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# WESTERN MICHIGAN UNIVERSITY

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## TN STATUS INFORMATION

In accordance with the North American Free Trade Agreement (NAFTA), a designated group of Canadian professionals is admissible for “**temporary**” employment in the U.S. without the requirement of a U. S. Citizenship and Immigration Services (USCIS) petition approval.

The individual seeking TN classification must be coming to the U.S. to engage in business activities in one of the 63 NAFTA-specified occupations listed in Appendix 1603.D.1 of Annex 1603 of the NAFTA. These professionals can enter the U.S. simply by providing documentation at the port of entry that they are engaged in one of the designated professions, and that they possess the required educational credentials to qualify in the listed professions.

Please note that procedures for obtaining TN status for Mexican citizens differ from the process for Canadians. Please contact the Immigration Officer in International Student and Scholar Services (I3S) for more information.

Canadian professionals already in the U.S. (probably in H-1B, L-1, or O-1 status) may choose to apply for TN status through an application for change of nonimmigrant status within the U.S. This kind of TN must be processed by I3S since it requires I3S to file an I-129 petition with USCIS. The filing fee for Form I-129 is \$530, compared to \$60 if processed at the border. Please plan ahead since it can take 3 or more months for processing at USCIS.

### **Basic Information about the TN Category**

- Eligibility:** Certain Canadian citizens to engage in business activities in one of the 63 NAFTA-specified occupations listed on Appendix 1603.D.1 of Annex 1603 of the NAFTA. ***Not available to Landed Immigrants of Canada.***
- Duration of Stay:** May require up to three years. It may be renewed with no limit on number of extensions
- I-9 Process:** For I-9 purposes, “Western Michigan University” and a position title must be listed on the back of the TN I-94 card since the TN category is position and employer specific.
- Family Members:** Spouse and unmarried children under 21 are classified in the TD category. They are not allowed to engage in employment in the U.S.

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## **Procedures for Admission**

Canadian professionals seeking admission to the U.S. in the TN category must present the case for admission at the port of entry. The TN application consists of the following:

1. Proof of Canadian citizenship (i.e. valid passport, birth certificate, or citizenship card)
2. Evidence that the intended U.S. activity is one listed in Appendix 1603.D.1, which should include a thorough description of the job duties (**in the form of a cover letter from WMU including a statement that the purpose of the entry is temporary**)
3. Evidence that the alien has the necessary credentials to be considered a professional in one of the Appendix 1603.D.1 fields
4. Proof of a license to practice the profession if one is required in the state of intended employment
5. Letter of employment including remuneration and benefits
6. Filing fee of \$50, plus \$6 for issuance of Form I-94 (Arrival/Departure Record) in the form of a personal check or money order

### NOTE:

- With regard to No. 3, any credentials obtained outside the U.S., Canada, or Mexico should be accompanied by a credential evaluation.
- With regard to No. 5, the TN category is position and employer specific; thus it might not be valid for any other position even within the same department. Please consult with the Immigration Officer in I3S prior to making any changes to the terms and conditions of the TN employment.

*All documents should be presented in the original.* These materials will be returned to the applicant after the inspection by the border officials.

Canadians who apply for TN status at a land border crossing post can do so at the time they drive across the border. They should ask to speak to the NAFTA officer, and it is recommended that they present themselves during normal business hours, but not during rush hour. Due to the time pressures of a departing flight, Canadians who are arriving in the U.S. by air are advised to contact the NAFTA office at the Canadian airport from which they will be departing to ask for instructions. Each NAFTA office has its own procedures; depending on the airport, it may be necessary to submit materials for TN application several days in advance.

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**THINGS TO CONSIDER (per the border officials):**

- Does the letter contain a correct NAFTA job title?
- Does the letter contain a through description of the job duties?
- Does the letter contain dates of employment, not exceeding three years?
- Does the letter contain the salary and benefits?
- Does the applicant meet the NAFTA requirements for employment in the TN classification?
- Does the applicant have the required educational background for the TN classification?
- Does the applicant have the necessary license, if applicable?
- Is the applicant's educational background from a foreign university and has it been evaluated according to the U.S. standards?

