

Technical Advisory No. 14 (continued)

The following is an index of Canadian and Mexican requirements under the North American Free Trade Agreement (NAFTA)

	Canada	Mexico
Visa Classification for Professionals	TN (Trade NAFTA)	TN (Trade NAFTA)
Form I-129 Approved by USCIS Prior to Arrival in the US	Canadian citizens may apply for admission at a Class A port of entry into the U.S., an international airport, or at a preclearance station. No prior approved I-129 petition is required.	Mexican citizens may apply for admission at a Class A port of entry into the U.S., an international airport, or at a preclearance station. No prior approved I-129 petition is required.
Labor Condition Application (LCA)	Not required	Not required
Fees at Port of Entry	Yes. Canadian citizens pay \$50 U.S. dollars. No entry fee for dependents.	No.
Visa Stamp in Passport	No. Canadian citizens do not need a visa to enter the US in any case. Passport are required only when returning to the US from outside the Western Hemisphere.	Yes. Mexican citizens must apply at the U.S. Embassy or Consulate for a TN visa stamp in their passports, or a U.S. Border Crossing Card (I-186 or I-586) "Multiple entries" will be given.
Validity of TN Status	Valid up to 3 years at a time	Valid up to 3 years at a time
Licensure	If state or local licensing requirements are in place for the professional activity, evidence of licensure must be provided that those requirements have been met prior to application for admission to the U.S.	If state or local licensing requirements are in place for the professional activity, evidence of licensure must be provided that those requirements have been met prior to application for admission to the U.S.

Patient Contact	M.D.s are limited to research, teaching or observation except that which is incidental to the research, teaching, or observation.	M.D.s are limited to research, teaching or observation except that which is incidental to the research, teaching, or observation.
Evaluation of Professional Degrees if Obtained in a Country Other than Canada, Mexico, or US	An evaluation of all degrees must be done by a professional credentialing service.	An evaluation of all degrees must be done by a professional credentialing service.
Documentation Required at US Port of Entry	<p>Canadian citizens must present the following:</p> <ul style="list-style-type: none"> (1) Proof of citizenship (2) Letter from employer (DIS) identifying professional field and describing duties to be performed on a daily basis, arrangements for remuneration, anticipated length of stay, educational requirements for position, and licensure evidence, if necessary (3) Copies of professional degrees and professional evaluation, if applicable (4) Fee of \$50 U.S. dollars 	<p>Mexican citizens must present the following:</p> <ul style="list-style-type: none"> (1) Letter from employer (DIS) identifying professional field and describing duties to be performed on a daily basis, arrangements for remuneration, anticipated length of stay, educational requirements for position, and licensure evidence, if necessary (2) Passport with valid TN visa stamp
Numerical Limitation on the Admission of TN professionals Each Fiscal Year	None	None
I-94 Notations	Will be annotated by multiple entries. Employer's name noted on both the arrival and departure portions of the form.	Will have a visa stamp and I-94 for multiple entries. Employer's name noted on both the arrival and departure portions of the form.

I-9 Considerations [8 CFR 274a.12(b)(19) and (20)]	<p>...(b)(19) amended to include professionals in classes of aliens authorized employment with a specific employer incident to status.</p> <p>...(b)(20) amended to provide employment authorization to professionals in TN status for whom an application for extension of stay has been timely filed ("240-day rule.")</p>	<p>...(b)(19) amended to include professionals in classes of aliens authorized employment with a specific employer incident to status.</p> <p>...(b)(20) amended to provide employment authorization to professionals in TN status for whom an application for extension of stay has been timely filed ("240-day rule.")</p>
Status of Dependents	<p>TD (Trade Dependent). Spouse and minor unmarried children only. A visa is not required of Canadian citizens in any case. A passport is required only when returning to the US from outside the Western Hemisphere.</p>	<p>TD (Trade Dependent). Spouse and minor unmarried children. Must have TD visa in passport.</p>
Employment Authorization of Dependents	<p>Dependents cannot be employed in US. If eligible, may enter the US in own TN status.</p>	<p>Dependents cannot be employed in US. If eligible, may enter the US in own TN status.</p>
Dependents Attending School in US	<p>Spouses or children may attend school in the US on a full-time basis; such attendance is considered incidental to their purpose for being in the US, which is to accompany the UN professional.</p>	<p>Spouses or children may attend school in the US on a full-time basis; such attendance is considered incidental to their purpose for being in the US, which is to accompany the UN professional.</p>
Self-Employment	<p>No. NAFTA specifically precludes professionals from establishing a business or practice in the U.S. in which the professional will be self-employed.</p>	<p>No. NAFTA specifically precludes professionals from establishing a business or practice in the U.S. in which the professional will be self-employed.</p>
Temporary Nonimmigrant Intent	<p>Yes. As defined in NAFTA, means entry without the intent to establish permanent residence.</p>	<p>Yes. As defined in NAFTA, means entry without the intent to establish permanent residence.</p>

