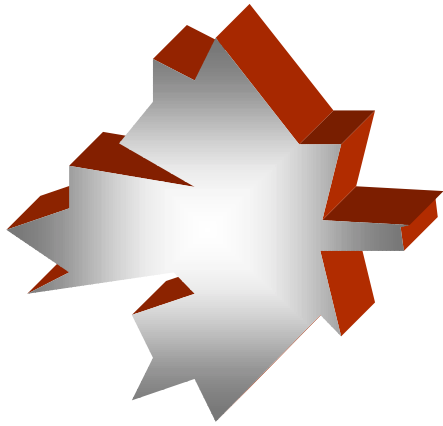


# GRASMICK'S TN HAND- BOOK FOR CANADIANS

How to Work  
in the U.S.  
Under NAFTA

Joseph C. Grasmick

## 2nd Edition



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How to Work  
in the  
U.S. Under  
NAFTA

2<sup>nd</sup> Edition

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Joseph C. Grasmick

*You may download this e-book at*  
<http://www.grasmick.com/handbook.htm>

**GRASMICK'S TN HANDBOOK FOR CANADIANS—  
How to Work in the U.S. Under NAFTA  
2<sup>nd</sup> Edition**

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## Preface to the Second Edition

**C**anadians and Americans visiting each others' countries scarcely realize there is a border. It is one of the world's least restricted large international boundaries. It rarely takes more than "a smile and a wave" to successfully pass through the border inspection.

What a contrast when the welcome mat is suddenly lifted! Canadians who wish to *work* in the U.S. are astounded to discover they can no longer come to the U.S. at all. The U.S. is highly protective of its labor market. This is true even when the workers come from the U.S.'s neighbor, friend, and closest ally.

Fortunately, the CFTA (Canada Free Trade Agreement) and its successor, NAFTA (North American Free Trade Agreement), give Canadians coveted immigration privileges. An essential part of NAFTA is the reciprocal removal of each country's labor market

## ***Preface***

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protections. One must work for this privilege. This book shows you how.

The crown jewel of these expanded immigration privileges is the TN (Trade NAFTA) work permit. The number of Canadians using the TN has exploded. In 1998, there were almost 60,000 new TN entries per year (Figure 4). This book is about that permit.

This second edition is a major revision of the *Handbook*. These items are new to this edition:

- Over 300 pages of new material—this book now has over 900 pages. Over 50% of the 581 original analysis pages are updated,
- the complete text of *Grasmick's Directory: NAFTA-Enabled Immigration Ports of Entry*—a \$69 value—included at no extra cost at Appendix 6,
- new INS rules and guidelines, substantially changing the way one should prepare and file TN applications analysis, and
- format improvements including full keyword search, larger fonts, and thumbnail index.

This book is for

- Canadians working in the U.S.,
- U.S. companies wishing to hire a Canadian, and
- Canadian companies sending workers to the U.S.



***Figure 1: Signing of NAFTA, October 7, 1992, San Antonio, Texas. The trade agreement also liberalized immigration rules.***

Growing groups of specialized professionals in the U.S. provide valuable services to these Canadian businesses and professionals. This book should be required reading for:

- recruiters
- lawyers, outside and in-house
- accountants
- HR professionals
- hiring managers
- employee contractors

This book draws on a tremendous reservoir of data and experience. Besides giving you experiences from my own 20 +-year law practice, I am grateful to thousands of people who have contributed indirectly to this book. I receive 20 to 50 e-mail messages per day. On a busy day, the *Newsgroup* on my web site (<http://www.grasmick.com/forum.htm>) will receive over 60 contri-

## ***Preface***

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butions from Canadians worldwide. My strategic allies are some of the top NAFTA immigration lawyers. You will find their expertise represented in this volume.

Ideally, you should use this book in conjunction with legal representation. The information in this book can help you decide whether you need a lawyer. It can help you find a fit between an immigration specialist and your needs. You can be an informed client. Nevertheless, a huge majority of TN applicants does not use a lawyer. Whatever your choice, using these materials should increase your chances of quick success.

In this book, I often provide stories, quotes, examples, and samples. I often change the data to maintain confidentiality. I select the substitute data at random. Any name that may match a person or business you know is only a coincidence.

Of course, this book does not constitute legal advice. You should not rely on these materials as legal advice for your personal or business planning. The author or publisher cannot take responsibility for the consequences resulting from the use of this information.



