

## L-1A INTRA-COMPANY TRANSFEREE EXECUTIVE OR MANAGER

The L-1A nonimmigrant classification allows an established U.S. employer to transfer an executive or manager from one of its foreign offices (parent, subsidiary or affiliate) to one of its offices in the United States. This classification also allows a foreign company to establish a new office in the United States and transfer one of its managers or executives.

### General Qualifications of the Employer and Employee

To qualify for L-1 classification in this category, the employer must:

- Have a qualifying relationship with a foreign company (parent company, branch, subsidiary, or affiliate, collectively referred to as *qualifying organizations*); and
- Currently be, or will be, *doing business* as an employer in the United States and in at least one other country directly or through a qualifying organization for the duration of the beneficiary's stay in the United States as an L-1. While the business must be viable, there is no requirement that it be engaged in international trade.

*Doing business* means the regular, systematic, and continuous provision of goods and/or services by a qualifying organization and does not include the mere presence of an agent or office of the qualifying organization in the United States and abroad.

Also to qualify, the named employee must:

- Generally have been working for a qualifying organization abroad for one continuous year within the three years immediately preceding his or her admission to the United States; and
- Be seeking to enter the United States to render services in an *executive or managerial capacity*.

### New Offices

For foreign employers who are seeking to send an employee to the United States as an executive or manager in order to establish a new office, it must also be shown that:

- Sufficient physical premises to house the new office have been secured;
- The employee has been employed as an executive or manager for one continuous year in the three years preceding the filing of the petition; and
- The intended U.S. office will support an executive or managerial position within one year of the approval of the petition.

The foreign company must transfer funds, directly or indirectly, to the US organization in order to establish that the foreign company has the capacity to start operations in the United States. Also a business plan indicating the number of employees and financial statements expected for the first year of operations should be included in order to

demonstrate that the U.S. will support an executive or manager within the first year of operations.

### Period of Stay

Qualified employees entering the United States to establish a new office will be allowed a maximum initial stay of one year. If the United States operation has been systematically doing business for over a year, an initial petition can be requested for a duration of up to three years. For all L-1A employees, requests for extension of stay may be granted in increments of up to an additional two years, until the employee has reached the maximum limit of seven years.

### Family of L-1 Workers

The transferring employee may be accompanied or followed by his or her spouse and unmarried children who are under 21 years of age. Such family members may seek admission in L-2 nonimmigrant classification and, if approved, generally will be granted the same period of stay as the employee. If these family members are already in the United States and seeking change of status to or extension of stay. Spouses of L-1 workers may apply for work authorization and if approved, there is no specific restriction as to where the L-2 spouse may work.

### Blanket Petitions

Certain organizations may establish the required intracompany relationship in advance of filing individual L-1 petitions by filing a blanket petition. In order to establish eligibility for blanket L certification, the employer

- And each of the qualifying organizations must be engaged in commercial trade or services
- Must have an office in the United States which has been doing business for one year or more
- Must have three or more domestic and foreign branches, subsidiaries, and affiliates
- Must meet one of the following criteria
  1. Along with the other qualifying organizations, have obtained at least 10 L-1 approvals during the previous 12-month period; or
  2. Have U.S. subsidiaries or affiliates with combined annual sales of at least \$25 million; or
  3. Have a U.S. work force of at least 1,000 employees.

The approval of a blanket L petition does not guarantee that an employee will be granted L-1A classification. It does, however, provide the employer with the flexibility

to transfer eligible employees to the United States quickly and with short notice without having to file an individual petition with USCIS.

**Special Provisions:**

The foreign and US company do not need to be engaged in the same field of business. Managers and Executives transferred do not need to hold the same position they held with the foreign company abroad.