

Eligibility

The TN (Trade NAFTA) category was developed as part of the North American Free Trade Agreement (NAFTA) to facilitate the entry of Canadian and Mexican Citizens to the United States (U.S.) in order to engage in professional activities on a temporary basis.

The U.S. Department of State (DOS) has issued a [list of the professional occupations and minimum qualifications](#) which serves as the basis for TN employment.

Please note that the TN category is only available to citizens of Canada or Mexico. Landed immigrants or permanent residents of Canada or Mexico are not eligible, since the NAFTA and INA have made provision only for citizens of these two countries.

Period of Employment

Canadian and Mexican citizens may be admitted to the U.S. in TN status for a period of three years to participate in a qualifying activity; however, there is no cumulative total limit on the time a Canadian or Mexican citizens can be in TN status. Extensions of stay may also be granted in increments of up to three years, provided that the TN nonimmigrant is able to demonstrate that s/he does not intend to remain or work permanently in the U.S. *Candidates for tenure-track positions are asked to consult with ISSS on different immigration classifications which would allow permanent employment.*

TN Process When Outside the U.S.**Initial processing requirements differ for Canadians and Mexicans**

- A Canadian citizen does not require a TN entry visa in his/her passport. A Canadian simply presents the required supporting documentation at a U.S. port of entry.
- A Mexican citizen must obtain a TN entry visa in his/her passport from a U.S. Consulate or Embassy before being eligible for admission to the U.S. in TN status. Otherwise, the application process is the same.

Application for entry in TN status is made at a port of entry (at an airport handling international traffic or at a pre-clearance/pre-flight station directly upon entering the U.S.) At that time, the prospective TN status applicant must present the required documentation listed below to a **U.S. Customs and Border Protection (CBP) office**. The TN applicant will complete the required U.S. Department of Homeland Security (DHS) forms and only Canadian citizens (*not Mexicans*) will pay fees (\$160 – must be USD). The TN status will be adjudicated on the spot at a port of entry, and the TN applicant will be admitted to the U.S. in TN status. ***The back of the TN I-94 card should be annotated with the name of the employer (and/or position title) by the DHS officer.***

Required documentation

Please be prepared to present the following documentation upon arrival to the U.S.:

1. Proof of Canadian / Mexican Citizenship
2. Detailed letter from the employer on Penn department letterhead, written by the TN applicant's supervisor or the Chair of the Department.
3. The letter should:
 - affirm that the applicant's profession is one listed in the NAFTA agreement. This should be a direct statement specifically placing the employment within one of the occupations listed.
 - For example, "Dr. Smith will be employed as a Biologist in the Department of Pathology and Laboratory Medicine. His title will be Postdoctoral Researcher."
 - describe the duties the applicant will perform in the US.
 - reference the anticipated length of stay.
 - For example, "This position is for 40 hours per week and begins on December 1, 2012 and ends on November 30, 2013; it may be renewed based on successful performance."
 - describe the arrangements for payment for the services to be rendered, including benefits.
 - For example, "Dr. Smith will be paid on a monthly basis at an annual salary of \$xx, and he will receive the standard University benefits package."
 - Confirm that the applicant meets the relevant license and/or educational requirements.
4. Evidence that the individual has the required credentials for the profession as stated in the [NAFTA agreement](#). This proof can be in the form of diplomas, transcripts, licenses, certificates or other documentation. **DHS has the right to request to see these documents in original form, or certified copies.** ISSS strongly recommends that credentials obtained outside Canada or the U.S. are accompanied by a credentials evaluation. Furthermore, credentials in a foreign language (including Latin) must be translated into English.
5. A statement that the purpose of entry to the U.S. is temporary. Although this may be set forth in the employer's letter, the applicant should also articulate it at the time of admission. This is usually satisfied by including the beginning and ending dates of employment in the employer's letter. For example, "This appointment is temporary, for two years, from December 1, 2012 to November 30, 2013, renewable upon satisfactory performance."
6. Filing fees of \$160 (*Mexican citizens are exempt from this fee, and the fee is subject to change*).

TN Process from within the U.S.

There will be a processing fee of \$605 (\$585 if received by June 30, 2020) assessed to "within the U.S." TN processing through USCIS. The fee will be assessed to initial and any subsequent applications.

To pursue an extension or change of status to TN, the hiring department should contact ISSS to obtain the TN Request Form.

NOTE: While it may be possible to change/extend status to TN within the U.S., the process is costly and more time-consuming than applying for TN status at a port of entry. Thus, TN processing from within the U.S. is not recommended.

