	M.D., Doctor en Medicina; or state/provincial license.
Physiotherapist/Physical Therapist	Baccalaureate or Licenciatura degree; or state/provincial license.
Psychologist	State/provincial license or Licenciatura degree.
Recreational Therapist	Baccalaureate or Licenciatura degree.
Registered Nurse	State/provincial license or Licenciatura degree.
Veterinarian	D.V.M., D.M.V., or Doctor en Veterinaria; or state/provincial license.

**SCIENTIST**

Agriculturist/Agronomist	Baccalaureate or Licenciatura degree.
Animal Breeder	Baccalaureate or Licenciatura degree.
Animal Scientist	Baccalaureate or Licenciatura degree.
Apiculturist	Baccalaureate or Licenciatura degree.
Astronomer	Baccalaureate or Licenciatura degree.
Biochemist	Baccalaureate or Licenciatura degree.

Biologist	Baccalaureate or Licenciatura degree.
Chemist	Baccalaureate or Licenciatura degree.
Dairy Scientist	Baccalaureate or Licenciatura degree.
Entomologist	Baccalaureate or Licenciatura degree.
Geneticist	Baccalaureate or Licenciatura degree.
Geochemist	Baccalaureate or Licenciatura degree.
Geographer	Baccalaureate or Licenciatura degree.
Geologist	Baccalaureate or Licenciatura degree.
Geophysicist (including Oceanographer in Mexico and U.S.)	Baccalaureate or Licenciatura degree.
Horticulturist	Baccalaureate or Licenciatura degree.
Meteorologist	Baccalaureate or Licenciatura degree.
Pharmacologist	Baccalaureate or Licenciatura degree.
Physicist (including Oceanographer in Canada)	Baccalaureate or Licenciatura degree.
Plant Breeder	Baccalaureate or Licenciatura degree.
Poultry Scientist	Baccalaureate or Licenciatura degree.
Soil Scientist	Baccalaureate or Licenciatura degree.
Zoologist	Baccalaureate or Licenciatura degree.

## **TEACHER**

College	Baccalaureate or Licenciatura degree.
Seminary	Baccalaureate or Licenciatura degree.
University	Baccalaureate or Licenciatura degree.

## **TN Application Process**

### **Step I: The hiring Department must submit the TN eForm to UC International Services with:**

1. A letter signed by the Head of the Department addressed to the employee stating the dates of the employment requested for the TN status (not to exceed 3 years in duration), the salary being offered, and a description of job duties which demonstrate that the job requires at least a bachelor's degree in a specific field of study.
2. A letter to Homeland Security describing how the employment qualifies for TN status.
2. A check made out to the Department of Homeland Security for \$325.00 (if the applicant is in the U.S. and does not plan to obtain TN status at the border).

### **STEP II: The prospective employee must submit the following with the eForm request:**

1. A copy of highest diploma **and related transcripts.**

If the degree is NOT from a university in the U.S., Canada, the United Kingdom, or Australia, an evaluation of the equivalent U.S. degree must be submitted. A list of companies that prepare credential evaluations is attached. An acceptable evaluation should:

- a) Consider formal education only, not practical training experience;
- b) state if the collegiate training was post secondary education, i.e., did the applicant complete the United States equivalent of high school studies before entering college;
- c) provide a detailed explanation of the materials evaluated, rather than a simple conclusive statement;
- d) briefly state the qualifications and experience of the evaluator providing the opinion.

2. Personal information such as:
  - a) Curriculum vitae;
  - b) copies of all current immigration documents (passport, visa, I-94 card) if the employee will not be applying for the TN at the border.
  - c) if applying from within the U.S. and the applicant has dependents, Form I-539 and copies of all current immigration documents (passport, visa, I-94 card) for dependents.

**STEP III: Upon receipt of the eForm and all documentation listed in Steps I and II, UC International Services will:**

1. Prepare the I-129 application if the employee will not be traveling to the border to obtain TN status.
2. Send the employee instructions for check-in and onboarding if obtaining TN status at the border.

It is recommended that the employee always obtain TN status by going to the U.S./Canadian border as there are no application fees to the University for this and the status can be obtained in one day. An application made in the country to Homeland Security will take approximately four months to be approved.