

**LSUHSC TN NONIMMIGRANT WORKER INTRODUCTION
GENERAL INFORMATION AND APPLICATION INSTRUCTIONS**

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INTRODUCTION AND GENERAL TN INFORMATION

Qualified citizens of **Canada and Mexico** with an offer for employment in a [NAFTA approved occupation](#)* may apply for TN status, which authorizes full time employment *with the employer whose offer is used to secure TN status*. Persons holding citizenship for other countries are **not** eligible for TN status, but may be eligible for TD status.

***TN Status may NOT be used by Medical Residents/Physicians to engage in employment that requires regular patient care, treatment or contact under a medical license. TN Physicians are limited to research and teaching ONLY.**

TN status may be obtained in two ways.

1) Through travel and entry/re-entry:

- a. A qualified **Canadian** citizen may present their passport, evidence of qualifying job offer and documentation of required credentials at any U.S. Port of Entry or Pre-clearance (Canada) and request TN status. The CBP officer makes a decision on if the individual is admissible in TN for the proposed employment, and issues appropriate entry documents immediately.
- b. A qualified **Mexican** citizen must first obtain a TN category **entry visa** at a U.S. consulate or embassy using evidence of a qualifying job offer and documentation of required credentials. They may then seek entry at any U.S. Port of Entry or Pre-clearance just as a Canadian citizen above.

The fee for this option is \$50 payable at the Port of Entry. The attached checklist should be used to ensure all required documentation has been obtained prior to requesting TN admission.

If already in the U.S. in immigration status sponsored by LSUHSC, all international travel must be reported to and approved by ISO prior to departure.

2) Through USCIS approval of an employer sponsored TN petition:

LSU Health Sciences Center (LSUHSC). International Services Office (ISO), if acting as the sponsoring petitioner is required to submit information to various Federal and State agencies when petitioning for TN status on behalf of a prospective alien employee as the beneficiary. An employment relationship between the petitioner and the beneficiary is required for TN status.

TN nonimmigrant status is requested by LSUHSC on behalf of individuals coming temporarily to the United States to perform services in a NAFTA approved occupation. A nonimmigrant must possess the required qualifications, in most cases a relevant U.S. baccalaureate/professional degree and a state license to practice the profession, if applicable.

A TN petition may be filed up to six months prior to the date of need. An application may be filed for a maximum of three years, based upon available departmental funding. An extension may also be filed for up to three years. There is no limit to the total maximum available time in TN status. The TN worker must maintain non-immigrant intent and a residence abroad they do not intend to abandon to continue to be admissible in TN status.

Application Process: Departments wishing to utilize the TN nonimmigrant visa category must comply with the procedures contained herein. Included in this packet are copies of LSUHSC forms required for the processing of an applicant. If you have any questions, please contact the International Services Office at 568-4802.

The department should have the proposed applicant complete the **TN worksheet** and return with all required documentation. The department should complete the attached TN application in full and attach required supporting documentation. Return the entire completed TN worksheet from the proposed beneficiary and application with required supporting documents and the appropriate, separate application fees to the ISO for processing.

Following internal processing and once the petition has been submitted to Department of Homeland Security the **normal adjudication time is three to six months**.

Petition Fee: For any petition received by the Department of Homeland Security after November 23, 2010, employers who file a petition for a new TN, a change of status to TN, or a change of employer for a current TN visa holder, will be required to pay a \$325 petition fee. This fee also applies to extensions of current LSUHSC TN visa holders. This is a fee which should be paid by the department and should not be passed on to the applicant. In consideration, before a department makes a decision to hire an individual who will require an TN visa classification, departmental funds should be available to cover this \$325 fee.

Premium Processing: For an additional \$1,225 fee, a TN petition can be "Premium Processed". Specifically, Department of Homeland Security will provide 15-calendar day processing (in lieu of 3-6months) on petitions for those LSUHSC departments who choose to utilize this service. Processing may be a notice of approval, request for evidence, intent to deny or notice of investigation for fraud or misrepresentation. If the notice requires the submission of additional evidence or of a response to an intent to deny, a new 15-day period will begin upon the delivery to the Department of Homeland Security a complete response to the request for evidence or notice of intent to deny. This fee is normally considered a business expense and should be paid by the sponsoring department. In consideration, before a department makes a decision to hire an individual who will require a TN visa classification, using the premium processing option, departmental funds should be available to cover this \$1225 fee.

Ideally, the Premium Processing Service should be requested in conjunction with the initial petition submission. However, the Service may be utilized to upgrade a regular petition, following initial submission, but only after a form I-797 receipt has been obtained by the ISO.

LSU System Policy (PM-26) has recently been revised which allows the use of University funds for the fees associated with TN applications. The use of federal grant funds is permissible if for initial hire (recruitment), but not for extensions for current employees per the NIH Grants Policy Statement, [Section 7.9.1](#). The use of non-federal grant funds must be in accordance with the regulations of the granting agency.

