

OVERVIEW OF TN

The TN (Trade NAFTA) category was developed as 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.

Only occupations specified in Appendix 1603.D.1 of the NAFTA treaty can serve as the basis for TN employment; so, TN sponsorship is not always possible for all positions at UA. Appendix 1603.D.1 also stipulates the minimum qualifications for entry into the U.S. in each occupation. A list of requirements for each occupation can be found here: http://travel.state.gov/visa/temp/types/types_1274.html.

TN SPONSORSHIP LENGTH

Both Canadian and Mexican citizens can be admitted to the United States in TN status in increments of up to three-years. Extensions of stay are also granted in up to three-year increments. There is no cumulative total limit on the time a Canadian or Mexican citizen can be in TN status. Status can be renewed indefinitely, provided that the stay remains temporary in nature (e.g. not tenure track or permanent employment).

OBTAINING TN STATUS ABROAD OR IN THE U.S.

There are two basic ways for Canadian and Mexican citizens to process the TN:

1. Apply for the TN Visa in their home country (Canadian citizens do not require a visa and may obtain TN-status at the US Port of Entry) **or**
2. Have The University of Alabama Capstone International Services file an I-129 petition sponsoring either a change-of-status to TN or extension-of-status of TN within the United States.

TN ELIGIBILITY REQUIREMENTS

- TN-Applicant must be a citizen of Canada or Mexico
- TN-Applicant must possess the minimum qualifications of a member of one of the professions listed in Appendix 1603.D.1
- Entry must be “temporary”
- Job must constitute “pre-arranged” professional activity for a U.S. entity, within one of the professions listed in Appendix 1603.D.1

More information about the TN Visa can be found here: http://travel.state.gov/visa/temp/types/types_1274.html.

TIMING OF FILING

Applying for TN Visa Status Abroad – Applying for TN status abroad (either for a TN Visa at a US Consulate for Citizens of Mexico or for TN-Status at the Port of Entry for Citizens of Canada) is often the fastest possible way to obtain TN Status since no petition must be filed with US Citizenship and Immigration Services in advance. Mexican Citizens who will apply for a visa at a US Consulate must plan at least 1 month in advance to allow enough time for obtaining an appointment for the visa interview and for visa processing. Canadian citizens who will apply for TN-status at the port-of-entry should make sure to obtain all supporting documents needed for TN determination at least 2 weeks prior to their intended entry to the US.

Filing I-129 for TN Status within the US – If The University of Alabama will process a change-of-status to TN or an extension of TN-Status within the United States, Capstone International Services must submit an I-129 Petition to US Citizenship and Immigration Services as early as 6 months before the intended beginning effective date of the TN. The TN application process is very long and requires much documentation from both the department and applicant. It is recommended that departments and applicants begin any TN application, extension, or amendment which is to be filed inside the US as close to 6 months in advance of the intended start date as possible.

FILING FEES FOR FILING INSIDE THE U.S.

Required Fee. If filing for a change-of-status, concurrent employment authorization, or an extension of TN status from within the U.S., UA departments are required to pay the \$460 I-129 USCIS processing fee for their employee's TN petition. The employee ***may not*** pay this fee.

Optional Fees. If the department and/or individual requests premium processing, either the department or the individual may pay the additional \$1225 fee to USCIS. If the employee wishes to apply for immediate family members to change to TD dependent status within the U.S., he or she must pay the \$370 I-539 change-of-status fee.

CHANGES IN TERMS OF EMPLOYMENT AND TERMINATION

Departments *must* consult with Capstone International Services prior to changing a TN's terms of employment (including changes to job duties or department) to determine whether an amended petition is required.

Please inform Capstone International Services immediately if a TN worker's employment is terminated so that Capstone International Services can notify USCIS, effectively withdrawing the TN. Because TN status is an employment-based status, that status immediately ends upon termination.

TN EXTENSIONS

The process for requesting an extension of TN status is the same as for the initial period of TN employment. Again, the fastest way to gain additional TN time is through travel.

According to 8 C.F.R. § 274.12 (b) (20), if the TN applicant is currently in TN status with The University of Alabama, it is possible for the applicant to continue working for The University of Alabama for up to 240 days after the expiration of the current TN status as long as the TN extension was timely filed. Timely filing means that US Citizenship and Immigration Services must receive the I-129, TN application before the expiration of the current TN. Capstone International Services will authorize employment to continue as soon as the I-797 receipt notice (the official notice of application receipt from USCIS) arrives before the expiration of the current TN.

