

Office of International Education
Steps for Transferring and/or Extending TN (Canadian
National) Temporary Work Visa

Please complete and submit the listed documents **at least three months prior** to work start date.

1. Worksheet– must be completed by applicant’s department.
2. Sample Appointment Letter (*two pages*). Please draft the letter on your department’s letterhead – must be completed by applicant’s department.
3. Applicant’s TN forms (*???* pages) – must be completed by applicant. (Please forward to the prospective TN visa holder for him or her to complete and send to this office.)

Fees

4. TN processing fee of \$250 due to OIE-IS at time of petition submission. This fee may be transferred via Journal Voucher to index number 1-10209 (account 600099).
5. H-1B processing fee of \$320 due in check form made out to “U.S. Citizenship and Immigration Services.” (75 Lower Weldon St., St. Albans, VT 05479, tax ID 03-0180166).
Invoice to be sent to Accounts Payable: TN Petition Fees (*one page*) – must be completed by applicant’s department (*if applicant is not paying the fees*) and sent to accounts payable, NOT to OIE-IS.

Note: All checks must be separate. Per accounts payable protocol, these checks must be requested on separate days and can only be issued one per day. Please allow enough time for OIE-IS to receive them.

If you have any questions regarding the procedure please do not hesitate to contact OIE-IS at (804) 828-0595.

Thank you for your cooperation.

Updated 2009

TN Worksheet

Name of employee (beneficiary): _____

Last

First

Employing department (petitioner): _____

Federal Express Acct # _____ VCU/MCV job title: _____

\$250 Journal Voucher number _____

Type of Employment (*please circle*): Postdoc Teaching and Research Classified Staff (must attach EWP)

Describe fully the job to be performed (*If job duties are lengthy, please attach description to this form.*):

Working Title and name of immediate supervisor: _____

Phone number: _____ E-mail: _____ Box number: _____

Personnel Administrator: _____

Phone number: _____ Fax number: _____ E-mail: _____

Number of workers employee will supervise: _____ Minimum degree required: _____

Field of degree _____ State license required? _____

Employee's field of degree: _____

Physical address where employee will be working: _____

Dates of employment (mm/dd/yy): Begin date: _____ End date: _____

*(Maximum **three years**, and dates must agree with dates of employment on letter of support.)*

_____ Full-time (40 hours per week) appointment. Proposed salary: _____ for 12 months

If not full-time, give hours per week will work _____. \$_____ per hour if less than full time.

NOTE: "Department of Labor regulations require employers to keep records of 'hours worked each day and each week' for all part-time H-1B employees, regardless whether the part-time employee is paid a fixed salary, and regardless of whether the employer currently keeps such hourly records for its other part-time salaried employees." This information must be kept with the personnel administrator in your department (see time sheet example page 3).

Department chair: _____ Date: _____
(printed name) (signature in blue ink)

Personnel administrator: _____ Date: _____
(printed name) (signature in blue ink)

Invoice to be sent to Accounts Payable: TN Petition Fee
Send this form to Accounts Payable with your requisition request.

The purpose of this form is to facilitate the issuance of a VCU check through a purchase order for the TN petition filing fees upon behalf of current or incoming TN employees. Please complete Section I of this form and submit it to Accounting with the purchase order request for a check.

Per the U.S. Department of Labor rules, the “cost of doing business” associated with the sponsoring of an individual in TN status must be borne by the employer. VCU as the employer must bear the base cost of the petition-filing fee, payable to “U. S. Citizenship and Immigration Services” (USCIS). The petition fee can be paid by the department or, in some instances, by restricted funds. The department should submit one check to our office covering the total filing fee.

Federal grants usually permit the payment of such petition fees if the employee’s salary also will be paid in full by the grant. Grants from nonfederal sources may or may not permit the payment of the TN petition. If you plan to pay the TN fee from any restricted funds, you should review the terms and conditions of the award.

The department portion of the TN packet may be submitted to the OIE-IS separately from the check (i.e. you do not have to wait until the check is issued to submit the TN request to our office. If you do so, be sure to use the following check stub notation: TN for “name of alien employee.” Check stubs without the alien’s name cannot be connected to a file. **Failure to obtain the check within a timely manner could result in serious filing delays.**

Department Checklist

- Prepare a requisition. Be sure to put the employee’s name on the check stub.
- Send this form and the purchase order to accounting.

