

UNITED STATES OF AMERICA

L-1 A/B Non-Immigrant Visa Program



Overview

- The L-1 visa is a temporary, non-immigrant visa to allow qualified overseas companies to relocate foreign qualified employees to its U.S. parent, branch, affiliate, or subsidiary of that company
- The visa can be used for executives, management or professional employees with specialist knowledge

Benefits

- L-1 vis holders do not have to maintain a foreign residency during their U.S. stay
- L-1 vis holders are eligible to seek permanent residency status
- Family members of the L-1 visa holder may be granted authorisation to work in the U.S.

Employer Requirements

- The US company must have a qualifying relationship with a foreign entity (parent, branch, subsidiary or affiliate)
- The foreign entity must be established and conducting business for the duration of the applicants stay in the U.S.
- The foreign entity can be a corporation, non-profit, religious or charitable organisation
- The U.S. company must conduct, or plan to conduct a viable business in the U.S.
- If a new U.S. company is established it must have physical premises

Employee Requirements

- The employee must have worked at least one year in the foreign qualifying entity outside the U.S. during the three year period prior to application
- Applicants for an L-1A visa must be seeking to enter the U.S. to provide a service in an executive or managerial capacity in accordance with federal law
- Applicants for an L-1B visa must be seeking to enter the U.S. to provide a service in a specialised knowledge capacity, which must be beyond the ordinary and not commonplace within the industry
- The employee must be qualified to hold their position by virtue of their prior education and experience
- The employee may not be principally controlled or supervised by an unaffiliated employer
- The L-1 visa holder must intend to depart from the U.S. upon completion of the authorised stay

Process

- The application process takes between 6 to 12 months
- Generally, applications should be submitted to a US consulate in the territory where the applicant is based
- Employer and employee must complete applications
- Dual intent is allowed, and application will not be refused on the basis that the applicant intends to immigrate to the U.S.
- The application requires a petition and documentation evidencing the relationship of the companies
- There is an option to apply for premium processing to reduce the processing time by several months