ONLY FOR TN PROCESSING INSIDE THE U.S.

DEPARTMENT PROCEDURES

- 1. Request TN processing** (please complete Appendix A): To initiate the TN process, the department should complete the Appendix A section of this packet, providing details on the job position and a copy of the appointment/job offer letter (if already prepared).
- 3. Complete the Deemed Export Form** (please complete Appendix B). In support of your request for TN sponsorship, Capstone International Services is required to certify on the USCIS I-129 petition whether or not a license for export controlled technology or technical data is necessary for the professor/researcher being sponsored. To facilitate this requirement, all host departments are required to complete an attestation as to whether or not the TN worker will require a license for export controlled technology or technical data.
- 4. Complete the letter of TN support** (please see Appendix C template). Please note that the maximum length of time for which an TN can be requested at one time is three years.
- 5. Process Check Request for USCIS Fees** (please see Appendix D).
- 6. Send documents to the Capstone International Services:** The TN Request (Appendix A), the Deemed Export Form (Appendix B), and the letter of support (sample in Appendix C) may be sent as soon as they are complete.

PROSPECTIVE TN EMPLOYEE PROCEDURES

- 1. Provide immigration information and history** (please complete Appendix E): Once the department initiates the TN sponsorship process by submitting the Appendix A forms and Appointment Letter, Capstone International Services will contact the TN beneficiary to obtain the biographical information, immigration documents, proof of qualifications (diploma, CV, licenses), and family information (if applicable) required for the TN petition.
- 2. TD Dependent Sponsorship.** If a prospective TN employee has dependent family members (spouse or children) whom the TN employee would like to sponsor for TD visa status, the TN employee will need to consult with Capstone International Services about processing the TD visa support. For sponsorship of dependents who are already in the US to either extend or obtain TD status, the prospective TN employee will need to submit documents for concurrent filing with the TN petition. For dependents who are currently outside of the US and will enter the US in TD status at a later date, the Capstone International Services can advise on how they may obtain TD status abroad.

CAPSTONE INTERNATIONAL SERVICES PROCESSING

Once Capstone International Services receives the required materials from the department and applicant, we will complete the necessary forms and send the petition to the USCIS for processing.

Upon receiving the Approval Notice (I-797) from the USCIS, the Capstone International Services will notify the employee and ask him or her to come to report to the Center.

PART 1: POSITION INFORMATION – TO BE COMPLETED BY DEPARTMENT

**PLEASE ENTER INFO ABOUT POSITION MINIMUM REQUIREMENTS,
NOT EMPLOYEE'S QUALIFICATIONS**

1. Position Title : _____

2. Salary: _____ Per calendar year OR Per academic year

3. Hours/ Range of hours per week: _____ 4. FTE (.50 – 1.00): _____
*if below 1.00, see Part4, #5 of the Acknowledgement of Responsibility

5. Dates of proposed TN sponsorship (3 years allowed per petition):

From _____ to _____

6. List all worksites for this position: The University of Alabama (Tuscaloosa, AL)
Building and Room #: _____

Other location: _____

7. Description of basic job duties - please list the absolute minimum duties/tasks to be performed, using non-technical terms
(For non-teaching, staff positions, please also attach the HR Job Posting):

8. Absolute **MINIMUM** qualifications required to perform the duties/tasks of this position:

a. Level of higher education required: Bachelor's Master's Doctorate Other _____

b. State license or certificate required?: Yes or No

c. Degree major(s)/specialty(ies) required: _____

d. Absolute **minimum** number of years of employment experience required for the position: _____

e. Other minimum requirements, if any: _____

f. Position's **minimum** required training and experience (other than that which would or could have been obtained during the normal course of the degree program listed above) Please quantify required training and experience in number of months/years (if none please write none): _____

9. **MINIMUM** number of employees (not including students or grad assistants) the alien must supervise: _____