Name of department making request _____

Name of employee _____

Purpose of request: USCIS petition and application fee form TN visa classification.

- **Make both checks payable to: “U. S. Citizenship and Immigration Services”**
Vermont Service Center
75 Lower Weldon Street
St. Albans, VT 05479
Tax ID 03-0180166
- **Make the first check for the amount of \$320.**
- **List the employee’s name on the check stub.**
- **The checks must be picked up by the department and accompany the petition. Please do not send them to USCIS.**

Updated 2009

V I R G I N I A C O M M O N W E A L T H U N I V E R S I T Y
Office of International Education / Immigration Services
916 W. Franklin St., P.O. Box 843043, Richmond, VA 23284-3043 Fax: (804) 828-2552 Tel: (804) 828-0595

Sample Appointment Letter
for the TN visa
(To be completed on department's letterhead)

Date

United States Department of Homeland Security
U.S. Citizenship and Immigration Services
Vermont Service Center
75 Lower Weldon St.
St. Albans, VT 05479

Re: TN petition for _____

To Whom It May Concern:

This letter is submitted on behalf of Dr./Mr./Ms. _____, a citizen of _____ by Virginia Commonwealth University. Virginia Commonwealth University (VCU) is an urban, state-supported institution enrolling over 30,000 undergraduate, graduate and health professional students at both academic and medical campuses in Richmond. The medical campus includes VCU Health Systems. The total workforce of the University — faculty, physicians, nurses, and administrative and support staff — is more than 13,600. Dr./Mr./Ms. _____ will be working in the Department of _____ at VCU.

The Position Offered

The Department of _____ is offering Dr./Mr./Ms. _____ a temporary period of employment from _____ to _____. (Please indicate mm/dd/yy for start and end dates.) Dr./Mr./Ms. _____ will be appointed as a/an _____ on a full-time basis and will be compensated at the rate of _____ per year. A prerequisite for this position is a degree in _____.

The funding for this research/teaching position stems from _____ Dr./Mr./Ms. _____'s specific job duties will involve: _____

Any patient and/or clinical contact associated with his/her duties as _____ will be strictly incidental to her research/teaching appointment. **This employment offer is contingent upon the approval** of Dr./Mr./Ms. _____'s TN nonimmigrant visa or change-of-status.

Beneficiary

Dr./Mr./Ms. _____'s exceptional qualifications demonstrate that he/she is a professional in his/her field. Dr./Mr./Ms. _____ received his/her degree from _____ in _____, _____ she/he received the degree in _____.

<Describe applicant's experience and qualifications here>

Terms of employment

In the event that employment is terminated prior to the expiration of the TN visa, the Department of _____ agrees to pay all reasonable costs for Dr./Mr./Ms. _____ to return to his/her country of citizenship or legal permanent residence.

Should you have questions concerning this petition, please contact the Director of Immigration Services in the Office of International Education at (804) 828-0595.

Sincerely yours,

Chair, Department of _____

- end draft letter -



Office of International Education
Immigration Services: A Memorandum

To Prospective VCU employee: _____

From: Office of International Education-Immigration Services (OIE-IS)

Date: _____

Subject: Documents needed for filing the TN visa petition

Enclosed please find a checklist and instructions for the documentation needed from you in order for VCU to petition the U.S. Citizenship and Immigration Services on your behalf for a TN visa. Please **carefully** read all the instructions before beginning to collect documents.

The OIE-IS will assist in making this process as efficient and uncomplicated as possible for VCU departments and employees. Some items or actions are required by law and the regulations are out of our direct control. There are two components to a TN visa petition: Department of Labor (DOL) processing and U.S. Citizenship and Immigration Services (USCIS) processing. The VCU department will provide us with the necessary documentation for the DOL processing. Once we have the certified Labor Condition Application from the DOL and have all the necessary documentation to file the TN petition we will send the petition with supporting documents to the USCIS. Immigration is taking about 120-150 days from **receipt** of the petition to process an TN. Filing fee for the TN visa is \$320 and a check must be written payable to “U.S. Citizenship and Immigration Services.”

