



L-1 Intracompany Transferee Visa for International Companies

Insights

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The L-1 Intracompany Transferee visa category is a valuable visa category for international companies wishing to transfer key employees to the company's U.S. operations. The L-1 visa category authorizes the transfer of managers, executives and individuals with specialized knowledge from a foreign company to a U.S. related company. There are two L-1 visa categories. The L-1A visa category permits the transfer of managers, and executives, while the L-1B visa category permits the transfer of individuals working in a specialized knowledge capacity.

In general, for L-1 visa purposes, a manager is an employee who manages an organization, department, subdivision, or function of a business. An executive is an employee who directs the management of the organization or a major component or function of the organization. An employee with specialized knowledge is someone with special knowledge of the company's products, services, equipment, techniques, etc. or an advanced knowledge of the company's processes and procedures.

In order to qualify for the L-1 visa category, the foreign employee must have been employed by a foreign entity related to the U.S. company. The qualifying relationship between the U.S. and foreign entity includes, parent, branch, subsidiary, or affiliate. In addition, the foreign employee must have been employed in an executive, managerial or specialized knowledge capacity for at least one full year during the three years preceding the filing of the petition. The employee is not required to be transferred to the U.S. in the same position, but the U.S. position must be as an executive, manager or in a specialized knowledge capacity.

Whether the U.S. position is in an executive, managerial, or specialized knowledge capacity will determine how long the person is permitted to remain in the U.S. in L-1 status. The L-1A visa category for managers and executives authorizes employment in the U.S. for up to 7 years. The L-1B visa category for specialized knowledge authorizes employment for up to 5 years. Individuals approved for the L-1A visa are not only permitted to stay in the U.S. for a longer period of time, but are also eligible for a streamlined permanent residence process. Spouses and children of L-1 visa holders are given L-2 visa status and spouses are also eligible to apply for work authorization in the United States.

The normal procedure for applying for the L-1 category is for the U.S. employer to file a petition with U.S. Citizenship and Immigration Services. However, Canadian citizens are allowed to apply for L-1 status directly at the U.S. border.

There is not a numerical cap on the number of L-1 visas available each year, so an employer may file an L-1 petition at time. Further, there are no specific educational requirements for the L-1 visa category. In order to qualify, the employee must have only worked in a qualifying capacity. Therefore, U.S. companies with international operations should consider the L-1 visa whenever the company's business requires the services of an employee from a foreign related company.

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