

L1A visa

Transnational Manager Visa L1A

- L1 is a Visa for multinational managers and internal transfer staff with special skills.

Basically, there are three requirements for L1:

1. Currently be, or will be doing business in America;
2. As executives or professionals working for a qualifying organization abroad for one continuous year within the three years immediately preceding his or her admission to the United States;
3. The petitioner has the financial ability to compensate the alien beneficiary and to begin doing business in the US.

Key Elements to L1A

- L-1 visa is a nonimmigrant visa allowing a foreign-based entity to open a new office in the U.S. and
- Either transfer a multinational executive or manager (L-1A) or
- Specialized knowledge personnel (L-1B) to its office in the U.S.
- It leads to a permanent resident status in the U.S.;
- L-1 visa usually requires 5-6 employees is enough.
 - Investment is less than \$500,000. You decide how much you need to invest;
 - The entrepreneurs have full control of the investment during the whole time, and
 - Can translate the funds at any time;
 - Free access to America; do not have to live in America permanently;
 - Directly involved in the project operation, direct control of the company's operations

- a. You are in control of your one investment and can be as active or passive as you desire.
- b. Flexible residency for 7 years in US. This travel in / travel out L1 visa gives you the opportunity to decide when you want to come and go.
- c. You are in full control of your money. Sell and buy whenever you please.
- d. When you get a visa, you can apply for a green card at any time.

However, I-140 petition is required and if approved an L-1 transferee is eligible to apply for adjustment of status to that of a permanent resident in the U.S. (if physically in the U.S.) or consular process and receive an immigrant visa to be admitted as permanent resident of the U.S. (if abroad upon I-140 approval).

Common L-1 Visa Questions:

What is an L-1 Visa?

L-1 Visas are used for intercompany transferees. There are 3 types of L-1 Visas. L-1A Visas are for employees working in a managerial or executive capacity. L-1B visas are for employees with specialized knowledge such as knowledge of company, product, and/or service. Blanket L-1 Visas are available for large multi-national corporations that need to easily and expeditiously transfer qualifying employees to the US.

Do I qualify for an L-1 Visa?

Although the best way to answer this question is via a free, no-obligation consultation with an attorney, there are some general requirements that must be met. The employee must have spent at least one (1) of the past three (3) years working outside of the US for the foreign company, and there must be a relationship (parent, affiliate, subsidiary, branch) between the foreign company and the US organization.

What's the difference between an L-1A Visa and an L-1B Visa?

L-1A Visas are reserved for employees that work in a managerial or executive capacity. The managerial and executive designations are not limited solely to people who supervise large enterprises or a large number of employees, and can include managers of independent contractors. However this designation does not apply to first-line supervisors as these are not generally considered managers unless they supervise professional workers. For example, a Production Supervisor who manages shifts of hourly employees in a factory would not be the best candidate for an L-1A visa, as USCIS may claim that these production

workers are not professionals. However an Accounting Supervisor who manages a 2 person accounting team, would have a stronger case, even though the size of the team is small, since an Accountant is frequently considered a professional occupation.

For MANAGERS, this means an employee primarily:

1. Manages the organization, department, subdivision, function or component;
2. Supervises and controls the work of other supervisory, professional, or managerial employees, or manages an essential function within an organization or department or subdivision of the organization;
3. Has the authority to hire and fire or recommend personnel actions for the employees s/he directly supervises or, if there are no direct reports functions at a senior level within the hierarchy or as to function managed; and
4. Exercises discretion over day-to-day operations of the activities.

For EXECUTIVES, this means an employee primarily:

1. Directs the management of the organization or a major component or function;
2. Establishes goals and policies;
3. Exercises wide latitude in discretionary decision making; and
4. Receives only general supervision or direction from higher level executives.

For example a foreign company may wish to transfer members of its marketing team to the US to help the US organization launch products that are already being marketed abroad. The team consists of a Marketing Director, Marketing Managers, and Marketing Coordinators. The Marketing Director would be an ideal candidate for an L-1A Visa as he/she directs the management of the marketing function of the company, establishes goals, has wide latitude.

