

L VISAS



L visas are available for employers wishing to transfer people between foreign branches of the company. The foreign national must have been employed with the organization outside of the U.S. for at least one continuous year in the preceding three years at a qualifying foreign entity.

This section will cover:

- 1 L-1A: Intracompany Transferee for Executives or Managers**
- 2 L-1B: Intracompany Transferee for Employees With Specialized Knowledge**

L-1A: INTRACOMPANY TRANSFEREE EXECUTIVE OR MANAGER

Who's Eligible

Foreign nationals who've worked abroad at a foreign affiliate of the sponsoring U.S. entity in an executive or managerial capacity can apply for this visa category.

Executive capacity refers to the employee's ability to make major decisions without much oversight.

Managerial capacity refers to the ability of the employee to supervise and direct the work of employees and to manage the organization, or a department, subdivision, function or another component of the organization.

- ▶ Candidates must have worked at a related entity abroad for at least 12 continuous months out of the last three years at the time of application.
- ▶ The work or service must be in an executive, managerial or specialized knowledge capacity for a parent company, branch, subsidiary or affiliate of the same employer.
- ▶ There must be a qualifying relationship with a foreign company such as a parent company, branch, subsidiary or affiliate.



BLANKET PETITIONS

Some companies choose to establish an intracompany relationship in place of filing individual L-1 petitions. The benefit of the L Blanket is that the employee can apply for the L visa directly at the U.S. Consulate. Nothing needs to be filed in the U.S., which saves time and money.

L Blanket certification may be established if:

- ❶ All parties involved are engaged in commercial trade or services.
- ❷ The petitioner has a U.S. office that's been operational for one year.
- ❸ There are three or more domestic and foreign branches, subsidiaries and affiliates.
- ❹ All parties have met one of the following:
 - ▶ Obtained at least 10 L-1 approvals during the previous 12-month period
 - ▶ Have U.S. subsidiaries or affiliates with combined annual sales of at least \$25 million
 - ▶ Have a U.S. workforce of at least 1,000 employees

Validity Period



INITIAL STAY

3 years



RENEWALS

Two extensions granted in

2-year

increments



TOTAL STAY

7 years

Future Plans

We recommend that you speak to your attorney if the temporary nature of the assignment changes.

Government Fees

Petition filing fee: \$960

Premium processing: Employers can pay the **\$2,500 premium processing fee** when available and USCIS will adjudicate the L-1A petition, meaning they are required to approve, issue a Request for Evidence (RFE) or deny the visa petition **within 15 calendar days**.

Dependents

Employees may be accompanied by their spouses and unmarried children 21 years and under with an L-2 nonimmigrant dependent classification.

NOTE: Dependents are allowed to study. Spouses in L-2 status are eligible to present a valid and notated Form I-94 in addition to a passport to evidence work authorization once they enter the U.S.

NEW OFFICES

If the executive's or manager's reason for travel is to open a new office in the U.S., the following conditions must be met:

- ▶ The employer has secured the physical office location
- ▶ Executive, managerial or specialized knowledge capacity
- ▶ The executive or manager has been employed in that position for one continuous year in the three years preceding the filing of the petition
- ▶ The intended U.S. office will support an executive or managerial position within one year of the approved petition

Employer Document Checklist

- The U.S. petitioner's founding documents
- Documents demonstrating a qualifying relationship between U.S. petitioner and the non-U.S. entity
- The non-U.S. entity's founding documents
- Employment contract
- Financial statements or annual report
- Catalogs, brochures or other types of marketing literature
- Organizational chart for the non-U.S. position
- Organizational charts for the U.S. position

Employee Document Checklist

- Pay records from the non-U.S. entity, demonstrating a full year of employment there
- Digital photo for DS-160, the Electronic Consular Application
 - ▶ If applying under an L-1 blanket directly at the consulate or embassy
- Abroad experience proving the beneficiary acts in a managerial, executive or specialized knowledge capacity
- U.S. experience proving the beneficiary acts in an executive or managerial capacity
- Form I-94 Arrival/Departure Record*
- Resume or curriculum vitae
- Passport
- All previous form I-797 Approval Notices
- All prior dates spent inside the United States in H-1B status or L-1 status
- Visa stamp

