

Department of State Issues Final Rule for Mexican Citizens Applying for TN Visa Classification

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On February 10, 2014, the **Department of State** finalized its regulation removing the requirement that **Mexican citizens** submit a TN petition with and obtain an approved **TN petition** from **U.S. Citizenship and Immigration Services (USCIS)** when seeking visa classification under the TN visa category. Under the final rule, Mexican citizens may apply for a TN visa with the U.S. embassy or consulate abroad directly. The consular officer will determine whether the applicant is eligible and meets the requirements for TN visa classification. Once the TN visa is approved and issued, the applicant may apply for admission to the United States under TN status.

The **North American Free Trade Agreement (NAFTA)** allows citizens of Canada and Mexico to be employed in specific occupations in the United States under the TN visa category. To gain entry as a TN “professional,” Canada and Mexico citizens must meet the requirements for the profession listed in Appendix 1603.D.1 of NAFTA and seek temporary entry to engage in a business activity pursuant to that profession.

In addition, as of January 1, 2014, the government also eliminated a numerical limitation of 5,500 TN visas for Mexican citizens. The USCIS petition requirement allowed the government to track the numerical limit.

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