

# 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 minimum of one year and must work for 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. 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.

## L1 Frequently Asked Questions

**Q: Does the employer need to get a prevailing wage request or pay a certain amount to the transferee?**

**A:** No. A prevailing wage request is not required for an L-1 visa and there is no requirement for the amount an employer must pay the transferee. However, the wage paid to the transferee needs to be considered reasonable when factoring in the structure and size of the individual corporation and the business practices of the market.

**Q: May I change my work location when I'm in L-1 status?**

**A:** Yes, if you are taking a position with similar duties with the same employer. But you must file an amendment petition and notify the USCIS of this change.

**Q: May I change my job to work for another U.S. affiliate of the same overseas corporation?**

**A:** No. If you are going to work for another company, the other affiliate needs to file an independent L-1 petition for you. You can't use your original L-1 to work for this new company.

**Q: I've just had my L-1 visa approved. I want to know what is the maximum time that I can use my L-1 visa to work in the U.S.?**

**A:** It depends on the type of L-1 visa you received. For the L-1A visa, the maximum duration is 7 years; and for the L-1B it is 5 years. The initial approval is usually 3 years or less, so you may need to apply for a renewal before your current visa expires to the allotted visa category.

**Q: My company is considering an L-1A visa for me to work at our U.S. branch, and asked me to provide proof of my educational qualifications. I am worried because I never went to college. Am I still qualified for an L-1A visa? Does my lack of a bachelor's degree make my case weaker?**

**A:** You can still qualify without a Bachelor's degree as long as you met all the requirements for the L-1A visa. There is no minimum education requirement for L-1A visa applications. Education is only one of the factors the USCIS will consider when determining whether you have the ability to perform as a manager.

**Q: My company is opening a new branch office in the U.S., and the board wants to send me there to supervise our operations. We are considering the L-1A visa, but it seems hard for us to prove that my position there is qualified since we currently only have one employee in that new branch. Can I still use the L-1A visa?**

**A:** Yes. Your case falls into the category of new office, which has a specific set of rules. The new office provision is designed for those offices which are, at the time of the filing, not fully established or able to support the services of a full-time manager or executive. Instead of proving that the relevant positions exist, the new office only needs to provide a lease for its office as evidence of a secured office location and a business plan to show that the company will develop in the future to a degree that it can afford such a managerial position.

A downside, however, is that the initial duration for a new office L-1A visa is only 1 year.

**Q: I'm currently in L-1A status, but recently filed my I-485 adjustment of status based off my approved EB-1(c) petition. Can I travel abroad while my application for adjustment of status is pending without losing my L status?**

**A:** Yes. If your L visa is valid, you may use it to reenter the U.S. You will remain in L status when you return.

If your L visa expires during your traveling period, you may apply for a new L visa overseas and use your new visa to reenter the U.S. in L status, provided you are returning to the same employer. Otherwise, you will need to apply for advance parole documents to ensure that your adjustment of status is not considered abandoned. If you use advance parole to reenter, however, you will no longer be in L status and will be in parolee status.

**Q: What is a "blanket application?"**

**A:** This is a procedure designed specifically for businesses that are frequent users of L-1 visa. Large multi-national corporations with 3 or more branches, subsidiaries or affiliates are qualified if they have one or more of the following:

- A combined U.S. annual sales of \$ 25 million;
- A U.S. workforce of 1,000; or
- Received approval of at least 10 L petitions in last 12 months.

In order to petition using a blanket application, the petitioner must obtain approval from the service center and then attach I-171C demonstrating the blanket approval when filing the I-129 Form, Petition for a Nonimmigrant Worker. Once the Blanket is approved, the company may transfer people to the U.S. on short notice without having to file a separate petition for each employee.