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# Law Offices of Adan G. Vega & Associates, PLLC

## IMMIGRATION ATTORNEYS

Issue: # 7

August / 2010



### Fast Track to Employment Authorization in the USA TN Visas for Mexicans and Canadians

Are you a Canadian or Mexican citizen with at least a bachelor's degree? If so, you might be eligible to work in the United States right away. Through the North American Free Trade Agreement (NAFTA) citizens of Canada and Mexico with a bachelor's degree are eligible for the nonimmigrant NAFTA Professional (TN) visa for certain occupations, such as Engineer, Graphic Designer, Hotel Manager, Industrial Designer, Management Consultant, Social Worker, Dentist, Dietitian, Physician, Veterinarian, and others.

In order to qualify for a TN visa you must be a citizen of Canada or Mexico, the profession must be on the NAFTA list of occupations, and the professional Canadian or Mexican citizen has the qualifications of the profession, generally a bachelor's degree. The job offer position must be from a U.S. employer and can be full or part-time. In addition, the applicant must show that the job position requires the skills of a NAFTA professional.

The TN visa is a very attractive option since the visa can be approved very quickly, within days depending on the specific U.S. consulate post or port of entry guidelines for processing this type of cases. Mexican applicants are able to apply directly at the U.S. consulate, instead of waiting for U.S. Citizenship & Immigration Service (USCIS) to adjudicate the application. Canadians can actually apply at the port of entry. Unlike the H-1B professional visa, there is no quota on the amount of TN visas made available each year. Each TN visa may be issued with a validity of up to three (3) years and can be renewed an unlimited amount of times. In addition, spouses and children of TN visa holders may accompany the visa holder to the United States for the same duration of the TN visa.

TN visas are also very beneficial for employers. Unlike other employment visas, TN visa employers are not bound by a prevailing wage set by the Department of Labor (DOL) when determining a salary for their employee. Also, TN visas have significantly lower filing fees than the H-1B professional visas. To date, USCIS is not requesting of TN visa applicants the \$500.00 anti-fraud fee required of the H-1B employer/petitioner. The employer petitioning for the TN visa also does not have to pay the \$750.00/\$1,500.00 ACWIA (training) fee, which is required for the H-1B. With all said, the TN visa is a bargain for U.S. employers.

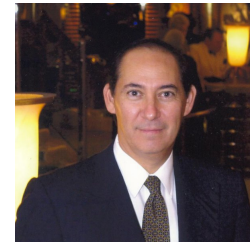
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The TN visa is a great option for both employers and employees, but keep in mind that a job offer from a U.S. company is required. If you or your business could benefit from a TN visa, please contact our office at (713) 537-9606 so we may assist you.

## Latest Immigration News

- REMINDER: September 7, 2010 is the last day for Salvadorans to re-register for TPS. The new extension is valid through 03/09/2012
- H-1B and L-1 petition fees are increasing for those applications postmarked on or after August 14, 2010. There will be an additional fee of \$2,000 for certain H-1B petitions and \$2,250 for certain L-1A and L-1B petitions. The increase applies to companies with over 50 employees and whose payroll encompasses more than 50% of their employees in H-1B status.
- Houston Immigration and Customs Enforcement (ICE) is reviewing removal (deportation) cases and dismissing those filed against suspected illegal immigrants who have no serious criminal records. The files are reviewed on a case by case basis, but the general guidelines to allow for dismissal are for those who have been in the country for two or more years and have no felony convictions.
- ICE released a Memo on August 20, 2010 to request expedited adjudication for detained and non detained removal (deportation) cases that are delayed because of lengthy processing by US Citizenship and Immigration Services (USCIS). Thus, if a court case is waiting for approval for a Relative Petition (Form I-130) by USCIS before continuing court proceedings, ICE counsel may now request for adjudication by USCIS of the relative petition in less than two (2) months. The memo issued by ICE Assistant Secretary John Morton proposes to save tax payers money by removing cases that should have been adjudicated by USCIS from the immigration court's docket. During 2009, 17,000 petitions were in court dockets that matched the profile for expedited adjudication.
- REMINDER: for individuals facing criminal charges and who are not U.S. citizens, a criminal attorney is now obligated to investigate the possible effects upon their immigration status resulting from any pleas in their criminal case pursuant to the *Padilla* case decided by



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the U.S. Supreme Court in March 2010. If you ever face a criminal charge, please be aware of this obligation on the part of the criminal attorney.

- On August 12, 2010, Congress passed a \$600 million immigration enforcement supplemental appropriations package for additional border enforcement.
- Some Republican U.S. Senators are proposing a review of the 14<sup>th</sup> amendment, which contains the birthright citizenship provision. They propose to restrict the citizenship of those individuals born in the US of undocumented parents.
- DHS estimates that the unauthorized immigrant population living in the United States decreased to 10.8 million in January 2009 from 11.6 million in January 2008. Between 2000 and 2009, the unauthorized population grew by 27 percent. Of all unauthorized immigrants living in the United States in 2009, 63 percent entered before 2000, and 62 percent were from Mexico.



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