10. Is travel required? Yes or No

11. Are there any other working conditions that affect the rate of pay? Yes or No

If so, please explain: _____

12. Occupational title of the alien employee's immediate supervisor: _____

PART 2: PROSPECTIVE EMPLOYEE/DEPARTMENT INFORMATION – TO BE COMPLETED BY DEPT

1. Prospective TN employee name: _____
Family Name (Last) Given Name (First) Middle Name (if any)
2. Prospective TN employee's Email Address: _____
3. Degree(s) which the prospective TN Employee holds: _____
4. Hiring Department/ Unit: _____
5. School/ Division: _____
6. Contact Person: _____ 7. Email: _____
8. Telephone: _____ 9. Fax: _____
10. Campus Mailing Address: Box _____ Building/Room: _____
11. SHIPPING: For express shipping, please provide UPS account number or FOAP: _____

PART 3: ACKNOWLEDGEMENT OF RESPONSIBILITY & EMPLOYER ATTESTATIONS

By signing below, I attest that the above information is true to the best of my knowledge. I can provide additional details pertaining to statements made regarding the actual wage for the occupation discussed if needed. I authorize the Capstone International Services to seek approval from US Citizenship and Immigration Services for a TN temporary visa on behalf of the above named individual (in Part 2).

Furthermore, I attest that The University of Alabama will comply with the following statements:

- 1) That the hiring department must pay the \$460 I-129 filing fee for TN sponsorship and subsequent TN extensions;
- 2) That the TN authorization is job-specific. Prior to making any changes to the alien employee's **salary, title, or duties**, the department will consult with CIS;
- 3) That if employment is terminated early, the department will notify CIS.

Required Signatures:

Faculty Advisor/Supervisor Signature: _____ Date: _____

Name and Title of Faculty Advisor/Supervisor: _____

Department Chair/Head or Dean Signature: _____ Date: _____

Name and Title of Department Chair/ Head or Dean: _____

**TN PACKET
APPENDIX B
EXPORT CONTROL
FORM**

OVERVIEW OF EXPORT CONTROL REQUIREMENT FOR TN

In support of your request for TN sponsorship, Capstone International Services is required to certify on the USCIS I-129 petition whether or not a license for export controlled technology or technical data is necessary for the professor/researcher being sponsored. To facilitate this requirement, we ask your assistance in completing the questionnaire below, which will allow CIS to begin filing TN support. In addition, the Research Compliance Office will review the form and if necessary will confer with the sponsored-individual and appropriate supervisor or administrator to determine whether a license under EAR or ITAR would be required. The license acquisition process would be initiated in parallel to TN sponsorship. Any future changes or extensions of the sponsored TN worker's employment must also be reviewed for compliance. For more information about Export Control: http://osp.ua.edu/site/RC_ExC.html.

SECTION 1: PROSPECTIVE TN EMPLOYEE AND DEPARTMENT DETAILS

TN Employee's Name: _____
Employee's Country of Citizenship: _____ Employee's Country of Birth: _____
PI/Supervisor's Name: _____
School/Division: _____ Department: _____

SECTION 2: EXPORT CONTROL QUESTIONS

- | | |
|---|--|
| <p>1. Is the nature of the TN Employee's work confidential/proprietary (i.e. the results of the work/research projects <i>are not</i> intended for teaching, publication, or to be otherwise shared broadly with the interested public and within the scientific community)?</p> | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| <p>2. In the course of his/her employment, do you anticipate that the TN Employee will be provided access to:</p> <p>a. any UA-owned technical data or technology that is considered proprietary or confidential to The University of Alabama?</p> | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| <p>b. any third party-owned technical data or technology that is considered proprietary or confidential to the third party owner? This includes U.S. government furnished technical data with dissemination controls or other restrictive markings, as well as ITAR-controlled software, and information restricted under an NDA.</p> | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| <p>c. equipment specifically designed or developed for military or space applications? (see U.S. Munitions List under 22 CFR § 121).</p> | <input type="checkbox"/> YES <input type="checkbox"/> NO |

Please sign and submit to Capstone International Services with the TN application packet. While CIS can begin processing TN support with this form, please be aware that CIS will send this form for a secondary review to Tanta Myles in the Research Compliance Office, 358 Rose Administration Building 205-348-8461, cmyles@fa.ua.edu.

REQUIRED SIGNATURES

We attest that the information being provided at this time is true. If at this time no export license is required and, during the course of his/her employment at UA, there are any changes to the TN Scholar's work that would require a license, we will contact the Research Compliance Office and Capstone International Services.