**NOTE --** If the scholar is new to the university, is changing from student to scholar, or is returning from a gap in employment, please advise him/her to **meet** with the Immigration Officer in I3S in person prior to begin/resume employment at WMU.

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**APPENDIX 1603.D.1 OF ANNEX 1603 OF THE NAFTA**  
(NAFTA-Specified Occupation List for TN Status)

- **Accountant**--baccalaureate degree, C.P.A., C.A., C.G.A., or C.M.A.
- **Engineer**--baccalaureate degree or state/provincial license
- **Scientist**
  - **Agriculturist** (including agronomist)--baccalaureate degree
  - **Animal Breeder** -- baccalaureate degree
  - **Animal Scientist**--baccalaureate degree
  - **Apiculturist**--baccalaureate degree
  - **Astronomer**--baccalaureate degree
  - **Biochemist**--baccalaureate degree
  - **Biologist**--baccalaureate degree
  - **Chemist**--baccalaureate degree
  - **Dairy Scientist**--baccalaureate degree
  - **Entomologist**--baccalaureate degree
  - **Epidemiologist**--baccalaureate degree
  - **Geneticist**--baccalaureate degree
  - **Geochemist**--baccalaureate degree
  - **Geologist**--baccalaureate degree
  - **Geophysicist** (including Oceanographer in Mexico or U.S.) --baccalaureate degree
  - **Horticulturist**--baccalaureate degree
  - **Meteorologist**--baccalaureate degree
  - **Pharmacologist**--baccalaureate degree
  - **Physicist** (including Oceanographer in Canada) --baccalaureate degree
  - **Plant Breeder**--baccalaureate degree
  - **Poultry Scientist**--baccalaureate degree
  - **Soil Scientist**--baccalaureate degree
  - **Zoologist**--baccalaureate degree
- **Research Assistant** (working in a post-secondary educational institution)--baccalaureate degree
- **Medical/Allied Professional**
  - **Physician** (teaching and/or research only)--M.D., or state/provincial license
  - **Dentist**--D.D.S., D.M.D., or state/provincial license
  - **Occupational Therapist**--baccalaureate degree or state/provincial license
  - **Pharmacist**--baccalaureate degree or state/provincial license
  - **Physio/Physical Therapist**--baccalaureate degree or state/provincial license
  - **Recreational Therapist**--baccalaureate degree
  - **Registered Nurse**--state or provincial license
  - **Veterinarian**--D.V.M., D.M.V., or state/provincial license
  - **Medical Technologist**--baccalaureate degree of post-secondary diploma and three years' experience--must be seeking entry to perform chemical, biological, hematological, immunologic, microscopic, and bacteriological tests, procedures, experiments, and analysis in laboratories for diagnosis, treatment, and prevention of disease
- **Architect**--baccalaureate degree or state/provincial license
- **Lawyer**--L.L.B., J.D., L.L.L., B.C.L., or Licenciature degree (five years) or membership in a state/provincial bar
- **Technical Publications Writer**--baccalaureate degree of post-secondary diploma and three years' experience
- **Teacher**
  - College--baccalaureate degree
  - University--baccalaureate degree