*If inside the U.S. and applying for an extension or change to L-1A



KEY EMPLOYER TAKEAWAYS

- ! The work or service must be in an executive or managerial capacity for a parent company, subsidiary, affiliate or branch of the same employer.
- ! Candidates must have worked abroad for at least 12 continuous months out of the last three years at the time of application.
- ! Spouses in L-2 status may be eligible for work authorization.
- ! Note: Foreign nationals in L-1 status that spend less than 180 days per year inside the U.S. are considered intermittent L-1 visa holders and are eligible to extend their L-1 status indefinitely in 2-year increments.

L-1B: SPECIALIZED KNOWLEDGE INTRACOMPANY TRANSFEREE

Who's Eligible

The L-1B classification allows a U.S. employer to transfer an employee with specialized knowledge relating to the organization from one of its affiliated foreign offices to a U.S. parent company, subsidiary, affiliate or branch.

To qualify the employee must:

- ▶ Have worked in the qualifying organization for at least 12 continuous months within the last three years leading up to transfer.
- ▶ Have specialized knowledge based on employment with the foreign employer that will be used in the U.S.



SPECIAL NOTE

Specialized knowledge means that an individual possesses an advanced level of knowledge or skill relating to the company's product, services, research, equipment, techniques or management. The knowledge can be company-specific (e.g., not commercially available), and the employee must be one of few employees with the same level of advanced knowledge. It is reserved for truly unique employees within the organization.

If the employee's reason for working in the U.S. is to open a new office, the following conditions must be met:

- ▶ The employer has secured a sufficient physical location to house the new office.
- ▶ The employer has the financial ability to compensate the employee conducting business in the U.S.

Additionally, foreign nationals in L-1 status that spend less than 180 days per year inside the U.S. are considered intermittent L-1 visa holders and are eligible to extend their L-1 status indefinitely in 2-year increments.

Validity Period



Future Plans

We recommend that you speak to your attorney if the temporary nature of the assignment changes.

Government Fees

Petition filing fee: \$960

Premium processing: Employers can pay the **\$2,500 premium processing fee** when available and USCIS will adjudicate the L-1B visa petition, meaning they are required to approve, issue a Request for Evidence (RFE) or deny the visa petition **within 15 calendar days**.

Dependents

Employees may be accompanied by their spouses and unmarried children 21 years and under with an L-2 nonimmigrant dependent visa classification.

NOTE: Dependents are allowed to study. Spouses in L-2 status are eligible to present a valid and notated Form I-94 in addition to a passport to evidence work authorization once they enter the U.S.

Employer Document Checklist

- The U.S. petitioner's founding documents
- Documents demonstrating a qualifying relationship between the U.S. petitioner and the non-U.S. entity
- The non-U.S. entity's founding documents
- Employment contract
- Financial statements or annual report
- Catalogs, brochures or other types of marketing literature
- Copy of company letterhead
- Organizational charts for foreign and U.S. positions

Employee Document Checklist

- Form I-94*
- Evidence of specialized knowledge
- Diploma
- Resume or curriculum vitae
- Passport
- Visa stamp*
- All previous Form I-797 Approval Notices, if any
- All prior dates spent inside the U.S. in H-1B or L-1 Status, if any
- 12 months of paystubs from the foreign entity to prove one year of employment
- DS-160 Photo
 - ▶ If applying directly at the embassy or consulate under an L Blanket

*If inside the U.S. and applying for an extension



KEY EMPLOYER TAKEAWAYS

- ❗ Employee must have worked in the qualifying organization for at least 12 months within the last three years leading up to transfer.
- ❗ Employee must have specialized knowledge, which is uncommon knowledge of the organization's products, services or equipment.
- ❗ Evidence of specialized knowledge includes training materials, presentations, projects among other work materials.
- ❗ Foreign nationals in L-1 status that spend less than 180 days per year inside the U.S. are considered intermittent L-1 visa holders and are eligible to extend their L-1 status indefinitely in 2 year increments.



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