PI/Supervisor: _____ Date: _____

Chair/Director or Dean: _____ Date: _____

- A license for Export Control is **not** required for this scholar.
- A license for Export Control **is** required for this scholar, and that process has been initiated.

Research Compliance Office: _____ Date: _____

[PRINT ON DEPARTMENTAL LETTERHEAD]

U.S. Citizenship and Immigration Services - Vermont Service Center
ATTN: I-129
75 Lower Welden Street
St. Albans, VT 05479-0001

NATURE OF THIS APPLICATION

This letter is submitted in support of the application of **NAME** for TN professional status under the North American Free Trade Agreement (NAFTA) in the category of **Instructor (NAFTA Category University Teacher)**.

U.S. EMPLOYER – The University of Alabama

Established in 1831 and located in Tuscaloosa, Alabama, The University of Alabama (UA) is the State of Alabama's oldest public higher education institution. UA is organized into 13 schools and colleges, with many nationally recognized programs. UA has a combined enrollment of approximately 33,602 undergraduate and graduate students and employs approximately 5500 faculty and staff with an annual operating budget of \$723 million and total assets of \$1.6 billion.

INCLUDE A BRIEF OVERVIEW OF YOUR DEPARTMENT/SCHOOL.

BACKGROUND OF THE APPLICANT

INCLUDE ONE OR TWO SENTENCES ABOUT CANDIDATE'S QUALIFICATIONS (E.G. EDUCATION & WORK EXPERIENCE).

As is evident from **NAME'S** curriculum vitae, **he/she** has the specific educational background and broad range of work experience that renders her ideal for this temporary position. At the end of this period, **NAME** will return to **his/her** permanent residence in **Canada/Mexico: CANADIAN/MEXICAN ADDRESS**.

U.S. POSITION:

BRIEFLY DESCRIBE JOB TITLE AND POSITION DUTIES.

The position requires a minimum of **X DEGREE AND EXPERIENCE**. This educational background is an important prerequisite for the offered position and, subsequently, a requirement for the performance of job duties. The job position and credentials both meet the requirements for the TN listed in the NAFTA Treaty Appendix 1603.D.1.

TERMS OF EMPLOYMENT

The University of Alabama will employ **NAME** at a rate of **X PER HOUR/MONTH/YEAR** for the period of this appointment from **BEGIN DATE** to **END DATE**. We understand the temporary nature of **NAME'S** employment and have informed her of the condition. Accordingly, The University of Alabama, respectfully requests that the beneficiary be granted TN visa status for this temporary period.

Sincerely,

Department Chair

Instructions for Hiring Department to Request UA check(s) be Issued for USCIS Fee Payment

Required fees:

| | |
|------------|---|
| \$460.00 | Form I-129, TN petition |
| \$1,225.00 | Form I-907, Premium Processing, if requested, if applicable |

Below are the procedures for requesting UA checks to be issued for fee payment:

- *Email a copy of all MDV requests to International Services for review prior to the department submitting the forms to Accounts Payable for processing.
- * **Do not submit** the MDV to Accounts Payable until the forms have been reviewed by International Services.
- * Accounts Payable will notify our office when the checks have been issued.
- * Each fee must be paid by a **separate** check and MDV.
- * Please attach this page of the departmental request to the MDV for proper documentation.

Miscellaneous Disbursement Voucher

Departmental Account: **Account Code: 781323 Vendor Number: 11074158 Banner Address type: RT**
Banner Address Sequence: 2

Note and highlight the following on the MDV:

Address for fees (**DO NOT MAIL CHECKS** - Contact Charter Morris, charter.morris@ua.edu, Capstone International Services, 348-5402):

U.S. Department of Homeland Security
USCIS - Vermont Service Center
ATTN: I-129
75 Lower Welden Street
St. Albans, VT 05479-0001

Further instructions for individual fee payment: USCIS requires a separate check for **each** fee

I-129 Petition for TN Fee

Amount: \$460.00
Payable to: Department of Homeland Security
Description: Employer filing fee for TN—beneficiary (employee's name)

I-907 Premium Processing Fee, if applicable

Amount: \$1,225.00
Payable to: Department of Homeland Security
Description: Premium processing of TN petition for (employee's name)

PART 1: TN APPLICANT DEMOGRAPHIC INFORMATION

NAME AND RESIDENCE INFORMATION:

Full Name (as in passport): _____
Family Name (Surname) Given Name (First) Middle Name (if any)

