

L-1 VISA

The L-1 visa is a temporary non-immigrant visa which allows companies to relocate foreign qualified employees to its U.S. subsidiary or parent company. The qualified employee must have worked for a subsidiary, parent, affiliate or branch office of the company for at least one year out of the last three years. The U.S. company must be a parent company, child company, or sister company to the foreign company. The L1 visa may also include non-profit, religious, or charitable organizations.

The L-1 visa is a good way for small or start-up overseas companies to expand their business and services to the United States. This is advantageous to smaller companies because it allows for the transfer of a highly proficient manager or executive who has direct knowledge of operations, allowing the setup of a new branch in compliance with the goals and objectives of the company's main office. However, since the USCIS will scrutinize L visa petitions filed by lesser-known companies more closely, professional consultation with an experienced immigration lawyer is strongly recommended for these types of small businesses.

L1 visas can also be used by multi-national companies. When a multi-national company is developing a new market in another country, it may become necessary to have some employees with specialized knowledge work in the newly established office. Furthermore, such companies may have policies of international rotation of managerial level personnel to assure that all key personnel within a company have equal opportunity for career advancement when an appropriate position becomes open in any location around the world. The cross-fertilization of ideas among high-level employees and executives enhances a company's competitiveness; this exchange often results in innovation essential to a company's reputation and development. A regular rotation of key personnel improves and ensures uniformity of service and procedure within the company at a global level.

Whatever the case may be, the L visa is specifically designed to facilitate the needs of intra-company transfers by companies. There are two different L-1 visa classifications: L1A and L1B.



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L-1A VISAS - INTRACOMPANY TRANSFEREE EXECUTIVE OR MANAGER

L-1A visas are designed for intra-company executive transferees coming to work in the United States. The L-1A visa holders must have been employed in an executive or managerial capacity for the foreign company at an overseas location continuously for at least one year out of the past three years. In addition, the L-1A visa allows a company which does not currently have a U.S. office to send an executive or manager to the United States in order to establish one. L1A visa is granted initially for one year for a new company in the US or three years for a US company with more than one year in existence, with extensions available in two-year increments, with a total stay not to exceed seven years.

L-1B VISAS - INTRACOMPANY TRANSFEREE SPECIALIZED KNOWLEDGE

L-1B are designed for professional employees with specialized knowledge. An example of specialized knowledge personnel would be an individual who possesses proprietary knowledge about a company's product and who travels to the U.S. to impart his or her specialized knowledge to new U.S. employees. In addition, companies who currently do not have an office in the United States can use the L-1B visa to send over an employee with specialized knowledge to help establish one. An L1B visa is issued initially for three years with one two-year extension for a maximum of five years stay.

In both cases, the U.S. company and foreign company must be related in a specific way such through a parent/subsidiary relationship or through an affiliated employer.

L-1 BLANKET VISA

The USCIS has provided a special set of procedures to be used by companies that are frequent users of the L-1 visa category and are large multi-national organizations. This is called the "L-1 Blanket Petition Program". Under this program, the approved company need only receive one approval from the USCIS to transfer a certain number managerial, executive and professional employees.

On completing the maximum allowable period, the L-1 holder must leave the United States for a minimum of one year and must work for a foreign operation of the U.S. Company before becoming eligible to reapply for an L visa.

Full-time employment is not required to maintain L visa status, but the employee "must dedicate a significant portion of time on a regular and systematic basis" to the company while in the U.S. Even though the L1 visa holder must be employed on a full-time basis with the company, foreign worker does not necessarily have to be working in the U.S. on a full-time basis. A foreign worker is allowed to divide work between the U.S. and home country. In other words, the foreign worker can be principally employed outside the U.S. and still receive L1 visa for coming to the U.S. to work on a short-term basis.

If the alien is coming to the U.S. for conferring with officials, attending meetings and conferences, and participating in training, such activities are not considered a regular and systematic basis and the alien should apply for business visa instead.

Spouses of L-1 visa holders may apply for work authorization with USCIS to work in US without restriction.

One of the privileges of the L1 visa, as opposed to many other nonimmigrant visas, is that it is a 'dual intent' visa. In other words, under the terms of the L-1 visa, the L-1 visa holder may apply for a Green Card and become a permanent resident without jeopardizing his/her L-1 visa status or their visa applications from a U.S. consular office abroad. Another advantage is that visa numbers are almost always current if apply for Green card through EB-1C category. This means that the L1 visa holder will not have to wait for visa numbers to become available before applying Adjustment of Status (I-485) and receiving a Green Card.