

9 FAM 41.59 N13 SPOUSES AND MINOR CHILDREN (TD VISA HOLDERS)

(CT:VISA-1543; 09-27-2010)

a. Spouses and minor, unmarried children who are accompanying or following-to-join TN professionals may be admitted to the United States in the TD classification. *TD visa applicants, like TN visa applicants, are subject to INA 214(b).* Dependents are not permitted to accept employment in the United States while in TD status *unless they are otherwise authorized to do so by DHS.* They are, however, permitted to attend school on a full-time basis. There is no processing fee for classifying dependents of Canadian TNs. As with any derivative status, TD applicants must demonstrate a bona fide spousal or parent-child relationship to a TN status holder.

b. *If the TN status holder is a Canadian who obtained TN status without the use of a visa, he or she should be able to show a valid Form I-94, Arrival and Departure Record, which demonstrates that DHS authorized his or her TN status.* Aliens normally exempt from visa requirements need not obtain visas *in order to support the dependent (TD) visa application.*

9 FAM 41.59 N14.1 Mexican or Canadian Family Members

(CT:VISA-1346; 10-14-2009)

Family members possessing either Mexican or Canadian citizenship should be issued multiple entry visas valid for the maximum period authorized by reciprocity schedules or for the length of the principal alien's visa and/or authorized period of stay, whichever is less. (See reciprocity schedules for fees.)

9 FAM 41.59 N14.2 TN Family Members Not Possessing Mexican or Canadian Citizenship

(CT:VISA-1346; 10-14-2009)

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. However, only the Canadian and Mexican reciprocity schedules provide data for TN and TD visas. Therefore, the number of entries, fees, and validity for non-Canadian or non-Mexican family members of a TN status holder seeking TD visas should be based on the reciprocity schedule of the TN principal alien. For example, a Chinese national married to a Canadian would be issued a TD visa in his or her Chinese passport based on the Canadian reciprocity schedule. In this case the applicant would be the recipient of a visa valid for multiple entries, no fee. However, a Mexican married to a Canadian would be issued a TD visa in his or her Mexican passport valid for multiple entries with a fee of \$100.00 based on the Mexican reciprocity schedule.

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9 FAM 41.59 N14.4 Canadians Requiring TN Visas

(CT:VISA-1346; 10-14-2009) U.S. Department of State Foreign Affairs Manual Volume 9--Visas 9 FAM 41.59 Notes Page 10 of 10

In rare cases, posts may need to issue a TN visa to a Canadian. For example, a Canadian without TN status, who resides in a third country with a non-Canadian spouse or family members, and who plans to enter the United States as a NAFTA professional simultaneously with the family member(s) will need a TN visa in order to confer derivative (TD) status on his or her dependents. In such cases, the Canadian could not wait to have his or her case adjudicated by DHS at a port-

of-entry (POE), since the non-Canadian dependent would require a visa to board a flight and to apply for entry into the United States.

<http://www.state.gov/documents/organization/87246.pdf> (Accessed Aug. 23, 2012)