

TN Visas

TN classification is available to qualified Canadian and Mexican citizens pursuant to the North America Free Trade Agreement (NAFTA). TN status is granted in one-year increments, and currently there are no numerical limitations on number of TN visas allowed to be issued and there is no limit to TN stay in the U.S. However, an individual in TN status must maintain an intent to return to his or her home country.

Only citizens of Canada and Mexico qualify to apply for TN or "Trade NAFTA" status. TN applicants must be offered a temporary position in one of the professions listed in Appendix 1603.D.1 to Annex 1603 of the NAFTA and must be entering the United States to engage in business activities at the professional level. Among the list of professions included in Appendix 1603.D.1 are: Management Consultants, Engineers, Computer Systems Analysts, Accountants, and Scientific Technologists. Most of the listed TN professions require a minimum of a Bachelor's degree in the specialized field.

The TN application process depends on the applicant's current immigration status.

- Canadian applicants in Canada apply for TN status at a U.S. Class A port of entry, at a U.S. airport handling international traffic, or at a U.S. pre-clearance/pre-flight station. The application includes a letter from the employer describing the duties of the offered employment and how the position qualifies as a TN profession, proof of citizenship, and proof of education requirements. As such, Canadian applications are reviewed by the U.S. immigration officers on the day of travel to the United States. No visa is required.
- Mexican applicants in Mexico apply for TN status by making a nonimmigrant visa appointment with the U.S. Consulate or Embassy in Mexico for a TN nonimmigrant visa. The TN application is presented to the U.S. Consulate and includes a letter from the employer describing the duties of the offered employment and how the position qualifies as a TN profession, proof of citizenship, and proof of education requirements, along with the DS-156 required by the Consulate. Once satisfied the TN applicant qualifies for the TN visa, the Consulate will issue a TN Visa, which can then be used to enter the U.S.
- Change of Status: U.S. employers who wish to hire Canadian and Mexican nationals already present in the United States in another nonimmigrant visa status (e.g. H-1B, L-1), may request a change of status to TN by filing a petition with U.S. Citizenship and Immigration Services. The beneficiary may not commence employment until approval of the TN petition.

U.S. Citizenship and Immigration Services processing times for TN status can vary, and it may be faster for both Canadian and Mexican applicants to apply for the TN visa abroad.

If you feel the TN visa is right for you, or if you have questions regarding this process, contact Matthew White of Udall, Shumway & Lyons PLC at (480) 461-5302 or mlw@udallshumway.com.

Disclaimer/Reminder

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