

## **TN Status Period of Stay Extended to 3 Years**

Recently, U.S. Citizenship and Immigration Services (USCIS) increased the maximum period of time a Trade-NAFTA (TN) professional worker from Canada or Mexico may remain in the U.S. before seeking readmission, or obtaining an extension of stay. In addition, eligible TN non-immigrants may now receive extensions of stay in increments of up to three years – instead of the prior maximum period of stay of one year.

The TN is visa category available to eligible Mexicans and Canadians with at least a bachelor's degree or appropriate professional credentials who work in certain qualified fields pursuant to the North American Free Trade Agreement (NAFTA). Qualified professions identified within NAFTA include, but are not limited to, registered nurses, occupational therapists, physical therapists, medical technologists, management consultants, computer systems analysts, accountants, engineers, and teachers. The list of qualified professions is extensive and can be found at:

<http://www.uscis.gov/propub/ProPubVAP.jsp?dockey=eba18ccef25b2aa6fdb6cf68504acb72>

Spouses and unmarried minor children of TN non-immigrants in their corresponding TD non-immigrant classifications will similarly benefit from this new rule increasing such dependents' maximum period of stay from one year to three years. In addition, this new rule will benefit U.S. employers by increasing the amount of time TN non-immigrants may work for them before having to seek an extension of status.

There is no limit on the number of times a person can apply for a TN visa or seek admission in TN status. Increasing the maximum period of stay for TN workers from one to three years before requiring the workers to seek readmission or an extension should:

1. provide for a more stable and predictable workforce for TN employers;
2. make the TN program more attractive to Canadian or Mexican employers and professionals who might otherwise be required to seek admission under the capped H-1B program, thereby possibly freeing up H-1B visa slots for other professional workers; and
3. reduce the cost and bureaucratic inconvenience to TN workers of extending status by requiring application for readmission or extension only once every three years instead of annually.

We frequently lament the errors and short-comings of U.S immigration law and policy. But – in this instance – we should applaud the U.S. government and USCIS for implementing a rule which grants greater benefits where needed, in order to improve the U.S. economy and assist deserving foreign nationals. [Portions of this article are excerpted from official USCIS memorandum.]

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