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- Seminary--baccalaureate degree
- **Technical Publications Writer**--baccalaureate degree or post secondary diploma and three years' experience
- **Urban Planner**--baccalaureate degree
- **Vocational Counselor**--baccalaureate degree
- **Economist**--baccalaureate degree
- **Social Worker**--baccalaureate degree
- **Mathematician**--baccalaureate degree
- **Hotel Manager**--baccalaureate degree or post-secondary diploma and three years' experience
- **Industrial Designer**--baccalaureate degree or post-secondary diploma and three years' experience
- **Interior Designer**--baccalaureate degree or post-secondary diploma and three years' experience
- **Librarian**--M.L.S. or B.L.S. (for which another baccalaureate degree was a prerequisite)
- **Animal Breeder**--baccalaureate degree
- **Sylviculturist** (including forestry specialist)--baccalaureate degree
- **Range Manager** (range conservationist)--baccalaureate degree
- **Forester**--baccalaureate degree, or state/provincial license
- **Graphic Designer**--baccalaureate degree, or post-secondary diploma and three years' experience
- **Land Surveyor**--baccalaureate degree or state/provincial/federal license
- **Landscape Architect**--baccalaureate degree
- **Nutritionist**--baccalaureate degree
- **Dietician**--baccalaureate degree or state/provincial license
- **Computer Systems Analyst**--baccalaureate degree, or post-secondary diploma and three years' experience
- **Psychologist**--state/provincial 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 to basic or applied research
- **Disaster Relief Insurance Claims Adjuster**--baccalaureate degree, or 3 years' experience in the field of claims adjustment (admissible only when a disaster has been declared)
- **Management Consultant**--baccalaureate degree or 5 years' experience in consulting or related field

NOTE -- With regard to the Appendix 1603.D.1 listings, a couple of issues have arisen regarding proper qualifications:

- ❖ When a bachelor's degree is required under Appendix 1603.D.1, a combination of education and experience equivalent to a bachelor's degree will not be accepted by the DHS.
- ❖ Canadian nurses must have a license in the state of intended employment suitable for commencement of employment.

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## Processing Procedures

Please read the following carefully. Please allow ten working days for processing.

- 1) Submit completed **TN Request Form** (attached) to the Immigration Officer in I3S with copies of the following documents included:
  - Copy of the foreign national's proof of Canadian citizenship (i.e. valid passport, birth certificate, or citizenship card)
  - Copy of the foreign national's diploma and/or transcripts showing the relevant degree obtained  
  
*→ Note: Any degree obtained outside Canada, Mexico, or U.S. should be accompanied by a credential evaluation.*
  - Copy of proof of a license to practice the profession, if required
  - Copy of a letter of employment
  - Copy of the foreign national's current resume or CV
- 2) Once the above-mentioned documents have been received by I3S, the Immigration Officer will prepare a cover letter and accompanying documents for the foreign national to take to a port of entry.
- 3) When the TN employment packet is ready, I3S will contact the hiring department to notify that the TN employment packet is ready for pick-up at the I3S Reception Desk.
- 4) The foreign national takes the TN employment packet to a port of entry in order to obtain the TN I-94 card (Arrival/Departure Record).
- 5) Once the TN I-94 card (*"Western Michigan University" and the position title must be written on the back of the card by a border official*) has been obtained at the port of entry, the foreign national must return to I3S to meet with the Immigration Officer in person for immigration check-in and verification.

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## TN REQUEST FORM: To Be Completed by WMU Hiring Department

### PURPOSE OF THE FORM (check all that apply):

- New (if already on TN for another employer, current TN I-94 end date: \_\_\_\_\_)
- Extension of current appointment *without* change (current TN I-94 end date: \_\_\_\_\_)
- Transfer within WMU (current TN I-94 end date: \_\_\_\_\_)
- Other \_\_\_\_\_

### CONTACT INFORMATION

Hiring Department: \_\_\_\_\_ Division/College: \_\_\_\_\_

Address: \_\_\_\_\_

Administrative Contact Person: \_\_\_\_\_ Signature: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

### PROSPECTIVE/CURRENT EMPLOYEE INFORMATION

Name: \_\_\_\_\_ WIN #: \_\_\_\_\_  
Last First Middle

Female  Male Date of Birth: \_\_\_\_\_ (month/day/year)

Current Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

### POSITION INFORMATION

Title: \_\_\_\_\_

List 6 or more of the most important duties the Canadian citizen will perform in priority order:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

Salary Offered: \$ \_\_\_\_\_ per \_\_\_\_\_ Hours per week: \_\_\_\_\_

Does compensation package include benefits?  Yes  No

Expected Duration of Employment: From \_\_\_\_\_ to \_\_\_\_\_

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