



## • TN – Application •

### OVERVIEW OF TN

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 to engage in professional business activities on a temporary basis. The TN category allows for admission of individuals for the purposes of working for a U.S. employer as a professional or working for a foreign employer (including even a non-Canadian or non-Mexican employer) to provide pre-arranged professional services to a U.S. employer.

Only occupations specified in Appendix 1603.D.1 of the NAFTA treaty can serve as the basis for TN employment. Appendix 1603.D.1 also stipulates the minimum qualifications for entry into the U.S. in each occupation.

Both Canadian and Mexican citizens can be admitted to the United States in TN status in increments of up to one year. Extensions of stay are also granted in up to three-year increments. There is no cumulative total limit on the time a Canadian or Mexican citizen can be in TN status. Status can be renewed each year indefinitely, provided that the stay remains temporary in nature.

### TN ELIGIBILITY REQUIREMENTS

- Citizen of Canada or Mexico
- Must possess the minimum qualifications of a member of one of the professions listed in Appendix 1603.D.1
- Entry must be “temporary”
- Job must constitute “pre-arranged” professional activity for a U.S. entity, within one of the professions listed in Appendix 1603.D.1
- Employer can be either a U.S. employer for whom the pre-arranged services are being done, or a foreign employer who has arranged for the Canadian or Mexican citizen to provide pre-arranged services in the U.S. for a U.S. entity
- Cannot be “self-employed” in the U.S.

### CHANGE OF STATUS WITHIN THE U.S.

If the Canadian or Mexican citizen is present in the United States in another nonimmigrant classification (i.e. F-1, H-1B, etc.), he or she may choose to file an application with the US Citizenship and Immigration Services to change status to TN, without traveling outside the United States. An individual must be maintaining a valid nonimmigrant status in order to be eligible for a change of status, and must wait until the change of status is approved before he or she begins employment in TN status.

If a Mexican citizen changes to TN within the U.S., the next time he or she exits the United States for travel, he or she must get a TN or TD visa prior to returning to the U.S. to resume work in TN status.

Application procedures to change status within the U.S.

- File Form I-129 (form will be completed by the Office of International Programs)
- File Nonimmigrant Classification Based on Free Trade Agreement Supplement to the Form I-129 (to be completed by the Office of International Programs)
- I-129 Application Fee (to be paid by the department)
- Provide proof of citizenship
- Provide detailed job letter from the employer (to be provided by the department)
- Provide evidence that the job is in one of the occupations listed in Appendix 1603.D.1
- Provide evidence that the individual has the required credentials for the job as stated in Appendix 1603.D.1
- Provide proof of current immigration status



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### EXTENDING TN STATUS WITHIN THE U.S.

According to 8 C.F.R. § 274.12 (b) (20), if the TN applicant is currently in TN status with the University of Mississippi, it is possible for the applicant to continue working for the University of Mississippi for up to 240 days after the expiration of the current TN status as long as the TN extension was timely filed. Timely filing means that US Citizenship and Immigration Services must receive the I-129, TN application before the expiration of the current TN. The Office of International Programs will authorize employment to continue as soon as the I-129 receipt notice (the official notice of application receipt from USCIS) arrives before the expiration of the current TN.

An extension for an TN worker currently employed by the University of Mississippi requires the department to pay the filing fee of \$325. Otherwise, the application process for a TN extension is exactly the same as it is for a change-of-status TN application.

*If the TN extension is not filed before the expiration of the current TN status, employment must stop until the TN is approved and the approval notice is received by the Office of International Programs.*

