TN: NAFTA Professionals

A TN visa is a non-immigrant visa classification available to citizens of Canada and Mexico under the North American Free Trade Agreement (NAFTA), now known as the United States-Mexico-Canada Agreement (USMCA). The TN visa allows professionals from Canada and Mexico to work in the United States in certain designated professions listed here. These professions typically include fields such as accounting, engineering, medicine, science, and teaching, among others.

To qualify for a TN visa, applicants must meet specific education and/or professional requirements related to their field of expertise. Additionally, they must have a valid offer of employment from a U.S. employer for a position that falls within the designated TN professions.

Criteria
Georgia Tech sponsorship for TN status is available for the following employment categories:

- Postdoctoral Fellows
- Regular Research Faculty
- Regular, Non-Tenure Track- Teaching Faculty
- Staff

Process
New employees must first go through the Hiring and Hosting Eligibility Determination process. More information on this process can be found in the Hiring a Foreign National Knowledge Article.

For continuing employees or employees with approved Hiring and Hosting Eligibility Determination e-forms, department HR will need to complete the Nonimmigrant Petitions for Faculty, Staff, & Researchers e-forms in iStart. The employee will also need to complete several e-forms detailing their status history and biographical information. Global HR will determine TN eligibility, create the TN support letter, and submit a petition to USCIS (if applicable). It is not required to submit an I-129 petition to USCIS for employees outside the US. Employees changing or extending their status the US will require an I-129 petition.

Canadian Citizens: If you are a Canadian citizen, then you are not required to apply for a TN visa at a U.S. consulate.
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You may establish eligibility for TN classification at the time you seek admission to the United States by presenting required documentation to a U.S. Customs and Border Protection (CBP) officer at certain CBP-designated U.S. ports of entry or at a designated pre-clearance/pre-flight inspection station. You must provide the following documentation to the CBP officer:

- Proof of Canadian citizenship;
- Letter from Georgia Tech detailing items such as the professional capacity in which you will work in the United States, the purpose of your employment, your length of stay, and your educational qualifications. Please note this is not your job offer letter and comes from Global HR; and
- Credentials evaluation (if applicable), together with any applicable fees.

Please refer to CBP's website for additional information and requirements for applying for admission to the United States. If a CBP officer finds you eligible for admission, you will be admitted as a TN nonimmigrant.

Alternatively, a prospective TN employer may choose to file on behalf of a Canadian citizen who is outside the United States by submitting Form I-129, Petition for Nonimmigrant Worker to USCIS. Premium Processing Service is available.

If USCIS approves Form I-129, you, the prospective worker, may then apply to CBP for admission to the United States as a TN nonimmigrant by providing the following documentation to a CBP Officer at certain CBP-designated U.S. ports of entry or at a designated pre-clearance/pre-flight inspection station:

- Proof of Canadian citizenship; and
- Approval Notice from USCIS for Form I-129.

In addition, when applying for admission, you should have in your possession a copy of the Form I-129, and all supporting documentation that was submitted to USCIS (available via iStart), to respond to questions about your eligibility. You should also be prepared to pay any applicable inspection fees at the time you seek admission. If a CBP officer finds you eligible for admission, you will be admitted as a TN nonimmigrant.

Mexican Citizens: If you are a Mexican citizen, then you are required to obtain a visa to enter the United States as a TN nonimmigrant. You should apply for a TN visa directly at a U.S. embassy or consulate in Mexico. See the U.S. Department of State webpage, "Mexican and Canadian NAFTA Professional Worker."
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Once you are approved for a TN visa, you may apply for admission at certain CBP-designated U.S. ports of entry or at a designated pre-clearance/pre-flight inspection station. Please refer to CBP’s website for additional information and requirements for applying for admission to the United States. If a CBP officer finds you eligible for admission, then you will be admitted as a TN nonimmigrant.

Maintaining Status/Employer Compliance

Changes in Employment
All changes in employment for a TN employee must be reported to Global HR before the change occurs. This includes transferring of departments, change in work hours, changes in work objectives or titles, changes in salary, or termination of employment. The employing department should complete the Notification of Changes in Employment e-form in iStart. If further action is necessary, the department will be notified.

Employment Transfers
TN visa holders can change employers, but there are certain steps and considerations to keep in mind. Georgia Tech will need to file a new TN visa application with the U.S. Citizenship and Immigration Services (USCIS) or the employee can apply for a TN visa amendment with U.S. Customs and Border Protection (CBP) via travel.