Dependent Status

Dependents of TN status holders are admitted to the U.S. in TD (Trade Dependent) status. TD status is not limited to Canadian or Mexican citizens. TD status holders may attend school, either full- or part-time. However, TD status holders are not authorized to work in the U.S.

Employment Restrictions

The TN is specific to the employer and job/position for an individual TN employee. TN employment authorized for Penn does not allow employment with another department at Penn, at another location, or for a different employer.

Consult ISSS prior to any changes in the individual's employment, such as change in title, academic degree required for position, number of hours worked, department, location, or position duties. In some cases, an amended petition will have to be filed with DHS, or travel and reentry will be required to amend the TN status.

Please note that failure to consult ISSS may put Penn and the individual employee at risk for sanctions and penalties by DHS or DOL.

TN employees are not allowed to accept honoraria or payment from outside sources.

Travel in TN Status

TN employees should always consult with ISSS before traveling outside the U.S. Furthermore, employees requesting a change of status to TN within the U.S. should not leave the U.S. while the petition is pending; DHS considers leaving the U.S. while a petition is pending to be an abandonment of the petition.

Change of Employer

If an individual is already in the U.S. and in TN status sponsored by another employer and wishes to start employment at Penn, s/he must obtain a new TN status that is specific to Penn employment. The individual must not begin working for Penn until Penn's TN is approved.

Useful Links for TN Status

- Department of State Information on TN: http://travel.state.gov/visa/temp/types/types_1274.html
- NAFTA List of Professions: <http://www.nafta-sec-alena.org/en/view.aspx?x=343&mtpilD=147#Ap1603.D.1>
- Customs and Border Protection (CBP): http://www.cbp.gov/xp/cgov/travel/id_visa/citizens/tn_visa.xml

TN Checklist

International Student and Scholar Services

Hiring departments must review and submit *both* department and employee forms and supporting documentation listed below as a **complete** package to ISSS. Please save a copy of these materials and forms, including checks, submitted to ISSS for your records.

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

NOTE: Before submitting a TN application to ISSS, please consult with an ISSS advisor to determine if filing an application within the U.S. is the best course of action. While it may be possible to change/extend status to TN within the U.S., the process is costly and more time-consuming than applying for TN status at a port of entry.

Checklist

- Completed Penn Internal Processing Fee for TN Request (effective 1/1/2013)
- Check for \$460 payable to the Department of Homeland Security
- TN Department Request Form
- TN Position Description
- TN Employee Data Form
- Proof of Canadian/Mexican Citizenship
- Copy of Penn Department's TN Support Letter
- Photocopy of individual's diploma (of degree required for position)
- An official or attested translation if the diploma is not in English
- Credential evaluation if the degree is not from a U.S. institution---recommended (Note: DHS may request this)
- Photocopy of other required credential (including license to practice if needed)
- Photocopy of individual's passport page(s) showing photo, biographical data, issuance date, and expiration date
- Photocopy of individual's current resume or CV
- Photocopies of supporting immigration documents if individual is in the U.S. (single-sided copies)
 - o Valid I-94 card, front **and** back
 - o Supplemental documents if currently holding one of the following nonimmigrant statuses:
 - **F status:** Copies of current and all previous I-20 forms, pages 1 and 3 (single-sided copies) and Employment Authorization Document (EAD) if authorized for F-1 Optional Practical Training
 - **J status:** Copies of current and all previous DS-2019 (and IAP-66 forms (front and back), if applicable) -- *If the individual has ever been subject to 212(e) "two-year home residency requirement," submit evidence of a waiver or of having fulfilled the requirement.* If J-2, include copies of current and all previous EADs if received employment authorization.
 - **H or TN status:** Copies of current and all previous approval notices (form I-797). Letter or pay stub from current H-1B or TN employer (if other than Penn) showing current employment. 2-3 most recent pay stubs if extension, amendment, change of status or change of employer. If the H-1B or TN employment has ended or will have ended by the time ISSS will file the TN petition for Penn, consult ISSS immediately.

If the employee is in the U.S. and has a spouse or unmarried children under 21 in the U.S. for whom dependent TD status is required, the department should obtain the following and submit with the TN request packet:

- Form I-539, signed by the main TD dependent —available at <http://www.uscis.gov/forms>
- Copy of valid I-94 card (front **and** back)
- Copy of passport page(s) showing photo, biographical data, issuance date, and expiration date
- Copies of currently and previously issued documents for current status (i.e., I-797 notices for H or TN, DS-2019(s) for J, or I-20 for F)
- A separate check payable to "Department of Homeland Security" must be written for [the I-539 application fee](#)
- For spouse, copy of marriage certificate (strongly recommended)
- For child(ren), copy of birth certificate (or other legal papers) confirming TN as parent (strongly recommended)