### TN PROCESSING STEPS FOR CHANGE-OF-STATUS OR EXTENSIONS IN THE U.S.

#### THE DEPARTMENT:

- To begin the TN change-of-status or extension process for an employee who is currently within the United States, the department should complete **Enclosure A** section of this application.
- Department must provide an offer of employment letter. *See sample in Enclosure A section.* The letter must affirm the Appendix 1603.D.1 profession of the applicant, describe the duties the applicant will perform in the U.S., reference the anticipated length of stay, review the educational qualifications or credentials which demonstrate the applicant has professional-level status, and describe the arrangements for payment for the services to be rendered.
- Department must pay the TN filing fee of \$325. Additionally, Departments have the option of seeking Premium Processing for an expedited 15-day processing time; for the faster processing there is an additional filing fee of \$1225. The filing fee needs to be a check or money order, and should be made out to “Department of Homeland Security,” **but the check should be sent to The Office of International Programs.** International Programs must include the checks with the TN application. Payment may be processed through UM Procurement Services by submitting a Request for Payment form (included in the Enclosure A section of this packet). Alternately, someone in the department can write a personal check and then apply for normal reimbursement through Procurement Services.
- Department must supply the Office of International Programs with either an orange departmental mail card for shipping the TN Petition to USCIS by Express Mail through the US Postal Service or provide International Programs with a FedEx Account Number for the overnight shipping of the package.



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### TN PROCESSING STEPS (continued)

#### **TN APPLICANT (INTERNATIONAL EMPLOYEE):**

- The international applicant must complete the **Enclosure B** section of this application.
- TN applicants must submit all requested supporting documents:
  - Curriculum Vita/ Resume which includes current address, home country address, statement of work history, and list of publications
  - Copy of all university-level academic degrees, diplomas, and transcripts/mark sheets.
    - Diplomas and transcripts/mark sheets do not have to be originals
    - On the back of each photocopy, sign a statement that says “This is a true photocopy and originals are available upon request.”
    - Documents not in English must be translated by someone competent to do so (See attached translation certificate sample)
    - Degrees issued by non-U.S. institutions will have to have a foreign credential evaluation processed by International Programs
  - Copies of 3 most recent pay stubs/ paycheck notifications if currently employed in the US
  - Copy of Passport Identification Pages (Full-page photocopies ONLY. Do not cut the photocopy to the shape of the passport) \*\*
  - Copies of current/ most recent Visa Stamp (If available) \*\*
  - Copies of I-94 Card (FRONT AND BACK) \*\*
  - Copies of all previous I-20’s, DS-2019’s, IAP-66’s, and TN I-797 Approval Notices\*\*
  - Copy of Employment Authorization Card (i.e. F-1 OPT Card or J-2 EAD Card) if currently working on Employment Authorization
  - Proof of I-612 waiver or completion of 212(e) Two-Year Home Residency Requirement if currently or previously on J-Visa\*\*
  - TD Application: ONLY FOR APPLICANTS INSIDE THE U.S. - If TN applicant has dependent family members who are already in the U.S. on another visa type and would like to change/extend their TD status, include the following:
    - Form I-539 (available on [www.uscis.gov](http://www.uscis.gov) site) and check for \$300 made payable to **Department of Homeland Security**
    - Include the above starred (\*\*) items for your family members

#### **OFFICE OF INTERNATIONAL PROGRAMS:**

- Once the Office of International Programs receives the Enclosure A section from the department as well as the Enclosure B section and documents from the applicant, the Office of International Programs can start processing the TN application.
- The Office of International Programs will create the I-129, TN Application Form.
  - The I-129 must be approved by the Director of Human Resources before it may be submitted to US Citizenship and Immigration Services.
- Once the I-129 has been approved by HR, the Office of International Programs will compile and send the TN application, including the filing fees and offer of employment from the department and copies of all documents supplied by the applicant.

#### **US CITIZENSHIP AND IMMIGRATION SERVICES:**

- Once the USCIS receives the complete TN application and filing fees, they will send the Office of International Programs an I-129 Receipt Notice, which is an official notice indicating the date that the application was received and giving the applicant a receipt number. With the receipt number, the status of the application may be tracked on the USCIS website: [www.uscis.gov](http://www.uscis.gov) .
- When the TN petition is approved, USCIS will send the I-797 approval notice to the Office of International Programs. The applicant, the department, and Human Resources will be notified of the approval. Copies of the I-797 approval notice will be given to the applicant and Human Resources. The original approval notice will be kept in the Office of International Programs.



• TN – Enclosure A Form: For the Department •
• For Change-of-Status or Extension within the United States •

Please submit the following information. Be sure to type or print clearly.