If Foundation funds are to be utilized, the required mechanism is via a requisition through a University linked account. Should your department not have established a linked account, you may do so via the appropriate written or email request through Accounting Services.

Any requisition for Premium Processing should be signed as appropriate and attached to the TN application. The ISO will process through Accounting Services.

TN EXTENSIONS: It is not necessary to wait for an approval when *extending* existing TN employment with the same employer. The extension request must be filed and received by USCIS prior to the expiration of the current TN period of validity/admission. Following, a timely filed extension request and expiration of the current TN validity period, a grace period of 240 days is permitted during which the TN beneficiary may continue to engage in their previously approved employment. If the 240 day grace period is exceeded without receipt of an approval or the extension petition is denied by USCIS, employment must immediately cease.

TN CHANGE OF EMPLOYER: A TN petition is employer, employee, job title, and job duties specific. Any change in employer requires a new TN petition to be filed by the LSUHSC **and approved** by USCIS **prior** to beginning new employment. A change of employer petition will require the same documentation and application fees as an initial TN application.

CHANGES OR AMENDMENTS TO EXISTING TN POSITION: A TN petition is employer, employee, job title, and job duties specific. Should there be any changes in an applicant's title or duties, **before** changes can be processed internally at the LSUHSC, an amended TN petition must be filed by the ISO **and approved** by USCIS. An amended petition will require the same documentation and application fees as an extension application.

Dependents of TN Workers: The dependent spouse and children (under age 21) of individuals filing for or in TN status are eligible for TD status. Individuals in TD status are not allowed to work in the U.S.

Initial TN applicants who are out of the U.S. will not be required to complete or include a form I-539 or application fee for TD dependents. However, it is necessary to have a copy of the dependent's passport and entry visa if applicable to verify all required documents are valid before admission is requested.

When processing a TD extension, change of status or in some cases, change of employers for the TN applicant currently in the U.S. with dependents, a Form I-539 must be completed with a separate check or money order attached. For TD extensions, copies of the marriage certificate and birth certificates with English translation for each dependent will be required by the Department of Homeland Security to prove relationship.

Unless the prospective TN employee currently holds a valid immigration status which permits employment, he/she may not begin to work until the start date on the approval notice for the TN petition or the I-94 admission date.

DATE: _____

LSUHSC-41 TN NONIMMIGRANT WORKER PRIOR APPROVAL FOR HIRE (OR EXTENSION)
BY FILING OF I-129 PETITION WITH USCIS

- New Hire or Change of Status to TN
- Extension for current LSU HSC TN employee
- Change of Employer for current TN beneficiary (transfer)

FACULTY SPONSOR _____ DEPARTMENT _____

DEPT ADDRESS: _____ DEPT CONTACT PERSON: _____

DEPARTMENTAL CONTACT TELEPHONE # _____ FAX # _____

POSITION OFFERED: _____ PROPOSED SALARY: _____

DEPARTMENTAL ACCOUNT NUMBER: _____ FEDEX ACCOUNT# _____ (required)

PROPOSED DATES OF EMPLOYMENT: FROM: _____ To: _____

* **Up to a 3 year period may be requested in one petition.**

PATIENT CARE/CONTACT REQUIRED: Yes No LICENSE REQUIRED: Yes No

***Attach Position Description** PCN# _____ ADVERTISED: Yes No

LAST NAME OF PROPOSED BENEFICIARY: _____ FIRST: _____ M: _____

DOES THE ALIEN SPEAK FLUENT ENGLISH: Yes No
HOW HAS ENGLISH FLUENCY BEEN VERIFIED? Interview Phone Call Other: _____

Departmental Approvals:	Date:
Funds Approved/Business Manager: _____	_____
Section Head (if applicable) _____	_____
Department Head: _____	_____
International Services: _____	_____
Dean: _____	_____

LSUHSC-42 TN APPLICATION DOCUMENTS CHECKLIST

PACKETS WHICH ARE NOT COMPLETED CORRECTLY OR IN THEIR ENTIRETY WILL BE RETURNED TO THE SPONSORING DEPARTMENT.

- | <u>Attached</u> | <u>Not Required</u> | |
|--------------------------|----------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | TN Worksheet completed by beneficiary with all required documentation. |
| <input type="checkbox"/> | <input type="checkbox"/> | LSUHSC-41 PRIOR APPROVAL FOR HIRE (OR EXTENSION) OF TN NONIMMIGRANT WORKER BY FILING OF I-129 PETITION WITH USCIS: Complete and submit with application to International Services Office with appropriate departmental signatures. The <i>International Services Office will obtain signature of the Dean. A position description, training plan or job advertisement which details, minimum requirements and job duties should be attached.</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | LSUHSC-42 Documents Checklist. Complete and submit with application. |
| <input type="checkbox"/> | <input type="checkbox"/> | Job offer letter and acceptance signed by proposed employee. |

SUPPORTING DOCUMENTS REQUIRED

Submit with the TN application, separate Direct Pay Requests with appropriate addresses made payable to “Department of Homeland Security” for fees as required for each petition. **As of this TN application revision, fees associated with the TN petition are:**

- \$325 I-129 Petition Fee** (Must be paid by the employer and required for all new and extension TN)
- \$1,225 Premium Processing Fee, if applicable** (may be paid by employee with prior ISO approval).

