

How to Apply for the L-1 Visa (Intracompany Transferees)

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Overview - The L-1 Visa

Description

The L-1 intra-company transferee visa allows executives, managers, and employees with specialized skills to transfer from the foreign company to a U.S. office, subsidiary, or affiliated company to perform temporary services.

ADVANTAGES

Processing Time

The Immigration Service usually decides petitions in 30-60 days.

Duration

L-1 visas are granted initially for 1 to three years with extensions available in two-year increments, with a total stay not to exceed seven years.

Permission to Work in the U. S.

The intra-company transferee is allowed to work for the U.S. subsidiary or affiliate company.

Includes Spouse & Children

The spouse and children under 21 are allowed to accompany the L-1 visa holder during the period of the transferee status.

Conversion to Permanent Residence

In limited circumstances, it may be possible to convert the L-1 visa for executives and managers to lawful permanent residence status.

REQUIREMENTS

Previous Employment

The applicant must have been employed by the foreign "parent company" for at least twelve months during the three-year period immediate prior to filing the L-1 visa application.

Capacity of Employment (Past)

The applicant must have been employed as an executive, manager, or as a specialized skill worker for a minimum of twelve months during the three years immediately preceding the filing of the L-1 visa petition.

Capacity of Employment (Future)

The applicant be employed as an executive, manager, or as a specialized skill worker for the same company, or its U.S. subsidiary or affiliate.

Intra-Company Relationship

The current (foreign) and prospective (U.S.) companies must be either the same company, or related by subsidiary or affiliate ownership.

LIMITATIONS

Seven year Limitation

L-1 visas may not be extended beyond a total of seven years.

New employees Excluded

New employees may not be transferred prior to serving one year abroad as an executive, manager, or specialized skill employee of the foreign parent company.

Foreign Company's Existence

There must be continual existence of the foreign company during the transferee's stay in the U.S.

Spouse & Children Not Employed

The spouse and children are allowed to reside in the U.S. but are not allowed to be employed.

Intra - Company Relations Continue

L-1 visa holders may remain only as long as the U.S. company qualifies as the same company or subsidiary or affiliate status with the foreign company.

DOCUMENTS & FEES NEEDED TO BEGIN APPLICATION

L Petition Requirements.

A U.S. employer or foreign employer may file the petition, but a foreign employer must have a legal business entity in the U.S. The petition must be filed with:

Blanket L Petition

An L blanket petition simplifies the process of later filing for individual L-1A workers and L-1B workers who are specialized knowledge professionals.

These are persons who possess specialized knowledge employed in positions which require the theoretical and practical application of a body of highly specialized knowledge to fully perform the occupation and require completion of a specific course of education culminating in a baccalaureate degree in a specific occupational specialty.

A blanket L petition must be filed by a U.S. employer who will be the single representative between USCIS and the qualifying organizations. File the petition with copies of evidence that:

- You and your branches, subsidiaries and affiliates are engaged in commercial trade or services;
- You have an office in the U.S. that has been doing business for one year or more;
- You have 3 or more domestic and foreign branches, subsidiaries, or affiliates;
- You and your qualifying organizations have obtained approved petitions for at least 10 "L" managers, executives or specialized knowledge professionals during the previous 12 months, have U.S. subsidiaries or affiliates with combined annual sales of at least 25 million dollars, or have a U.S. work force of at least 1,000 employees.
- After approval of a blanket petition, you may file for individual employees to enter as an L-1A alien or L-1B specialized knowledge professional under the blanket petition. The petition must be filed with:
 - A copy of the approval notice for the blanket petition;
 - A letter from the alien's foreign qualifying employer detailing his/her dates of employment, job duties, qualifications, and salary for the 3 previous years; and
 - If the alien is a specialized knowledge professional, a copy of a U.S. degree, a foreign degree equivalent to a U.S. degree, or evidence establishing the combination of the beneficiary's education and experience is the equivalent of a U.S. degree.

Instructions For Completing the L-1 Visa Application

Step 1): Employer completes USCIS Form I-129 and L Supplement (see editable forms and sample forms).

Step 2): Employer gathers Requiring Supporting Documentation (see list).

Step 3): Employer writes USCIS Cover Letter (see sample)

Step 4): Employer submits USCIS Form I-129 and L Supplement with required supporting documents to the appropriate USCIS Regional Service Center.

Be sure to send via U.S. Mail Certified with Return Receipt, or via trackable Overnight Delivery Service (Federal Express, U.S. Postal Express, etc.)

The USCIS will send the U.S. Employer USCIS Form I-797 – Notice of Action. This will give you a case number, a telephone number to track the progress of your case, and let you know approximately how long the processing time will be.

The USCIS will send you another I-797 – Notice of Action. This will either be an Approval Notice or a Request for Additional Information.

If it is a Request for Additional Information, simply submit the requested evidence before the deadline noted.

How the USCIS Determines Which Applications it Accepts and Rejects

The USCIS offices are overworked and understaffed. The applications that are approved the quickest have the following characteristics.

- 1) Type the applications whenever possible.
- 2) Organize your supporting documents. Use paper clips and binder clips to separate documents.
- 3) More documentation is better than less. More company marketing material, etc.

If your application package is well organized and complete, you will receive a quicker approval. If your application package is not well organized and not complete, it will take the USCIS worker longer to sort through your application and determine if it is complete or not.

Required Document Checklist – L-1 Visa

(Please make sure these are all enclosed in the package you send to the USCIS.)

Document

Check Here

- 1) Form I-129 & Supplement L Petition for Nonimmigrant Worker Completed & Signed by Employer. _____
- 2) I-129 Fee - A Check for **\$460** made out to **U.S. Dept. of Homeland Security**. _____
- 3) Anti Fraud Fee - A Check for **\$500** made out to **U.S. Dept. of Homeland Security**. _____
- 4) Optional – Premium Processing: A Check for **\$1,225** made out to **U.S. Dept. of Homeland Security**. _____

From the Foreign Company:

- 5) A company brochure. _____
- 6) Copies of Articles of Incorporation _____
- 7) Copies of Stock Certificates _____
- 8) Copy of business plan _____
- 9) Copies of company's financials. _____
- 10) Copies of bank statements. _____
- 11) Copies of the company's lease. _____
- 12) Copies of telephone & utility bills. _____
- 13) Copies of contracts you have with other companies. _____
- 14) Copy of Organizational Chart _____
- 15) Evidence of the qualifying relationship between the U.S. and foreign employer. _____

From the U.S. Company (if available):

