



TN Work Permits

The “TN Professional” classification, though closely related to the H-1B visa, is available exclusively to citizens of Canada and Mexico. Unlike the H-1B visa, the TN applies only to those professions specifically listed in the NAFTA schedule (see reverse side).

TN professionals are admitted for one year, renewable in one-year increments with no maximum number of renewals. Spouses and minor children are likewise admitted for renewable one-year periods in the TD category, but cannot work.

For Canadian applicants, the TN category provides an advantage over the H-1B category in that it avoids DOL “prevailing wage” issues and labor condition application procedures. As well, Canadians may obtain TN status from the U.S. Citizenship and Immigration Services (USCIS) directly at the U.S.-Canadian border without prior USCIS processing and without an appearance at a U.S. consulate. Thus, the TN work permit for Canadians can be secured much more quickly than the H-1B visa. Mexican citizens, in contrast, must file papers with the a U.S. Consulate.

Though the USCIS recognizes the “dual intent” doctrine for those in H or L status, dual intent is not permitted for TN workers due to the specific language of NAFTA. Under dual intent, a foreign worker may intend to remain in the United States temporarily while simultaneously intending to become a lawful permanent resident. The TN category offers quick border entry, lower processing costs to the employer, and an indefinite number of one-year renewals. However, a Canadian employee desiring permanent residency should convert to H status or another temporary work status before initiating permanent residency efforts.

TN or H-1B: Which is Best for Canadian Workers?

Category	“Immigrant Intent” Allowed?	Time Limits	USCIS Fees	Processing	Restrictions
TN	No. Must not intend to become a U.S. permanent resident.	Initial stay of one year; eligible for indefinite one-year renewals.	\$185 if filed at Service Center <u>or</u> \$50 if processed at border.	May process at border or file petition at Service Center for initial TN or extensions.	Worker must be Canadian citizen. (Family members can hold any citizenship.) Occupation must be listed in NAFTA schedule. Bachelor’s degree required for most occupations.
H-1B	Yes. Can file an immigrant petition yet remain in valid H-1B nonimmigrant status (“Dual Intent”).	Initial stay of 3 years; eligible for one 3-year renewal. (6 year maximum aggregate stay even if there is a change in employers, can be extended in one-year increments under certain circumstances).	\$185 filing fee	Must file at Service Center after clearance from Department of Labor.	All nationalities eligible. Job must be a “specialty occupation” requiring a bachelor’s degree or the equivalent for entry-level work.

TN Professions Under The North American Free Trade Agreement:

General

Accountant
Architect
Computer Systems Analyst
Disaster Relief Insurance Claims Adjuster
Economist
Engineer
Forester
Graphic Designer
Hotel Manager
Industrial Designer
Interior Designer
Land Surveyor
Landscape Architect
Lawyer
Librarian
Management Consultant
Mathematician (including Statistician)
Range Manager/Range Conservationist
Research Assistant (postsecondary)
Scientific Technician/Technologist
Social Worker
Sylviculturist (including Forestry Specialist)
Technical Publications Writer
Urban Planner (including Geographer)
Vocational Counselor

Medical/Allied Professional

Dentist
Dietitian
Medical Laboratory Technologist
Nutritionist
Occupational Therapist
Pharmacist
Physician (teaching or research only)
Physiotherapist/Physical Therapist
Psychologist
Recreational Therapist
Registered Nurse
Veterinarian

Scientist

Agriculturalist (including Agronomist)
Animal Breeder
Animal Scientist
Apiculturist
Astronomer
Biochemist
Biologist
Chemist
Dairy Scientist
Entomologist
Epidemiologist
Geneticist
Geochemist
Geologist
Geophysicist (including Oceanographer)
Horticulturist
Meteorologist
Pharmacologist
Physicist (including Oceanographer)
Plant Breeder
Poultry Scientist
Soil Scientist
Zoologist

Teacher

College
Seminary
University

Business Immigration Department

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