Readmission	May be readmitted for remainder of time on I-94 without submitting supporting documentation, or payment of fee provided the original professional activities and employer have not changed. If I-94 is lost, may present fee receipt notice (G-211, G-711, or I-797), or previous admission as TN in passport and a confirming letter from U.S. employer.	Same as Canada. If I-94 is lost, Mexican citizens also may present a valid TN visa and evidence of prior admission.
Extension of Stay in US	<p>1. US Employer files Form I-129 and fee with the U.S. Citizenship and Immigration Services (USCIS) Nebraska Service Center (NSC). Beneficiary must be physically present in the US at time of filing Form I-129. If beneficiary has to leave US during pendency of extension, petitioner may request USCIS cable approval to the port of entry where the Canadian citizen will apply for admission to US.</p> <p>2. May apply for readmission at the border. Requires a new letter from US employer which meets all requirements (See "Documentation Required at US Port of Entry"), and all supporting documentation, and pay \$50 US dollars.</p>	<p>1. US Employer files Form I-129 and fee with the USCIS. Beneficiary must also request a petition extension. Requires a new LCA. The beneficiary must be physically present in the US at time of filing the extension request. If beneficiary has to leave US during pendency of extension, petitioner may request USCIS to cable notification of approval to Consular Office abroad where beneficiary will apply for visa.</p> <p>2. May not apply for extension of stay at the border.</p>
Time Limitation of Extension of Stay in US	There is no specific limit of the total period of time a citizen of Canada or Mexico may remain in TN status.	There is no specific limit of the total period of time a citizen of Canada or Mexico may remain in TN status.

Change or Addition of US Employer	New employer files Form I-129 with supporting documentation (applicant pays the filing fee) with the U.S. Citizenship and Immigration Services (USCIS) Nebraska Service Center. Employment with a different or additional employer is not authorized prior to USCIS approval of petition.	New employer files Form I-129 with supporting documentation (applicant pays the filing fee) with the U.S. Citizenship and Immigration Services (USCIS) Nebraska Service Center. Employment with a different or additional employer is not authorized prior to USCIS approval of petition.
Form I-129 Instructions for TN Status	<p>1. Form I-129 is not required for Canadian citizens to apply for admission to US.</p> <p>2. Form I-129 is to be filed by the employer to request extension of stay, change of status to TN, or change or addition of employer(s). On Form I-129, Part 2, Item 1, insert the symbol TN-1.</p> <p>3. File Form I-129 no more than four months in advance with the NSC. Supporting documentation must include: Employer's statement, evidence of educational qualifications for position, evidence of Canadian citizenship, evidence of licensure (if necessary).</p>	<p>1. Form I-129 is not required for Mexican citizens to apply for admission to US. (UPDATE: On December 31, 2003, the 10-year duration requiring a Form I-129 expired.)</p> <p>2. Form I-129 is to be filed by the employer to request extension of stay, change or addition of employer(s), and change of status to TN. On Form I-129, Part 2, Item 1, insert the symbol TN-2.</p> <p>3. File Form I-129 with NSC no more than four months in advance. Supporting documents are the same as Canada.</p>