

Guidelines for Preparing and Presenting TN Applications by Prospective Employees of U.S. Employers

By Joel H. Paget

1. The beneficiary must be a citizen of Canada or Mexico; the spouse and children under 21 do not have to be citizens of either country. Proof of citizenship may be shown by a certified birth certificate, certificate of citizenship, identification card or a valid passport. Proof of marriage must be shown by a certified marriage certificate and parentage must be shown by a birth certificate that shows the names of the parents. A certified copy of an adoption decree can be used for adopted children.
2. The beneficiary must be otherwise admissible under all existing U.S. Immigration laws, i.e., there are no prior criminal convictions involving moral turpitude, health or other excludable issues. Pardons, expungements and diversions do not clear the record.
3. The job offer must be in one of the specific professional occupations listed in Schedule 2 (attached).
4. The beneficiary has the degree required for the job opportunity, i.e., Baccalaureate degree (or for computer systems analyst or scientific technician/technologist, a post-secondary diploma issued upon the completion of a two-year course of study from an accredited education institution in Canada, U.S. or Mexico). Credential evaluation and translation to English, if necessary, must accompany all foreign four-year degrees, if not obtained in Canada or Mexico. There is no provision for equivalency of experience for the degree except for management consultant which requires five years of experience in the field of specialty related to the consulting agreement or five years of experience as a management consultant.
5. The job opportunity requires the degree the beneficiary has. Remember that the more general the job duties, the less requirement for a specific degree.
6. If the state requires a state license to perform the duties, the beneficiary must have proof of having the license on entry or temporary license to practice.
7. There must be a formal, written offer of employment or support letter from the entity seeking the professional services in the U.S. This document must detail the following information:
 - a. A description of the professional activities, including a detailed job description of the daily job duties.
 - b. The length of time the services are required. (The time period cannot exceed 36 months from granting the TN. There must be no intent to stay permanently in the U.S. In fact, there may have to be some showing of maintaining personal interests in the home country and maintaining tax residency there.)
 - c. The requirements for the position, e.g., education, license, years of experience, etc.
 - d. Proof of the alien's qualification for the position by education and/or experience.
 - e. The salary and any benefits that will be paid for the services.
8. The first TN application must be presented at a Class A land port of entry, a U.S. Airport handling international traffic or pre-clearance station or filed with the Vermont Service Center. Mexican citizens need a TN visa first which can be issued by the U.S. Embassy or consulate having jurisdiction over the person's residence.
9. Extensions of TN status can be filed at the Vermont Service Center in the U.S. If filed before the expiration date of the initial TN status, the beneficiary receives automatic employment authorization for 240 days or to the date of a decision, whichever is the lesser. The TN beneficiary may stay in the U.S. legally pending the decision, but cannot leave the U.S. and reenter once the initial TN status expires and before receiving a subsequent approval.
10. It is possible to file a new TN at the port of entry to the U.S. prior to the expiration of the current TN status. However, we believe it is better to have a service center adjudicate the status because it gives deference to the first approval, and the beneficiary, along with any spouse and dependents, does not have to travel to the port of entry with the chance of not being able to enter the U.S. if the TN is denied.



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11. Spouse and children cannot work unless they have their own employment authorization. Children can attend school.
12. If the beneficiary and his/her dependents are going to a port of entry, U.S. airport or pre-clearance station to present a TN application, we advise the beneficiary talk with us first about the process and what may be asked of him/her.
13. Fee for Canadians is \$50 at Port of Entry or \$320 at Service Center. Mexican citizens can apply for a Visa for \$160.