PART 1: POSITION DESCRIPTION. TO BE COMPLETED BY DEPARTMENT CHAIR

PLEASE ENTER INFORMATION ABOUT POSITION REQUIREMENT, NOT PROSPECTIVE EMPLOYEE'S QUALIFICATIONS

Hiring Department/ Unit: \_\_\_\_\_

School/ Division: \_\_\_\_\_

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

Position's minimum degree requirement: \_\_\_\_\_ Field(s) of study: \_\_\_\_\_

Position's minimum required training and experience. Please quantify required training and experience in number of years:

\_\_\_\_\_

Description of basic job duties:

\_\_\_\_\_

\_\_\_\_\_

Proposed Salary: \_\_\_\_\_

Hours/ Range of hours per week: \_\_\_\_\_  Per year or  Per nine months

There are no additions nor deductions from each pay period, nor overtime. \_\_\_\_\_ (Check if true)

Benefits: (Check all that apply)

Position includes NO additional compensation or benefits

Position includes standard University of Mississippi employee benefits

Position includes additional compensation (specify) \_\_\_\_\_

with an estimated dollar value of (per year): \_\_\_\_\_

Number of employees applicant will supervise (other than students): \_\_\_\_\_

Dates of intended employment - From: \_\_\_\_\_ To: \_\_\_\_\_

Work location address: \_\_\_\_\_

Occupational title of person who will be employee's immediate supervisor: \_\_\_\_\_

PART 2: PROSPECTIVE EMPLOYEE CONTACT INFORMATION

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

\_\_\_\_\_

\_\_\_\_\_

E-mail address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

## SAMPLE LETTER FROM DEPARTMENT/ PETITIONER

November 23, 2010

USCIS - Vermont Service Center  
ATTN: I-129  
75 Lower Welden Street  
St. Albans, VT 05479-0001

To Whom It May Concern:

The University of Mississippi wishes to support the TN Visa on behalf of Dr. Jane Simmons, a Canadian citizen, to serve as Instructor in the School of Engineering, Department of Electrical Engineering.

### The Petitioner

The University of Mississippi was established in 1848 and has 2,355 employees and an operating budget of \$245,008,363. The Department of Electrical Engineering has an undergraduate and graduate program which is active in externally funded research projects and industrial consulting.

### Qualifications of the Beneficiary

Dr. Simmons graduated from the University of Iowa in August of 1991 with a Ph.D. in Electrical Engineering. She has specialized in advanced electrodynamics. Her research in this field has resulted in presentations of her research at international conferences in Geneva, 1990 and Chicago, 1991. Documentation of this research is enclosed.

Dr. Simmons's job position and credentials both meet the requirements for the TN listed in the NAFTA Treaty Appendix 1603.D.1.

### Terms of Employment

Dr. Simmons is currently employed on a TN Visa as an Instructor of Electrical Engineering. We wish to continue her employment for three years. Dr. Simmons will teach two courses: Fundamentals of Electrical Engineering and Circuitry Analysis. She will be compensated at a rate of \$50,000 per year. Employees of the University are paid twice per month. We understand the temporary scope of the TN Visa, and this is a temporary position.

Sincerely,

Name and Title of Department Chair

TN Application Updated 04/19/2011

# The University of Mississippi Request for Payment

To: Procurement Services

From: \_\_\_\_\_

e-mail \_\_\_\_\_

Date: \_\_\_\_\_

Payment to: DEPARTMENT OF HOMELAND SECURITY  
\_\_\_\_\_  
USCIS – VERMONT SERVICE CENTER  
\_\_\_\_\_  
75 LOWER WELDEN STREET  
\_\_\_\_\_  
ST. ALBANS, VT 05479  
\_\_\_\_\_

<u>Cost Center/Internal Order</u>	<u>G/L Code</u>	<u>Amount</u>
_____	55760	\$325
_____	_____	_____
_____	_____	_____

Purpose: FILING FEE FOR TN PETITION. CHECK  
\_\_\_\_\_  
SHOULD BE SENT TO OFFICE OF INTERNATIONAL PROGRAMS,  
\_\_\_\_\_  
331 MARTINDALE, ATTENTION TO JAY LEWIS.  
\_\_\_\_\_  
\_\_\_\_\_

Information to be included on check stub:

Reference: \_\_\_\_\_ (International Employee's Name)  
(Maximum of 16 characters)

