

L-1A Nonimmigrant Visa Intracompany Transferee (Multinational Executive or Manager)

Executive or Manager Intracompany Transferee Visa

The L-1A visa authorizes temporary employment of an executive or upper level manager transferred from a foreign company to a related U.S. company. The visa can be extended for a total of 7 years.

Visa Requirements

The L-1A visa requires **(1)** a foreign company and a U.S. company to be related as parent, subsidiary, affiliate or branch; **(2)** the companies must be currently doing business; **(3)** the employee must have at least one year of executive or upper level managerial experience with the foreign company; and **(4)** the employee must be employed as an executive or manager with the U.S. company.

New Office L-1A

Foreign companies are allowed to establish U.S. companies and petition for L-1A visas for executives and upper level managers to begin company operations. The company and Beneficiary must meet the same basic requirements as the L-1A visa.

The petition includes detailed information about the U.S. company including type of business, organizational structure, financial goals, and the size of the U.S. investment. The petition must include information about the foreign company including the organizational structure and the financial ability of the company to support the U.S. company. A **business plan** or executive summary is highly recommended. The U.S. company must submit a **commercial lease** to show it has adequate office space for operations and bank account statements or wire transfers to show that it has **adequate funds** to begin operations. The company must submit evidence that within one year the U.S. operation will support an executive or managerial position.

Licensing

Qualifications for positions in the United States vary by industry and by state. Check with your industry and states professional licensing bodies to determine eligibility requirements.

Premium Processing

The USCIS has a business service called *Premium Processing* where the USCIS responds within 15 working days from the date of the receipt of the application. There is a \$2500 USCIS filing fee for this service. This fee is in addition to other USCIS filing fees that the petitioner pays.

Approval of the Visa Petition and Applying for the Visa to Travel Internationally

The USCIS issues an approval notice as evidence of the employee's L-1A status. The approval allows the employee to work for the petitioning company only. The employee's dependents are issued approval notices as evidence of their L-2 status.

The employee must have the L-1A visa in their passport for travel out of and return to the U.S. This application is done at U.S. consulates outside the United States. The dependents must have L-2 visas in their passports for return travel. This is referred to as visa consular processing.

Work Authorization for Spouses

The L-2 spouses of L-1 visa holders are allowed work authorization in the U.S. L-2 spouses are given an annotated I-94 on entry and can also file for a work authorization document with the USCIS granted for the period of authorized stay granted the L-1 principal.

“Visa” for international travel or “Change of Status” in the United States

To travel outside the US and return in the L-1A visa classification, you must apply for and be issued the L-1A visa, usually from the US Embassy or Consulate in your home country. If you are in the US in a different visa classification, you may have the option to file to “change status,” but this is not a visa to allow for travel.

L-1A International Executive Visa Document List

Employee (Beneficiary)

- ❑ Résumé (with detailed description of job duties and dates of employment)
- ❑ Beneficiary's experience letter (title, dates of employment and qualifications)
- ❑ Beneficiary's diplomas, degrees, and certificates
- ❑ Evidence of Beneficiary's status (visa, I-94, approval notices)
- ❑ Dependent's information (date of birth, country of birth, relationship, current address)
- ❑ Passport bio page of Beneficiary and accompanying family members

U.S. Company (Petitioner)

- ❑ Proposed U.S. job description (detailed)
- ❑ Certificate of Incorporation and Articles of Incorporation
- ❑ Stock certificates (showing total ownership of the company)
- ❑ Business registration, business license, business permits, DBA's
- ❑ Organizational chart
- ❑ 5-year business plan (including financial projections, projected employees, markets, etc.)
- ❑ Commercial lease
- ❑ Brochures, catalogs, promotional and product literature, and advertisements
- ❑ Invoices, contracts, bills of lading, and other business documentation
- ❑ Corporate tax returns (IRS 1120, IRS 941, TWC C-3)
- ❑ Financial statements (balance sheet, income statement, asset & deficit, payroll)
- ❑ Bank account statements
- ❑ Wire transfers; certified checks or other evidence of capitalization in the U.S.

Foreign Company

- ❑ Job description at foreign company (detailed)
- ❑ Certificate of Incorporation and Articles of Incorporation
- ❑ Business registration, business license, business permits
- ❑ Organizational chart
- ❑ Company information (history, facilities, products, employees, clients)
- ❑ Commercial lease
- ❑ Brochures, catalogs, promotional and product literature, and advertisements
- ❑ Invoices, contracts, bills of lading and other business documentation
- ❑ Corporate tax returns
- ❑ Financial statements (balance sheet, income Statement, asset & deficit, payroll)
- ❑ Bank account statements

Fong•Ilgan, LLP works with clients to simplify the L-1A international executive visa process. To discuss your case specifics with a board-certified attorney, please contact our office at 713.772.2300.