



USCIS Update

May 5, 2008

USCIS ANNOUNCES A PROPOSAL TO INCREASE PERIODS OF STAY FOR TN PROFESSIONAL WORKERS FROM CANADA OR MEXICO

WASHINGTON—U.S. Citizenship and Immigration Services (USCIS) announced today that it is publishing a Notice of Proposed Rulemaking (NPRM) to increase the maximum amount of time a Trade-NAFTA (TN) professional worker from Canada or Mexico can remain in the United States before seeking readmission or obtaining an extension of stay. The proposal will extend the maximum period of admission for TN workers from one year to three years, the same term that USCIS currently may grant to H-1B specialty occupation workers.

The proposed rule will further allow eligible TN nonimmigrants to be granted an extension of stay in increments of up to three years, as opposed to the current maximum of one year. TN nonimmigrants are not subject to a maximum period of stay and thus may seek multiple readmissions or extensions, provided their intended professional activity continues and they remain otherwise eligible. Current regulations require that TN workers seek readmission or apply for an extension of stay each year.

Canadian and Mexican citizens seeking temporary entry to the United States as professionals may come into the country as TN nonimmigrants under the North American Free Trade Agreement (NAFTA). TN status is available to Canadian and Mexican citizens with a minimum of a bachelor's degree, or appropriate professional credentials, who work in professions listed in Appendix 1603.D.1 to Annex 1603 of the NAFTA and under DHS regulations at 8 CFR 214.6(c). Eligible TN professions include, but are not limited to, accountants, engineers, attorneys, pharmacists, scientists, and teachers.

The NPRM, once implemented as a final rule, will ease administrative burdens and costs on TN nonimmigrants and will benefit U.S. employers by increasing the period of time beneficiaries are allowed to remain in the United States under a TN visa. The proposed changes would also apply to spouses and unmarried, minor children of TN nonimmigrants in their corresponding nonimmigrant classifications as NAFTA dependents.

This improvement to the TN nonimmigrant category was initially announced by Homeland Security Secretary Michael Chertoff and Department of Commerce Secretary Carlos Gutierrez on Aug. 10, 2007. This is part of the Administration's 26 initiatives to address current immigration challenges, including making existing temporary worker programs like the TN program more effective, using the tools and authorities available under existing law.

The NPRM is available on USCIS' Web site at www.uscis.gov and will soon publish in the *Federal Register*. Once published, persons wishing to comment on the TN professional worker NPRM may access the Federal e-Rulemaking Portal at www.regulations.gov and follow the instructions for submitting comments. USCIS will accept public comments until 30 days from the date the NPRM is published in the *Federal Register*.

For more information on the TN nonimmigrant visa program, visit the USCIS' Web site or call the National Customer Service Center at (800) 375-5283.

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