If your family will accompany you, in addition to the forms in this package, you must complete and sign form I-539 which can be downloaded directly from USCIS web site at:
www.immigration.gov/graphics/formsfee/forms/i-539.htm

The filing fee for I-539 is an additional \$300 and the check must be written payable to “U.S. Citizenship and Immigration Services.”

If your spouse’s family name is different from yours, please provide a copy of your marriage certificate with a certified translation. For each child included on the form, please provide a copy of the birth certificate and a certified translation.

Once we receive a TN approval we will contact the appropriate VCU department.

Updated 2009

Employee Checklist for Visa Class

- ___1. If you are currently in the U.S., be sure to include two copies of your (and your dependents') I-94 (front and back), **passport bio page**, visa stamp and visa documents including any I-797 TN approval notices with the form. Passport validity date must be at least six months beyond the intended start date of employment.
- ___2. Prepare **two copies of your current, updated, curriculum vitae (CV)**.
- ___3. Read the **"Rules for Documents."** Equivalency evaluations, translations and certifications are **required**. If the position is a clinical faculty or a clinical housestaff position, see the additional documentation requirements below.
- ___4. Obtain **transcripts** as necessary. Submit two copies.
- ___5. Obtain **translations** of documents not in English. Submit two copies.
- ___6. Obtain **equivalency evaluations** for degrees or diplomas not from the U.S. Submit two copies.
- ___7. Prepare two **certified copies of each of the required diplomas (highest degree level), certificates, licenses, etc.** proving qualifications required for the job. If the diploma is not available, please obtain a letter from the registrar confirming completion of the degree and date degree will be awarded. Three copies of this must be submitted with the transcripts.
- ___8. Complete the enclosed **Supplement for I-129 form**.
- ___9. If you have dependents who will need to extend their TD status, the **eldest dependent** must complete the form I-539 and list additional dependents on the addendum. The filing fee for the form I-539 is \$300. This cost is your responsibility. Make check or money order payable to: "U.S. Citizenship and Immigration Services." Submit two copies of supporting documents.

NOTE: The address you list on the I-539 will be the address to which the approval notices for your dependents are sent. Please be sure you are not moving within the next several months as those notices will **NOT** be forwarded to your new address by the postal service. If you will be moving in the next six months, please use the OIE address at the bottom of this page on your I-539.
- ___10. When you have all of the documentation collected, please send the documentation to Immigration Services at the Office of International Education. The OIE-IS recommends that you first check with your department to determine whether they have completed their part, and verify that it has been sent. Please mail your completed packet to the address below.

For Employees who are TRANSFERRING their current TN from another US employer to VCU:

In addition to the above documents, we will need three months of your most recent pay stubs to prove that you have maintained your TN status.

Updated 2009

VIRGINIA COMMONWEALTH UNIVERSITY
Office of International Education / Immigration Services
116 W. Franklin St., P.O. Box 843043, Richmond, VA 23284-3043 Fax: (804) 828-2552 Tel: (804) 828-0595

Rules for Documents

Only the documents appropriate to the position need to be submitted. For example, if the job requires a Ph.D. in a specific field, then only the Ph.D. diploma is required. Earlier degrees such as the bachelor's and master's are not needed.

Equivalency evaluations must accompany foreign diplomas to show that the foreign degree is sufficient to qualify one for the position being offered. It may be necessary to have a professional credentials evaluation service do this work. For medical degrees (those recognizing the profession or qualification of physician or surgeon) the equivalency determinations must have been made by the Educational Commission for Foreign Medical Graduates (ECFMG).

Transcripts are required for diplomas that do not list the field of study. For example a VCU Ph.D. diploma carries only the degree of "Doctor of Philosophy." It does not list the field in which the Ph.D. was obtained. In this case a transcript is necessary to show that the degree was received in the field in which the job is offered.

Translations must accompany all documents not in English, including diplomas written in Latin. Translations must be certified by a U.S. consular officer or by a recognized translation service. Translations done by faculty members are accepted by the USCIS if the faculty member attaches a cover letter on department letterhead attesting to the accuracy of the translation and explaining his or her competence to translate. The cover letter and each page of the translation should bear the faculty member's signature and the date.

