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• **TN Visa Requirements To Work In Canada, Mexico Or The United States.**

by [Edward C. Corrigan](#)

American, Canadian and Mexican citizens, with the right professional qualifications, have the opportunity to work anywhere in North America under trade agreements negotiated by their respective governments. This agreement was formerly called the *North American Free Trade Agreement* or *NAFTA* for short. Under US President Trump a new agreement, called the *United States, Mexico, Canada Agreement (USMCA)* took NAFTA's place. There are only minor changes in the new agreement.

These agreements were designed to facilitate trade between Canada, Mexico and the United States. Part of these agreements was to allow qualified professionals from these three countries to work on a temporary basis in Canada, Mexico and the United States on a reciprocal basis. These visas' are called TN Visas.

To qualify for a TN Visa, one needs to have meet the requirements expressly set out in the Appendix 1603-D.1 in the *North America Free Trade Agreement (NAFTA)* . There are 61 professional categories recognized as being eligible for TN Visas.

For most professional categories one needs to have a Bachelor Degree which is issued by a recognized Canadian, American, or Mexican University, or a Licentura (Licence) Degree that allows the applicant to practice in a particular area. You also have to be a Citizen of Canada, Mexico or the United States. Permanent Residents of Canadas and Mexico or United States Green Card holders and other non-Citizens are not eligible for a TN Visa.

ELIGIBILITY CRITERIA

Canadian citizens are generally eligible for admission into the United States⁰ as nonimmigrants without a visa. The TN category, a nonimmigrant classification,

simply reflects this general exemption for Canadians from the visa requirement. NAFTA governs the process that is required to prove whether a Canadian or Mexican citizen is a professional in a qualifying profession. Mexican Citizens are required to obtain a Visa to Enter the United States.

CANADIAN CITIZENS

Canadian citizens can apply for a TN Visa at designated Ports of Entry into the United States.

Applicants' can establish eligibility for TN classification at the time they seek admission to the United States. They must present the required documentation to a U.S. Customs and Border Protection (CBP) officer at a designated port of entry or at a designated pre-clearance/pre-flight inspection station. Applicants' must provide the following documentation to qualify for a TN Visa.

- Proof of Canadian citizenship;
- Letter from their prospective employer detailing items such as the professional capacity in which they will work in the United States, the purpose of their employment, the length of stay, and their educational qualifications; and
- Credentials evaluation (if applicable), together with any applicable fees. At the present time the fee is \$160 US dollars.

Applicants' can visit the [CBP's website](#) for additional information and requirements for entry into the United States. If the US Immigration officer finds the applicant eligible for admission, they will be admitted as a TN nonimmigrant. The TN Visa allows the qualified professional the right to work for a designated employer in the United States for a predetermined length of time and up to 3years in length.

Alternatively, a prospective TN employer can choose to file on behalf of a Canadian citizen who is outside the United States by submitting [Form I-129, Petition for Nonimmigrant Worker](#) to USCIS. [Premium Processing Service](#) is available for expedited service by filing an *I-907, Request for Premium Processing Service*. The fee at time of writing is \$1,410.00.

If USCIS approves the *Form I-129* application, the prospective worker, may then apply to CBP for admission to the United States as a TN nonimmigrant. They must providing the following documentation to the US Customs and Border Protection

Officer at designated U.S. ports of entry or at a designated pre-clearance/pre-flight inspection station:

- Approval Notice from USCIS for *Form I-129*.

In addition, when applying for admission, applicant's should have in their possession a copy of the *Form I-129*, and all supporting documentation that was submitted to USCIS, to respond to questions about their eligibility. Applicants' must pay any applicable inspection fees at the time they seek admission. If the US Border official, or a CBP officer, finds that the applicant satisfies the criteria required for a TN Visa they will be admitted as a TN nonimmigrant with the right to work.

MEXICAN CITIZENS

If the Applicant is a Mexican citizen, then they are required to obtain a visa to enter the United States as a TN nonimmigrant. They should apply for a TN visa directly at a U.S. embassy or consulate in Mexico. See the U.S. Department of State webpage, "[Mexican and Canadian NAFTA Professional Worker](#)."

Once the Applicant is approved for a TN visa, they may apply for admission at certain CBP-designated U.S. ports of entry or at a designated pre-clearance/pre-flight inspection station. Applicants' should refer to [CBP's website](#) for additional information and requirements for admission to the United States. If the US Immigration Officer deems the applicant eligible for admission they can be admitted as a TN nonimmigrant with the right to work in the United States. A similar process applies to Americans and Mexicans who want to work in Canada or Americans and Canadians that want to work in Mexico on a reciprocal basis.

