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L-1 Visa

Overview

The L-1 visa is a non-immigrant visa that is useful for multinational companies to transfer high-level managers, executives, and employees with specialized knowledge from an overseas company to a related entity in the U.S. or to set up a new office in the United States.

Qualifying criteria

Petitioner qualifications

- Qualifying organization must be a U.S. or foreign firm, corporation, or other legal entity;
- The organization must be doing business as an employer in the U.S. and in at least one other country through a legal relationship, such as parent, branch, subsidiary or affiliate; and
- The U.S. petitioner must have control of the employee.
- Special provision for new offices:
 1. A new office means an organization has been doing business in the U.S. through a parent, subsidiary, branch, or affiliate for less than one year;
 2. Evidence of office space, a business plan and proof of ownership, control and financial viability must be submitted along with the petition.

Beneficiary qualifications

- The beneficiary must have worked abroad for one continuous year for a qualifying foreign entity; and
- The employee's prior year of employment abroad must have been in "executive" or "managerial" capacity to qualify for L-1A, or possess "specialized knowledge" to qualify for L-1B,
- The prospective employment in the U.S. must also be in a managerial, executive or specialized knowledge capacity,
- A detailed description of the beneficiary's prior year of employment abroad and of the intended employment in the U.S. are required to show that the alien was and will be employed in a managerial, executive or specialized knowledge capacity.

Filing Procedures

The U.S. entity must file Form I-129 and L supplement with the appropriate USCIS Service Center. USCIS is required to adjudicate all L-1 petitions within 30 days of filing; however, the USCIS often fails to adjudicate L-1 petitions within the required statutory period. L-1 visa holders may stay in the U.S. for up to three years with a possible 2-year extension for all L visa employees and an additional 2-year extension beyond that for managers (7 years) and executives (5 years). For L-1 petitions for new offices, the beneficiaries may stay initially for one year and must submit additional evidence demonstrating the new office has become an established business when requesting an extension beyond the initial stay.

Timeframe

The current processing time for L-1 petitions is approximately 3-4 months if the premium processing service is not used.