

OVERVIEW OF THE L-1 VISA CATEGORY



MELTZER HELLRUNG
IMMIGRATION SOLUTIONS

OVERVIEW OF L1

The L-1 nonimmigrant classification enables a U.S. employer to transfer executives, managers, or employees with specialized knowledge of the organization's products, services or other interests from one of its related foreign offices to one of its offices in the United States.

THE THREE OPTIONS FOR REQUESTING L-1 STATUS ARE:

- USCIS L-1 Petition Process - Page 4
 - › For an employee already in the U.S.
- Canadian L-1 Initial Application Process - Page 6
 - › For a Canadian employee seeking initial L-1 status
- Blanket L Application - Page 8
 - › For an employee of a company with a Blanket L Approval Notice

TO QUALIFY FOR L-1 CLASSIFICATION IN THIS CATEGORY, THE EMPLOYER MUST:

- Have a qualifying corporate 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 Employee's stay in the United States as an L-1

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 in the United States and abroad. Passive investment alone, such as stock or land purchases, will not suffice as doing business for the purpose of an L-1 visa. While the business must be viable, there is no requirement that it be engaged in international trade.

I-1A Executives and Managers

TO QUALIFY, THE NAMED EMPLOYEE MUST:

- Have worked for a qualifying organization abroad in an executive, managerial, or specialized knowledge capacity for one continuous year within the three years immediately preceding their application to the United States; and
- Seek to enter the United States to provide services in an executive or managerial capacity for a branch of the same employer or one of its qualifying organizations.

Executive Capacity: Executive capacity refers to the employee's ability to make decisions of wide latitude without much oversight. Employees in executive roles typically receive only general supervision from higher-level executives, the board of directors, or stockholders of the organization. Executive employees are responsible for establishing the goals and policies of the organization, or a department or function of the organization.

Managerial capacity: Employees can qualify as managers for L-1 purposes in two scenarios — staff managers and functional managers.

Staff Managers: Staff managers supervise and control the work of professional employees and manage the organization, or a department, subdivision, function, or component of the organization. Subordinates of a staff manager must be professionals (possessing at least a bachelor's degree) or managers themselves.

Functional Managers: Functional managers oversee an essential function of the organization at a high level, without direct supervision of others. Functional managers have discretion over the day-to-day operations of their function but are relieved from non-qualifying operational duties. These employees manage an area of the organization that is critical to the overall operations of the entity. Examples of a functional manager include a chief financial officer who oversees outside accountants and book keepers but does not have any direct reports within the organization, or a procurement director who does not have any direct reports, but rather delegates portions of the function to other teams and outside vendors.

L-1B Specialized Knowledge Personnel

TO QUALIFY, THE NAMED EMPLOYEE MUST:

- Have worked for a qualifying organization abroad in an executive, managerial, or specialized knowledge capacity for one continuous year within the three years immediately preceding their application to the United States; and
- Seek to enter the United States to provide services in an executive or managerial capacity for a branch of the same employer or one of its qualifying organizations.

Specialized knowledge means a high-level understanding possessed by an individual of either: the petitioning organization's product, service, research, equipment, techniques, management, or other interests and its application; or an advanced level of knowledge or expertise in the organization's processes and procedures. Specialized knowledge is a difficult term to define and requires an exploration of the company's technology, individual employee's history, and role for each petition.

USCIS L-1 PETITION PROCESS OVERVIEW

1 Employer initiates a matter with Meltzer Hellrung

IN ORDER TO OPEN A CASE, WE NEED THE FOLLOWING INFORMATION:



- Name of candidate
- Email address
- Job title and job description both at the U.S. entity and foreign entity
- Information regarding subordinates and projects
- Offered salary at the U.S. location and current salary at the foreign entity
- Work location, including name of client if location is a third-party work site
- Resume
- Proposed start date

2 Meltzer Hellrung reaches out to the sponsored individual to complete an online questionnaire and provide the required documentation

We will email the candidate with instructions to complete this step.



3 Meltzer Hellrung drafts all necessary forms and letters to file the L-1 petition

We will forward these forms and letters to the employer for review. The employer may choose to share these draft documents with the employee. This step may require multiple rounds of document edits depending on the complexity of the case.



4 Once all forms and letters have been finalized and all required documentation provided, Meltzer Hellrung will ship the completed petition to USCIS

We can also prepare L-2 applications for all dependent family members (spouse and children under 21 years of age) of the applicant. For L-1 petitions submitted to USCIS, an I-539 application will need to be filed on behalf of the employee's dependents who are currently in the U.S.