My job title doesn't include manager or executive; will I still qualify for an L-1A Visa?

USCIS looks at the nature of the job, not just the title. In general, managers oversee the work of other supervisory, professional, or managerial employees, or manage an essential function, department, or subdivision of the organization. Managers also have the ability to hire and fire lower ranked employees or perform other personnel actions. In general executives direct the management of an organization; or a department or subdivision of an organization; exercise wide latitude in discretionary decision-making; and receive only general supervision.

What kinds of “specialized knowledge” are needed for L-1B Visas?

Generally the “specialized knowledge” needed for an L-1B visa consists of knowledge of the company’s product, service, research, equipment, techniques, management, or other interests, and its application in international markets. An advanced level of knowledge of processes and procedures of the company can also be viewed as specialized knowledge. This knowledge should help the employer remain competitive in the marketplace, and be distinct from the knowledge typically found in the industry – though this knowledge does not need to be proprietary or unique.

Specialized knowledge of a company product must be “noteworthy” or “uncommon.” If the specialized knowledge is of a company’s process and procedures it must be advanced, but it does not necessarily need to be narrowly held. A key determinant of specialized knowledge is the idea that it would be difficult to impart the knowledge to another party without substantial economic hardship for the US or foreign firm.

An employee with specialized knowledge is not just a skilled worker. Her/his knowledge of the company’s product, service, research, equipment, techniques, management, or other crucial aspects of the business is not easily found in the US labor market. Key characteristics of an employee with specialized knowledge include:

- Possession of knowledge that is critical to the company’s competitiveness in the market place;
- The unique ability to contribute to the US company’s knowledge of foreign operations;
- Service as a key employee abroad, assigned to significant assignments that have contributed to the employer’s productivity, competitiveness, image, or financial position; and
- Knowledge of the company that can only be gained through extensive prior experience with the employer.

Additionally the specialized knowledge must be integral to continued operation of the specific business or project that the transferee will work on. Again this knowledge should be atypical in the industry and complex enough in nature that it cannot be easily taught to another employee currently in the US.

Does my company qualify?

L-1 visas are for intra-company transfers, so the foreign company must have some type of ownership, either directly or indirectly, in the US company. The most frequently used relationships are parent, branch, affiliate, or subsidiary. With the L-1 visa the parent company and the subsidiary do not have to engage

in the same business, but they must have a relationship. Additionally there are no size or country restrictions associated with L-1 Visa petition -- though smaller petitioners may need to submit more evidence.

Do I need to have a Bachelor's Degree to qualify for an L-1 visa?

No. Unlike the H-1B visa there is no minimum or prevailing wage that an employer must pay an employee working in L-1A or L-1B Visa status, and the employee's salary can be paid by either the US company or the foreign company.

How long can I maintain L-1 status?

Upon approval, the first L-1 visa is valid for three (3) years during which an individual in L-1 status can legally work for the sponsoring employer. After that, L-1 extensions are available in two (2) year increments. An L-1B visa can be extended once, for a total of five (5) years of eligibility. An L-1A Visa can be extended twice, in two year increments, for a total of seven (7) years of eligibility.

Additionally employees who enter in L-1B status and are promoted to managerial or executive roles can change into L-1A status and stay in the United States for the full 7 years. In this instance, the change of status petition must be approved by USCIS at least 6 months before the expiration of the beneficiary's 5 years of L-1B status.

Can I apply for a green card (permanent residency) in L-1 status?

Yes. Individuals with L-1 visas can apply for permanent residency while in L-1 status. In fact, one of the major benefits of the L-1A visa is that individuals in L-1A status can apply for a green card without filing a PERM Labor Certification. Individuals in L-1B status will still need to complete a labor certification to obtain a green card through employment.

Are there any quotas or caps for L-1 Visas?

No. Unlike the H-1B Visa category there is no limit on the number of L-1A and L-1B Visas that can be issued.

