

HAUSWIESNER KING LLP

L-1 Intracompany Visas – Q&A

What is an L-1 intracompany visa?

An L-1 visa allows a U.S. company having a related company abroad to transfer personnel from abroad to the United States. This is the main non-immigrant visa our law firm uses to bring in managers and executives for subsidiaries of foreign companies. This category is called L-1A. Lower level employees can also be transferred to the United States. However, they must possess special knowledge of the company product, service, research, equipment, techniques of the company. This visa category is called L-1B.

What are the requirements for L visas?

- 1) The employee must generally have worked for the overseas company for one year in the preceding three years.
- 2) The overseas company must have a branch office, subsidiary, affiliate, or parent of the U.S. petitioner, or must be involved in a 50-50 joint venture with the U.S. petitioner
- 3) The overseas company must continue to do business during the whole time of the transfer
- 4) The alien must have worked as an executive or manger or have specialized knowledge
- 5) The alien must be coming to the United States to fill an executive, managerial or specialized knowledge position and must be qualified for the position.

Can the alien come to the U.S. to open a new office?

Yes, but he will only be given an initial period of stay of one year. Thereafter, he or she must prove that the U.S. entity has been actively and profitably engaged in business.

How long can the employee stay in the United States?

If the U.S. entity has been in existence for more than one year, L-1 managers can get an initial period of stay for three years, with the possibility of extensions in two year-increments, for a total of seven years. Specialized knowledge employees can stay up to five years.

Can a L-1A manager apply for a green card later on?

Yes, L-1A manager can apply for permanent residency. From our professional experience, this is done quite frequently. In addition, under current law, they are eligible for an expedited permanent residency status because they are deemed priority workers and are not subject to the labor certification requirement. This makes the application process faster than for most other employees.

Can the spouse of the manager work in the U.S.?

Yes, L-1 visa holder's dependents can apply for L-2 visas which entitle them to apply for employment.

Can the U.S. company apply for several employees at a time?

It depends on the size of the U.S. operation and if the employees are really required for the success of the business.

Can the U.S. company apply for unnamed foreign employees?

Yes, this is the co called blanket L-1 classification. However, the requirements are high: The petitioner and each of its qualifying entities must be actively engaged in trade or services, have an office doing business in the United States for at least one year, have three or more branches and have obtained USCIS approval of individual petitions for at least 10 L-1 managers in the prior 12 months or have U.S. subsidiaries with combined annual sales of at least \$25 million or a U.S. work force of at least 1,000 employees.

How long will the process take?

Generally, it will take up to three months to have an L-1 visa application processed. However, the USCIS now offers Premium Processing which means that the petition will be processed within 15 business days or the fee will be reimbursed.

What are the filing fees?

There are basically two different fees:

- 1) \$320.00 (base fee)
- 2) \$500.00 (Fraud Prevention and Detection Fee)

In case the company chooses Premium Processing, there is additional fee of \$1,000.