



TN Visa Option for Canadian and Mexican Citizens

Insights

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Since the H-1B visa cap was reached on June 11, 2012, U.S. employers wishing to hire a foreign worker who is a Canadian or Mexican citizen should consider the TN visa category. The TN visa category is part of the North American Free Trade Agreement (NAFTA) and permits Canadian and Mexican citizens to enter the United States to participate in professional business activities on a temporary basis.

Under the TN visa category, Canadian and Mexican citizens are permitted to work in the U.S. in certain defined professional occupations, including, but not limited to, Accountant, Architect, Computer Systems Analyst, Engineer, Hotel Manager, Management Consultant, Mathematician, Scientific Technician/Technologist, and Scientist. There are specific educational requirements and alternative credentials for each category and TN status is only available to individuals employed in the listed occupations who possess the required credentials.

The TN visa category is available to an unlimited number of Mexican and Canadian citizens. Unlike the H-1B visa category, the TN visa category does not have a numerical limit on how many visas are available each year. Under the TN visa category, a Canadian or Mexican citizen can obtain employment authorization in three-year increments and renew indefinitely.

In order to apply for a TN, Canadian citizens can simply apply for TN status at a U.S. port of entry. Canadian citizens are not required to obtain a visa at a U.S. Consulate. However, Mexican citizens are required to apply at a U.S. Consulate and obtain a TN visa stamp in their passport prior to entering the U.S.

Whether applying at a U.S. port of entry or at a U.S. Consulate, applicants for a TN must provide the following documentation:

- Valid Canadian or Mexican passport as proof of citizenship;
- Offer letter of employment from U.S. employer, detailing the professional position and applicant's credentials;
- Proof of applicant's qualifications, including degree, diploma, and/or experience letters; and
- Application fee

Application fee.

Due to the availability of the TN visa for qualified applicants, the TN visa is an option for employers seeking to immediately hire a Canadian or Mexican citizen into a professional position. Once employers have identified a potential candidate for TN status, they should contact an immigration attorney to evaluate whether the offered position and the candidate's credentials fit within one of the defined TN occupations and will support a TN application.

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