If applying via travel, the employee will need a letter of support from Global HR that details their TN eligibility and the nature of their employment. Please note this is not the offer letter and comes directly from Global HR.

TN visa holders cannot begin working for Georgia Tech until the application has been approved by USCIS or the employer has been changed via travel.

Length of Stay & Extension of Status
TN visas are generally issued for an initial period of up to three years and can be renewed indefinitely in three-year increments. However, TN visa holders must intend to return to their home country upon the expiration of their visa status.

It’s important to note that while similar in some respects, TN visas are distinct from other U.S. work visas such as the H-1B visa, which is available to workers from any country and has different eligibility criteria. Employees in TN status that need to remain employed by the Georgia Tech beyond the initial period of stay may seek an extension of stay. The employing department must
initiate the request for filing an extension in iStart via the Nonimmigrant Petitions for Faculty, Staff, and Researchers e-form.

For employees remaining in the US, Global HR will submit an I-129 petition to USCIS. Extensions must be timely filed to avoid any gaps in employment authorization. Departments can initiate the extension process up to 6 months prior to the TN expiration and the I-129 petition must be received by USCIS prior to the expiration of their current TN status. Employees can continue working for up to 240 days or until the petition has been adjudicated with the receipt notice from USCIS.

Alternatively, the employee may depart from the United States before the date their status expires, and then, once abroad, you may apply at a CBP-designated U.S. port of entry or at a designated preclearance/pre-flight inspection station using the same application and documentation procedures required at the time of the initial application for admission as a TN nonimmigrant. The employee will need a new support letter from Global HR that details their TN eligibility and the nature of their employment. Please note this is not the offer letter and comes directly from Global HR.

**Travel**
TN visa holders are permitted to travel outside the US as long as their I-94 remains valid and they are returning to continue the employment in the same manner described in their TN application. TN visa holders should be prepared to show their unexpired I-94, support letter, proof of continuing employment, and valid visa if a Mexican Citizen.

We also recommend that you check your I-94 after your arrival back to the US to verify your authorized period of stay in the US. You can upload any new immigration documents in iStart via the Immigration Document Update.

**Other Information**

**Dependents**
Any accompanying or “following to join” spouse and children under the age of 21 may be eligible for TD nonimmigrant status. Spouses and children are:

- Not permitted to work while in the United States, but they are permitted to study.
- Granted TD status for no longer than the period of time granted to the principal TN nonimmigrant.
**Canadian Citizen Dependents:** If the spouse or dependent is a Canadian Citizen, they are eligible to apply for a TD visa at CBP-designated U.S. ports of entry or at a designated pre-clearance/pre-flight inspection station. While a visa is not required, they should be prepared to show proof of Canadian citizenship, proof of relationship to the TN nonimmigrant (such as a marriage certificate or birth certificate), photocopies of the TN nonimmigrant’s admission documents and proof the TN nonimmigrant is maintaining his or her TN nonimmigrant status (such as paystubs or a letter from Georgia Tech verifying continuing employment).

**Mexican Citizen Dependents:** If the spouse or dependent is a Mexican citizen, they are required to apply for a TD visa at a US embassy or consulate. They will be required to show a valid visa upon entry, as well as proof the TN nonimmigrant is maintaining his or her TN nonimmigrant status, such as paystubs or a letter from Georgia Tech verifying continuing employment.

**Non-Canadian or Mexican Citizen Dependents:** If the spouse of dependent is not a citizen of Canada or Mexico, check with the U.S. Department of State to determine whether a visa is required and if so, to learn how to apply for a visa. They should be prepared to show a valid visa (if applicable), proof of relationship to the TN nonimmigrant (such as a marriage certificate or birth certificate), and proof the TN nonimmigrant is maintaining his or her TN nonimmigrant status (such as paystubs or a letter from Georgia Tech verifying continuing employment).

For TD dependent(s) in the US, the TN visa holder is responsible for completing Form I-539 to extend or change their dependent’s status to TD. The form can be found on [www.uscis.gov](http://www.uscis.gov). Please read the instructions and the form carefully. The I-539 can either be submitted with the TN petition (as a courtesy) or after the receipt notice has been received. If the employee would like the I-539 submitted concurrently with the I-129, supporting documentation and filing fees must be timely submitted to Global Human Resources.

Please note that Global HR is not able to advise on matters related to TD dependents. If there are any questions about applying for or maintaining TD status, a qualified immigration attorney should be consulted.