

The TN classification

This classification is available as a provision of the North American Free Trade Agreement (NAFTA). Only Canadian and Mexican citizens are eligible for TN status. The TN classification allows Canadian and Mexican citizens to be admitted to the U.S. *temporarily* to engage in business activities at a professional level. "Professional level" refers to those undertakings which require that the individual has at least a baccalaureate degree or appropriate credentials in a profession set forth in Appendix 1603.D.1 of the NAFTA (see page 2). The "business activities" must be employment or other prearranged business activities in a NAFTA-eligible profession, for a United States entity. The TN status holder may not be self-employed. Temporary entry, as defined in the NAFTA, means entry without the intent to establish permanent residence. The alien must satisfy the U.S. consular officer or inspecting immigration officer that the proposed stay is temporary. A temporary period has a reasonable, finite end that does not equate to permanent residence.

Dependents of TN status holders are granted TD status. TD status holders are **not** allowed to accept employment or receive payment of any kind.

There are several advantages of the TN status: (1) "relative ease" of obtaining TN status when initially entering the U.S. from abroad, (2) no total maximum time limit for holding TN status (must be renewed in 1 – 3 year increments), (3) relative ease in changing to or extending TN status within the U.S.

Obtaining new TN status upon entry to the U.S.

IMPORTANT: Departments and Divisions must consult with the OIS before a prospective employee seeks entry in TN status, to determine if TN is the appropriate status in a particular case. If the OIS determines that TN is the appropriate status, we will authorize the employing department to proceed with the documents required for the prospective TN employee to obtain TN status upon entry into the U.S.

At the port-of-entry (by land or by air), ***Canadian*** TN applicants must present the documents listed below to the U.S. immigration inspector ***for evaluation and adjudication***. ***Mexican*** applicants must first apply for a TN visa at a U.S. embassy or consulate abroad, providing the documents listed below ***for evaluation***, as a part of the visa application. Presentation of these documents is ***not*** a guarantee that the TN visa (for Mexicans only), or TN status and entry to the U.S. will be granted. The U.S. consular official or immigration officer will evaluate each case on its merits, and according to the federal rules governing TN status.

The following documents are required for granting of the TN visa (Mexican citizens only) and for entry to the U.S. in TN status:

1. A valid unexpired Canadian or Mexican passport as proof of citizenship;
2. Proof of possession of a professional degree in a field listed in the schedule of occupations listed in the TN regulations (under NAFTA, most TN professions require at least a bachelors degree). **See list of professions on page 2.** **Contact the International Scholar Adviser to confirm that the occupation for which you seek TN status is on this list; Degrees, diplomas, or certificates received by the beneficiary from an educational institution located outside of the United States, Canada, or Mexico must be accompanied by an evaluation by a reliable credentials evaluation service which specializes in such evaluations.**
3. A job offer letter from a U.S. employer for a professional position, describing the work to be done and the beginning and ending dates of the employment. Contact the OIS for a sample TN letter. ***JHMI Departments and Divisions must consult with the OIS for authorization and issuance of a TN "job offer letter". There have been instances where the U.S. immigration officer has denied entry to a TN applicant because the information provided in a letter not authorized by the OIS was incorrect or insufficient for TN purposes.***
4. Canadian nationals will pay a \$57 (U.S) fee to the U.S. Customs and Border Protection (CBP). Mexican nationals will pay a \$100 fee at the U.S. consulate for the TN visa, but no fee to CBP at the U.S. port-of-entry.

At the U.S. port-of-entry, if all is in order, the TN status will usually be granted within an hour of arrival at the port-of-entry. The TN status will be marked on the applicant's Form I-94 and in the passport. It will be valid for a period of *up to three years from the date of entry*, and can be extended. There is no maximum amount of time that a TN status holder may hold this status. However, TN status holders must not have the intent to establish permanent residence in the U.S. The TN applicant must satisfy the consular officer or U.S. immigration officer that the proposed stay is temporary.

Upon the Arrival of the TN Status Holder

Upon the TN status holder's successful entry to the U.S., the employing department must send the TN visa holder to the OIS to check-in and complete Form I-9. Visit: <http://www.hopkinsmedicine.org/intlsvcs/checkininformation.doc> to obtain, and complete check-in information prior to reporting to the OIS. The TN visa holder should bring the completed forms to the OIS along with his/her passport and related visa documents.

Changes to TN status and extensions of stay in TN status within the U.S.

To request changes to TN immigration status, or extensions of TN status for JHMI employment the OIS must file a petition with the United States Citizenship and Immigration Services (USCIS) Vermont Service Center. USCIS currently charges a \$320 fee for changes to, and extensions of TN (plus an additional \$300 fee for all dependents seeking TD status).

*Except during the last 30 days of the validity of a TN status holder's authorized stay, U.S. Customs and Border Protection (CBP) inspectors at U.S. ports-of-entry may not extend the TN status-holder's status at re-entry to the U.S. **Before a TN employee attempts extension of TN status by re-entry to the U.S, the hiring department must contact the OIS for authorization and approval of the TN extension letter.***

Contact the OIS at 410-955-3371 or email: internationalservices@jhmi.edu for further information.

LISTING OF PROFESSIONAL OCCUPATIONS IN APPENDIX 1603D.1 OF NORTH AMERICAN FREE TRADE AGREEMENT

Accountant	Scientific technician/technologist	Apiculturist
Actuary	Social Worker	Astronomer
Architect	Sylviculturist (including forestry specialist)	Biochemist
Computer Systems Analyst	Technical publications writer	Biologist
Disaster relief insurance claims adjuster (claims adjuster employed by an insurance company located in the territory of a Party, or an independent claims adjuster)	Urban planner (including geographer)	Chemist
Economist	Vocational counselor	Dairy scientist
Engineer	<u>Medical/Allied Professionals</u>	Entomologist
Forester	Dentist	Epidemiologist
Graphic designer	Dietitian	Geneticist
Hotel Manager	Medical laboratory technologist (Canada)/medical technologist (Mexico and the United States)	Geochemist
Industrial designer	Nutritionist	Geologist
Interior designer	Occupational therapist	Geophysicist (including Oceanographer in Mexico and the United States)
Land Surveyor	Pharmacist	Horticulturist
Landscape architect	Physician (teaching or research only)	Meteorologist
Lawyer (including Notary in the province of Quebec)	Physiotherapist/physical therapist	Pharmacologist
Librarian	Psychologist	Physicist (including Oceanographer in Canada)
Management consultant	Recreational therapist	Plant Breeder
Mathematician (including statistician)	Registered nurse	Poultry scientist
Range manager/Range conservationist	Veterinarian	Soil scientist
Research assistant (working in a post-secondary educational institution)	<u>SCIENTIST</u>	Zoologist
	Agriculturalist (agronomist)	<u>TEACHER</u>
	Animal breeder	College
	Animal scientist	Seminary
		University