Do I have to file my petition by a certain date, or start working on a specific date? No. Since there is no quota for L-1 Visas, L-1 Visa petitions can be filed at any time, and L-1 visa holders do not have to wait until the beginning of a calendar or fiscal year to start working.

What if the office in the U.S. is NEW?

There are special provisions when a company opens a new office in the U.S. and wishes to employ a manager or executive. A new office is defined as "an organization which has been doing business in the U.S. through a parent,

branch, affiliate, or subsidiary for less than one year." The mere presence of an agent or office in the U.S. is not enough to satisfy the "doing business" requirement.

In order to qualify for an L-1 where a new office is involved, the following evidence must be submitted:

1. Sufficient physical premises for the office have been secured (usually by providing a lease);
2. The beneficiary meets the one year continuous employment requirement; and
3. Within one-year, the intended U.S. operation will support an executive or managerial position.

In order to meet the last requirement above, the employer must submit information regarding:

1. The proposed nature of the office describing the scope of the entity, its organizational structure, and its financial goals;
2. The size of the U.S. investment and the financial ability of the foreign entity to remunerate the beneficiary and to commence doing business; and
3. The organization structure of the foreign entity.

A new office L-1 petition may only be approved for an initial period of one year. Subsequent extensions can be obtained upon presentation of evidence that the business is active and operating.

What if I own the company?

While the L-1 Visa is not intended for individuals who are self-employed, sole proprietors, owners, and/or majority stock holders can still obtain L-1 Visas to open a new branch or affiliate in the United States. Under these circumstances, the initial L-1 Visa will only be valid for one (1) year.

What if I have a spouse and/or children?

The spouse and children of L-1 Visa holders can apply for L-2 visas. L-2 status will allow your dependents to enter the US, attend school, and maintain valid legal status. Additionally, unlike H4s (the dependent status for H-1B Visa holders) people in L-2 status are authorized to legally work in the U.S.

What if I don't live in New York City?

Don't live in New York City? No problem! We take great pride in offering the same stellar level of service to individuals whether they are located across the

street, across the country, or across the globe. Whether we meet in person, over the phone, or using the internet, our strong communication will be an asset to your case.

How long does it take?

Turnaround time really depends on how long it takes our clients to gather the information required to submit an application. Generally turnaround time is 7 days once we have all the required information. Visa approval time depends on USCIS and the method of processing. It can take anywhere from a few weeks to a couple of months to receive a decision on applications submitted via regular processing. With Premium Processing it can take up to 15 calendar days for USCIS to make a decision.

What type of information and documents do you need from me and my employer to prepare the L-1 Visa application?

Generally speaking, the information needed to prepare an L-1 Visa can be broken up into 3 parts: employer, position, and foreign national. As every case is different, we can discuss your specific needs during our free, no obligation attorney consultation.

EB-5 visa is an immigrant visa

1. Directly leads to a conditional permanent resident status (for 2 years) and
2. Then you must apply for removal of conditions to obtain a permanent green card in the U.S.
3. EB-5, which requires an investment of either \$500,000.00 or \$1 million depending on where the commercial enterprise is located.
4. EB-5, the investor has to create 10 direct full time jobs.

5. Key Elements for EB-5 Visa Investment Requirements

- According to EB-5 visa rules:
 - Petitioners are required to invest as low as \$1,000,000.00 for anywhere of America, and
 - Create at least 10 full-time jobs for U.S. citizens; Or

- Petitioners are required to invest as low as \$500,000.00 for a business established in a "targeted employment area", and
- Create at least 10 full-time jobs for U.S. citizens.
- Investment immigration will get a two year 'temporary green card' at the beginning.
- Investors can apply to apply to the USCIS for the abolition of conditional immigrant visa application three months before the two years green card expire date.
- If the investment is still existence, the USCIS will approve the permanent green card.

Requirements are different for each type of visa and you should consult an experienced immigration attorney for more in-depth discussion of your specific situation and what type of visa may be best for you.