

**Case Western Reserve University**  
**TN**  
(Trade NAFTA) North American Free Trade Agreement

TN status is available only to citizens of Canada and citizens of Mexico. Positions held by a TN must be considered professional and must require at least a BA for entry level; TNs are required to hold at least a BA degree, which was earned in the U.S., Canada or Mexico. Exchange Visitors who are subject to the two-year home country residence requirement (212(e)) cannot change their nonimmigrant status from J-1 to TN while in the U.S. However, former Exchange Visitors who are subject to 212(e) are eligible to enter the U.S. under TN status. Each temporary entry or extension of TN status is available in three year increments with no clearly defined maximum number of entries or extensions. TN physicians cannot principally practice medicine, but may have patient care activities *incidental* to teaching and/or research. Employment of all TNs is employer specific. TNs cannot have the intent that they want to live in the U.S. permanently. TNs are liable for Federal tax withholding as nonresidents until they qualify to be taxed at a lower rate under the Substantial Presence Test. However, even as nonresidents, IRS permits TNs to claim dependents as exemptions; TNs are also subject to FICA withholding tax.

Canadian Citizens

Procedure: Employers are not required to file petitions with U.S. Citizenship and Immigration Services (CIS) when TN classification will be determined at a Class “A” Port of Entry at the U.S./Canada border. The prospective TN must show evidence of Canadian citizenship; proof of higher education (diploma, transcripts, etc., with English translation when applicable), licenses, if required; and a Letter of Appointment/Offer, which states job title, salary, department, and brief description of work to be performed; and sufficient U.S. currency to pay the fee at the U.S./Canada border. Canadian citizens are exempt from passport and visa requirements, but the employer’s name is noted by CIS on the admission document (I-94 card). The office of Foreign Faculty and Scholars will appreciate receiving a copy of the letter of appointment.

Mexican Citizens

Procedure: The procedure is exactly the same as though he/she would enter under H-1B. Please discuss with the office of Foreign Faculty and Scholars prior to preparing Recommendation for Appointment of Mexican Citizen Under TN Visa Status, copy attached. A maximum of 5,500 Mexican TNs are permitted in the U.S. during any federal fiscal year.

Mexican TNs require both a passport and TN visa stamp; the visa cannot be issued by a U.S. Consul without prior approval of the Immigration Service pursuant to a Petition filed by an employer. Obtaining prevailing wage determinations and approved Labor Condition Applications by the employer are prerequisite to receiving an approved TN Petition.