- 16) A company brochure. _____
- 17) Copies of Articles of Incorporation _____

How to Apply for the L-1 Visa

- 18) Copies of Stock Certificates _____
- 19) Copy of business plan _____
- 20) Copies of company's financials. _____
- 21) Copies of bank statements. _____
- 22) Copies of the company's lease. _____
- 23) Copies of telephone & utility bills. _____
- 24) Copies of contracts you have with other companies. _____
- 25) Copy of Organizational Chart _____

From the Foreign National:

Document

Check Here

- 26) Copy of Passport of Alien, including I-94. _____
- 27) Copy of Resume of Alien. _____
- 28) Copies of transcripts from university degrees. _____
- 29) Copies of letters of experience from previous employers. _____

The U.S. Company or Foreign Company must prepare a Cover Letter to the USCIS detailing the alien beneficiary's:

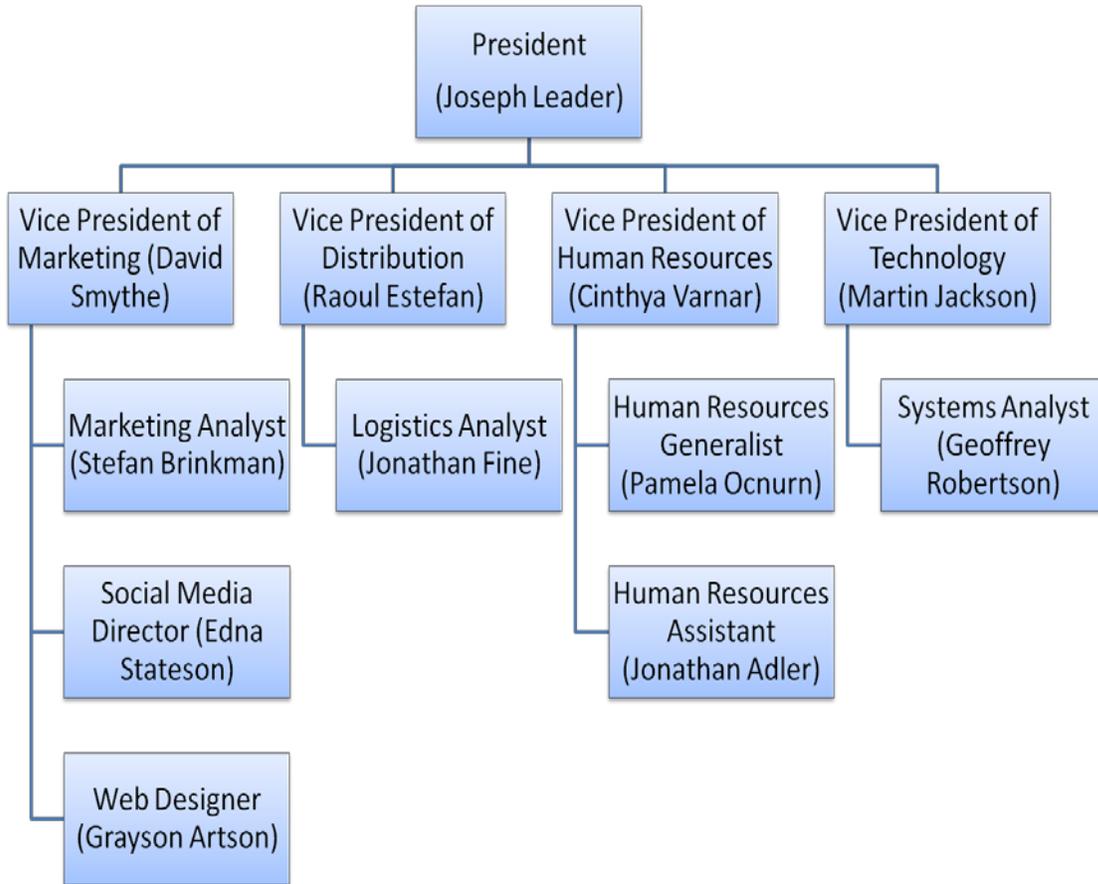
- o Dates of employment
- o Job duties
- o Qualifications
- o Salary
- o Proof that the alien worked for the employer for at least one continuous year in the three-year period preceding the filing of the petition in an executive, managerial or specialized knowledge capacity
- o A description of the proposed job duties, qualifications and evidence the proposed employment is in an executive, managerial or specialized knowledge capacity

If the alien is coming to the U.S. to open a new office, also file the petition with copies of evidence the business entity in the U.S.:

- Already has sufficient premises to house the new office
- Has, or upon establishment will have, the qualifying relationship to the foreign employer
- Has the financial ability to remunerate the alien and to begin doing business in the U.S., including evidence about:
 - The size of the U.S. investment
 - The organizational structure of both firms
 - The financial size and condition of the foreign employer
 - And, if the alien is coming as an L-1 manager or executive to open a new office, such evidence must establish that the intended U.S. operation will support the executive or managerial position within one year.

*****All documents in a foreign language must be accompanied by a notarized English translation*****

Sample Organizational Chart – Foreign Company



How to Apply for the L-1 Visa

Translation and Academic Evaluation Sources

Trustforte Corporation
271 Madison Avenue, 3rd Floor
New York, NY 10016

Tel: (212) 481-4810

Website: <http://www.trustfortecorp.com/>

Setting up a New U.S. Subsidiary or Affiliate Company

For Corporations, Partnerships or LLC's in all 50 States, you may contact a company like:

Business Filings International, Inc.
8025 Excelsior Dr. Suite 200
Madison, WI 53717
1-800-981-7183 or 1-608-827-5300
Monday-Friday, 8:30am- 5:30pm CST
FAX: 1-608-827-5501
Email: info@bizfilings.com
Website: <http://www.bizfilings.com/>

When establishing a new U.S. Subsidiary or Affiliate company, you will want to keep the following in mind:

The foreign firm and the US firm must have a “qualifying relationship.”

The US and the foreign firm must have common majority ownership, or, where there is less than majority ownership, common control by the same person or entity.

Ownership by a common group of owners where no owner has control or a majority interest can cause a problem if each individual owner does not own approximately the same amount of both the US and the foreign company.

This problem can sometimes be worked around if the owners have set up a voting agreement to ensure that there are not different groups controlling the foreign firm and the US firm.

As a general rule, the Owner of the Foreign Company should own at least 50% of the U.S. Company.

Proof of Ownership and Control of the US Entity:

When relevant you will want to submit copies of the share certificates issued and list the # of shares of stock issued for the US Entity.

