

# OVERVIEW OF THE TN VISA FOR MEXICAN CITIZENS



**MELTZER HELLRUNG**  
IMMIGRATION SOLUTIONS

## OVERVIEW OF THE TN VISA FOR MEXICAN CITIZENS

The USMCA treaty created special economic and trade relationships between the United States, Canada and Mexico. The TN nonimmigrant classification permits qualified Canadian and Mexican citizens to seek temporary entry into the United States, for up to three years to engage in business activities at a professional level. The TN classification is limited to professionals in certain occupations; a complete list of those occupations can be found [here](#).

### THE APPLICANT MAY BE ELIGIBLE FOR TN NONIMMIGRANT STATUS, IF:

- ⇒ The applicant is a citizen of Mexico;
- ⇒ The applicant's profession qualifies under the regulations;
- ⇒ The applicant has a prearranged full-time or part-time job with a U.S. employer; and
- ⇒ The applicant has the qualifications required by the appropriate TN category.
- ⇒ If the applicant is inside the United States, a change of status petition can be filed with the U.S. Citizenship and Immigration Service.

If the applicant is a Mexican citizen, a visa is required to enter the United States as a TN nonimmigrant. If the applicant is inside the United States, they can change status to TN classification through a petition to the U.S. Citizenship and Immigration Service (USCIS). The TN classification is valid for up to three years and can be renewed indefinitely.

## THE APPLICATION PROCESS

### 1 Employer opens a case with Meltzer Hellrung

IN ORDER TO GET STARTED, WE NEED THE FOLLOWING:



- ☐ Name of applicant
- ☐ Email address
- ☐ Job title and job description
- ☐ Offered salary
- ☐ Work location, including name of client if location is a third-party work site
- ☐ Resume
- ☐ Proposed start date

### 2 Meltzer Hellrung reaches out to the applicant to complete an online questionnaire and provide the required documentation

We will email the applicant with instructions to complete this step.



### 3 Meltzer Hellrung drafts all necessary forms and letters to file the TN petition

We will send these forms and letters to the employer for review. The employer may choose to share these draft documents with the employee.



### 4 When all forms and letters have been finalized and all required documents have been provided, Meltzer Hellrung will ship the completed petition to the applicant or to USCIS if the applicant is inside the U.S.



#### Option 1: Consular Review

We can also prepare TD applications for all dependent family members of the applicant. If the applicant decides to apply for their visas directly at the consulate, the documentation for their dependents can be included in their package.

#### Option 2: USCIS Review

Should it be decided to apply through USCIS, an I-539 application will have to be filed on behalf of the applicant's dependents who are physically present in the U.S.

## 5 Governmental Review of the TN petition



### Option 1: Consular Review

Once the petition is completed, we will ship it to the applicant, who can then apply. The applicant will take the completed application to the consulate and apply for the visa. The interview at the consulate typically takes 5–7 minutes. Once approved, the consulate will take your passport to put the visa stamp into the passport. The consulate will then return the passport via the selected delivery method. It is imperative that the individual familiarize himself/herself with the petition before going to the consulate.

### Option 2: USCIS Review

Generally, the USCIS takes several months to review TN petitions unless the employer chooses to add premium processing for an additional government filing fee which leads to adjudication within 15 business days. Once filed, USCIS may not immediately approve a petition. The USCIS may first issue a Request for Evidence (“RFE”) seeking additional information before issuing a final decision. Should an RFE be issued, the USCIS provides about three months to respond. We will send a list of documents to the appropriate party needed to respond to an RFE, should one be issued.

### Option 3: 221 (g) or Administrative Processing

The officer may determine that the TN is not immediately approvable and may ask the employee for additional documentation or may simply place the application through additional review.

## 6 Post Filing Outcomes



### Option 1: Consular Approval

The officer will review the package prepared by Meltzer Hellrung and ask the applicant questions regarding the company, position, and the applicant’s qualification. Generally, the individual will be informed at the time of the interview whether the application has been approved. If the visa is approved, the consulate will stamp the passport and return it to the applicant.