SCHEDULE 2 (TN PROFESSIONAL)

- Accountant - baccalaureate degree or license or C.P.A., C.A., C.G.A. or C.M.A.
- Architect - baccalaureate degree or state/provincial license
- Computer systems analyst - baccalaureate degree or Post-Secondary Certificate and three years' experience
- Disaster relief claims adjuster - baccalaureate degree or three years' experience in the field of claims adjustment
- Economist - baccalaureate degree or license
- Engineer - baccalaureate degree or state/provincial license
- Forester - baccalaureate degree or state/provincial license
- Graphic designer - baccalaureate degree, or post-secondary diploma and three years' experience
- Hotel manager - baccalaureate degree and three years' experience in hotel management
- Industrial designer - B.A.C.C. or license or P.S.O. and three years' experience
- Interior designer - B.A.C.C. or license or P.S.C. and three years' experience
- Land surveyor - baccalaureate degree or state/provincial/Federal license or P.S.C. and three years' experience
- Landscape architect - baccalaureate degree or license
- Lawyer - member of bar in province or state, or L.L.B., J.D., L.L.L. or B.C.L. or license
- Librarian - M.L.S. or B.L.S. (for which another baccalaureate degree was a prerequisite)
- Management consultant - baccalaureate degree or five years' experience in field of specialty relating to the consulting agreement
- Mathematician - baccalaureate degree or license, includes statistician
- Medical/allied professionals
 - Dentist - D.D.S., D.M.D., or state/provincial license
 - Dietitian - baccalaureate degree or state/provincial license
 - Medical technologist - baccalaureate degree or license or P.S.C. and three years' experience
 - Nutritionist - baccalaureate degree or license
 - Occupational therapist - baccalaureate degree or state/provincial license
 - Pharmacist - baccalaureate degree or state/provincial license
 - Physician (teaching and/or research only) - M.D. or state/provincial license
 - Physical therapist - baccalaureate degree or state/provincial license
 - Psychologist - state/provincial license
 - Recreational therapist - baccalaureate degree
 - Registered nurse - state/provincial license
- Range manager (range conservationist) - baccalaureate degree
- Research assistant (working in a post-secondary educational institution) - baccalaureate degree or license.
- Scientific technician/technologist
 - Must work in direct support of professionals in the following disciplines: Chemistry, engineering, geology, geophysics, meteorology, physics, astronomy, agricultural sciences, biology or forestry.
 - Must possess theoretical knowledge of the discipline.
 - Must solve practical problems in the discipline.
 - Must apply principles of the discipline in basic or applied research.



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- Scientist
 - Agriculturist (agronomist) - baccalaureate degree or license
 - Animal breeder - baccalaureate degree or license
 - Animal scientist - baccalaureate degree or license
 - Apiculturist - baccalaureate degree or license
 - Astronomer - baccalaureate degree or license
 - Biochemist - baccalaureate degree or license
 - Biologist - baccalaureate degree or license
 - Chemist - baccalaureate degree or license
 - Dairy scientist - baccalaureate degree or license
 - Entomologist - baccalaureate degree or license
 - Epidemiologist - baccalaureate degree or license
 - Geneticist - baccalaureate degree or license
 - Geologist - baccalaureate degree or license
 - Geophysicist - baccalaureate degree or license
 - Horticulturist - baccalaureate degree or license
 - Meteorologist - baccalaureate degree or license
 - Pharmacologist - baccalaureate degree or license
 - Physicist - baccalaureate degree or license
 - Plant breeder - baccalaureate degree or license
 - Poultry scientist - baccalaureate degree or license
 - Soil scientist - baccalaureate degree or license
 - Zoologist - baccalaureate degree or license
- Silviculturist (forestry specialist) - baccalaureate degree or license
- Social Worker - baccalaureate degree or license
- Teacher
 - College - baccalaureate degree or license
 - Seminary - baccalaureate degree or license
 - University - baccalaureate degree or license
- Technical publications writer - baccalaureate degree, or post-secondary diploma and three years' experience
- Urban planner - baccalaureate degree (including Geographic)
- Veterinarian - D.V.M., D.M.V., or state/provincial license
- Vocational counselor - baccalaureate degree or license

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