

General TN Information

International Student and Scholar Programs

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EMORY
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Eligibility

What is a TN?

The TN status was developed as a 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.

What is TN status used for at Emory University?

The TN non-immigrant status can be used to bring temporary faculty members, researchers, consultants, administrators, or individuals to work at Emory on a temporary basis in professions listed on the NAFTA list of occupations. The list is found at <http://www.nafta-sec-alena.org/en/view.aspx?x=343&mtpiID=147#Ap1603.D.1>

Who qualifies for a TN visa?

To qualify for TN non-immigrant status, the alien must be a citizen of Mexico or Canada, and be entering the United States to work in a profession on the approved NAFTA TN list.

Does one need a visa stamp to enter the U.S. in TN status?

Canadian citizens: No. A Canadian citizen may enter the U.S. without a visa stamp simply by applying at the Port of Entry or Preflight Inspection Center.

Mexican citizens: Yes. A Mexican citizen must apply for a TN visa stamp at a U.S. consulate prior to entering the U.S. in TN status.

Employment Conditions

Is a TN a permanent employee?

The TN is a temporary non-immigrant status. The alien must be coming to temporarily fill a position that may or may not in itself be temporary. The employer **must** attest that the alien's services are needed temporarily. The letter of appointment and other documents must stipulate the temporary nature of the appointment. The TN status **may not be used** to employ someone in a tenure-track or tenured faculty position.

How long can a TN stay in the United States?

A TN is initially issued for three years, and extensions may be obtained in three-year increments only. There is no defined limit to the period of stay in the U.S. as there is for H-1B non-immigrants. Remember, however, that TN is temporary employment to cover an event that is temporary in nature. Therefore, USCIS begins questioning the temporary need of the TN employee beyond 6 years.

Can a TN be paid by more than one employer?

The TN is employer specific; the employee may only work for the employer requested at the time of TN application and can only perform the job indicated in the application. Additional employers require additional TN applications; petitions can be filed once the individual is in the U.S., or added with proper documentation at the Port of Entry/Preflight Inspection Center.

When can a TN begin working at Emory University?

TNs can begin employment at Emory as soon as they enter the U.S. in TN status. If they are changing status to TN, **they** must wait until the I-129 petition has been approved by USCIS to begin employment. Employment for those changing status cannot begin without final TN approval except in the following situation:

- The individual is already in a valid status, which allows for employment at Emory, such as Optional Practical Training. In this case, they may continue to work until the expiration of their current employment authorization. If their TN has not yet been approved, they may remain in the United States, but **may not continue to work** until they receive the I-797 approval notice.

Dependents

The spouse and unmarried minor (under age 21) children of a TN worker are granted TD immigration status. Dependents of Mexican Nationals must apply for a TD visa before entering the U.S. in TD non-immigrant status. Dependents of Canadians who are Canadian citizens need not apply for a TD visa stamp before entering and may simply apply for such status upon entry to the U.S. at a preflight inspections area or landed port of entry to the U.S. **Dependents of Canadians who are Canadian landed immigrants must apply to a U.S. consulate for a TD visa.** Dependents will be admitted to the U.S. for the period of time coinciding with the TN's period of stay.

Dependents entering the U.S. after the TN worker should present a certified copy of the worker's I-94 and a supporting letter from the employer. Dependents in TD status are not eligible for employment. However, they can attend school in TD status.

Taxes

Are TNs subject to income tax? What about other taxes?

Employees in TN status are subject to Social Security tax (OASDI and MEDICARE). TN status employment is also subject to federal and state income tax, unless tax exemption is specifically provided by treaty or convention.

Employees are required to contact the Nonimmigrant Tax Specialist (404) 727-7889) for tax information and to complete tax withholding forms.

Departing aliens in TN status are formally required to obtain a sailing (exit) permit from the Internal Revenue Service, 401 West Peachtree Street, Room 270, Atlanta. The telephone number is (404) 331-6212.

Change of Status

Who can change status to TN?

Non-immigrants in most status categories who are Canadian or Mexican citizens may change *to* TN status. If a Canadian or Mexican professional is currently in the U.S. and chooses not to return to their home country to obtain TN non-immigration status, Emory can apply for a change of non-immigrant status on his or her behalf. If dependents are also present, they can apply for a change of status at the same time. With a change of status, however, employment cannot begin without final TN approval unless the individual is already in a valid status which allows employment at Emory. The TN approval is granted on USCIS Form I-797 and a new Form I-94: Departure Record is issued. Form I-94, along with an identity document, can be used for employment eligibility certification on Form I-9.

What about changing employers?

A TN alien changing employers can work for Emory only after Emory's TN petition has been submitted to USCIS and an official USCIS **approval** notice has been received.

Can a TN change status to a different non-immigrant category?

A change *from* TN status is possible as long as the person qualifies for the new status desired. A change *from* TN status must be filed by the employee and received by USCIS prior to termination of the employee's TN employment.

Travel

Please see TN travel checklist.

Legal Penalties

Careful attention should be given in completing the Request Form. By signing, the employer is attesting to the accuracy of the information that is on the form and supporting documents. To knowingly furnish any false information; conceal or cover up information; make any false, fictitious or fraudulent statements or representations, or make or use any false writing or document in the preparation of a U.S. government document, or to aid, abet, or counsel another to do so is a felony, punishable by a \$10,000 fine or five years in the penitentiary, or both (18 U.S.C. 1001).