

TN Status - Canadian and Mexican Citizens Only

Overview

TN-status is reserved for citizens of Canada and Mexico. As part of the NAFTA agreement, the TN-immigration status was created to allow Canadian and Mexican citizens to enter the U.S. to engage in certain professional activities on a temporary basis. The allowed professional activities are listed in [Appendix 1603.D.1 of the NAFTA Treaty](#) [1]. TN status can be awarded in increments of up to three years. Formally, there is no maximum number of renewals. However, all individuals in TN status must have the intent to depart the U.S. Therefore, TN status is not a good long-term immigration solution and is **not appropriate for tenure-track positions**.

There are several benefits to TN status. Specifically, there is no wage requirement and TN status can be obtained without the need to file a formal petition with USCIS. As a result, the process is both faster and cheaper. It is possible to file a petition with USCIS to obtain TN status. In some instances, the application with USCIS may be preferred. Particularly in a situation where a foreign national interested in TN status is already in the U.S. but cannot travel internationally.

TN status is employer and position specific. This means that employees in TN status may only be engaged in the activities described in the TN documentation. Please refer to the [Changes, Transfers and Terminations section](#) [2] for more information on how to report any changes to the employment of an individual in TN status.

Requesting TN status and Timeline

Whether a foreign national intends to obtain TN status by entering the U.S. on the basis of the required TN documents or intends to obtain it on the basis of a formal petition with USCIS, the requisite support letter and/or petition must be prepared by FSIS. To request these documents:

Hiring department must submit the standard [H-1B/ TN/ E-3 Authorization Form](#) [3]. (In the past, hiring departments often prepared their own TN offer letters. This process has changed and these letters are now issued by FSIS to ensure consistency and compliance and to avoid unnecessary complications.)

The TN-process is significantly faster than the H-1B process, especially when the beneficiary will travel abroad to obtain TN status. How much time will be necessary depends on whether the foreign national will travel to obtain TN status or if a petition will be filed with USCIS.

- Requests for travel letters for Canadian citizens should be received 3-4 weeks prior to the requested

start date. Requests for Mexican citizens should be sent to FSIS 5-6 weeks prior to the requested start date to allow for sufficient time to apply for a visa at the consulate.

- FSIS needs approximately a month to prepare a TN petition. Once the petition is submitted, USCIS normally needs about two months to make a decision on the application. However, USCIS does not guarantee this. For a \$1,225 government filing fee, it is possible to request Premium Processing (i.e. expedited processing). Petitions filed under Premium Processing are considered by USCIS within 15 days of receipt by USCIS. Note that in the case of extension or amendment petitions, the [240-day rule applies](#) [4]. For these reasons, it is recommended that FSIS receive any request 3-4 months prior to the requested start date if a petition must be filed with USCIS.

Fees

For an overview of the various costs associated with a TN application as well as an overview of who may pay what costs, please refer to our [section on fees and checks](#) [5].

Dependents of TN status holders:

The dependents (spouse and unmarried children under the age of 21) of individuals in TN status are eligible for TD status. One does not have to be a Canadian or Mexican citizen to qualify for TD status. Individuals in TD status may study but they may not work.

If one's dependents are currently abroad, they can apply for their dependent visa (Canadian citizens are exempt from the visa requirement) on the basis on the primary status holder's status documents and proof of their relationship. If the dependent is currently in the U.S. in a different immigration status, a [Form I-539, Application to Extend/Change Nonimmigrant Status](#) [6] must be filed with USCIS. This form must generally be filed by the applicant him or herself. If FSIS is filing an application for the primary status holder, FSIS can file this I-539 with the main application. The \$370 filing fee for an I-539 application is the responsibility of the applicant.

Source URL: <https://internationalcenter.umich.edu/fsis/tn-canadian-mexican>

Links

[1] <https://internationalcenter.umich.edu/sites/default/files/TNList.pdf>

[2] <https://internationalcenter.umich.edu/fsis/changes-transfers-terminations>

[3] <https://internationalcenter.umich.edu/sites/default/files/forms/h1bAuthorization.pdf>

[4] <https://internationalcenter.umich.edu/fsis/timelines-premium-processing>

[5] <https://internationalcenter.umich.edu/fsis/fees-and-checks>

[6] <https://www.uscis.gov/i-539>