

TN Nonimmigrant Visa Classification TN-1 and TN-2

Who qualifies for a “TN” visa?

The Trade-NAFTA (TN) visa is available to citizens of **Canada** and **Mexico** who qualify as professionals under the North American Free Trade Agreement (NAFTA). Citizens of Mexico and Canada may apply to work in a professional occupation for a U.S. employer if the following eligibility requirements are met:

1. The profession is on the NAFTA list.
2. The foreign national possesses the specific criteria for that profession.
3. The prospective position requires someone in that professional capacity; and
4. A U.S. employer offers employment to the foreign national for work in the U.S.

The TN is a nonimmigrant (temporary) visa classification that is granted in increments of up to three (3) years. Although the prospective position must be temporary in nature, there is no limit on the number of extensions of stay in TN status that may be granted. The spouse and unmarried, minor children of a TN professional are entitled to derivative TD status, but are *not* eligible for employment authorization in the U.S.

What is the application process to obtain TN classification?

A foreign national may apply at a U.S. port of entry; or, if in the U.S., may apply to a U.S. Citizenship and Immigration Services (USCIS) service center. The required documents for applying include:

- Proof of Canadian or Mexican citizenship, e.g., passport, birth certificate.
- An offer of employment letter from the prospective U.S. employer for a professional position that is included on the NAFTA list, that specifies that the work is *temporary*;
- Documentation that the foreign national is qualified for the professional occupation as specified on the offer of employment, e.g., degree, transcripts, license, prior employment records, etc.

TN Visa Issuance

Mexican citizens require a visa for admission to the United States. The DOS recently updated the visa reciprocity schedule **to allow visas for 1- or 4-year validity period**. Canadian citizens on TN status usually do **not** need a visa endorsed in their passport for U.S. admission.

How can an application for *extension* of stay be filed in the US?

Application for an extension of stay in TN or TD status may be made at a designated port of entry or filing for the extension at the USCIS service center.

“NAFTA List” of Professions under NAFTA Appendix 1603.D.1

PROFESSIONS	REQUIRED CREDENTIALS
Accountant	1, C.P.A., C.A, C.G.A. or C.M.A.
Architect	1 or 2
Computer Systems Analyst	1 or 4 and 3
Disaster Relief Insurance Claims Adjuster	1 and 3 or 4 and 3
Economist	1
Engineer	1 or 2
Forester	1 or 2
Graphic Designer	1 or 4 and 3
Hotel Manager	1 or 4 and 3 (in hotel/restaurant management field)
Industrial Designer	1 or 4 and 3
Interior Designer	1 or 4 and 3
Land Surveyor	1 or 2
Landscape Architect	1
Lawyer (or Notary in Quebec province)	L.L.B., J.D., L.L.L., B.C.L. or 1 (5 years) or bar membership.
Librarian	M.L.S. or B.L.S. (for which 1 is prerequisite)
Management Consultant	1 or equivalent experience as established by statement or credential attesting to 5 years experience in the field or 5 years experience in specialty field relating to consulting agreement.
Mathematician (including Statistician)	1
Range Manager/Range Conservationist	1
Research Assistant (working in a post-secondary educational institution)	1
Scientific Technician/Technologist ¹	Possession of theoretical knowledge of, ability to solve practical problems in, or ability to apply principles to basic or applied research of any of the following disciplines: agricultural sciences, astronomy, biology, chemistry, engineering, forestry, geology, geophysics, meteorology or physics.
Social Worker	1
Sylviculturist (including forestry specialist)	1
Technical Publications Writer	1 or 4 and 3
Urban Planner (including Geographer)	1
Vocational Counselor	1
 MEDICAL/ALLIED PROFESSIONAL	
Dentist	D.D.S., D.M.D., Doctor en Odontologia or Doctor en Cirugia Dental or 2
Dietitian	1 or 2
Medical Laboratory Technologist (Canada)/Medical Technologist (Mexico and the US).	1 or 4 and 3
Nutritionist	1
Occupational Therapist	1 or 2
Pharmacist	1 or 2
Physician (teaching or research only)	M.D., Doctor en Medicina, or 2
Physiotherapist or Physical Therapist	1 or 2
Psychologist	1 or 2
Recreational Therapist	1
Registered Nurse	1 or 2
Veterinarian	D.V.M., D.M.V., Doctor en Veterinaria or 2

SCIENTIST	REQUIRED CREDENTIALS
Agriculturist (including Agronomist)	1
Animal Breeder	1
Animal Scientist	1
Apiculturist	1
Astronomer	1
Biochemist	1
Biologist	1
Chemist	1
Dairy Scientist	1
Entomologist	1
Epidemiologist	1
Geneticist	1
Geochemist	1
Geophysicist (Oceanographer in Mexico and the US)	1
Horticulturist	1
Meteorologist	1
Pharmacologist	1
Physicist (including Oceanographer in Canada)	1
Plant Breeder	1
Poultry Scientist	1
Soil Scientist	1
Zoologist	1

TEACHERS	REQUIRED CREDENTIALS
College	1
Seminary	1
University	1

KEY TO SYMBOLS

- 1 = Baccalaureate/Licenciatura Degree**
- 2 = State/Provincial/Federal License**
- 3 = Three (3) Years Relevant Experience**
- 4 = post-secondary diploma or certificate**

1 Must work in direct support of professionals in agricultural sciences, astronomy, biology, chemistry, engineering, forestry, geology, geophysics, meteorology, or physics.

2 Refers to any document issued by a state, provincial or federal government, or under its authority (but not a local government) that permits a person to engage in a regulated activity or profession.

3 Refers to a credential issued on completion of two or more years of post-secondary education by an accredited academic institution in Canada or the U.S.

4 Refers to the same credential as in Footnote 3 above, but which is issued by the federal or a state government of Mexico, an academic institution recognized by the federal or state government, or an academic institution created by federal or state law.

Fong•Ilagan, LLP works with clients to simplify the TN nonimmigrant visa process. To discuss your case with an experienced board-certified attorney, please contact our office at 713.772.2300.