5 USCIS review of the L-1 petition



Generally, USCIS takes several months to process L-1 petitions unless the employer chooses to request premium processing, available for an additional government filing fee, which requires USCIS to issue a response within 15 business days.

Once filed, USCIS may not immediately approve a petition. USCIS may first issue a Request for Evidence (“RFE”). If an RFE is issued, USCIS provides about three months to respond. If we receive an RFE, we will analyze the RFE and reach out to the respective parties with a list of information and documents needed. Once received, we will draft the response and submit it to USCIS.

Once Submitted, USCIS typically issues a decision within 60–90 days, unless premium processing has been requested. For L-1 petitions with premium processing, USCIS will issue a decision within 15 business days of receiving the RFE response.

6 Post filing outcomes



Approval

USCIS will approve the L-1 petition and will issue a Form I-797 approval notice. If the approval notice is issued on Form I-797A, it will have a Form I-94 located on the bottom of the notice. Visa stamping is not required unless the employee has a trip abroad scheduled and does not have a valid L-1 visa stamp in their passport.

If the approval was issued for consular processing on Form I-797B and does not have the Form I-94 at the bottom of the notice, the employee will need to attend a visa interview abroad, obtain the L-1 visa stamp, and enter the U.S., presenting that stamp, in order to be admitted in L-1 status.

The employer will receive an I-797C, a courtesy copy informing the employer of the approval.

Denial

USCIS can determine that the L-1 petition is not approvable. Typically, an RFE is issued prior to a denial. If USCIS denies the L-1 petition, a written decision is issued outlining the reasons for denial. If a denial is received, Meltzer Hellrung, the employee, and the employer will have a post-decision call to determine the next steps for the petition.



CANADIAN L-1 PETITION - INITIAL APPLICATION PROCESS OVERVIEW

Please note that only initial Canadian L-1 Applications will be filed directly with U.S. Customs and Border Protection (CBP) officers at a port of entry. Extensions will need to be filed with USCIS.

1 Employer initiates a matter with Meltzer Hellrung



IN ORDER TO OPEN A CASE, WE NEED THE FOLLOWING INFORMATION:

- Name of candidate
- Email address
- Job title and job description both at the U.S entity and foreign entity
- Information regarding subordinates and projects
- Offered salary at the U.S. location and current salary at the foreign entity
- Work location, including name of client if location is a third-party work site
- Resume
- Proposed start date

2 Meltzer Hellrung reaches out to the employee to complete an online questionnaire and provide the required documentation



We will email the candidate with instructions to complete this step.

3 Meltzer Hellrung drafts all necessary forms and letters to file the L-1 application



We will forward these forms and letters to the employer for review. The employer may choose to share these draft documents with the employee. This step may require multiple rounds of document edits depending on the complexity of the case.

4 Once all forms and letters have been finalized and all required documentation provided, Meltzer Hellrung will ship the completed application to the employee



5 CBP review of the L-1 application



Once the application is completed, we will ship it to the employee, who can then apply for the L-1 visa directly at a border crossing or pre-flight inspection station prior to entering the U.S. We recommend arriving at the airport at least 4 hours prior to the scheduled departure time. The interview typically takes 5–7 minutes, and the officer should let you know immediately whether the application is approved or denied.

Individuals should consult Meltzer Hellrung regarding where to apply for their visas. Many ports of entry are not staffed with CBP officers familiar with the L-1 regulations.

6 Post filing outcomes

Approval

The officer will review the package prepared by Meltzer Hellrung and ask the employee questions regarding the company, position, and the employee's qualifications. Upon review of the information, the officer may approve the application and allow the candidate to enter the U.S. in L-1 status.

Please note no visa stamp/foil will be issued to Canadian nationals.



Withdrawal/Denial

The officer may determine that the L-1 application is not clearly approvable due to the employee's responses or the materials in the application. The officer may not explain their decision. The employee should request written documentation of the denial and forward this documentation to Meltzer Hellrung. If during this time, the officer provides the employee with an opportunity to withdraw the application, we recommend withdrawing it. In the case of denial, the Meltzer Hellrung attorney, the employee, and the employer will have a phone call to discuss next steps.



BLANKET L-1 APPLICATION - PROCESS OVERVIEW

To utilize this expedited application process, which allows for submission of the L-1 petition directly at the U.S. consulate abroad, the company must have obtained approval of their Blanket L petition by USCIS .