Direct Pay Requests should utilize the following addresses:

Regular Processing:

U.S. Depart. of Homeland Security
California Service Center
ATTN: CAP EXEMPT H-1B Processing
24000 Avila Road, Room 2312
Laguna Niguel, CA 92677

Premium Processing:

U.S. Depart. of Homeland Security
California Service Center
ATTN: CAP EXEMPT H-1B Processing
Premium Processing Unit
24000 Avila Road, Room 2312
Laguna Niguel, CA 92677

- Copy of written contract OR signed letter of offer between petitioner and alien.
- Copy of PER 1

TN PRECLEARANCE CHECKLIST

For persons who **do NOT have an approved I-129 for TN status** planning to travel and enter (or re-enter) the U.S. in TN status

ALL APPLICANTS MUST HAVE A VALID PASSPORT AND MEXICAN NATIONALS MUST HAVE A VALID TN ENTRY VISA.

ALWAYS PRESENT ORIGINAL DOCUMENTS IF POSSIBLE!

- 1. Copy/Original Department/ISO TN Support Letter
- 2. Copy/Original Letter of offer OR employment contract, if available
- 3. Copy/Original of ALL diploma(s)/certificate(s) and licenses required by the TN Occupation List
- 4. Copy/Original of transcript if your field of study is not indicated on degree (highly recommended)
- 5. Copy/Original Credentials evaluation if degree earned abroad (highly recommended, but not required; for a list of evaluators, go to: <http://www.naces.org/members.htm>) (Applicable U.S. Degree Equivalency Certification is **HIGHLY RECOMMENDED** if degree obtained from non-U.S. Institution)
- 6. Current Curriculum Vitae (Résumé)
- 7. Unaltered Original Documents and Translation form, if applicable.
- 8. If previously in the US: copy of most recent I-94 (**front and back**), and copy/original EAD card, I-20, DS-2019 or I-797 Approval Notice, as applicable for most recent status.
- 9. Copy of [NAFTA TN Occupation List](#) showing category requested
- 10. Copy/Original Health Care Worker Certification if seeking admission in one of the categories listed in [8 C.F.R. § 212.15\(c\)](#). (1) Licensed Practical Nurses, Licensed Vocational Nurses, and Registered Nurses. (2) Occupational Therapists. (3) Physical Therapists. (4) Speech Language Pathologists and Audiologists. (5) Medical Technologists (Clinical Laboratory Scientists) (6) Physician Assistants (7) Medical Technicians (Clinical Laboratory Technicians). Certificates can be obtained from several organizations, including: CGFNS: The Commission on Graduates of Foreign Nursing Schools <http://www.cgfns.org> (Authorized to issue certificates for all 7 health care occupations-Visa Screen).

TD PRECLEARANCE CHECKLIST

For persons who **do NOT have an approved I-129 for TD status** planning to travel and enter (or re-enter) the U.S. in TD (TN dependent) status

ALL APPLICANTS MUST HAVE A VALID PASSPORT AND NON-CANADIAN NATIONALS MUST HAVE A VALID TD ENTRY VISA.

ALWAYS PRESENT ORIGINAL DOCUMENTS IF POSSIBLE!

If traveling with TN applicant:

- 1. Copy/Original Department/ISO TD Support Letter
- 2. Copy/Original Letter of offer OR employment contract for TN principal/Evidence of financial support
- 3. Evidence of qualifying TD relationship (birth certificate for child, marriage document for spouse)

If traveling separately from TN beneficiary, in addition to above, also carry:

- 4. Copies of documents evidencing TN admission/status (I-94, I-797 Approval Notice)

NOTE: FOREIGN LANGUAGE DOCUMENTS, including diplomas, should be presented with CERTIFIED/OFFICIAL translations. The translator should certify he/she is competent to translate and the translation is accurate. The certification format should include the certifier's name, signature, and date of certification.

UNALTERED ORIGINAL DOCUMENTS

TO THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES/
U.S. CUSTOMS AND BORDER PATROL

Copies of documents submitted are exact copies of unaltered original documents. I understand that I may be required to submit original documents to an Immigration or Consular official at a later date.

Print Name of Worker

Signature of Worker

Date Signed

TRANSLATION OF FOREIGN LANGUAGE DOCUMENT(S)

(Translations must be done by someone other than yourself *or immediate family members.*)

I, _____ do hereby certify that I am competent to translate from _____ into English and that the attached is an accurate translation of the original document.

Print Name of Translator

Signature of Translator

Date Signed