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A PROFESSIONAL CORPORATION

L-1 Visas: Temporary (Nonimmigrant) International Corporate Transfers

Where a foreign company has a related U.S. company (branch, parent, subsidiary or affiliate), U.S. immigration law allows *temporary* transfers (no longer than 5 or 7 years) of (1) managers, (2) executives and (3) persons with specialized knowledge to the related U.S. company under the *L-1 visa* category.

Requirements:

- § ***To qualify as an L-1A manager or executive***, the employee must show that the employee has day-to-day decision-making authority and supervises other personnel of the company or manages an important function of the business.
- § ***To qualify as an L-1B employee with specialized knowledge***, the employee must show that s/he has specialized proprietary knowledge of the company's "product, service, research, equipment, techniques, management or other interests" as it applies to international sales and markets.
- § ***New office L-1 visas*** can be issued for small companies lacking the capital to qualify under E-2 Visa Treaty Investor Regulations (see discussion below regarding E-2 visas).

Nationality of Employee: Unlike E-visas, the employee need not be of the same nationality as the foreign company. However, the employee must have worked for the overseas parent at least one full year within the 3 years preceding their first entry into the United States.

Duration: L-1 visas are issued for an initial period of 1-3 years. The maximum time limit of L-1A visas for managers and executives is seven (7) years. L-1B visas (for specialized knowledge employees) can be renewed in two-year increments for a maximum of five (5) years.

CIS regulations require that decisions on L-1 visas be made in thirty (30) days or less. Individual petitions are filed in the U.S. by the U.S. subsidiary or branch office. Approval is cabled to the U.S. Consulate in the employee's home country for your employees to pick up their visas.

“Blanket Petitions” can also be filed for large organizations or those having transferred at least ten (10) employees under the L-1 program during the previous year. Blanket Petitions further streamline the process by allowing the company to issue its own certificate of eligibility which the employee takes directly to the U.S. Consulate, **allowing L-1A and L-1B visas to be issued in two weeks or less.**

Spouse Employment: Spouses of L-1 visa holders can obtain work authorization in the U.S.

STRATEGY TIPS: *Foreign firms with new or existing U.S. operations have several basic options for transferring managerial and executive employees planning to work in the U.S.: L-1A visas, H-1B visas, E visas, and the Multinational Manager/Executive Green Card. You should consult an immigration attorney to see which of these basic choices best fits your international personnel needs.*

Joint ventures also allow use of L-1As, L-1Bs, E visas and Multinational Green Cards. To qualify, your foreign company must usually own 50% or more of the U.S. entity.

Dual Intent: Like the H-1B, L visa holders can permissibly have the intent to remain permanently in the U.S., which means that they can apply for a green card without jeopardizing the L-1 status.