



Bernstein Osberg-Braun & de Moraes  
immigration attorneys

11900 Biscayne Boulevard  
Suite 700  
Miami, Florida 33181  
Phone (305) 895-0300  
Fax (305) 895-0306  
[www.visaattorneys.com](http://www.visaattorneys.com)

**L-1A and L-1B Transferee  
TRANSFERING FOREIGN  
EMPLOYEES TO WORK IN THE  
UNITED STATES**

## **Which Employees Qualify as L-1 Intracompany Transferees?**

The smooth transfer of your company's key employees to the United States is always of great concern. Most executives, managers and employees with specialized knowledge can come to work in the United States using the L-1 intracompany transferee visa. Be sure to consult with an attorney experienced in immigration matters to see if this visa is appropriate for you.

## **Which Companies Qualify to Transfer Employees to the United States?**

Only those companies which exactly meet the Immigration Service's definitions of a parent, branch, subsidiary or affiliate, qualify to petition for an L-1 intracompany transferee visa. These definitions are very precise and require an analysis of both the foreign and U.S. ownership of the companies. Both the foreign and U.S. operations must be doing business for the entire time that the L-1 employee is working in the United States.

There are provisions to allow a new office to open in the United States provided that evidence is submitted to the Immigration Service to prove that the new office has a suitable place to do business, a qualifying business structure exists, and that the employer has the ability to pay the employee and to begin doing business in the United States.

Intracompany transferees are executives or managers (L-1A), and employees with specialized knowledge (L-1B). The definition of manager includes an employee who manages an essential function of the business within qualifying organization. Specialized knowledge employees must have special knowledge of the organization's product, service, research, equipment, management, or other interests and its application in international markets, or an advanced knowledge or expertise in the organization's processes and procedures. Classifying the employee in the right category is important, particularly if the company might later want to sponsor the employee for permanent residence.

A key qualification for all employees is continuous employment abroad by a qualifying foreign employer for one year within three years preceding the time of the employee's application for admission into the United States.

## **How Long Can L-1 Employees Remain in the United States?**

The L-1 is a temporary visa with specific limitations on periods of stay in the United States.

- If the employee is qualified as a manager or executive, he or she may remain in the United States for up to seven years in L-1A status.
- If the employee is classified in the specialized knowledge category, he or she may stay up to five years in L-1B status.
- An exception to these limits exists where the employment in the United States is seasonal, intermittent or an aggregate of six months or less per year.

## **How Does the Company Get an L-1 Visa for its Employees?**

A petition for an L-1 visa must be filed by the company with the Immigration Regional Service Center having jurisdiction over the place of intended employment. Except for a company which is opening a new office in the United States, the initial petition may be granted for a three-year period and renewed in two-year increments up to the maximum permitted stay. New offices are limited to an initial twelve-month period with extensions depending on the business performance of the new office. Once the petition is approved, the employee may apply for an L-1 visa at a U.S. Consulate abroad. If the employee is in the United States and maintaining some other legal status, he or she may apply for a change of status in the United States.

Spouses and unmarried children under 21 years old of intracompany transferees may be granted L-2 visas. An L-2 visa holder is not permitted to work in the United States. L-2 visa holders are entitled to Employment Authorization, which is issued in one year increments. The EAD card permits the L-2 visa holders to work for any employer inside the U.S. L-2 visa holders are also permitted to study in this status.



**Bernstein Osberg-Braun & de Moraes**  
**immigration attorneys**

**L-1 QUESTIONNAIRE: EMPLOYER**

**INFORMATION ABOUT THE EMPLOYER**

Employer's Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Prospective Employee Name: \_\_\_\_\_

Address where employee will work (if different):  
\_\_\_\_\_  
\_\_\_\_\_

Tel #: \_\_\_\_\_ Year business established \_\_\_\_\_

IRS Employer I.D. Number: \_\_\_\_\_

Description of employer's business:

Nature of business: \_\_\_\_\_  
\_\_\_\_\_

Number of employees: \_\_\_\_\_

Gross annual income: \_\_\_\_\_

Net annual income: \_\_\_\_\_

Job Title: \_\_\_\_\_

Number of employees the beneficiary will supervise: \_\_\_\_\_

Title of Person supervising beneficiary: \_\_\_\_\_

Requested employment start date: \_\_\_\_\_

Wages per week/per year: \_\_\_\_\_

Is this a full time position? \_\_\_\_\_

If no, hours per week: \_\_\_\_\_

Name and title of person signing the Petition on behalf of the employer:

\_\_\_\_\_

## EMPLOYER DOCUMENT CHECKLIST

### From the Company Abroad:

\_\_\_\_\_ Incorporation Documents/Partnership or Joint Venture Agreement

- Articles/Memoranda of Incorporation
- Bylaws
- Stock certificates/ledger
- Name change/registration

\_\_\_\_\_ Applicable business permits/licenses/registration.

\_\_\_\_\_ Company annual report/marketing brochure/resume.

\_\_\_\_\_ Lease/deed; mortgage or rent receipts.

\_\_\_\_\_ Organizational chart (if large company, then managerial/divisional structure; smaller companies - include structure by individuals); include #employees, names of divisions; include how U.S. company fits into overall structure.

\_\_\_\_\_ Copies of advertisements.

\_\_\_\_\_ \*Sample invoices or contracts (5-10, indicating trade in goods or services, preferably orders transacted with various countries; average or largest orders).

\_\_\_\_\_ Trade references.

- \_\_\_\_\_ Articles, promotional materials about the company, its products, services or key people.
- \_\_\_\_\_ Recent company tax return or financial statement.
- \_\_\_\_\_ Copies of awards, memberships or special achievements by the company or key personnel.
- \_\_\_\_\_ Payroll records.

**\*Note: All documents must be accompanied with its English translation\***

**From the U.S. Entity:** (Only applies to new corporations, less than one year old).

- \_\_\_\_\_ Incorporation Documents/Partnership/Jt. Venture Agreement.
- \_\_\_\_\_ Branch qualification to do business in U.S. or state.
- \_\_\_\_\_ Applicable business permits/licenses/registration.
- \_\_\_\_\_ Company annual report/marketing brochure/resume.
- \_\_\_\_\_ Lease/deed; mortgage or rent receipts.
- \_\_\_\_\_ Organizational chart (if large company, the managerial/divisional structure; smaller companies - include structure by individuals); include #employees, names of divisions; include how other U.S. companies fit into overall structure.
- \_\_\_\_\_ Copies of advertisements.

\* Do not include items that would be confidential or proprietary to the company.

- \_\_\_\_\_ Sample invoices or contracts (5-10, indicating trade in goods or services, preferably orders transacted with various countries; average or largest orders).
- \_\_\_\_\_ Trade references.
- \_\_\_\_\_ Articles, promotional materials about the company, its products, services or key people.
- \_\_\_\_\_ Copies of awards, memberships or special achievements by the company or key personnel.
- \_\_\_\_\_ Comprehensive Business Plan.



**Bernstein Osberg-Braun & de Moraes**  
**immigration attorneys**

**L-1 QUESTIONNAIRE: EMPLOYEE**

Please return the completed questionnaire together with the following documentation:

- Clear copies of the identity page of your passport and any US visas and Form I-94 and any dependent family members, if currently in the US;
- Approval notices from prior H-1B/L-1 or other US status;
- An updated copy of your resume with detailed descriptions of prior positions;
- Copy of educational credentials including diploma and transcripts, education evaluation and translations if applicable;
- Detailed job description including (2 paragraphs).
- US Salary and anticipated start date of employment.

**Biographic and Information**

**Name:**                      **Last**                                      **First**                                      **Middle**

---

**Other names used: (all past & present names including maiden name)**

---

**Date of birth:**

**City/Country of birth:**

---

**US Social Security Number:**

**Marital Status:**

---

**US address if known:**

---

**Home address outside of the US:**

---

**Email Address:**

**Telephone Number:**

---