

Immigration Attorney Magdalena Cuprys publishes guidance on TN Nafta work visas for Mexican applicants

In her newest article in her Instruction Series on various US Business and Employment-Based Visas, Attorney Magdalena Cuprys provides guidance on TN Visas

MIAMI, FLORIDA, UNITED STATES, January 31, 2019 /EINPresswire.com/ -- Work visas under NAFTA are currently in the political spotlight because of statements made by President Donald Trump and ongoing trade pact negotiations. In her next article in her Instruction Series on various US Business and Employment-Based Visas, Immigration Attorney [Magdalena Ewa Cuprys](#) examines the current state of TN Visas available to Mexican Nationals seeking employment in the United States under NAFTA. The complete article appears on the Blog of [Ms. Cuprys](#) at <https://magdalenacuprysblog.blogspot.com/>

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changes to NAFTA are expected in the near future based on ongoing trade negotiations. Those who plan to apply for TN visas, as well as their employers, should keep an eye on political developments”

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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.

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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 specifically discuss only the TN Visa requirements and procedure as relates to Mexican Nationals, a separate article regarding Canadian Citizens under NAFTA has previously been published as part of this series and is available on-line below.

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

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

- The Applicant must be a citizen of Mexico;
- 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 Mexican 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 Mexican Citizen possesses the qualifications of the profession.

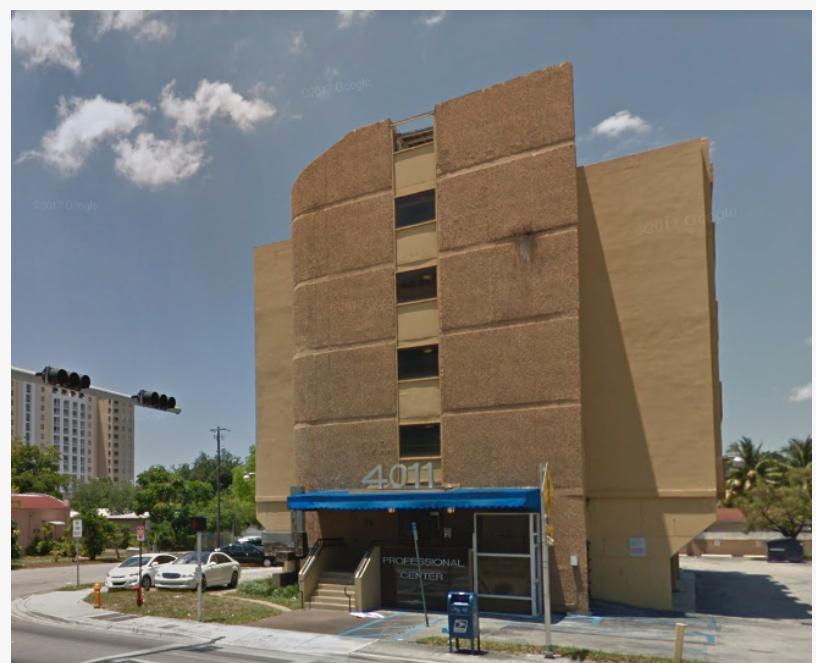
Mexican Citizens are required to obtain a visa as a NAFTA Professional, which also enables the spouse and children to be able to apply for a visa to accompany or join the NAFTA Professional in the US, as a TD visa holder. When appearing for Consular Interview for visa issuance, it is recommended that the Mexican citizen 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 Mexican citizenship- Mexican citizens may present a valid passport in addition to secondary evidence, such as a birth certificate.
- 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;
- Educational qualifications or appropriate credentials demonstrating professional status;
- Evidence of compliance with DHS regulations, and/or state laws; and



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- 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 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 Mexico. Spouses and children cannot work while in the U.S. They are, however, permitted to study. Mexican citizen spouses and children do require visas, and they must have the following documents in their possession when presenting themselves for admission and entry into the US:

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



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The spouse and children of Mexican Nationals must apply to obtain a TD Non-Immigrant 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 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 notes that changes to NAFTA are expected in the near future based on statements of President Trump and ongoing trade agreement negotiations. Those who plan to apply for TN visas (as well as their employers) should keep an eye on political developments that may affect TN work visas.

*** 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. 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.

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