Once the US Entity is formed, you will want to set up a US Checking Account and rent office space.

Writing the USCIS Cover Letter

Please note the following when drafting the USCIS Cover Letter.

Requirements necessary to obtain an L-1 Visa Approval:

The first requirement for the L-1 is for the applicant to have been continuously employed abroad for one year of the last three for a parent, affiliate, or subsidiary of a US employer. The employer may be a company or other legal entity including a profit, non-profit, religious, or charitable organization. It does not matter if the company is incorporated or not. Any time spent working in the US will not count toward the one year of required employment, though time spent in the US will not be considered to have disrupted the continuity of employment abroad. It is possible to use a combination of part-time employment for affiliated companies under certain circumstances.

Second, the foreign firm and the US firm must have a “qualifying relationship.” The US and the foreign firm must have common majority ownership, or, where there is less than majority ownership, common control by the same person or entity. Ownership by a common group of owners where no owner has control or a majority interest can cause a problem if each individual owner does not own approximately the same amount of both the US and the foreign company. This problem can sometimes be worked around if the owners have set up a voting agreement to ensure that there are not different groups controlling the foreign firm and the US firm.

Third, the applicant must be coming as a manager, executive or specialized knowledge employee.

L-1A Visa – Executive or Managerial Positions:

An “executive” is one who directs the management of the company or a major part or function of the organization. Typical executive positions are presidents, vice-presidents and controllers. An executive is expected to have a supervisory role in the company (either over personnel or a function) and would not include people who are primarily performing the specific tasks of production or providing service to customers. A “manager” directs the organization, a department, or a function of the organization. Like executives, a qualifying manager will not be overseeing the primary performance of a task. Exceptions apply when a manager or executive is coming to open a new office.

L-1B - Specialized Knowledge Positions

Specialized knowledge" refers to employees with

A special knowledge of the company's products and their applications in world markets;

An advanced or proprietary knowledge of the company's processes or procedures.

Persons Coming to Open a New Office:

Persons coming to open up a new office in the US will only be granted a one-year stay in the US.

The USCIS will also typically require additional information about the plans for the new office such as proof that office space has been obtained, that the applicant has had the appropriate experience with the foreign company and that the foreign company will remain in existence during the full period of the applicant's transfer to the US.

If the company wants to have the L-1 visa extended beyond the initial year, it will have to demonstrate at the time of extension that it has proceeded with the plans outlined in the initial petition.

Cases where transferred beneficiary has an ownership interest:

The USCIS will more closely scrutinize cases where the transferred employee also has an ownership interest in the company, since the USCIS may not believe the owner intends to ever leave the US.

The US employer will need to show here that the firm's need for the transferee is not indefinite and that the transferee's foreign business interests are a strong lure for the person to return upon the expiration of the transferee's stay in the US.

Sample L-1A Cover Letter

Acme Clothing, Inc.

111-22 33rd Rd, Flushing, NY 12345
111-222-3333

Monday, January 16, 2017

USCIS
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

Case Type: L-1A petition
Petitioner: Acme Clothing, Inc.
Beneficiary: Ralph WINNER
Position: Vice President

Dear Sir or Madam:

This letter is submitted in support of Acme Clothing Industry, Inc. petition to classify Mr. Winner, an Australian national, as an L-1A nonimmigrant transferee to fill a position in the United States in executive capacity. The intended period of temporary assignment in the United States is one year.

The petitioner and corporate relationship

Acme Clothing, Inc. is an international company engaged in the business of textile wholesaling.

The transferee will undertake a temporary assignment in the New York office of Acme Clothing, Inc. He is currently employed by Simply Fashion (Australia).

Simply Fashion is the Foreign Parent Company.

Acme Clothing, Inc. is the U.S. Subsidiary Company.

Simply Fashion owns 100% of the stock of Acme Clothing, Inc.

The purpose of the transfer

Mr. Winner has spent the last 3 years at the parent company engaged in managerial and market management duties of increasing responsibility as delineated below. He is currently designated as Director.

He was assigned to several special projects of importance to the company. He will undertake a US assignment as Vice President handling the complete management logistics, distribution and technical support management at our New York Office.

This transfer serves a number of corporate purposes. We regard Mr. Winner as a key employee to our new American subsidiary whose career has advanced quickly through increasingly more responsible managerial and executive positions.

Foreign-based employees such as Mr. Winner also bring to corporate headquarters a perspective on peculiar aspects of doing business in their own countries that are essential to successful operation in those countries.

The US position to be held by the transferee

Mr. Winner's role as Vice President will be supervising and controlling the USA operations of our company at our New York office. He will evolve new strategies and programs to expand our textile business and thus to contribute to the expansion of our business in the United States. He will work closely with the company's senior management in the development and growth of these deals in the US marketplace.

He will evaluate and review the current trade deals.

His proposed duties in the U.S. will include:

- 1) Supervising a team of project managers and technical support and service managers who provide technical support to import/export projects and clothing wholesale operations.
- 2) Completely handling the responsibilities of all the operations in the United States which include the following:
 - a) Supervising a team of top management personnel who run the day-to-day operations at Corp. in the United States.
 - b) Providing key strategic technology and project management directives to stay ahead in the clothing wholesale business.
 - c) Manage finance operations, Personnel and Human Resources development policies.

- d) Set guidelines for quality management, technical support management, and attend trade shows.
- 3) Report back to the parent company in Australia.
- 4) Identify potential trading deals.

Mr. Winner has unique progressive invaluable experience of handling operations for the last 3 years as Director in executive capacity.

The Foreign Position Filled by the Transferee

His current responsibilities include:

Overall Corporation Management, marketing management, personnel and finance management. He has a team of several strong top management professionals reporting to Mr. Winner regarding day-to-day activities of the company.

The Qualifications of the Transferee

The body of knowledge and contacts developed by Mr. Winner through his increasingly responsible positions with Acme Clothing, Inc. made him invaluable to the organization, and also will make his transfer to the corporate headquarters in the United States highly desirable.

His executive level experience with Acme Clothing, Inc. and his knowledge of the Wholesale Textile business is clearly documented, and the application of this expertise to the development of trade markets will assure the continued success of Acme Clothing, Inc. Bringing his ideas and experience to corporate headquarters where he will exchange ideas with USA based personnel is certain to create improvements that are crucial to Acme Clothing, Inc's growth and continued expansion.

