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TN Visa

A “Simple” and “Fast-Track” Visa for Canadians & Mexicans

If you are Canadian or Mexican and want to work in the United States one of the first Visa choices that you should look at is a TN Visa. TN stands for Trade National Visa and the TN Visa was established as part of the North American Free Trade Agreement (NAFTA) between Canada, United States and Mexico. The Visa is a great option as it does not require the dreaded company sponsorship that many other visas require. In fact, the two biggest requirements are that you are one of the professions listed under the NAFTA agreement and that you have a job offer from a company. Here is how it works.

What Qualifications Do You Need?

To qualify for a TN Visa you must have an offer of employment from a U.S. company to work in a profession that is listed on the NAFTA occupation list. While some of the professions are very specific like Doctor or Lawyer, others are somewhat general like Management Consultant. For each profession, the Statute also lists the education credentials that are required. For example, for a Management Consultant, you must have either a Bachelor’s Degree or equivalent work experience as a Consultant. A complete list of the professions and the required academic credentials can be found at:

<http://www.nafta-secalena.org/en/view.aspx?x=343&mtpiID=147#Ap1603.D.1>

How Long Is A TN Visa Good For?

TN visa status allows you to live and work in the United States for up to three years at a time. Your TN Visa can be renewed for additional three-year periods and there is no maximum number of years for TN visa status. Keep in mind though that a TN Visa is considered a “temporary” Visa so you must be able to show that you intend to leave once your Visa expires. Also, I have heard of situations where the Government has questioned a person’s intent when they attempted to renew this Visa over an extended period. (One person who had problems was trying to renew after 10 years of having the Visa). Another great thing about the TN Visa is that your employer can file an extension for you so you do not actually have to leave the country after the three-year period. As such, you can renew your Visa from the comfort of your own home.

What Do I Have To Do?

As a general rule, you may apply for TN status when entering the United States at the border. You must provide a letter from your prospective U.S. employer offering you a job in the United States and the job must be one that is included on the NAFTA list of professional

occupations. You must also provide a copy of your degree, license, and/or employment records to show that you qualify for the position. You will also have to show proof of Canadian citizenship, such as a Canadian passport or Birth Certificate. A good application will also have a letter that describes why you meet the elements set out in the law and this is why you need a lawyer's help. Keep in mind that if you get denied entry into the U.S., this could impact your ability to visit and work in the U.S. in the future.

Can My Family Come With Me?

Once you obtain TN Visa status, your husband/wife and minor children may accompany you to live in the United States. Your dependents would hold TD ("Trade Dependent") status, which is valid for the duration of your TN Visa status but regrettably this status does not give dependents authorization to work while in the U.S. If your spouse wishes to work, he or she would have to qualify for his or her own TN or other work visa categories.

So Why a TN Visa?

The biggest advantage of a TN Visa is the speed at which it can be obtained. Also, the Visa is unique in that it does not require sponsorship or petition for Canadians, and the visa may be obtained directly at the border. As a result, there is no long wait for immigration status to be approved. Also, there is not a cap on TN visas for Canadians. (There is a 5500 TN Visa cap for Mexicans). In addition, unlike the maximum length of stay imposed on the H-1B and L-1 Visa categories the TN Visa can be renewed indefinitely. Finally, as this Visa is considered temporary, you may have a tax savings if you are considered a non-resident for city, State or Federal purposes. All in all this is a great Visa choice if you qualify.

Are There Some Drawbacks To A TN Visa?

One big drawback of a TN Visa is that it is considered "temporary." While this generally will not limit your stay in the U.S. the TN Visa category makes it tough to apply for a Green Card. As such, in order to obtain a Green Card, you must switch to another type of Visa before applying.

Do You Need A Lawyer?

The short answer is yes. Like any Immigration Statute, the NAFTA agreement and the relevant TN provisions are complicated and you must demonstrate to immigration officials why you have met all of the legal elements. This Visa is not a procedural form and in order to significantly increase your chances of success, you should consult a lawyer. This is particularly the case if you are applying under one of the more general categories like management consultant. I had a TN Visa for 10 years and the only issue I encountered was well before I was a lawyer and I thought I could do it myself. When I attempted to cross the border, my self-drafted letter was severely criticized. (again, before I was a lawyer). The immigration official ended up letting me cross but from that point forward, I let the lawyers do the work and it was smooth sailing.

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If you are considering a TN Visa, contact Scott Legal Services, P.C.. For more information on this and other immigration Visas [click here](#). You can also call us at 1-888-529-2964 or email us at iscott@legalservicesincorporated.com.