Photocopies of diplomas, certificates, etc. are acceptable if a certification statement is attached to the copies and is signed and dated by the alien. (See Certification of Documents instructions below.)

Important note: These instructions are for visa purposes only. Licensing or certifying authorities usually have different, more stringent requirements for their purposes. If a license or certificate is required for a visa, then the applicant must prepare two sets of documents: one of which meets immigration standards for a visa and one of which meets licensing or certifying authority standards for the granting of a license or certificate.

Certification of Documents for US Citizenship and Immigration Services Purposes Only

To be completed by the prospective alien employee

1. Collect original documents. You must have access to the original document. USCIS has the right to require presentation of the original.
2. Make two photocopies of each original to be submitted to USCIS.
3. Fill in, sign and date the "Document Certification" form. **Do not use black ink.** Blue ink is preferred. Sometimes one can not distinguish black ink from a photocopy.
4. Submit the completed "Document Certification" with copies of your documents to OIE-IS along with other forms and documents for your petition or application.
5. You can find information about foreign credential evaluation online at the National Association of Credential Evaluation Services.

Document Certification

This certification is prepared in compliance with regulations relating to the verification of documents.

Alien name: _____
First Last Middle

Date of birth: _____
Month Day Year

Country of birth: _____

Copies of documents submitted are exact photocopies of unaltered original documents and I understand that I may be required to submit original documents to an immigration or consular official at a later date.

Signature of person certifying

Full name typed or printed

Date

TN Classification
Supplement to Form I-129

Statement of alien regarding prior TN classification.

Principal

Family name: _____ Given name: _____ Ini: _____

During the last six years have you been in the U.S. in any "TN" classification? _____ no _____ yes

If you answered "yes" list all dates and H categories. List only those dates you were present in the U.S.

Category	From (mm/dd/yy)	To (mm/dd/yy)
_____	_____	_____
_____	_____	_____
_____	_____	_____

Dependent

Family name: _____ Given name: _____ Ini: _____

During the last six years have you been in the U.S. in any "TN" classification? _____ no _____ yes

If you answered "yes" list all dates and H categories. List only those dates you were present in the U.S.

Category	From (mm/dd/yy)	To (mm/dd/yy)
_____	_____	_____
_____	_____	_____
_____	_____	_____

Dependent

Family name: _____ Given name: _____ Ini: _____

During the last six years have you been in the U.S. in any "TN" classification? _____ no _____ yes

If you answered "yes" list all dates and H categories. List only those dates you were present in the U.S.

Category	From (mm/dd/yy)	To (mm/dd/yy)
_____	_____	_____
_____	_____	_____
_____	_____	_____

Dependent

Family name: _____ Given name: _____ Ini: _____

During the last six years have you been in the U.S. in any "TN" classification? _____ no _____ yes

If you answered "yes" list all dates and H categories. List only those dates you were present in the U.S.

Category	From (mm/dd/yy)	To (mm/dd/yy)
_____	_____	_____
_____	_____	_____
_____	_____	_____

Instructions for completing the I-539, filing for a transfer of TN status or filing for an extension of TN status

Who may apply? (note: this is not for dependents/spouse currently living abroad)

TD dependents, the spouse or child of a TN, or the spouse or dependents of the principal visa holder who is applying for an extension of TN, may apply to the U.S. Citizenship and Immigration Services (USCIS) for permission to transfer or extend visa status.

How do I apply?

Download from the USCIS Web site:

<http://www.ins.usdoj.gov/graphics/formsfee/forms/files/i-539.pdf>

The following items must be collected, prepared and brought to the Office of International Education with the principal's TN packet: **A completed and signed form I-539**. Please refer to the specific instructions for the Form I-539 below. The I-539 must be completed **by the eldest dependent (spouse or eldest child)** of the principal applying for the TN. If there is more than one family member, the additional family members can be included on the Supplement I.