## Acknowledgements

**I** am indebted to my web site's *Canada-to-U.S. Business Immigration Newsgroup* participants for raising the questions in this book. The subjects in this volume flow from these questions. The fast-paced interactivity allows me to “walk in the shoes” of the reader—the enviable position of every writer. *The Newsgroup* would not thrive without the “regulars”—including Stuart Brook the veteran—who challenge me to broaden my understanding of Canadians in the U.S.

I owe special thanks to my clients. For over 20 years, you have given me the means to devote my professional time to solve these immigration problems. Otherwise, I would have no experiences to share.

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None of these debts absolves me from my errors.



## **Introduction: Instant Work Permits at the Border**

**T**he acronym “TN” is an important part of North American business vocabulary. What does it mean?

### **What is a TN?**

The TN-1<sup>1</sup> permit—available only for Canadian citizens—is the quickest and easiest of the work permits. Thanks to NAFTA,

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<sup>1</sup> The acronyms “TN-1” (for Canadians) and “TN-2” (for Mexicans) are falling out of favor in deference to the all-inclusive “TN”. I continue to use TN-1 occasionally to distinguish between the Canadian and Mexican provisions, which are quite different. For example, Mexican TN applicants cannot get



## Introduction: Get Instant Work Permission at the Border

Canadians can obtain a work permit right at the border. If you have a carefully prepared application, INS will give you a permit on the spot. This permit is on a card called an “I-94” form (see Figure 2.) There are no time-consuming mail-in application procedures.

The figure shows two sides of an I-94 form. The front side (left) includes the following information: Departure Number 269794 3 07; U.S. IMMIGRATION 070 BUF; SEP 23 1999; Immigration and Naturalization Service; I-94 Departure Record; ADMITTED TN UNTIL SEP. 22, 2000; MULTIPLE ENTRY; 14 Family Name; 15 First (Given) Name; 17 Country of Citizenship CANADA; and instructions: See Other Side, ENGLISH, STAPLE HERE.

The rear side (right) includes: Warning: A nonimmigrant who accepts unauthorized employment is subject to deportation; Important: Retain this permit in your possession; you must surrender it when you leave the U.S.; You are authorized to stay in the U.S. only until the date written on this form; Surrender this permit when you leave the U.S.; Record of Changes: SAN FRANCISCO CA OFFICE; and For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

**Figure 2: Border-issued Form I-94, Arrival and Departure Record, front and rear. (Identifying information deleted.)**

The NAFTA TN allows managers to fill job openings quickly or take advantage of fleeting business opportunities. It allows Canadians to accept new jobs almost immediately. The availability of TN status is the most dramatic immigration benefit of the North American Free Trade Agreement.

the TN at the border—they must first file a petition by mail with the INS.

## Introduction: Get Instant Work Permission at the Border

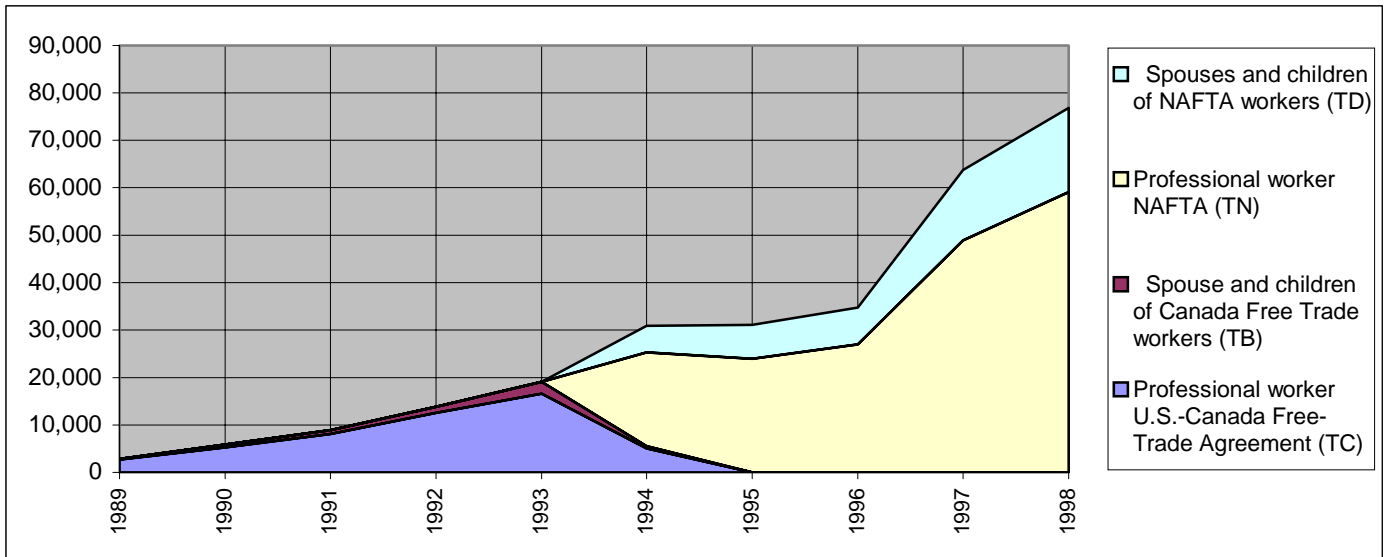
PLEASE TEAR OFF FORM I-94 PRINTED BELOW, AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records	<b>5310 280 04</b>
Receipt # LIN-00-018- 202	Receipt Number LIN-00-018- 202
I-94# 5310 280 04	Immigration and
NAME	Naturalization Service
CLASS TN1	I-94
VALID FROM 01/03/2000 UNTIL 12/28/2000	Departure Record      Petitioner:
PETITIONER:	14. Family Name
	15. First (Given) Name
	17. Country of Citizenship CANADA

