

L1 – Visa (Intercompany Transfer)

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 L-1 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. USCIS often scrutinize L visa petitions filed by lesser-known companies more closely, therefore, consultation with an experienced immigration lawyer is strongly recommended for these types of small businesses.

L-1 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. 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: L1-A and L-1B.

L-1A visas- Intracompany Transferee Executive or Manager

L-1(a) 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. L-1A 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-1(b) 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 L-1B 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.