

## **PROCEDURES FOR HIRING FOREIGN NATIONALS ON TN VISAS**

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The North American Free Trade Agreement (NAFTA) creates special economic and trade relationships for the United States, Canada and Mexico. The nonimmigrant NAFTA Professional (TN) visa allows citizens of Canada and Mexico to work in the United States as NAFTA professionals (minimum of a bachelor's degree). The TN establishes work authorization for an initial period of up to three years which may be renewed for an additional three-year period. In addition, the TN visa is not portable, and individuals in the U.S. on a TN visa are required to get a new visa if they change employers.

TN visas do not require a prevailing wage determination or a Labor Condition Application (see H-1b).

TN visas do not require a petition filed by Auburn University to the United States' Citizenship and Immigration Services (USCIS) on behalf of the candidate.

A TN visa does NOT confer permanent residence. Therefore, the use of a TN visa to hire tenure track faculty members must be carefully evaluated prior to a final offer.

### **Initial Application and Hiring Procedures**

Whether the hiring process involves a faculty member, post doctoral fellow, administrative / professional, or University staff position, there are several steps that all positions need to complete;

1. There must be a candidate selection process. In all cases, Auburn University policies and procedures must be followed.

2. There must be a written offer of employment sent to the finalist with the conditions of employment, including salary.

Faculty - salaries have to be in line with the actual wage per discipline.

Post doctoral fellows - must follow guidelines established by the Provost's office.

Administrative/professional, staff positions - a salary referral must be requested from Human Resources (HR). The salary referral will be provided in compliance with AU policies and procedures. NO offer can be made until the standard employment approval process has been completed.

**NOTE:** Before the finalist is notified or a letter of offer sent, the hiring department should contact the Office of International Education to verify that the TN visa category is the most appropriate for the candidate.

3. The candidate takes the offer letter and applies for the TN visa at their nearest U.S. consular office.
4. Upon arrival at Auburn, all foreign national employees must go to the Office of International Programs (OIP) to receive employment counseling and complete the Alien Employment Verification & Tax Form.
5. The hiring department completes the hiring process following the procedures established for each type of position.

**NOTE:** The employment date cannot precede the start date on the employee's TN visa.

### **Faculty / Post doctoral Hiring**

Upon the candidate's arrival at Auburn with the TN visa, the following paperwork is to be sent through required channels to the Provost's Office for forwarding to HR:

- Academic Personnel Authorization Form
- Provost 100
- Personal Data Form
- A-4 Form for Alabama Tax w/h
- Alien Employment Verification & Tax Form
- I-9 Form with copies of supporting documents attached. **The I-9 Form must be processed within 3 days of the hiring date.**
- W-4 Form
- Copy of Social Security card or proof of application\*
- Direct Deposit Form

### **Administrative/Professional & University Staff**

Upon the candidate's arrival at Auburn with the TN visa, the following paperwork is to be sent through required channels to Human Resources:

- PAF Authorization Form
- Personal Data Form
- A-4 Form for Alabama Tax w/h
- Alien Employment Verification & Tax Form
- I-9 Form with copies of supporting documents attached

- W-4 Form
- Copy of Social Security card or proof of application\*
- Direct Deposit Form

\* **NOTE:** The Social Security Administration does not allow foreign nationals to apply for a social security card prior to 10 days after their arrival in the U.S. Timing of their arrival is therefore critical to insure the faculty member gets on the payroll early enough to get paid on the first available payroll period.

This paperwork must arrive in Human Resources **no later than the third day of hire** in order to ensure compliance with Federal requirements regarding employment eligibility documentation. Failure to meet the third day of hire deadline with the appropriate and duly completed documentation will result in the employee not receiving pay in a timely manner. Missed deadlines will result in the employee being paid on the next available pay cycle.

### **Extending the TN Visa**

The OIP can assist individuals with extensions of their TN visa, but this process must begin 3 – 6 months in advance of the end of their work authorization. The individual will have to provide a letter from the hiring department on departmental letterhead, indicating the department's desire to continue their employment. The individual may also return to their country of origin and provide documentation indicating Auburn University's intent to employ them for another defined time period.

### **Permanent Residency**

Generally speaking, obtaining permanent residency from a TN visa is very difficult. However, if the University wishes to sponsor the candidate for permanent residency, the process needs to be initiated within 18 months of the date of the original offer of employment for the TN visa.