ACADEMIC CREDENTIAL EVALUATIONS

It is possible to get equivalency for foreign credentials as proof that those degrees be recognized by the proper accreditation agencies as to the equivalent of the professional designation or academic degree requirements here in North America. World Education Services (WES) is one recognized agency that evaluates foreign academic credentials. Their address is as follows:

World Education Services

Attention: Documentation Center

2 Carlton Street, Suite 1400

Toronto, Ontario M5B 1J3

Canada

Telephone: (+1) 416-972-0070 (CA only)

Fax: 416-972-9004

Documents must be mailed or sent by express courier. Walk-in service is not available.

It must be explicitly stated in the Foreign Equivalency Evaluation that this degree is equivalent to a Bachelor, or a Licence Degree, issued by a recognized and accredited North American institution. For most Categories for Professionals to qualify for a TN Visa is a degree or diploma in the relevant area or a licence to practice in that particular field is required.

MANAGEMENT CONSULTANTS

One TN Visa category that is different and also harder to define is Management Consultant. Management Consultants' are treated as a professional category. Many would have Masters in Business Administration or MBA's or other qualifying professional degrees. To quote the Appendix description for Management Consultant it is as follows:

Management Consultant--Baccalaureate or Licenciatura Degree; or equivalent professional experience as established by statement or professional credential attesting to five years experience as a management consultant, or five years experience in a field of specialty related to the consulting agreement.

The criteria for approval as a Management Consultant is sometimes hard to define and even subjective and this category has the most refusals. However, I suspect that Bill Gates, who does not have a degree in computer science would qualify under the 5 year experience requirement.

The process for being approved for a TN Visa is very strict, and applicants' need to have required original documentation, i.e. for degrees and diplomas. For foreign credentials the equivalency must be clearly stated what the foreign degrees are equivalent to in North America. Applicants' also need to have the original Certificate, or Licence that qualifies them to practice as a C.P.A., or C.A or a

lawyer or engineer for example. Proof of American, Canadian or Mexican Citizenship is also required. This is normally done by having a Passport that confirms the citizenship eligibility.

The American Immigration and Naturalization Service (INS) or the US Border Services or Homeland Security, is very strict on enforcing the criteria for TN Visa's. If you do not meet their requirements in a clear manner, and even exact manner, you will be turned down.

Other requirements include:

- Proof of Canadian, or Mexican or American Citizenship
- A letter from the employer which designates the correct NAFTA job title.
- A letter on original letterhead from the employer which must have a through description of the job duties and setting out the salary.
- The letter must also state very clearly that the employment is temporary, and has specific dates of employment, and not to exceed three years.
- There has to be a detailed, two or three paragraph description of what the job involves, and what type of employment duties the perspective employee will be performing.
- Telephone numbers must be available so that the border official can verify the offer of employment.
- It is very important that this letter offering the applicant the TN Visa is on original letterhead, and original signatures, preferably in blue.
- Need to have a photo when completing the online Form DS- 160. If

the [photo upload fails](#), Applicant must bring one printed photo in the format explained in the [Photograph Requirements](#). (A photo is not required if applying in Mexico).

It is important to that a TN Employment Visa under NAFTA is a temporary Visa, which may be extended for periods of time. However, it is advisable that there would be a short break between the TN Visa renewals and to break the employment periods and confirm its temporary status.

The NAFTA or TN Visa does not allow people to directly immigrate to the United States. They are clearly for temporary employment purposes. However, temporary employment can be for more than one year and up to three years. The new *United States, Mexico and Canada Trade Agreement (USMCA)* has not yet been ratified but the changes are very minor.

Payment of the required fees is done at time of application.

The process at the Border is usually very fast taking around an hour or less. Once the Applicant is approved, renewals are normally issued without much difficulty. Applicants should have proof of previous approvals under the TN Visa Program with them at times of renewals.

Other suggested documents which will assist Applicants at the border and to qualify for a TN Visa are as follows:

- A Resume which summarizes the employment history and qualifications.
- Letters of reference attesting to the Applicant's qualifications, especially as a Management Consultant, these letters are strongly recommended especially for the first application.

If there are any questions concerning the above please contact a legal professional. This short overview is not meant to be an exhaustive treatment of the TN employment issue but is intended to be a short introduction to TN Visas and for those seeking employment in the United States or Mexico or Canada if you are a citizen of those countries and professionally qualify for a TN Visa.

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About The Author

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