

Attorney Magdalena Cuprys published review of TN Visas (NAFTA) for Canadian Citizens seeking employment in the US

Continuing her series of instructional articles, Florida immigration lawyer Magdalena Cuprys published a review of current TN/NAFTA visas for Canadians.

MIAMI, FLORIDA, UNITED STATES, January 16, 2019 /EINPresswire.com/ -- In her newest article in her Instruction Series on various US Business and Employment-Based Visas, Immigration Attorney [Magdalena Cuprys](#) examines the TN Visa available to Canadian Citizens seeking employment in the United States under NAFTA. The complete review will appear on the Blog of [Ms. Cuprys](#) at <https://magdalenacuprysblog.blogspot.com/>

Magdalena Ewa Cuprys, Esq., Immigration Attorney in Florida



Services

Magdalena Cuprys is the principal of Serving Immigrants, a full-service [immigration law](#) firm offering a complete range of immigration services to both businesses and individuals. The law firm is uniquely qualified to manage the most contentious and unusual immigration needs. Swift resolution of immigration-related issues is integral to a client's ability to conduct business or reach their personal goals in the United States. Located in Miami and Clewiston, the firm's offices provide corporate and individual clients of foreign nationality with temporary work permits for the U.S., green card petitions, criminal waivers and representation in removal proceedings cases. With over a decade of experience, the law firm provides clients with the confidence that their cases will be handled by an expert who understands their needs and how to obtain their goals. Although the majority of the law firm's clients live in Florida, it represents people from all over the United States and several foreign countries.

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NAFTA is the North American Free Trade Agreement. It creates special economic and trade relationships for the United States, Canada and Mexico. This article shall discuss only the TN Visa requirements and procedure as relates to Canadian Citizens, a separate article regarding Mexican Nationals under NAFTA shall be published under separate cover.

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because of the U.S. government administration's current policies and discussions with Canada, immigration practitioners should keep on eye on TN visas, visa changes should come as no surprise”

*Magdalena Cuprys,
Immigration Lawyer*

The nonimmigrant NAFTA Professional (TN) visa allows citizens of Canada, as NAFTA professionals, to work in the United States. Lawful Permanent Residents, including Canadian Permanent Residents, are not eligible to apply to work as a NAFTA professional in the USA.

Professionals of Canada may work in the U.S. under the following conditions:

- The Applicant must be a citizen of Canada;
- The Employment Position is within a specific Profession and is explicitly designated on the NAFTA Occupation list;
- The Employment Position in the U.S. requires a NAFTA professional;
- The Canadian Applicant shall be employed in a prearranged full-time or part-time job, for a documented U.S. employer (see documentation required).
- Self employment is not permitted under NAFTA;
- The Professional Canadian Citizen possesses the qualifications of the profession

Canadian citizens usually do not need a visa as a NAFTA Professional, although a visa can be issued to qualified TN visa applicants upon request. However, a Canadian Citizen residing in

another (3rd) country with a non-Canadian spouse and children would require a visa to enable the spouse and children to be able to apply for a visa to accompany or join the NAFTA Professional in the US, as a TD visa holder.

Procedurally, a Canadian citizen without a TN visa can apply at a US P.O.E. (Port of Entry) provided they have the following (non-exhaustive list) of sample evidence for Inspection:

- Request for Admission under TN status to Department of Homeland Security, Customs and Border Protection;
- Employment Letter - Evidence of Professional Employment. See Employment Letter below;
- Proof of Professional Qualifications: - such as transcripts of courses attended, grades achieved, professional licenses, certificates, degrees, and/or records of previous employment;
- Proof of ability to meet applicable license requirements;
- Proof of Canadian citizenship- Canadian citizens may present a passport, as visas are not required, or they may provide secondary evidence, such as a birth certificate. However, Canadian citizens traveling to the United States from outside the Western Hemisphere are required to present a valid passport at the port-of-entry;
- Applicable Filing Fees.

The employer in the U.S. must provide to the TN Visa Applicant a formal Letter of Employment in the United States. The letter must indicate that the position in question in the U.S. requires the employment of a person in a professional capacity, consistent with the NAFTA Occupation List, available at Chapter 16, Annex 1603, Appendix 1603.d.1.