In short, the purpose of this transfer would be well-accomplished by a temporary assignment in the United States for one year, where he can apply his specialized expertise and management skills for the continued success and development of Acme Clothing, Inc.

Hiring of Personnel

We intend to hire an additional ten employees for our subsidiary office within one year, including Vice President, General Manager, Marketing Manager, Sales staff, Accountant, Sourcer, Quality Control Manager, Import Export Clerk, and Secretary.

Terms of Employment

We proposed to transfer the alien to the United States for a temporary period of one year at an annual salary of \$48,000.00 to commensurate with his position as a key employee in our USA entity. Mr. Winner will be engaged in managerial duties and responsibilities and will not be engaged in operational responsibilities. He understands the temporary nature of this assignment, and have informed Mr. Winner of conditions of his temporary transfer. Thank you.

Sincerely,

Mr. Sam Leader, President
Acme Clothing, Inc.

Sample L-1B Cover Letter

Acme Clothing, Inc.

111-22 33rd Rd, Flushing, NY 12345

111-222-3333

Monday, January 16, 2017

USCIS
Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001

Case Type: L-1B petition
Petitioner: Acme Clothing, Inc.
Beneficiary: Joe FINE
Position: Market Research Analyst

Dear Sir or Madam:

This letter is submitted in support of Acme Clothing Industry, Inc. petition to classify Mr. Fine, an Australian national, as an L-1B nonimmigrant transferee to fill a position in the United States in Specialized Knowledge capacity. The intended period of temporary assignment in the United States is three years.

The petitioner and corporate relationship

Acme Clothing, Inc. is an international company engaged in the business of textile wholesaling.

The transferee will undertake a temporary assignment in the New York office of Acme Clothing, Inc. He is currently employed by Simply Fashion (Australia).

Simply Fashion is the Foreign Parent Company.

Acme Clothing, Inc. is the U.S. Subsidiary Company.

Simply Fashion owns 100% of the stock of Acme Clothing, Inc.

The purpose of the transfer

Mr. Fine has spent the last 2 years at the parent company engaged in specialized knowledge duties of increasing responsibility as delineated below. He is currently designated as Market Research Analyst.

He was assigned to several special projects of importance to the company. He will undertake a US assignment as Market Research Analyst handling the Market Research Duties at our New York Office.

This transfer serves a number of corporate purposes. We regard Mr. Fine as a key employee to our new American subsidiary whose career has advanced quickly through increasingly more responsible specialized knowledge positions.

Foreign-based employees such as Mr. Fine also bring to corporate headquarters a perspective on peculiar aspects of doing business in their own countries that are essential to successful operation in those countries.

The US position to be held by the transferee

Mr. Fine's role as Market Research Analyst will be supervising and controlling the USA operations of our company at our New York office. He will research market conditions in the U.S. market to determine potential sales of our company's products; establish research methodology and design formats for data gathering, such as surveys, opinion polls, and questionnaires; examine and analyze statistical data to forecast future marketing trends; gather data on competitors and analyzes prices, sales, and methods of marketing and distribution; collect data on customer preferences and buying habits; and prepare reports and graphic illustrations of findings.

The Foreign Position Filled by the Transferee

His current responsibilities include:

Overall Market Research Management. Mr. Fine has a small team whose sole purpose is to identify favorable economic conditions worldwide with the intention of locating potential customers and sourcing partners. He is responsible for overseeing all Marketing Research Duties, including research methodology used, survey design, statistical data analyses, competitive analyses and report management.

Mr. Fine has obtained unique progressive invaluable experience for the last 2 years as Market Research Manager.

The Qualifications of the Transferee

The body of knowledge and contacts developed by Mr. Fine through his increasingly responsible positions with Acme Clothing, Inc. made him invaluable

to the organization, and also will make his transfer to the corporate headquarters in the United States highly desirable.

His experience with Acme Clothing, Inc. and his knowledge of the Wholesale Textile business is clearly documented, and the application of this expertise to the development of trade markets will assure the continued success of Acme Clothing, Inc. Bringing his ideas and experience to corporate headquarters where he will exchange ideas with USA based personnel is certain to create improvements that are crucial to Acme Clothing, Inc.'s growth and continued expansion.

In short, the purpose of this transfer would be well-accomplished by a temporary assignment in the United States for one year, where he can apply his specialized knowledge skills for the continued success and development of Acme Clothing, Inc.

Hiring of Personnel

We intend to hire an additional ten employees for our subsidiary office within one year, including Vice President, General Manager, Marketing Manager, Sales Staff, Accountant, Sourcer, Quality Control Manager, Import Export Clerk, and Secretary.

Terms of Employment

We proposed to transfer the alien to the United States for a temporary period of three years at an annual salary of \$38,000 to commensurate with his position as a key employee in our USA entity. Mr. Fine will be engaged in specialized knowledge duties and responsibilities. He understands the temporary nature of this assignment, and have informed Mr. Fine of conditions of his temporary transfer. Thank you.

Sincerely,

Mr. Sam Leader, President

Form I-907, Request for Premium Processing Service

Line by Line Instructions with Sample Answers

Note: Please type or print in black ink.

Part 1. Information About You - (Person filing this petition)

Family Name (Last Name): **Leave Blank, since filed on behalf of a Company.**

Given Name (First Name): **Leave Blank, since filed on behalf of a Company.**

Full Middle Name: **Leave Blank, since filed on behalf of a Company.**

If filed on behalf of a company:

Company or Business Named in the Related Case: **Enter legal name of company. Example: Acme USA, Inc.**

Mailing Address- Street Number and Name /P.O. Box Number: **Enter mailing address: Example: 113 Main Street, Suite 200.**

Company Contact Information:

Name of Company Contact: **Enter Company Contact Name, such as Human Resources Director, Vice President, President, Etc.). Example: Joseph Leader**

Title/Position: **Enter the job title of the Company Contact: Example: President.**

City: **Enter the Mailing Address City. Example: New York.**

State/Province: **Enter the Mailing Address State. Example: NY.**

Zip/Postal Code: **Enter the Mailing Address Zip Code. Example: 10014.**

Country: **Enter the Mailing Address Country. Example: USA.**

IRS Tax # (if any): **Enter the Mailing FEIN (Federal Employer Identification Number) 9 digit. Example: 11-2236579.**

You (the person submitting this request):

Are the petitioner who is filing or has filed a petition eligible for Premium Processing. **Check this Box if you are the company contact.**

Are the attorney or accredited representative for the petitioner who is filing or has filed a petition eligible of Premium Processing. (Complete and submit Form G-28, if Form G-28 has not been submitted with the petition.). **Check this box if you are the attorney of record and submitting a completed, signed and dated G-28 Notice of entry as attorney.**

Are the applicant who is filing or has filed an application eligible for Premium Processing.