All other names used : _____
(Include maiden name and names from all previous marriages)

Place of Birth (required): _____ : _____ : _____
City Province/ Territory Country

Citizenship & Residence (required): _____ : _____
Country of Citizenship Country of Permanent Residence

Date of Birth (Month/Day/Year): _____ Gender : Male Female

CONTACT INFORMATION:

Current Address: _____

E-mail address: _____ Phone Number: _____

UNIVERSITY OF ALABAMA POSITION INFORMATION:

(Please provide contact information for your intended employer at the University of Alabama)

UA Academic Department: _____ Supervisor's Name: _____

PART 2: FOR APPLICANTS CURRENTLY IN THE UNITED STATES ONLY

Current Immigration Status (i.e. TN, F-1, J-1, H-1B) : _____ Date Current Status Expires (M/D/Y): _____

If you are in TN Status with an employer other than UA, are you currently employed?: YES or NO.

Employer's Name and Address: _____

Expected termination date of current employment (Month/ Day/ Year): _____

Date of Last Arrival (stamped on I-94 Card, the White Card in Passport) (Month/Day/Year): _____

I-94 # (Eleven Digit Number on the White Card in Passport): _____

Are you currently on F-1 Optional Practical Training (OPT)? YES or NO.

If YES, List dates of OPT (Month/ Day/ Year): _____ through _____

Do you have a spouse/children who will file for TD status with this petition? YES or NO.

PART 3: IMMIGRATION INFORMATION & HISTORY

Passport # : _____ Passport Country: _____

Passport Issue Date (Month/Day/Year): _____ Passport Expiry Date (Month/Day/Year): _____

U.S. Social Security Number (If any): _____

A #/Alien# - if any. (A/Alien number is listed on EAD Cards and on any I-140 or I-485 Notices) : _____

At which consulate/Port of Entry will you apply for your TN status stamp, either now or the next time you travel abroad?

City (outside of the U.S.): _____ Country: _____

US VISA HISTORY INFORMATION:

Have you ever been in the United States in any non-immigrant status? YES or NO.

If YES, please list all time in the US in non-immigrant visa status. If more space is needed, please attach a separate page:

1. Immigration Status (i.e. F-1, J-1, H-4): _____ Dates of Stay (M/D/Y): _____ through _____

2. Immigration Status (i.e. F-1, J-1, H-4): _____ Dates of Stay (M/D/Y): _____ through _____

Have you ever been in the United States on a **J Visa (J-1 or J-2)**? YES or NO.

Are/were you subject to the 212(e), 2-Year Residency Requirement (if currently/previously on J-Visa)? YES or NO.

If subject to 212(e), what is the current status? (Please check one):

- Applied for waiver
- Received waiver (Please Include Proof of Waiver)
- Completed requirement in home country
- None of the above

Have you ever been denied a TN? YES or NO.

Do you have any pending immigrant petitions (Permanent Residency Application)? YES or NO.

SUPPORTING DOCUMENTATION TO BE SUBMITTED TO CAPSTONE INTERNATIONAL SERVICES

- Copy/Scan of Current CV/ Resume
- Copy/Scan of all university-level academic degrees, diplomas, and transcripts/mark sheets.
 - Diplomas and transcripts/mark sheets do not have to be originals
 - Documents not in English must be translated by someone competent to do so
 - Degrees or documents issued by non-U.S. institutions will have to have a foreign credential evaluation
- Copies/Scans of 3 most recent pay stubs/ paycheck notifications if currently employed in the United States
- Copy/Scans of ALL current and previous immigration documents:
 - Passport Identification Pages**
 - Current/ most recent Visa Stamp (Not required for Canadian Citizens)**
 - I-94 Card (FRONT AND BACK) or printout from www.cbp.gov/i94**
 - All previous I-20s, DS-2019's, and TN/TD I-797 Approval Notices, etc.**
 - Employment Authorization Card (e.g. EAD Card for F-1 OPT or J-2 EAD Card)**
- TD Application: If you have dependent family members who are already in the U.S. in TD status or on another visa type, and you would like to change/extend their status as an TD dependent, include the following:
 - Form I-539 (available at <http://www.uscis.gov/i-539> - do not file electronically, e.g. E-File) and check for \$370 made payable to **Department of Homeland Security**
 - Include the above starred (***) items for your family members