International Student and Scholar Services

This form is to be completed by the Penn department only for a TN holder or applicant who is currently within the U.S. Please type or print neatly. Complete all questions as precisely as possible, since the information is used to obtain approval from the USCIS. **NOTE: While it may be possible to change/extend status to TN within the U.S., the process is costly and more time-consuming than applying for TN status at a port of entry.**

A. Request Information

Employment type (please check all that apply):

- Initial TN employment
 Extension with no changes in employment
 Change of employer/Transfer of employer sponsorship (from non-Penn to Penn)
 Concurrent TN (prospective Penn TN employee who will be on the payroll of another employer at the same time)
 Change in Penn position and/or Penn department

Processing type (please check one): USCIS Regular Processing USCIS Premium Processing

Name of (prospective) TN employee (as it appears on his/her passport):

_____/_____/_____
(Family/Last) (Given/First) (Middle)

Dates of requested TN Employment [Please note: Up to 3 years per request (e.g., March 1, 2009 – February 29, 2012)]:

From: Month: _____ Day: _____ Year: _____ To: Month: _____ Day: _____ Year: _____

B. Department Information

Department contact person for this TN request: _____

Phone: _____ Fax: _____ Email: _____

Hiring department: _____

Enter the IRS Employer Identification Number (EIN) of payroll on which this employee will be placed: _____ (and enter the organization Name (i.e. University of Pennsylvania, Presbyterian Hospital, etc.): _____)

Address: _____ Mail Code: _____

List all work sites for this position:

- University of Pennsylvania *main campus only*, Philadelphia, PA
 Other (specify street number & name, city, state, and zip code):

Penn faculty/staff member to whom employee will report: _____

Phone: _____ Email: _____

C. Position Information

Official Penn Position Title: _____

Is this position *full-time*?

- Yes: Annual Penn Salary (do not include benefit amounts or non-guaranteed incentives or bonuses): \$ _____ /yr
 No, the position is part-time. *Complete information below:*

Hours per week: _____ /wk **Note: If there will be any period when the individual will not get paid, such as Penn holiday closure, enter a range of hours starting with zero (e.g., 0 – 25/week).**Hourly Penn rate (required): \$ _____ /hr and Annual part-time Penn salary, if applicable: \$ _____ /yr

Name of Department Head: _____

Signature: _____ Date: _____

The hiring department must submit a position description. **Position information must be consistent with any official position description on file with the Penn HR office.** State the minimum (not preferred or desired) qualifications only, even if the applicant has additional qualifications.

Please type and complete the following information. **Each section must be completed.**

Official position title: _____

Hiring department: _____

Salary offered (as of the TN start date):

If full-time, list Annual Penn Salary: \$ _____ /yr

If part-time, list both hourly and annual wages:

Hourly Rate: \$ _____ /hr

Annual Wage: \$ _____ /yr

Position duties:

Minimum education/degree required (not preferred) for the position: _____

Major field of study required for the position (may include "or related field"): _____

Any additional requirements for the position (e.g., formal training or specialized licenses, certifications, or examinations):

Specific minimum (not preferred) number of years of prior work experience required for this position. If experience after obtaining a certain degree or certification is required, specify.

(If 0, please specify): _____

Number of employees that the individual will supervise (i.e., be responsible for annual performance evaluation)

(If 0, please specify): _____

Name of Department Head: _____

Signature: _____ Date: _____

The hiring department must submit a position description. **Position information must be consistent with any official position description on file with the Penn HR office.** State the **minimum** (not preferred or desired) qualifications only, even if the applicant has additional qualifications.

Please type and complete the following information. **Each section must be completed.**

Official position title: Lecturer

Hiring department: Department of Mathematics

Salary offered (as of the TN start date):

If full-time, list Annual Penn Salary: \$ 42,620 /yr

If part-time, list both hourly and annual wages:

Hourly Rate: \$ N/A /hr

Annual Wage: \$ N/A /yr

Position duties:

Teach courses in mathematics at both the undergraduate and graduate levels. Serve on department committees. Perform other duties as assigned.

Minimum education/degree required (not preferred) for the position: Bachelor's

Major field of study required for the position (may include "or related field"): Mathematics, applied mathematics, or related field

Any additional requirements for the position (e.g., formal training or specialized licenses, certifications, or examinations):

N/A

Specific minimum (not preferred) number of years of prior work experience required for this position. If experience after obtaining a certain degree or certification is required, specify.