Part 1: Information about you: The information requested in Part 1 is information about the eldest dependent. **Type or print address clearly;** the I-797 TD approval notice will be sent directly to you. **The U.S. Postal Services will not forward mail from USCIS** therefore you must be sure you will be at that address for a minimum of six months. If you do not have a Social Security number, do not be alarmed, simply leave the space blank. It also is possible that you will not have an A number. If that is the case, please leave the space blank. The last four blanks can be completed with information from your I-94 card. The I-94 form is the white card issued to you when you entered the U.S. and is usually stapled inside your passport. The date of last arrival into the U.S.: Enter the date of your **most recent** entry into the U.S. This date is stamped on your I-94 form. The I-94 number is the 11-digit number located on the upper-left corner of your I-94 form. Your current nonimmigrant status will be written on your original or most recent I-94 card. Your current nonimmigrant status will expire on the date written on the I-94 card, or the date written on the principal's most recent visa document.

Part 2: Application type. In Number 1 please check the box that pertains to you. If you are applying for an extension of TD status. In Number 2 please enter the total number of dependents that are applying.

Part 3: Processing information. In Number 1, the date should match the dates of the TN petition. Number 2 is "no." Number 3 is "yes," filed with this application. In Number 4, the name of the principal should be entered in the first box.

Part 4: Additional information. Provide the requested information regarding your passport and foreign address. You must have a foreign address. If you do not currently have a residence in your home country, then use the home address of a family member still residing in your home country. On the back page please answer questions 3a – 3f truthfully. If you have worked in the U.S., please provide additional information on the addendum page that is attached to the form I-539. If you have not worked, please include a brief statement on the supplement explaining how you will be supported while a TD in the United States. **Please remember that a TD is not eligible for work authorization.**

Part 5: Signature. Read the information in the Part 5 and sign your name. If the I-539 is being submitted for a child who is unable to complete the form, but can sign or print his/her name, have the child sign in Part 5. If the form has been prepared by someone other than the signatory, that person must enter his/her information in Part 6.

What other documentation should I provide?

- A photocopy of both sides of the I-94 card for all family members included in the I-539 who are requesting an extension or TN status.
- A check or money order for \$300 made payable to the U.S. Citizenship and Immigration Services. Money orders can be obtained from area post offices, banks, and some convenience stores.
- A photocopy of your passport pages that contain biographical information, as well as the expiration date.

The OIE-IS will mail both applications together.

Request for TN Temporary Visa Form For Prospective Employee

All pages must be completed by the prospective international employee.

Please list your VCU department/office contact person
This form must be returned **only** to your sponsoring VCU department or office.
Please type or print clearly. **All questions must be answered.**

Section I: Information about the visitor

1. Surname (*Family name*) _____

(Please write as it appears in your passport.)

Given name _____ Middle name _____

Required

2. Gender ___ male ___ female

3. Marital status ___ married ___ engaged ___ separated ___ not married

4. Date and place of birth _____
month *day* *year* *city* *state or province* *country*

5. _____

Country of legal permanent residence

6. _____

Country issuing passport

7. Passport # _____ Passport issue date _____ expiration date _____
(mm/dd/yy) *(mm/dd/yy)*

8. United States Social Security number (*if you have one already*) _____

9. Education: Check as appropriate and specify name of school, country where school is located, year degree awarded.

10. Field of study of highest degree: _____

11. If degree awarded by a U.S. university, give name **and street address** for that university.

Degree	School name	Country where school is located	Year & Month degree awarded
Doctor of Philosophy			
Doctor of Medicine			
Bachelor of Medicine & Surgery			
Master's			
Bachelor's			
Other (<i>Please specify</i>)			

12. Mailing address outside of the U.S. (*At least one complete foreign address is **required**. Use a relative's address if necessary.*)

Home _____

City/Country/Postal code _____

Telephone _____ E-mail address (*if applicable*) _____

13. U.S. Consulate where you will apply for your visa stamp if outside US. (*Canadian citizens do not need visa stamp in passports. Persons changing visa class in the U.S. must list a post in their home country.*)

City

Country

14. Home residential address in the U.S, including city, state and zip code, if any

U.S. telephone _____ U.S. facsimile _____

U.S. e-mail address (*if available*) _____

Section II: U.S. visa history

1. Are you currently in the U.S.? ____ yes ____ no

If "yes," answer the following:

