

TN Visas as a Work Visa Option for Manufacturing Companies to Hire From Mexico, Canada

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Manufacturing companies looking for creative solutions to build the talent pool, especially to fill more skilled positions, should consider the TN work visa.

A work visa available to citizens of Mexico and Canada, the TN is among the Immigration and Nationality Act's alphabet soup of temporary work visas. Many other immigration solutions under the Act (such as H-1B, L-1, O-1, and E-3 visas) often are not feasible due to timing, lack of available visas, or competition for workers.

However, the TN is appealing to many U.S. companies for the variety of occupations covered and the ease of obtaining workers. It is available for the identified, acceptable occupations deemed "professional" as part of the North American Free Trade Agreement – now called the United States-Mexico-Canada Agreement.

"Engineer" is a professional category of particular interest to manufacturers. The Engineer category is broad. It includes positions that require at least a baccalaureate or Licenciatura degree in an engineering discipline or a state/provincial license. This would cover manufacturing engineers, industrial engineers, mechanical engineers, civil engineers, and the like. Software engineers can also be covered.

Obtaining a TN visa is relatively straightforward. The candidate can apply directly from Mexico (at a U.S. consulate) or from Canada (at the port-of-entry). This provides a quicker way to bring them into the United States as compared to other visa types. Further, workers on TN visas are admitted for three years and can continue to extend their stays for three years at a time. Some workers have been in TN status for more than 10 years.

Further, a worker in TN status can bring their family with them as dependents, known as TDs. A downside to the TN is that dependent spouses cannot work in the United States. A family may decide not to pursue moving to the United States because the spouse is unable to work. Where the employee lives near the border, the family may remain living in Canada or Mexico and the TN employee commutes each day to work in the United States.

If you are interested in learning more, contact the Jackson Lewis attorney with whom you work or our Immigration Practice Group.

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