

## **X. TN VISA/ STATUS- MEXICAN AND CANADIAN LISTED PROFESSIONALS**

Canadian and Mexican citizens are qualified to apply for a TN work visa listed in the Appendix 1603.D.1 under the North American Free Trade Agreement (NAFTA). To qualify, he or she must be coming to the United States to work in a professional occupation listed in the NAFTA treaty and must meet some of the specific requirements for that profession like a degree, license and professional experience. The perspective work must be through: a) work relationship with a US entity, or b) contractual relationship with the entity. The TN visa status holder must also not intend to apply for a green card. Mexicans must have a visa approval from a U.S Consulate office in Mexico while Canadians may apply for TN visas at the port of entry between U.S. and Canada.

Canadian nationals may obtain the NAFTA visa at the border. They do not require prior petition approval by the U.S. Citizenship and Immigration Services (USCIS) or a Labor Certification from the Department of Labor. Canadian and Mexican professionals can maintain NAFTA visa status indefinitely by requesting extensions based upon their qualifying professional activity. You are entitled to request TD dependent visa status for your spouse and children under the age of 21. Your dependents may attend school as long as they continue to qualify under the TD visa classification criteria. You can freely travel in and out of the U.S. provided you have a valid TN status.

Canadian citizens are not required to obtain a visa, but instead receive TN status with the USCIS at a "Class A" port of entry or at U.S. Pre-flight Inspection Stations. To receive TN status, you may have to submit the following documents at the port of entry: (a) Proof that you are a Canadian citizen - Original passport or birth certificate; (b) a letter from the prospective U.S. - based employer offering you a job in the U.S., which is included on the professional job series (NAFTA list); (c) college degrees and employment records establishing your qualification for the prospective job; (d) proof of a license to practice the profession if one is required in the state of intended employment.

Mexican citizens may apply at consular sections around the world for a NAFTA professional (TN) visa. To receive a TN visa, you must submit the following forms and documentation: (a) Form DS-156, Nonimmigrant Visa Application completed and signed; (b) Form DS-157, Supplemental Nonimmigrant Visa Application by male applicants between 16-45 years of age; (c) a passport valid for travel to the U.S. and with a validity date at least six months beyond your intended period of stay in the U.S.; (d) one 2x2 photograph. (A photograph is not required if you are applying in Mexico.); (e) your employer in the U.S. must provide a Letter of Employment in the U.S. The letter must indicate that the position in question in the U.S. requires the employment of a person in a professional capacity, consistent with the NAFTA.

TN visa status allows the TN professional to live and work in the United States for up to three years. But it can also be extended indefinitely (three years at a time) granting that he or she must be able to show that he or she intends to leave. If he or she wants to seek for a permanent residency in the U.S., then he or she may switch to a different type of work visa. A Canadian or Mexican citizen admitted as a NAFTA Professional TN nonimmigrant may receive extensions of stay in increments of up to three years. If you are in the U.S., your employer may file Form I-129 Petition for Non-immigrant Worker with the USCIS Nebraska Service Center; or If you are applying at a

port-of-entry, use the same application and documentation procedures as required for the initial entry

Once he or she has obtained a TN visa status, his or her spouse or unmarried children may accompany him or her to live in the United States. They will be holding a TD (Trade Dependent) status that is valid for duration of his or her TN visa status. His or her family members are not allowed to work in the U.S., but they can attend schools though.

To find out more about the procedural steps involved and an estimate of fees, call or email us today for your free in-depth consultation!