(If 0, please specify): 0

Number of employees that the individual will supervise (i.e., be responsible for annual performance evaluation)

(If 0, please specify): 0

Name of Department Head: _____

Signature: _____ **Date:** _____

TN Employee Data Form

International Student and Scholar Services

This form is to be completed by the TN employee. The completed form should be returned to the hiring department for submission with the TN request packet. Please type or print neatly. Check appropriate boxes and complete all blanks or write "n/a" if not applicable. **Please provide all dates in Month Day, Year format (example: April 1, 2008).**

Name: _____ / _____ / _____
(Family/Last) (Given/First) (Middle)

* The name must be exactly as appears on the passport.

Date of Birth: Month: _____ Day: _____ Year: _____ **Gender:** Male Female **Marital Status:** Single Married

City of Birth: _____ **Province of Birth:** _____

Country of Birth: _____ **Country of Citizenship:** _____

Passport Issued By (Country): _____ **Passport Number:** _____

Passport Issuance Date: Month: _____ Day: _____ Year: _____ **Expiration:** Month: _____ Day: _____ Year: _____

Current Address in U.S., if applicable (street number and name, city, state and zip code):

Complete Foreign Address:

U.S. Social Security Number (if known): _____ **Email:** _____

Work Phone: _____ **Home Phone:** _____

Highest Degree Earned (e.g., BS, MD, PhD): _____ **in the field/major:** _____

What is your current nonimmigrant status if currently in the U.S.? _____

Expiration Date: Month: _____ Day: _____ Year: _____ **Date of last entry to U.S.:** Month: _____ Day: _____ Year: _____

I-94 Number (11 digits): _____

If family members (dependent spouse and/or unmarried minor children) are in the U.S., will they be included to change to or extend TD status? NO YES If YES, how many? _____

If you are currently in TN status for an employer other than Penn, will you continue working for that employer while concurrently working at Penn? Check "NO" if you are leaving that employer for Penn.

NO YES N/A

Have you ever been denied TN classification?

NO YES (explain): _____

List the city and country of the U.S. Embassy or Consulate where you (the TN beneficiary) would plan to apply for an TN visa (or port of entry if Canadian) even if you are currently in the U.S. with no expected travel plans:

City: _____ **Country:** _____

If you (the TN beneficiary) are currently in the U.S. and plan to travel abroad while the TN petition is pending, you must provide the approximate dates of departure from and reentry to the U.S. If there are any changes to your travel plans, be sure to

consult ISSS in advance. Attach an additional sheet if necessary:

1. Departure from U.S.: Month: _____ Day: _____ Year: _____ Reentry to U.S.: Month: _____ Day: _____ Year: _____
2. Departure from U.S.: Month: _____ Day: _____ Year: _____ Reentry to U.S.: Month: _____ Day: _____ Year: _____

Please list all your stays in the U.S. within the last seven years, except stays as a visitor for business or pleasure/tourism (e.g., B-1/B-2 or Visa Waiver Program). List each nonimmigrant status separately beginning with the most recent.

NONIMMIGRANT STATUS (e.g., J-1, J-2, H-1B, H-4, TN, F-1, or F-2, etc.)	DATES OF STAY IN U.S.		EMPLOYER NAME, IF ANY
	From	To	
	From	To	
	From	To	

Please attach a separate sheet explaining TD dependent's stays and upcoming travel plans, if any.

Prospective TN employees must have met all minimum requirements for the position, including experience, degree, and any required licenses or certifications, at the time of filing the TN petition.

For individuals extending, changing to, or continuing TN status within the U.S., the TN petition must be properly filed with DHS prior to the end of your currently valid nonimmigrant status in the U.S. Failure to maintain your valid nonimmigrant status may result in denial of the extension, change, or continuation of your nonimmigrant status in the U.S.

- Individuals currently outside the U.S. must wait until obtaining TN approval to work for Penn (evidenced on the TN I-94 card).
- Individuals currently working in the U.S. in another nonimmigrant status may only work under the terms and conditions of their current status. Upon expiration of that authorization, an individual must be removed from payroll and may not continue to work. The individual may resume employment only upon obtaining TN approval for Penn. The individual should not travel outside the U.S. until the TN petition has been approved. If an individual must travel while the TN is pending, he or she must consult an advisor at ISSS for instructions.
- Those who are in TN status working for another employer may not work for Penn until Penn's own TN petition has been approved. Unlike H-1B, "Portability" does not apply to TN.

Always consult ISSS if you or any dependent family members need to travel while the TN petition submitted on your behalf or their TD extension or change of status applications are pending. Submit copies of the relevant items listed under the *TN Checklist* to your department.

I certify that the above is accurate and that I have read and understand the TN employment information.

TN Employee's Signature: _____ **Date:** _____