

## **9 FAM 41.59 Procedural Notes**

*(TL:VISA-603; 01-13-2004)*  
*(Office of Origin: CA/VO/L/R)*

### **9 FAM 41.59 PN1 Visa Issuance Procedures**

#### **9 FAM 41.59 PN1.1 Evidence of TN Qualification**

*(TL:VISA-603; 01-13-2004)*

*A Mexican or Canadian citizen seeking issuance of a treaty national (TN) nonimmigrant visa (NIV) must present the following documentary evidence to substantiate his or her claim to TN classification:*

*(1) Proof of citizenship (see 9 FAM 41.59 N6);*

*(2) Evidence of an offer of employment, such as a letter or contract offering employment in one of the professional occupations which requires the education and/or experience listed in Appendix 1603.d.1 of North American Free Trade Agreement (NAFTA) chapter 16 (see 9 FAM 41.59 N7);*

*(3) Evidence that the applicant meets the minimum education and/or work experience requirements set forth in Appendix 1603.d.1 (see 9 FAM 41.59 N7.1).*

#### **9 FAM 41.59 PN2 Spouses and Minor Children**

*(TL:VISA-603; 01-13-2004)*

*a. Spouses and minor, unmarried children who are accompanying or following to join TN professionals, may be issued treaty dependent (TD) visas. As with any derivative status, TD applicants must demonstrate a bona fide spousal or parent-child relationship to a TN status holder. Dependents of Canadian citizens in TN status should be able to show a valid Form I-94, Arrival and Departure Record authorizing the principal's TN status. Dependents who are Canadian citizens are not required to obtain visas.*

*b. Family members possessing either Mexican or Canadian citizenship should be issued multiple entry visas valid for the maximum period authorized by Appendix C or for the length of the principal alien's visa and/or authorized period of stay, whichever is less.*

*c. Non-Canadian or Non-Mexican family members of TN status holders are entitled to TD visas, which can be issued in non-Canadian or non-Mexican passports. The Canadian or Mexican reciprocity schedules in Appendix C (depending on the TN status holder's nationality) should be followed regardless of the dependent's actual nationality (see 9 FAM 41.59 N13.2).*

### **9 FAM 41.59 PN3 *Visa Annotations***

*(TL:VISA-603; 01-13-2004)*

*a. TN visas issued to NAFTA professionals should be annotated indicating the employer and the NAFTA "profession" on which the TN status is based.*

*b. TD visas issued to dependent family members of TN status holders should be annotated with the name of the principal alien.*

### **9 FAM 41.59 PN4 *Visa Fees***

*(TL:VISA-603; 01-13-2004)*

*TN visa applicants, whether Canadian or Mexican, must pay the application Machine Readable Visa (MRV) fee as indicated on the Schedule of Consular Fees. Department of Homeland Security (DHS) shall assess Canadian citizens entering the U.S. as NAFTA professionals without a visa a processing fee of \$50.00. Since Mexicans entering the U.S. as NAFTA professionals must possess a valid TN visa, no similar fee shall be charged to Mexican citizens.*