Text: \_\_\_\_\_

Signatory Officer: \_\_\_\_\_ Document Number: \_\_\_\_\_

**NOTE: File separate requests for each filing fee so that separate checks will be processed.**



# The University of Mississippi

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## Interoffice Memorandum

### OFFICE OF INTERNATIONAL PROGRAMS

331 Martindale

University, MS 38677

Phone: (662) 915-7404 Fax: (662) 915-7486

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**TO:** UM Procurement Services

**FROM:** Jay Lewis, International Programs Advisor  
Office of International Programs

**DATE:** September 17, 2013

**SUBJECT:** TN Application Fees

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When filing for TN status on behalf of an intended employee, the University of Mississippi must pay the Department of Homeland Security US Citizenship and Immigration Services (formerly INS) filing fee for the related paperwork (USCIS form I-129).

There are two possible filing fees associated with an TN Petition. As of November 23, 2010, the filing fees are:

1. Standard filing fee for the I-129 (necessary for *all* TN Petitions) - **\$325**
2. Optional Premium Processing fee (for expedited processing) - **\$1225**

The following guidelines are given by the USCIS for payment preparation:

- All filing fee must be paid with separate checks or money orders.
- The check or money order must be drawn on a bank or other financial institution located in the United States and must be payable in U.S. currency. Do not mail cash.
- Make the check or money order payable to:

**DEPARTMENT OF HOMELAND SECURITY  
USCIS – VERMONT SERVICE CENTER  
75 LOWER WELDEN STREET  
ST. ALBANS, VT 05479**

When the check or money order is ready, it should be returned to the Office of International Programs, NOT the USCIS. A check sent directly to the USCIS will be returned and will cause delays in the application process.



• TN – Enclosure B Form: For the Applicant •
• For Change-of-Status or Extension within the United States •

Please submit all of the following information, even for TN extensions:
Be sure to type or print clearly

DO NOT STAPLE ANY DOCUMENTS TOGETHER

TN APPLICANT DEMOGRAPHIC INFORMATION

NAME AND RESIDENCE INFORMATION:

Full Name (as it appears in your passport): \_\_\_\_\_ : \_\_\_\_\_ : \_\_\_\_\_
Family Name (Surname) Given Name (First) Middle Name (if any)

All other names used : \_\_\_\_\_
(Include maiden name and names from all previous marriages)

Place of Birth (required): \_\_\_\_\_ : \_\_\_\_\_ : \_\_\_\_\_
City Province/ State Country

Residence Information (required): \_\_\_\_\_ : \_\_\_\_\_
Country of Citizenship Country of Permanent Residence

Date of Birth (Month/ Day/ Year): \_\_\_\_\_ Gender : \_\_\_\_\_

CONTACT INFORMATION:

Residential Address Outside of the U.S. : \_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

E-mail address: \_\_\_\_\_ Fax Number: \_\_\_\_\_

US VISA HISTORY INFORMATION:

Have you ever been in the United States in any non-immigrant status?  YES or  NO.

If YES, please list all time in the US in non-immigrant visa status. If more space is needed, please attach a separate page for your visa history:

- 1. Immigration Status (i.e. TN, F-1, J-1): \_\_\_\_\_ Dates of Stay (Month/ Day/ Year): \_\_\_\_\_ through \_\_\_\_\_
2. Immigration Status (i.e. TN, F-1, J-1): \_\_\_\_\_ Dates of Stay (Month/ Day/ Year): \_\_\_\_\_ through \_\_\_\_\_
3. Immigration Status (i.e. TN, F-1, J-1): \_\_\_\_\_ Dates of Stay (Month/ Day/ Year): \_\_\_\_\_ through \_\_\_\_\_
4. Immigration Status (i.e. TN, F-1, J-1): \_\_\_\_\_ Dates of Stay (Month/ Day/ Year): \_\_\_\_\_ through \_\_\_\_\_

Have you ever been in the United States on a J Visa (J-1 or J-2)?  YES or  NO.

Are you subject to the 212(e), Two-Year Home Residency Requirement (only possible if currently or previously on J-Visa)?  YES or  NO.

If subject to 212(e), what is your current status? (Please Check One)
 Applied for waiver
 Received waiver (Please Include Proof of Waiver)
 Completed requirement in home country
 None of the above

Have you ever been denied a TN?  YES or  NO.

