

L-1 Intracompany Transferee Visa

L-1 Intracompany Transferee Visa is a non-immigrant visa that permits a U.S. employer to transfer a manager or executive (L-1A), or an employee with specialized knowledge (L-1B), from one of its affiliated foreign offices to one of its offices in the U.S. The L-1 visa also enables a foreign company with no affiliated offices in the U.S. to send that transferee over to set one up.



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The contents of this document do not constitute legal advice.

QUALIFICATIONS

INTRACOMPANY TRANSFeree

- ▶ Employee was employed in the foreign company for 1 continuous year within the preceding 3 years of application submission in a managerial, executive, or specialized knowledge capacity.
- ▶ Transferee is to be employed by the qualifying affiliated U.S. company in a managerial, executive, or specialized knowledge capacity.

FOREIGN COMPANY

- ▶ Reached stage of organizational development
- ▶ Has, and will continue to have, on-going business

AFFILIATED U.S. COMPANY

- ▶ Has qualifying relationship with foreign company, including parents, subsidiaries, affiliates, branch offices
- ▶ Currently, or will be, doing business

NEW OFFICES

- 🔍 Capital investment by foreign company must be enough to cover first year operations and expenses
- 🔍 Physical premises already secured
- 🔍 For L-1A: Transferee has been employed as executive or manager for 1 continuous year in the 3 years preceding filing of the petition.
- 🔍 Office will support an executive or managerial position within 1 year of petition approval

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THE PROCESS

REMIT CAPITAL INVESTMENT FROM FOREIGN COMPANY

- ▶ Open a business account in the U.S.
- ▶ Transfer investment funds from overseas
- ▶ Keep record of all related documentation

CREATE COMPREHENSIVE BUSINESS PLAN (EXTRA SERVICE FEES)

- ▶ Summaries of U.S. company, foreign company and the qualifying relationship; Comprehensive industry analysis; Marketing and competitor analysis; Key management and personnel plan; 5-year financial forecast showing company growth

LAW FIRM TO REVIEW AND PREPARE L-1 APPLICATION

- ▶ Attorney will draft support letter and assemble L-1 application to submit to USCIS. This process generally takes a couple of weeks to prepare.

APPROVAL OF APPLICATION

- ▶ Work in the U.S. in approved L-1 position

FORM U.S. COMPANY (EXTRA SERVICE FEES)

- ▶ Register your business in the U.S (See incorporation pamphlet for more details)
- ▶ Your business should have a federal tax ID number, Articles of Association, Bylaws, Operating or Shareholder Agreement, Stock Certificate, Stock Ledger, Meeting Minutes, etc.

SET-UP U.S. OFFICE

- ▶ Find office location and sign lease
- ▶ Apply for permits, licenses, insurances, etc.
- ▶ Keep record of all related documentation

COLLECT DOCUMENTS

- ▶ Documents on the foreign company, U.S. company, the qualifying relationship, and eligibility of the L-1 employee

SUBMIT APPLICATION

- ▶ Let the attorney know if you want to apply from within the U.S. or from abroad. Regular processing normally takes 3-4 months, premium processing takes 15 days.