The applicant must present evidence of professional employment to satisfy the Consular/Immigration Officer of one's plans to be employed in prearranged business activities for a U.S. employer(s) at a professional level. Part-time employment is permitted under NAFTA. Self-employment is strictly prohibited. An employment letter or contract providing a detailed description of the business activities may be provided from the U.S. or foreign employer, and should state the following:

- Activity in which the applicant shall be engaged;
- Purpose of entry;
- Anticipated length of stay;



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The Law Firm Cuprys & Associates is a full service, dynamic, and trustworthy law firm that specializes in immigration matters. The law firm is uniquely qualified to manage the most contentious and unusual immigration needs. Swift resolution of immigration-related issues is integral to a client's ability to conduct business or reach their personal goals in the United States. Located in Miami and Clewiston, the firm's offices provide corporate and individual clients of foreign nationality with temporary work permits for the U.S., green card petitions, criminal waivers and representation in removal proceedings cases. With over a decade of experience, the law firm provides clients with the confidence that their cases will be handled by an expert who understands their needs and how to obtain their goals. Although the majority of the law firm's clients live in Florida, it represents people from all over the United States and several foreign countries.

Website Magdalena Cuprys, Immigration Attorney in Florida

- Educational qualifications or appropriate credentials demonstrating professional status;
- Evidence of compliance with DHS regulations, and/or state laws; and
- Arrangements for pay.
- Although not required, proof of licensure to practice a given profession in the United States may be offered along with a job offer letter, or other documentation in support of a TN visa application.

Additionally, applicants must demonstrate that they are properly classifiable as NAFTA Professional for TN visa issuance under U.S. law by:

- **Education Requirement-** The applicant's employer must submit proof that the applicant meets the minimum education requirements or has the alternative credentials set forth in NAFTA agreement, chapter 16 appendix 1603.d.1. Evidence of professional qualifications may be in the form of degrees, certificates, diplomas, professional licenses, or membership in a professional organization. Degrees, diplomas, or certificates received from an educational institution outside the United States or Canada must be accompanied by an evaluation by a reliable Credential Evaluation service specializing in evaluating foreign documentation.

- **Work Experience Requirement -** Documentation which proves the applicant's prior experience should be in the form of letters from former employers. If the applicant was self-employed, business records should be submitted proving such self-employment.

Spouses and children (unmarried children under the age of 21) who are accompanying or following to join NAFTA Professionals (TN visa holders) may receive a derivative TD visa. Applicants must demonstrate a bona fide spousal or parent-child relationship to the principal TN visa holder. Dependents do not have to be citizens of Canada. Spouses and children cannot work while in the U.S. They are, however, permitted to study. Canadian citizen spouses and children do not need visas, but they must have the following documents at the port of entry:

- Proof of Canadian citizenship;
- Proof of relationship to the principal applicant, such as marriage certificate and birth certificate; and
- Photocopies of entry documents of the principal applicant.

If the spouse and children are not Canadian citizens, they must get a TD nonimmigrant visa from a U.S. Embassy or Consulate. Spouses or children following to join must show a valid I-94 Arrival/Departure Record, thereby providing proof that the principal TN visa holder is

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Magdalena Cuprys received her Juris Doctor from the University of Washington School of Law in 2002. She was admitted to the practice of law in California in 2003 and in Florida in 2006. Before law school, she completed two bachelor's degrees, one in Political Science and one in Latin American Studies, at the University of Chicago in 1999 (AB Degree Political Science & Latin American Studies from the University of Chicago in 1999). Ms. Cuprys is a member of Kappa Alpha Theta and was Panhellenic President. - She is a Member of the American Immigration Lawyers Association (AILA).
Magdalena Cuprys is admitted to the practice of law in Florida and California. She speaks fluent Spanish and Polish, and is conversant in Russian and Italian.



Blog of Immigration Attorney Magdalena Cuprys



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maintaining his/her TN visa status. The maximum period of admission into the U.S is generally for a period of one year. The US Citizenship and Immigration Services (USCIS) grants extensions of stay in increments of one year at a time. There is no limit on the number of years a TN visa holder can stay in the United States. However, the TN visa status is only temporary in nature and does not afford the Applicant any Permanent Residence Status. Applicants should be aware that a visa does not guarantee entry into the United States.

The visa allows a foreign citizen to travel to a port-of-entry in the United States, such as an international airport, a seaport or a land border crossing, and at such point may then request permission to enter the U.S. The Department of Homeland Security, Customs and Border Protection has the authority to permit or deny any applicant admission to the United States, and determine your length of stay in the U.S., on any particular visit. Form I-94, Record of Arrival-Departure, which notes the length of stay permitted, is validated by the Immigration Official.

Ms. Cuprys cautions, however, that because of the U.S. government administration's current policies and discussions with Canada, immigration practitioners should keep on eye on TN visa developments, visa changes should come as no surprise at this point.

About [Magdalena Ewa Cuprys](#)

Magdalena Cuprys is the principal attorney of Serving Immigrants, a full-service immigration law firm offering a complete range of immigration services to both businesses and individuals.

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