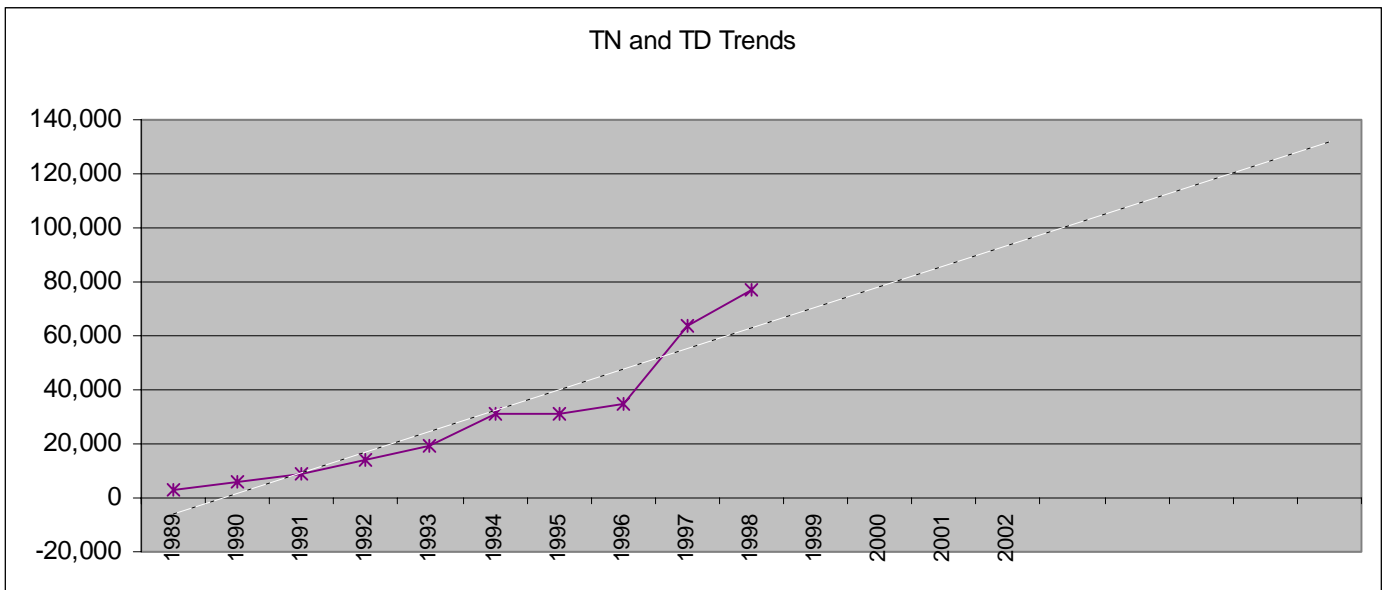
Form I 797A (Rev. 09/07/99)N

**Figure 3: Service Center-issued Form I-94, Arrival and Departure Record. (Identifying information deleted.)**

## Introduction: Get Instant Work Permission at the Border



Class of admission	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
Professional worker U.S.-Canada Free-Trade Agreement (TC)	2,677	5,293	8,127	12,535	16,684	5,031	0	0	0	0
Spouse and children of Canada Free Trade workers (TB)	140	594	777	1,274	2,408	498	0	0	0	0
Professional worker NAFTA (TN)	0	0	4	0	0	19,806	23,904	26,987	48,866	59,061
Spouses and children of NAFTA workers (TD)	0	0	0	0	0	5,535	7,202	7,694	14,859	17,816
<b>Total</b>	<b>2,817</b>	<b>5,887</b>	<b>8,908</b>	<b>13,809</b>	<b>19,092</b>	<b>30,870</b>	<b>31,106</b>	<b>34,681</b>	<b>63,725</b>	<b>76,877</b>



