

TN Immigration Classifications That Do Not Require Degrees



Immigration Blog

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The TN (United States-Mexico-Canada Agreement professionals) list has been mostly static since the U.S.-Canada Free Trade Agreement was signed in 1988 (subsequently superseded by the North America Free Trade Agreement, known as NAFTA). The list includes 63 enumerated professions for citizens of both countries — and now, Mexico, under the U.S. Mexico Canada Agreement (USMCA) — to obtain faster work permits.

Most TN classifications minimally require a related or specific university degree to qualify. Some require a university degree or a professional licence. Some require post-secondary education and experience. Some require only a licence.

The two professions for which a TN work permit can be obtained with evidence of a licence only are Psychologist and Registered Nurse. In my experience, an applicant does not obtain a licence without years of related education, but for a TN, a completed education is not a prerequisite. That is the same story for those applying for a TN Professional work permit for a classification for which a licence or university degree is a requirement.

For the classifications that require post-secondary diplomas or certificates, there is also a requirement of three years

of experience (and a university degree can replace the diploma or certificate and experience). Post-secondary diploma is expressly defined in the footnotes as “a credential issued, on completion of two or more years of post-secondary education, by an accredited academic institution in Canada or the United States.” Many years ago, several tech colleges were offering two-year diplomas in a condensed format. Students could complete a two-year course in nine months. For a short while, the U.S. government viewed these as fulfilling the two-year diploma requirement. Then suddenly, and with no notice, as the U.S. government often does, it changed its policy, such that a two-year course had to take two years.

Two classifications that do not require any specific educational credentials are the Scientific Technician/Technologist (Sci Tech) and the Management Consultant.

There are three separate alternate criteria with which to qualify as a Management Consultant, namely: (1) a related university degree; (2) five years of experience as a Management Consultant; or (3) five years of experience in the field in which one plans to consult in the U.S. The evidence for the non-degree criteria is most often comprised of letters from prior employees. This category has been abused on occasion by individuals who cannot work in any other TN category, and as a result, applicants in this particular category are subject to the highest scrutiny.

For a Sci Tech, the requirements are that the position must support a professional possessing a degree in one of the several identified disciplines, must engage the individual in basic or applied research or solving practical problems, and must show theoretical knowledge of the discipline. Many years ago, the government guidance suggested that two years of post-secondary education would satisfy the theoretical knowledge requirement. Many adjudicating officers over the years have determined that this requirement can be satisfied with relevant experience as well.

While obtaining TN status without a university or college degree is possible, decisions on who qualifies are always at the discretion of the adjudicating officer. When applying for status in one of the positions that do not require degrees, be prepared for heightened scrutiny, and have a very clear, well-prepared and well-organized application, to increase your chances of success.

Our Immigration Practice Team at Lippes Mathias is prepared to assist with preparation and filing of TN applications for all of the professional classifications. For further guidance on this process, contact Elizabeth M. Klarin (eklarin@lippes.com) or Eileen M. Martin (emartin@lippes.com).

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