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Article: TN Visas: the NAFTA visa for Canadian and Mexican citizens.

By: **Christopher A. Kerosky, Esq.**

There is a special visa for Canadians and Mexicans that gives them an advantage over applicants from other countries in obtaining such working visas. It is called the NAFTA Professional Visa or "TN" visa and it allows Canadians or Mexican citizens to come with less difficulty than persons from other countries, provided they have the required training and education.

The TN visa was created by the North America Free Trade Agreement (NAFTA) in 1994, to allow for the exchange of qualified professionals from Canada, Mexico, and the United States. Canadian citizens may apply for the TN visas at the U.S. Embassy and Consulates.

What do you need to prove?

An applicant needs to prove that they have a college education or the equivalent amount of education and experience.

There must also be an employer/sponsor who is willing to employ them. Mexican or Canadian applicants must work in a prearranged full-time or part-time job, for a U.S. employer. Self employment is not permitted.

The sponsor must provide a letter of employment or a contract which details the professional work that the applicant is being offered in the United States. The position must be of a "professional" as that is defined by NAFTA and the immigration regulations. The State Department and the Embassies are very strict on what is considered a "professional" degree and so it is important that the job fit their defined list of "professional jobs".

Persons whose job offer is not considered "professional" will be denied the visa.

What Jobs Are Considered Professional?

There is a list of jobs that are considered professional. This list includes but is not limited to the following:

- accountant,
- architect,
- computer systems analyst and other computer professionals,
- doctors, dentists and other medical professions;
- economist,
- engineer,
- forester,

- graphic designer,
- hotel manager,
- industrial designer, interior designer,
- librarian,
- lawyer,
- mathematician,
- various scientists,
- social worker and
- teachers at the elementary, high school and college level.

Each of these occupations has their own degree requirements.

What Sort of Documentation is Required?

The application requires evidence that the applicant has the required educational qualifications and job experience. This includes a copy of the applicant's college degree and letters from previous employers showing the applicant's experience in the professional field.

If you're the applicant is married or has unmarried children under 21, they can come with him.

What is the Procedure to apply for TN visas?

Once all the required application forms and documentation is ready, the person applying needs to schedule an appointment with the Embassy or apply at the border in some cases.

During the interview, the applicant will present all of the documents. The applicant needs to be prepared to describe his/her qualifications for the job, professional experience, and the nature of the work offered.

The officer considering the case will then make a decision after the initial interview.

Once inside the U.S., the visa can be extended by the applicant as long as the job remains in place.

Conclusion.

Professionals from other countries typically come to the United States on H1B visas. Because there is annual limit on H1B visas and that limit has already been reached for fiscal year 2019, presently there are no H1B visas available until October 1, 2019. The TN visa is a way for Mexicans and Canadians to avoid this backlog and come to the U.S. relatively easily, provided they have a job offer and the required qualifications.

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Christopher A. Kerosky of the law firm of KEROSKY PURVES & BOGUE LLP has practiced law since 1984 and has been recognized as one of the top immigration lawyers in Northern California for the last seven years by San Francisco Magazine "Super Lawyers" edition (2006-2012). He graduated from University of California, Berkeley Law School and was a former counsel for the U.S. Department of Justice in Washington D.C.

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