**Figure 4: Number of NAFTA professionals and family admitted per fiscal years 1989-98**



## Chapter 1: Can I Get a TN? Does My Job Qualify?

**T**he first step to see if you qualify for a TN is to see if you are on this NAFTA list. This is a complete list of all of the possible TN professions. There is also a complete list in the NAFTA agreement itself (see Appendix 11). However, the requirements in the NAFTA text can be misleading; this list provides a clearer overview of the categories.

Unless noted otherwise, the following professionals qualify for TN status if they have a baccalaureate (bachelor, including B.Sc., BA, B.Comm, etc.) degree or a degree licenciatura (The Mexican equivalent) in their professions. When NAFTA specifies a bachelor degree, this is a *minimum* requirement. A master or doctorate is acceptable. For example, a Canadian once asked “I don’t have a

B.Sc. in Computer Science. Am I eligible for a TN (Computer system analyst) if I have a M.Sc. in Computer Science?" My answer was "Yes."

### **Grasmick's TN List**

- **Accountant** (bachelor, CPA, CA, CGA, or CMA)
- **Actuary** (Proposed. See INS Proposed Regulations December 28, 1993, Appendix 8.) Required is:
  - ✓ bachelor in Actuarial Science or
  - ✓ satisfaction of requirements to be recognized as an actuary by a professional actuarial association or society. (A professional actuarial association or society means a professional actuarial association or society operating in the territory of Canada, Mexico, or the U.S.)
- **Agriculturist/Agronomist**
- **Animal breeder**
- **Animal Scientist**
- **Apiculturist**
- **Architect** (bachelor or state/provincial license. See also **Landscape Architect**, below.)
- **Astronomer**
- **Biochemist**
- **Biologist**
- **Chemist**
- **Computer systems analyst**
  - Must have:
    - ✓ bachelor or
    - ✓ postsecondary diploma\* and three years' experience
- **Dairy Scientist**
- **Dentist** (DDS, DMD, or state/provincial license)

## ***Chapter 1: Can I Get a TN? Does My Job Qualify?***

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- **Dietician** (bachelor or state/provincial license)
- **Disaster Relief Insurance Claims Adjuster<sup>2</sup>**

Must have:

- ✓ bachelor or three years' experience in claims adjustment, and
- ✓ completed training in appropriate areas of insurance adjustment pertaining to disaster relief claims

- **Economist**
- **Engineer** (bachelor or state/provincial license)
- **Entomologist**
- **Epidemiologist**
- **Forester** (bachelor or state/provincial license; see also **Sylviculturist**, below)
- **Geneticist**
- **Geochemist**
- **Geographer**
- **Geologist**
- **Geophysicist**
- **Graphic Designer**

Must have:

- ✓ bachelor or
- ✓ postsecondary diploma\* and three years' experience

---

<sup>2</sup> Disaster relief insurance claims adjusters must submit documentation that there is a declared disaster event. This documentation must come from the President of the U.S., or consist of a state statute, or a local ordinance, or paperwork showing an event at a site which has been assigned a catastrophe serial number by the Property Claims Service of the American Insurance Services Group, or, if property damage exceeds \$5 million and represents a significant number of claims, by an association of insurance companies representing at least 15 percent of the property casualty market in the U.S. See INS NAFTA Handbook, Appendix 9.

- **Horticulturist**
- **Hotel Manager**  
Must have:
  - ✓ bachelor in hotel/restaurant management or
  - ✓ postsecondary diploma\* in hotel/restaurant management and three years' experience in hotel restaurant management
- **Industrial Designer**  
Must have:
  - ✓ bachelor or
  - ✓ postsecondary diploma\* and three years experience
- **Interior Designer**  
Must have:
  - ✓ bachelor or
  - ✓ postsecondary diploma\* and three years' experience
- **Land Surveyor** (bachelor or state/provincial/federal license)
- **Landscaping Architect**
- **Lawyer** (member of state/provincial bar, or LLB, JD, LLL, or BCL)
- **Librarian** (MLS, or BLS. BLS must be in a field for which another bachelor degree was a prerequisite.)
- **Management Consultant**  
Must have:
  - ✓ bachelor or
  - ✓ five years' experience in consulting or related field
- **Mathematician**
- **Medical Technologist/Medical Lab Technologist** (Canada)  
Must have:

