

U.S. Immigration: What Do Canadian TN Visa Holders Have to Keep in Mind When They Have a Change in Employment Condition

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The United States-Mexico-Canada Agreement (formally “NAFTA”) is a popular non-immigrant work permit option for Canadian and Mexican citizens to obtain a NAFTA Professional (“TN”) visa and work in the U.S. temporarily. One of the unique benefits for Canadian citizens who apply for a TN classification is the fact that you are not required to apply for it at a U.S. consulate and are allowed to apply for it at a U.S. border Port of Entry (“POE”). Essentially, this eliminates the long processing time from United States Citizenship and Immigration Services (“USCIS”) or having to make an appointment with a U.S. consulate.



There are numerous articles and blog posts about how to apply for a TN status. This article will cover a few frequently asked questions on what happens after obtaining a TN status, particularly if there is a change in your employment conditions.

- If you have a change in your U.S. employer, you may do either of the following (8 CFR §214.6(i)(1) and (2)):
 - As a Canadian citizen, you may visit the POE to present the new documentation in order to obtain a new Form I-94 and pay the related fee.
 - The new employer may file for change or addition on Form I-129 with USCIS. However, keep in mind that employment with a different employer is not authorized until you receive USCIS approval.
- If you have to extend your stay in the U.S., you may do either of the following (8 CFR §214.6(g)):
 - As a Canadian citizen, you may visit a POE prior to the expiration of your current TN visa. You must also present the new documentation to obtain a new Form I-94 and pay the related fee.
 - File a Form I-129 with USCIS to extend the TN status. Keep in mind that the maximum extension period is three years.
- If your employment location in the U.S. has changed (8 CFR §214.6(i)(3)):
 - If you are being transferred to a different branch or office of the same employer **and** performing the same service, then no action is necessary. But if you are transferring to a separate related company (i.e., a subsidiary or an affiliate), then you will be required to present new documentation to obtain a new TN approval.

For additional information, please contact Katie Leung at khl@tdslaw.com or call her at (204) 934-2407.

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