Are the attorney or accredited representative for the applicant who is filing or has filed an application eligible for Premium Processing. (Complete and submit Form G-28, if Form G-28 has not been submitted with the application.)

Phone Number (Area/Country code): **Enter a telephone # where the company contact can be reached. Example: 212.123-4567.**

Fax Number (Area/Country code): **Enter a fax # for the company contact. Example: 212-456-7891.**

E-Mail Address (if any): **Enter an email address for the company contact. Example: jleader@acmeusa.com.**

Part 2. Information About Request

1. Form Number of Related Petition/Application: **Enter I-129**
2. Receipt Number of Related Petition/Application: **Leave this field blank if you are filing with the I-129 petition. Enter the USCIS 13 digit Case # from the I-797 Receipt Notice if you are filing to convert an existing petition to premium processing. Example: EAC-11-236-58963.**
3. Classification/Eligibility Requested: **Enter either L-1A or L-1B. Example: L-1B.**
4. Petitioner/Applicant in the Relating Case: **Enter the Legal name of the petitioning company/organization. Example: Acme USA, Inc.**
5. Beneficiary in the Relating Case: **Enter the complete name of the foreign national beneficiary. Example: Joseph Fine.**

Part 3. Original Signature

I understand that **U.S. Citizenship and Immigration Services (USCIS)** will issue a refund of the Premium Processing fee to the addressee above in **Part 1** of this request if USCIS does not take an action on the relating premium processing eligible case within **15 calendar days** after this request has been physically received at the appropriate USCIS office. Case actions include a referral for investigation of suspected fraud or misrepresentation, or:

The issuance of:

1. An approval notice;
2. A request for evidence; or
3. A notice of intent to deny.

I certify, under penalty of perjury under the laws of the United States of America, that the information provided with this request is all true and correct. **USCIS** may obtain any information from the records of the related case that **USCIS** needs to determine eligibility for the benefit being sought.

Signature: ***The company contact or attorney of record signs here.***

Title (if applicable): ***Enter the job title of the company contact or attorney of record. Example: President.***

Print Your Name: ***Enter the complete name of the company contact or attorney of record. Example: Joseph Leader.***

How to Apply for the L-1 Visa

Date (*mm/dd/yyyy*): **Enter the date signed. Example: 11/812/2011.**

Company Name and Address: **Enter the petitioning company name and mailing address. Example: Acme USA, Inc., 113 Main Street, Suite 200.**

Daytime Phone Number (*Area Code and Number*): **Enter a telephone # where the company contact can be reached. Example: 212.123-4567.**

Part 4. Original Signature of Attorney or Accredited Representative

Only complete this section if petitioner is filing with an attorney.

Request for Additional Evidence - Commonly Requested Documents

- 1 Submit evidence showing the parent company has in fact paid for the ownership of the United States entity. The evidence may include original wire transfers from the from the parent company, canceled checks, deposit receipts, etc. detailing monetary amounts for the stock purchase.
- 2 Provide the account holder names and affiliation to the foreign entity for all persons making purchases and the Bank Accounts which were used. It must clearly be shown verifiable originator (s) of the amounts deposited or wired.
- 3 Copies of Bank Wire Transfers or the Customs Form 4790's which were executed to document the transfer of these funds from the foreign entity.
- 4 Submit Notice of Transaction Pursuant to Corporations Code Section 25102(f) showing the total offering amounts **and** evidence to show the parent company has in fact paid for the stock ownership. The evidence may include wire transfers, canceled checks, etc.
- 5 Submit a copy of the Articles of Incorporation, or comparable governing document, for the United States entity. Also, if applicable, include a copy of all amendments to the original document.
- 6 Submit a copy of your business license to do business in the United States.
- 7 Describe in detail the type of business to be conducted by the United States entity. Use specific terminology, generalities will not be acceptable. Include the type and location of established and prospective customers/clients, the services to be rendered by your organization, and the products and/or commodities to be sold.
- 8 Submit documentation that establishes you have contacted the United States Customs Service and have obtained the proper documentation from the United States Custom Service. Submit documentation from the United States Customs Service which identifies the importer number assigned to your business by them.
- 9 Submit photographs of the interior and exterior of the premises that you have secured for the United States entity. These should include photographs that clearly depict the organization and operation of the entity. They should include factory and work space, inside and outside of the office/building, equipment, merchandise, products, etc. Also, provide addresses and detailed directions to each facility.

- 10 As the beneficiary has been in the United States conducting business on behalf of your foreign entity, it is reasonable to expect they were making frequent contact with this entity. Submit evidence of the beneficiary's contact with the foreign company by submitting phone statements, fax transmission, etc., for the period of time the beneficiary has been in the United States.
- 11 Also, submit documentary evidence that would show the foreign entity has been continuously in contact with your incorporator and your other representatives throughout the United States entity's incorporation process. In addition, please submit copies of the canceled checks, monetary transfers, etc. used by the foreign entity to fund the incorporation of the United States entity.
- 12 The duties of the proffered job do not appear to be primarily managerial or executive in nature. The duties outlined are vague and do not specify exactly what duties the beneficiary will perform. What does the beneficiary do that qualifies him/her as a manger or an executive, other than in title?
- 13 Submit a comprehensive description of the beneficiary's duties. Also indicate how the beneficiary's duties will be managerial or executive in nature. For executive or managerial consideration, you must also: (1) demonstrate the beneficiary functions at a senior level within an organizational hierarchy other than in position title, and (2) demonstrate the beneficiary will be managing a subordinate staff of professional, managerial, or supervisory personnel who will relieve him/her from performing non-qualifying duties, if appropriate.
- 14 Submit a **complete** position description for all of your proposed employees in the United States, including one for the beneficiary's position. Submit a breakdown of the number of hours devoted to each of the employees' job duties on a weekly basis.
- 15 Submit samples of your advertising copy for print media, such as newspapers, magazines, and trade journals, used by your business in the United States to promote your organization. Please indicate the name of the periodical that published the advertisement, as well as the date on which the advertisement was published.
- 16 Submit additional documentary evidence the foreign entity has the ability to invest in the United States entity, to include copies of the foreign entity's bank statements for December 1998 and January 1999, as well as copies of its letters of credit.