### Option 1A: Consular Denial

The officer may determine that the TN visa is not clearly approvable due to the employee’s response or the material in the application. The officer may not explain their decision. The applicant should request a written document for the denial and forward this documentation to Meltzer Hellrung. If, during this time, the officer provides the applicant with an opportunity to withdraw the application, we recommend withdrawing the application. In the case of a denial, the Meltzer Hellrung attorney, the applicant, and the employer will have a phone call to discuss next steps.

## Option 2: USCIS Approval

USCIS approves the TN petition and issues an I-797A, Notice of Action approval notice, which will govern the applicant's period of authorized stay. Once the applicant enters the United States, they may begin employment with the company. The applicant should immediately retrieve their I-94 record which governs the applicant's period of authorized stay. The I-94 record is issued electronically and can be found [here](#). The applicant will be eligible to work for the sponsoring company for the validity period listed on the notice.



## Option 2A: USCIS Denial

Upon review, USCIS may deny the TN petition and mail a notice to Meltzer Hellrung explaining the reason for denial. Once the Meltzer Hellrung attorney has reviewed the denial, we will advise regarding next steps.

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## Enter U.S. and Retrieve I-94 from Customs and Border Protection



### Option 1: Consular Review

Upon issuance of the visa, the applicant may proceed with entering the U.S. and beginning employment with their company. Once the applicant enters the United States, they may begin employment with the company. The applicant should immediately retrieve their I-94 record which governs the applicant's period of authorized stay. The I-94 record is issued electronically and can be found [here](#).

### Option 2: USCIS Review

Upon approval of the TN petition with USCIS, the applicant will automatically transition to TN status and may begin working for the employer upon receipt of the approval notice. If the applicant subsequently travels outside of the United States, they will need to apply for a TN visa stamp at a U.S. consulate or embassy abroad in order to re-enter the United States.

## REQUIRED DOCUMENTS

Please note that we **do not** need originals of any documents for TN purposes. All documents should be scanned and uploaded to our online platform.



### DOCUMENTS REQUIRED FROM EMPLOYERS:

- ☐ Power of Attorney to be signed by company representative (blank provided by Meltzer Hellrung)
- ☐ Recent financial documents, such as tax return, audited financial statement, SEC 10-k filing, or profit and loss statement
- ☐ Marketing materials describing the company
- ☐ Employment contract with applicant (if applicable)
- ☐ Statement of work or client contract if applicant will be placed at a client's work site
- ☐ Job Description
- ☐ Salary
- ☐ Work Location

### DOCUMENTS REQUIRED FROM ALL APPLICANTS:

- ☐ Diploma(s)
- ☐ Transcripts
- ☐ Education evaluation by professional evaluator if degree(s) were earned at educational institutions outside the U.S., Canada, or Mexico. If you do not have one, Meltzer Hellrung LLC can help procure an appropriate evaluation if one is needed
- ☐ Translations of diploma(s) and transcripts if they are not in English
- ☐ Passport and current and prior visa stamps
- ☐ I-20 forms if applicant is/was a student in the United States
- ☐ EAD card(s) if applicant was ever issued an EAD
- ☐ I-797 approval notice if applicant previously had a visa application adjudicated by the USCIS
- ☐ DS-2019 if applicant was ever in J-1 status

### DOCUMENTS REQUIRED FROM APPLICANTS CURRENTLY IN THE UNITED STATES:

- ☐ I-94 found [here](#).
- ☐ Last two pay stubs if applicant is currently employed Last two pay stubs if applicant is currently employed

## REQUIRED DOCUMENTS (CONT.)

DOCUMENTS REQUIRED FROM APPLICANTS CURRENTLY IN THE UNITED STATES  
AS A DEPENDENT:



- ☐ Spouse's passport
- ☐ Spouse's I-94
- ☐ Spouse's I-797 approval notice(s)
- ☐ Spouse's last two pay stubs (if applicable)
- ☐ Marriage certificate
- ☐ Birth certificates for children
- ☐ Valid passports



## MELTZER HELLRUNG

IMMIGRATION SOLUTIONS

Meltzer Hellrung challenges conventions to deliver better outcomes.

Founded with the belief that immigration can be a strategic advantage, we understand the complexities of immigration and respond with innovative solutions to meet business and talent needs. Our unique solution - skilled immigration professionals delivering responsive service to clients through Voyager®, our proprietary immigration management platform, delivers the best immigration experience to companies, employees and their families.

