

## Where and How You File a TN Work Permit for Canadian Professional Matters



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Many Canadians take for granted the ease with which they can apply for TN (Trade NAFTA) work authorization at a U.S. border or preclearance location. Generally, and for those who qualify, it is a quick and inexpensive way to obtain permission to work for a specific employer or U.S. clients of a Canadian business.

However, your ease of approval and entry can be significantly impacted by where and how you apply for TN status. Key things to consider when applying for TN status, to improve your chances of approval, include:

**1. All ports of entry are not equal:** Applicants can most easily and inexpensively apply for TN status at a U.S. land border or airport preclearance location (Customs and Border Protection (CBP) Preclearance is the strategic stationing of CBP personnel at designated foreign airports to inspect travellers prior to boarding U.S.-bound flights). However, not all ports are the same. Some look more favourably on TN applications in general or TN applications in certain job categories (e.g., management consultants), while others take a harsher policy stance on adjudication. Knowing which ports are more willing to fairly adjudicate the type of TN application you are filing based on your

qualifying job category can make a huge difference to your chances of approval.

**2. Scheduling an appointment vs. showing up requesting admission:** While airport preclearance locations normally only require you to have a flight scheduled to process you for entry to the U.S. in TN status, most land ports require you to schedule an appointment for TN adjudication. Very few do not, but there remain a few land ports where you can just show up any day for processing. If you have an urgent need for TN status and not a lot of time to prepare, we recommend either scheduling a flight and purchasing a ticket (and then arriving hours early to process for your work authorization) or locating a land border port of entry where no prior appointment is required.

**3. Remember that CBP officers have full discretion to deny your application for TN status:** CBP officers are given wide discretion to approve or deny TN status. Even at the most facilitatively minded U.S. port or preclearance location, CBP officers primarily serve a law enforcement function — and so whether the officer is looking at your application with a mindset to approve or a mindset to deny unless otherwise convinced depends very much on the particular human being you encounter. Be prepared to explain how and why you qualify, if pushed, and to respond calmly and respectfully to any concerns by the adjudicating officer.

There are things you should definitely NOT do when applying for TN status. For example, if you have been denied TN status at one border or port of entry, do not go to a different port to “try again” elsewhere. The best example of how this can go awry is the March 2025 case of Jasmine Mooney, a Canadian who had been first denied and then approved for TN status, which had subsequently been revoked upon an attempted entry in TN status from Canada. Unsatisfied with this result, she flew to Mexico and attempted to apply again for the same status at the Mexico-U.S. border. When her application for entry in TN status was again denied, Mexico refused to re-admit her (as a Canadian citizen) into Mexico — and so she was detained and put into U.S. federal detention for 12 days, until she was deported back to Canada.

As demonstrated by this situation, past immigration issues are communicated in CBP’s centralized system and can lead to denied access to the U.S., inadmissibility findings and even detention by U.S. CBP officers or Immigration and Customs Enforcement (ICE). Also, applying from a country other than your home country can increase the scrutiny on your case, thereby making it less likely that you will be approved. Some applicants who go to a different port to request entry after denial are considered to be “port shopping” and may be subjected to something called “expedited removal,” rendering them inadmissible to the U.S. for five years or longer.

Instead of “trying again” at another port, applicants who find they are having difficulty obtaining approval or feel they had an unfair adjudication of their eligibility can and should file directly with U.S. Citizenship & Immigration Services (USCIS). While this process is far more expensive and time-consuming, it is usually the best fallback option for those who have been denied or told they will not be approved, and then permitted to withdraw their application for admission to the U.S. in TN status, at a port of entry.

The best way to obtain TN approval is to reach out for assistance from someone with knowledge of the immigration landscape and current policies at the various ports. The immigration team at Lippes Mathias would be happy to help you assess your chances of approval for TN status and the best options for applying based on your unique circumstances, opportunities and limitations. Reach out to Elizabeth M. Klarin ([eklarin@lippes.com](mailto:eklarin@lippes.com)) or Eileen M. Martin ([emartin@lippes.com](mailto:emartin@lippes.com)) for more information.

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