- 17 Submit additional evidence the foreign organization has engaged, and is presently engaged, in the regular, systematic, and continuous provision of goods or services. The evidence should include the following:
- 18 Legible copies of major sales invoices, including relevant copies of business bank statements, purchase and sales contracts, purchase orders, correspondence, Bills of Lading, etc. to identify the gross sales amount reported on the income and expense statement;
- 19 A list of major clients, including business names, full addresses, and telephone/fax numbers related to the sales reported;
- 20 Copies of payrolls pertaining to the beneficiary for the past one year to the present. Specify when the beneficiary was hired, the positions the beneficiary held and why the beneficiary was selected for the position within the United States entity. List education and employment qualifications for the position in the United States company. Provide information to explain why a lower level manager or executive was not selected and explain how the parent company will continue to function with the absence of this individual for an extended period of time;
- 21 Financial statements (Balance Sheets, Statements of Income and Expenses, etc.) showing the foreign entity's financial position;
- 22 Submit a copy of your business' phone listing in the yellow pages of your area's phone/business directory.
- 23 Submit a copy of the telephone directory listing and the appropriate translation for the foreign entity;
- 24 Submit copies of the minutes of the meetings for the parent company that illustrate the discussions to form the United States entity. Include the minutes from all meetings from the time of inception to the actual formation of the United States entity, and;
- 25 Submit the business plan prepared by the parent company for the United States entity. The plan should include specific details as to the business to be conducted, and one-, three-, and five-year projections for business expenses, sales, gross income, and profits or losses.
- 26 Submit photographs of the interior and exterior of the premises occupied by the foreign entity. These should include photographs that clearly depict the organization and operation of the entity. They should include factory and work space, inside and outside of the office/ building, equipment, merchandise, products, etc. Also, provide addresses and detailed directions to each facility.

- 27 Submit additional evidence showing the management structure of your entity outside the United States, to include the number of management/executive employees **and** their names. In addition, submit a complete position description for each of your foreign management/executive employees. Submit a breakdown of the number of hours devoted to each of the management/executive employee's job duties on a weekly basis, including one for the beneficiary. This request is to assist this service in determining whether the beneficiary was employed in a qualifying managerial or executive capacity abroad.
- 28 Submit a letter from the foreign employer that describes the nature of the beneficiary's employment with them. The letter should contain the following information:
- the beneficiary's current position title, and a complete position description which identifies all of the duties performed by the beneficiary for the foreign employer;
 - how much the beneficiary is paid each year and who is paying his/her salary;
 - the date the beneficiary started working for the foreign employer;
 - an outline of all positions held by the beneficiary during his/her employment with the foreign employer, and,
 - if the beneficiary has worked for another affiliated company abroad, please identify the dates of employment and the nature of the position held by him/her.
- 29 Submit an organizational chart for the foreign entity's management/executive structure.
- 30 Please describe the typical managerial responsibilities performed by the beneficiary abroad; for example your method of evaluating the employees under the beneficiary's authority. Please articulate and submit documentary evidence of the managerial decisions made by the beneficiary on behalf of foreign organization.
- 31 In addition, please provide a short answer to each of the following questions:
- How many subordinate supervisors were under the beneficiary's management?
 - What were the job titles and job duties of the employee managed?
 - What executive and technical skills were required to perform the overseas duties?

- How much of the time spent by the beneficiary was allotted to executive duties and how much to other non-executive functions? and,
 - What degree of discretionary authority in day-to-day operations did the beneficiary have in the overseas job?
- 32 Submit a letter prepared by the beneficiary to explain the reason for leaving the current position to be an employee of the United States entity. The letter must explain why the beneficiary is abandoning a vested and future interest in the foreign entity.
- 33 Provide proof the beneficiary was working as a B-1, visitor for business. Submit sales contracts, receipts, letters of agreement, or ORIGINAL copies of United States Customs Forms 301, or United States Department of Commerce Form 7525-V. These documents must establish the beneficiary actually worked for the business and how the company was benefited by the beneficiary.

Applying for the L-2 Visa for Spouse and Children

The L-2 visa permits dependent of the L-1 Visa holder to live legally in the U.S.

Holders of the L-2 visa may not work unless they receive work authorization.

If the spouse and children are INSIDE the U.S.:

- 1) The spouse and children will complete USCIS Form I-539 – Application to Extend / Change Nonimmigrant Status. This may be filed with the I-129 L-1 Visa petition, or afterwards
- 2) One form may be used for all dependents. Each dependent should submit copies of their passport, I-94 Arrival Departure Record, birth certificate (children) and marriage certificate (spouse).
- 3) The filing fee is \$370 (check or money order made out to: **Dept. of Homeland Security**) and the application is sent to the Dallas Lockbox or USCIS Regional Service Center for the State that the family lives in.
- 4) They will receive a new I-94 in the mail giving them L-2 Status.

If the spouse and children are OUTSIDE the U.S.:

- 1) The spouse and children go to the nearest American Consulate in their home country.

They should bring a copy of the L-1 Visa approval notice from the USCIS, their passports, birth certificates and marriage certificate. The American Consulate will then stamp the L-2 Visa in their passport.

Applying for an Employer Sponsored Green Card – L-1B Visa Holders

Those in **L-1B** Status must apply for an Employer Sponsored Green Card through Labor Certification. The following is a brief overview of the process:

- 1) The petitioner completes and signs ETA 9089 PERM petition
- 2) Once the petitioner receives an approved Labor Certification (4 – 18 months), the petitioner files USCIS form I-140 with the USCIS Regional Service Center.
- 3) When the I-140 is approved (approx. 3 months), the alien may file for Adjustment of Status.

For a more detailed description, visit our website at <http://www.usavisanow.com>

Our [Complete Do-it-Yourself Kit, How to apply for and obtain a Green Card by PERM Labor Certification](#) goes into much greater detail.

Applying for an Employer Sponsored Green Card – L-1A Holders

Once the L-1A Visa Holder receives an has held an L-1 Visa for over 1 year the employer files USCIS form I-140 with the USCIS Regional Service Center.

The classification is Multinational Executive or Manager.

The benefit is that the L-1A Visa Holder can avoid the Labor Certification process.

When the I-140 is approved (approx. 3 months), the alien may file for Adjustment of Status.

Our [I-140 Petition for Multinational Executives and Managers - Complete Do it Yourself Kit](#) goes into much greater detail.

For a more detailed description, visit our website at <http://www.usavisanow.com>

Form I-129 + L Supplement USCIS Instructions

Instructions for Completing Petition for a Nonimmigrant Worker Form I-129L

Who May File.

