



Immigration Advisory

October 15, 2008

USCIS Announces Rule Change Allowing TN Workers to Obtain Three-Year Increments of Stay

In a long awaited decision, the United States Citizenship and Immigration Services (USCIS) announced on October 14, 2008 the implementation of a rule change allowing TN workers to obtain three-year increments of stay in the United States. This increased increment of stay applies to both initial TN periods of admission and extensions of stay. The ruling also benefits dependents in their corresponding nonimmigrant classification.

TN classification is available to Canadian and Mexican citizens with the appropriate education and/or experience credentials who work in one of the 63 qualified professions listed in the North American Free Trade Agreement (NAFTA). Qualified professions include architects, computer systems analysts, engineers, registered nurses, medical laboratory technologists, and physical therapists.

By extending the period of stay allowed TN workers, USCIS has lessened the burden on employees who, under existing law, were required to travel to Canada or Mexico on an annual basis to renew their TN status or to file petitions with the USCIS annually to renew their TN status. The potential negative consequence, however, of this rule change is that extensions may be more difficult to obtain since TN status is intended for temporary employment only.

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