- ____ I am requesting a transfer from my current employer.
____ I am requesting an extension of TN from VCU.
- The number on my I-94 card is _____. My last date of arrival in the U.S. was _____.
- The expiration date of my current status is _____. **Enclose a copy of I-94** (*front and back*)
- If you have now or have had in the past an Employment Authorization Card, I-766, give us your A#: _____ and the expiration date on the card: _____. The A# usually is found in the upper-left corner of the card. This card is given to those who have filed an I-765 Application for Employment Authorization with the USCIS. **Enclose a photocopy of the I-766.**

2. If you have previously held TN status, provide the date you first entered the U.S. in TN status:

_____.

Important note: If you are in the U.S. or plan to enter in a visa class not sponsored by VCU there may be further delay in obtaining the appropriate visa for you. **Changing or correcting the visa class after arrival may take several months, and you may not work or be put on the payroll for salary or benefits purposes until the U.S. Citizenship and Immigration Services approves the change.**

1. During the last seven years, have you been in the U.S. in any visa class other than tourist? yes no
If “yes,” complete this section. Begin with your current visa class and work backward. Attach a separate sheet if necessary. Enclose **two copies of all** (*old and current*) related documents such as your I-20 for F-1 or F-2, DS-2019 for J-1, or I-797 Approval Notice for TN Status.

Began	Ended	Visa	Class purpose of stay and location
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

2. Have you ever filed, or has anyone ever filed for you, any forms, petitions, applications or labor certifications for lawful permanent residence status (i.e. immigrant status, green card) at a U.S. Immigration Office in the U.S. or at a U.S. embassy or consulate outside the U.S.? yes no

If you answered “yes,” attach a separate sheet and explain. Include: what forms were filed, the date and place of filing, the name of the person who filed, the relationship of that person to you, the final decision on the application or petition, the current status of the application or petition.

4. Has any U.S. visa application of any kind filed by you or for you ever been denied? yes no
If “yes,” attach a separate sheet and explain. Include the kind of application, the date and place it was filed, the reason for denial.

5. Are you or any family members applying with you currently in exclusion or deportation proceedings?
 yes no

6. Do you have any relatives who are U.S. citizens? yes no. **If “yes,”** what are their relationships to you?

7. Do you have any relatives who have lawful permanent residence (green card) status in the U.S.?
 yes no. **If “yes,”** what are their relationships to you?

8. The applicant for a visa must read and sign the following: *The information given on this visa request form and on attached sheet(s) is true, correct, and complete according to my best information.*

Signature

Date

Section III: Family members

Complete this for spouse and children. Only spouse and unmarried children under 21 may be included as family members.

Will your spouse and/or any of your children have their own positions in the U.S. that will give them their own visa? yes no. **If "yes," please explain.**

Surname or family name of spouse _____
Surname or family name before marriage _____
Given name or names _____ Male Female
Date and place of birth _____
(mm/dd/yy) city state or province country
Passport/citizen country _____ Passport number _____
Date passport expires _____
(mm/dd/yy)
Spouse will travel with principal visitor. _____
Spouse will arrive later. Expected arrival date: _____
Spouse will not come to the U.S. or is in the U.S. and will not need a visa. _____
Spouse is already in the U.S. and will need a transfer, extension or change of visa status. _____

Surname or family name of child _____
Surname or family name before marriage _____
Given name or names _____ Male Female
Date and place of birth _____
(mm/dd/yy) city state or province country
Passport/citizen country _____ Passport number _____
Date passport expires _____
(mm/dd/yy)
Child will travel with principal visitor. _____
Child will arrive later. Expected arrival date: _____
Child will not come to the U.S. or is in the U.S. and will not need a visa. _____
Child is already in the U.S. and will need a transfer, extension or change of visa status. _____

Surname or family name of child _____
Surname or family name before marriage _____
Given name or names _____ Male Female
Date and place of birth _____
(mm/dd/yy) city state or province country
Passport/citizen country _____ Passport number _____
Date passport expires _____
(mm/dd/yy)
Child will travel with principal visitor. _____
Child will arrive later. Expected arrival date: _____
Child will not come to the U.S. or is in the U.S. and will not need a visa. _____
Child is already in the U.S. and will need a transfer, extension or change of visa status. _____

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