General. A U.S. employer may file to classify an alien in any nonimmigrant classification listed below. A foreign employer may file for certain classifications as indicated in the specific instructions.

Agents. A U.S. individual or company in business as an agent may file for types of workers who are traditionally self-employed or who traditionally use an agent to arrange short term employment with numerous employers. A petition filed by an agent must include a complete itinerary of services or engagements, including dates, names and addresses of the actual employers, and the locations where the services will be performed. The agent must guarantee the wage offered and the other terms and conditions of employment by contract with the alien(s).

General Filing Instructions.

Complete the basic form and relating supplement. Indicate the specific classification you are requesting. Please answer all questions by typing or clearly printing in black ink. Indicate that an item is not applicable with "N/A". If the answer is "none," write "none". If you need extra space to answer any item, attach a sheet of paper with your name and your alien registration number (A#), if any, and indicate the number of the item to which the answer refers. You must file your petition with the required Initial Evidence. The petition must be properly signed and filed with the proper fee. Submit the petition in duplicate if you check block "a" or "b" in question 4 of Part 2 on the form.

Classification; Initial Evidence.

These instructions are divided into two parts. The first looks at classifications which require a petition for an initial visa or entry and for any extension or change of status. The second looks at those classifications which only require a petition for a change of status or extension of stay.

Petition always required: The following classifications always require a petition. A petition for new or concurrent employment or for extension where there is a change in previously approved employment must be filed with the initial evidence listed below, and with the initial evidence required by the separate instructions for a change of status or extension of stay. However, a petition for an extension based on unchanged, previously approved employment need only be filed with the initial evidence required in the separate extension of stay instructions.

L-1A. An L-1 is an alien coming temporarily to perform services in a managerial or executive capacity, for the same corporation or firm, or for the branch, subsidiary or affiliate of the employer which employed him or her abroad for one

continuous year within the three-year period immediately preceding the filing of the petition, in an executive, managerial or specialized knowledge capacity. Write L-1A in the classification requested block on the petition.

L-1B. An L-1 is also an alien coming temporarily to perform services which entail specialized knowledge, for the same corporation or firm, or for the branch, subsidiary or affiliate of the employer which employed him or her abroad for one continuous year within the three year period immediately preceding the filing of the petition, in an executive, managerial or specialized knowledge capacity. Specialized knowledge is special knowledge of the employer's product or its application in international markets or an advanced level of the knowledge of the employer's processes and procedures. Write L-1B in the classification requested block on the petition.

L Petition Requirements. A U.S. employer or foreign employer may file the petition, but a foreign employer must have a legal business entity in the U.S. The petition must be filed with:

evidence of the qualifying relationship between the U.S. and foreign employer based on ownership and control, such as an annual report, articles of incorporation, financial statements or copies of stock certificates;

a letter from the alien's foreign qualifying employer detailing his/her dates of employment, job duties, qualifications and salary, demonstrating that the alien worked for the employer for at least one continuous year in the three-year period preceding the filing of the petition in an executive, managerial or specialized knowledge capacity; and

a description of the proposed job duties and qualifications and evidence the proposed employment is in an executive, managerial or specialized knowledge capacity.

If the alien is coming to the U.S. to open a new office, also file the petition with copies of evidence the business entity in the U.S.:

already has sufficient premises to house the new office;

has or upon establishment will have the qualifying relationship to the foreign employer;

has the financial ability to remunerate the alien and to begin doing business in the U.S., including evidence about the size of the U.S. investment, the organizational structure of both firms, the financial size and condition of the foreign employer, and, if the alien is coming as an L-1 manager or executive to open a new office, such evidence must establish that the intended U.S. operation will support the executive or managerial position within one year.

Blanket L petition. An L blanket petition simplifies the process of later filing for individual L-1A workers and L-1B workers who are specialized knowledge professionals, which are persons who possess specialized knowledge employed in positions which require the theoretical and practical application of a body of highly specialized knowledge to fully perform the occupation and require completion of a specific course of education culminating in a baccalaureate degree in a specific occupational specialty.

A blanket L petition must be filed by a U.S. employer who will be the single representative between USCIS and the qualifying organizations. Write LZ in the classification requested block. Do not name an individual employee. File the petition with copies of evidence that:

you and your branches, subsidiaries and affiliates are engaged in commercial trade or services;

you have an office in the U.S. that has been doing business for one year or more;

you have 3 or more domestic and foreign branches, subsidiaries, or affiliates;

you and your qualifying organizations have obtained approved petitions for at least 10 "L" managers, executives or specialized knowledge professionals during the previous 12 months, have U.S. subsidiaries or affiliates with combined annual sales of at least 25 million dollars, or have a U.S. work force of at least 1,000 employees.

After approval of a blanket petition, you may file for individual employees to enter as an L-1A alien or L-1B specialized knowledge professional under the blanket petition. If the alien is outside the U.S., file Form I-129S. If the alien is already in the U.S., file the I-129 to request a change of status based on the blanket petition. The petition must be filed with:

a copy of the approval notice for the blanket petition;

a letter from the alien's foreign qualifying employer detailing his/her dates of employment, job duties, qualifications, and salary for the 3 previous years; and

if the alien is a specialized knowledge professional, a copy of a U.S. degree, a foreign degree equivalent to a U.S. degree, or evidence establishing the combination of the beneficiary's education and experience is the equivalent of a U.S. degree.

General Evidence.

Written consultation. Noted classifications require a written consultation with a recognized peer group, union, and/or management organization regarding the nature of the work to be done and the alien's qualifications before the petition may be approved. To obtain timely adjudication of a petition, you should obtain a written advisory opinion from an appropriate peer group, union, and/or management organization and submit it with the petition.

If you file a petition without the advisory opinion, it is advisable for you to send a copy of the petition and all supporting documents to the appropriate organization when you file the petition with USCIS, and indicate in the petition which organization you sent it to. Explain to the organization that they will be contacted by USCIS for an advisory opinion. If an accepted organization does not issue an advisory opinion within a given time period, a decision will be made based upon the evidence of record. If you do not know name of an appropriate organization with which to consult, please indicate so on the petition. However, it will require a substantially longer period to process a petition filed without actual advisory opinion.

Translations. Any foreign language document must be accompanied by a full English translation which the translator has certified as complete and correct, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Copies. If these instructions state that a copy of a document may be filed with this petition, and you choose to send us the original, we may keep that original for our records.

When To File.