Do you have a pending immigrant petition (Permanent Residency Application)?  YES or  NO.





• TN – Enclosure B Form: For the Applicant •
• For Change-of-Status or Extension within the United States •

IMMIGRATION INFORMATION

Passport # : \_\_\_\_\_ Passport Country: \_\_\_\_\_

Passport Issue Date (Month/ Day/ Year): \_\_\_\_\_ Passport Expiry Date (Month/ Day/ Year): \_\_\_\_\_
[Please note that passports must be renewed at least 6 months prior to their expiration date.]

U.S. Social Security Number (If any): \_\_\_\_\_

A # (If any. Alien number is listed on EAD Cards, OPT Cards, and on any I-140 or I-485 Notices) : \_\_\_\_\_

At which consulate will you apply for your H-1B Visa stamp?

City (outside of the U.S.): \_\_\_\_\_ Country: \_\_\_\_\_

Current Non-Immigrant Visa Status (i.e. TN, J-1) : \_\_\_\_\_

Date of Last Arrival (stamped on I-94 Card) (Month/ Day/ Year): \_\_\_\_\_

Date Current Visa Status Expires (Month/ Day/ Year): \_\_\_\_\_

I-94 # (Eleven Digit Number White Card in Passport): \_\_\_\_\_

Are you currently on Optional Practical Training (OPT)?  YES or  NO.

If YES, List dates of OPT: (Month/ Day/ Year): \_\_\_\_\_ through (Month/ Day/ Year): \_\_\_\_\_

Do you have any dependents (spouse or children) who will file for TD status with this petition?  YES or  NO. If yes, how many?: \_\_\_\_\_

Residential Address in the U.S. : \_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

SUPPORTING DOCUMENTATION TO BE SUBMITTED TO INTERNATIONAL PROGRAMS

\*\*DO NOT STAPLE ANY DOCUMENTS TOGETHER\*\*

- Curriculum Vita/ Resume which includes current address, home country address, statement of work history, and list of publications
 Copy of all university-level academic degrees, diplomas, and transcripts/mark sheets.
- Diplomas and transcripts/mark sheets do not have to be originals
- On the back of each photocopy, sign a statement that says "This is a true photocopy and originals are available upon request."
- Documents not in English must be translated by someone competent to do so (See attached translation certificate sample)
- Degrees issued by non-U.S. institutions will have to have a foreign credential evaluation processed by International Programs
 Copies of 3 most recent pay stubs/ paycheck notifications if currently employed in the US
 Copy of Passport Identification Pages (Full-page photocopies ONLY. Do not cut the photocopy to the shape of the passport) \*\*
 Copies of current/ most recent Visa Stamp (If available) \*\*
 Copies of I-94 Card (FRONT AND BACK) \*\*
 Copies of all previous I-20's, DS-2019's, IAP-66's, and TN I-797 Approval Notices\*\*
 Copy of Employment Authorization Card (i.e. F-1 OPT Card or J-2 EAD Card) if currently working on Employment Authorization
 Proof of I-612 waiver or completion of 212(e) Two-Year Home Residency Requirement if currently or previously on J-Visa\*\*
 TD Application: ONLY FOR APPLICANTS INSIDE THE U.S. - If TN applicant has dependent family members who are already in the U.S. on another visa type and would like to change/extend their TD status, include the following:
- Form I-539 (available on www.uscis.gov site) and check for \$290 made payable to Department of Homeland Security
- Include the above starred (\*\*) items for your family members

**TRANSLATION CERTIFICATION  
OF FOREIGN LANGUAGE DOCUMENTS:**

**TRANSLATION MUST BE NOTARIZED**

DATE: \_\_\_\_\_

USCIS - Vermont Service Center  
ATTN: I-129  
75 Lower Welden Street  
St. Albans, VT 05479-0001

To Whom It May Concern:

I, \_\_\_\_\_, hereby certify that I am competent to translate this document from the  
\_\_\_\_\_ Language into English.

I also certify that the attached translation is an accurate translation of the original document.

SIGNATURE: \_\_\_\_\_

Full Name of Translator: \_\_\_\_\_

Translator's Job Title: \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_