- ✓ bachelor or
- ✓ postsecondary diploma\* and three years' experience  
(U.S. job must be in a laboratory to perform chemical, biological, hematological, immunologic, microscopic, or bacteriological tests, and analyses for diagnosis, treatment, or prevention of disease.)
- **Meteorologist**
- **Nurse, Registered** (must have state/provincial license)
- **Nutritionist**
- **Occupational Therapist** (bachelor or state/provincial license)
- **Oceanographer**
- **Pharmacist** (bachelor or state/provincial license)
- **Pharmacologist**
- **Physician** (teaching and/or research only, MD or state/provincial license)
- **Physicist**
- **Physio/Physical Therapist** (bachelor or state/provincial license)
- **Plant Breeder**
- **Plant Pathologist** (Proposed. See INS Proposed Regulations December 28, 1993, Appendix 8.)
- **Poultry Scientist**
- **Psychologist** (Must have state/provincial license. Cannot qualify with just bachelor degree.)
- **Range Manager/Range Conservationist**
- **Recreational Therapist**
- **Research Assistant** (bachelor and U.S. job in a postsecondary educational institute)
- **Scientific Technician** (See **Technician** or **Technologist, Scientific**.)



- **Social Worker**
- **Soil Scientist**
- **Statistician**
- **Sylviculturist/Forestry Specialist** (See also **Forester**, above.)
- **Systems Analyst** (See **Computer Systems Analyst**.)

Must have:

- ✓ bachelor or
- ✓ post secondary diploma\* and three years' experience
- **Teacher** (Bachelor degree; must be coming to work for a college, seminary or university only; no secondary or elementary school teaching.)
- **Technical Publications Writer** (See **Writer, Technical Publications**.)
- **Technician or Technologist, Scientific** (e.g. Electronic engineering technician)

Must:

- ✓ work in direct support of professionals in one of these disciplines:
  - biology
  - chemistry
  - engineering
  - forestry
  - geology
  - geophysics
  - meteorology
  - physics
- ✓ possess theoretical knowledge of discipline, and
- ✓ solve practical problems in discipline, or apply principles of the discipline to basic or applied research.

- **Urban Planner**
- **Veterinarian** (DVM, DMV, or state/provincial license)
- **Vocational Counselor**
- **Writer, Technical Publications (Technical Publications Writer)**

Must have:

- ✓ bachelor or
  - ✓ postsecondary diploma\* and three years' experience
- **Zoologist**

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\*A postsecondary diploma (or certificate) is a credential from an accredited academic institution in Canada, Mexico or the U.S. showing completion of two or more years of postsecondary education. As per INS Guidelines (See INS Guidelines-Processing Under the NAFTA, July 24, 2000, Appendix 12) the two year academics must come from within the NAFTA zone. For purposes of the NAFTA entry requirements, baccalaureate or licentiatura degrees issued by institutions outside of the NAFTA countries may be acceptable whereas post-secondary diplomas or post-secondary certificates must be from Canada, Mexico, or the United States.

A TN-compliant employment can be either part-time or full-time.

### **What if My College Major Is Different from the TN Job Title?**

Most people can easily determine whether their degree meets the TN standards. Usually there is a clear fit between the degree major and the professional classification. Lawyers earn JD degrees. Psychologists major in psychology.

Nevertheless, many Canadians find that their academic programs do not obviously match the TN profession. Here is an example of a typical question I get on this issue: "I have a job waiting as a Computer Systems Analyst. To qualify for a TN I need a degree. My degree is in Computer Engineering, not Computer Science. Is this going to cause problems?"



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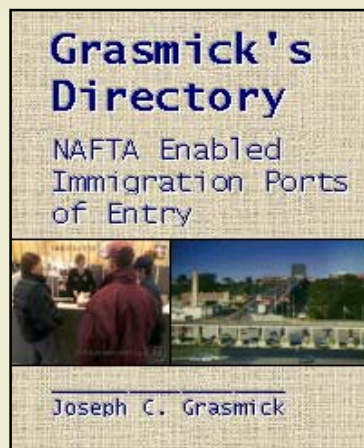
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## ABOUT THE AUTHOR



Joe Grasmick is the author of the first 10 editions of the leading work on the subject of U.S. immigration for Canadians: the *Canada-U.S. Business Immigration Handbook*, published by Carswell. Carswell released the first edition of this treatise in 1991.

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