File your petition as soon as possible, but no more than 4 months before the proposed employment will begin or the extension of stay is required. If you do not submit your petition at least 45 days before the employment will begin, petition processing, and subsequent visa issuance, may not be completed before the alien's services are required or previous employment authorization ends.

Processing Information

Acceptance. Any petition that is not signed, or is not accompanied by the correct fee, will be rejected with a notice that the petition is deficient. You may correct the deficiency and resubmit the petition. A petition is not considered properly filed until accepted by the Service.

Initial processing. Once a petition has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility, and we may deny your petition.

Requests for more information or interview. We may request more information or evidence, or we may request that you appear at an USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Decision. The decision on a petition involves separate determinations of whether you have established that the alien is eligible for the rested classification based on the proposed employment, and whether he or she is eligible for any requested change of status or extension of stay. You will be notified of the decision in writing.

Penalties.

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this request, we will deny the benefit you are filing for, and may deny any other immigration benefit. In addition, you will face severe penalties provided by law, and may be subject to criminal prosecution.

Privacy Act Notice.

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit you are filing for. Our legal right to ask for this information is in 8 USC 1154, 11 84 and I 258. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your request.

Temporary Entry Under the North American Free Trade Agreement:

The North American Free Trade Agreement (NAFTA) entered into force on January 1, 1994. Chapter 16, Temporary Entry, of the Agreement exclusively covers four nonimmigrant classifications:

- (1) B-1, Visitor for Business;
- (2) E-1/E-2, Treaty Trader and Investor;
- (3) L-1, Intracompany Transferee;** and
- (4) TN, Business Professional.

This form is for an employer to petition for initial classification, change of status, or extension of stay of a Mexican or Canadian citizen as an L-1.

Regular instructions for Form I-129 shall be followed to petition for L classification

Form I-129S (12/20/91) N

INSTRUCTIONS

Purpose Of This Form.

This form is for an employer to classify employees as L-1 nonimmigrant intracompany transferees under a blanket 1 petition approval.

Who May File.

An employer who has already obtained approval of a blanket L-1 petition may file this form to classify employees outside the U.S. as executives, managers, or specialized knowledge professionals. If the employee is in the U.S. and you are requesting a change of status or extension of stay for that employee, use Form I-129, Petition for a Nonimmigrant Worker.

General Filing Instructions.

Please answer all questions by typing or clearly printing in black ink. Indicate that an item is not applicable with "N/A". If the answer is "none," write "none". If you need extra space to answer any item, attach a sheet of paper with your name and your alien registration number (A#), if any, and indicate the number of the item to which the answer refers. You must file your petition with the required Initial Evidence. Your petition must be properly signed and filed with the correct fee. Retain a copy of the form for your records.

Translations. Any foreign language document must be accompanied by a full English translation which the translator has certified as complete and correct, and by the translator's certification that he or she is competent to translate from the foreign language into English.

Copies. If these instructions state that a copy of a document may be filed with this petition, and you choose to send us the original, we may keep that original for our records.

Initial Evidence.

You must file your petition with:

a copy of the approval notice for the blanket petition;

a letter from the alien's foreign qualifying employer detailing his/her dates of employment, job duties, qualifications and salary, demonstrating that the alien worked for the employer for at least one continuous year in the three year period preceding the filing of the petition in an executive, managerial or specialized knowledge professional capacity; and

if the alien is a specialized knowledge professional, a copy of a U.S. degree, a foreign degree equivalent to a U.S. degree, or evidence establishing that the combination of the beneficiary's education and experience is the equivalent of a U.S. degree.

Where To File

If the alien requires a visa, he/she should present the completed petition to the U.S. Consular Officer. If the alien is not required to obtain a visa, he/she should file this petition at the USCIS Service Center that approved the blanket petition.

Fee.

There is no fee for this petition.

Processing Information.

Acceptance. Any petition that is not signed, or is not accompanied by the correct fee, will be rejected with a notice that the petition is deficient. You may correct the deficiency and resubmit the petition. However, a petition is not considered properly filed until accepted by the Service.

Initial processing. Once a petition has been accepted, it will be checked for completeness, including submission of the required initial evidence. If you do not completely fill out the form, or file it without required initial evidence, you will not establish a basis for eligibility, and we may deny your petition.

Requests for more information or interview. We may request more information or evidence, or we may request that you appear at an USCIS office for an interview. We may also request that you submit the originals of any copy. We will return these originals when they are no longer required.

Decision. You will be notified in writing of the decision on your petition. If you filed it at an USCIS Service Center and it is approved, the petition will be sent to you so you can send it to the alien to present at a port of entry when he enters the U.S.

Penalties.

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this request, we will deny the benefit you are filing for, and may deny any other immigration benefit. In addition, you will face severe penalties provided by law, and may be subject to criminal prosecution.

USCIS Regional Service Centers

Vermont Service Center

File the petition at the Vermont Service Center if the beneficiary will work temporarily in AL, AR, CT, DE, DC, FL, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NM, NY, NC, OK, PA, PR, RI, SC, TN, TX, VT, VA, VI, or WV.

Courier / Street Address:

USCIS
Vermont Service Center
75 Lower Welden St.
Saint Albans, Vermont 05479

Premium Processing Address:

Premium Processing
Vermont Service Center
30 Houghton Street
St. Albans, VT 05478-2399

Vermont Service Center Premium Processing phone number: (802) 527-3192

Vermont Service Center Premium Processing E-Mail Address:
Vermont-Premium.Processing@dhs.gov

California Service Center

File the petition at the California Service Center if the beneficiary will work temporarily in: AK, AZ, CA, CO, GU, HI, ID, IL, IN, IA, KS, MI, MN, MO, MT, NE, NV, ND, OH, OR, SD, UT, WA, WI, or WY.

Mailing Addresses:

Courier / Street Address:

USCIS
24000 Avila Road, 2nd Floor, Room 2302
Attn: Box 10129
Laguna Niguel, CA 92677

California Premium Processing Address:

USCIS

How to Apply for the L-1 Visa

Premium Processing
24000 Avila Road, 2nd Floor, Room 2302
Laguna Niguel, CA 92677

California Service Center Premium Processing phone number: (949) 831-8550

California Service Center Premium Processing E-Mail Address:
csc-premium.processing@dhs.gov

American Embassies & Consulates Abroad

Telephoning a Foreign Service Post

Dial international access code + country code + city code + local number:

Ex: 011 + (61) + (6) + 2705000.

Please check the Embassy or Consulate Website for updated information:

<http://www.usembassy.gov/>