FOR A COMPANY TO BE ELIGIBLE FOR BLANKET L PETITION CLASSIFICATION, THE FOLLOWING CRITERIA NEED TO BE MET:



- Have worked for a qualifying organization abroad in an executive, managerial, or specialized knowledge capacity for one continuous year within the three years immediately
- Seek to enter the United States to provide services in an executive or managerial capacity
- Seek to enter the United States to provide services in an executive or managerial capacity
- Seek to enter the United States to provide services in an executive or managerial capacity
 - > Obtained at least 10 L-1
 - > Obtained at least 10 L-1
 - > Obtained at least 10 L-1

1 Employer initiates a matter with Meltzer Hellrung

IN ORDER TO OPEN A CASE, WE NEED THE FOLLOWING INFORMATION:



- Name of candidate
- Email address
- Job title and job description both at the U.S entity and foreign entity
- Information regarding subordinates and projects
- Offered salary at the U.S. location and current salary at the foreign entity
- Work location, including name of client if location is a third-party work site
- Resume
- Proposed start date
 - *Employer's L-1 Blanket L-1 Approval Notice



2 Meltzer Hellrung reaches out to the employee to complete an online questionnaire and provide the required documentation

We will email the candidate with instructions to complete this step.

3 Meltzer Hellrung drafts all necessary forms and letters to file the L-1 application



Employee completes the Form DS-160 at ceac.state.gov/genniv and forwards login information to Meltzer Hellrung attorney to review prior to submission. After Meltzer Hellrung reviews the DS-160, the employee will be asked to submit the form.

4 Employee creates a profile with the U.S. Visa Information and Appointment Services system

Once the profile is created, the employee can pay the Machine Readable Visa (MRV) fee and schedule a consular interview appointment. The employee should notify Meltzer Hellrung of the appointment date.

5 Meltzer Hellrung drafts all necessary forms and letters to file the L-1 Blanket petition



We will forward these forms and letters to the employer for review. The employer may choose to share these draft documents with the employee. This step may require multiple rounds of document edits depending on the complexity of the case.

6 Once all forms and letters have been finalized and all required documentation is provided, Meltzer Hellrung will ship the completed petition to the employee



We can also prepare L-2 applications for all dependent family members (spouse and children under 21 years of age) of the applicant. For applications at the consulate, dependent family members will each need to complete the online Form DS- 160 prior to scheduling the principal applicant's interview, and supporting documentation will be included in the primary application package.

7 Preparation phone call with applicant



Prior to attending the consular appointment, the employee and Meltzer Hellrung will have a phone call to discuss the interview process and answer any questions the applicant may have.

8 Attending the Consular Appointment

We recommend wearing business casual attire to the appointment. The interview itself should last up to 10 minutes. At the interview, it is important to appear calm and confident. The consular officer will review the application Meltzer Hellrung prepared and ask questions regarding the purpose of the trip, the offered position, and the employee's background.



9 Post filing outcomes

Approval

The officer will approve the L-1 petition, will provide the employee with an endorsed I-129S form. The employee will receive an L-1 visa stamp in their passport within a few business days. Upon issuance of the L-1 visa stamp, the employee may enter the U.S. in L-1 status and begin employment with the company. The Form I-94 record, which governs the applicant's period of authorized stay, is issued electronically and can be found [here](#). Please forward a copy of the endorsed Forms I-129S and I-94 and L-1 visa stamp to Meltzer Hellrung upon entry to the United States.



Section 221(g) Refusal or "Administrative Processing"

The officer may determine that the L-1 is not immediately approvable and may ask the employee for additional documentation or may simply place the application through additional review.



Denial

The officer may determine that the L-1 is not clearly approvable due to the employee's responses or the material in the application. The officer may not explain their decision. The employee should request written documentation of the denial and forward this documentation to Meltzer Hellrung. In the case of a denial, Meltzer Hellrung, the employee, and the employer will have a post-decision call to determine next steps.



L-1 APPLICATION DOCUMENT REQUEST OVERVIEW



L-1A EXECUTIVE OR MANAGER: DOCUMENTS TO BE PROVIDED BY EMPLOYEE:

- Non-blank pages of passport
- Documentation of any previous U.S. immigration status (I-797 approval notices, electronic I-94 if already in the U.S.)
- Diplomas and Transcripts (consolidated mark sheets preferred), if available
- Resume
- 1 year of the employee's foreign paystubs to prove tenure at the foreign entity
- Emails/proof of communication from the employee to direct/indirect reports showing managerial authority; may also show recommendations on salary, vacation, termination

DOCUMENTS TO BE PROVIDED BY COMPANY:

- Diplomas/resumes of direct and indirect reports of U.S. entity (if available)
- Diplomas/resumes of direct and indirect reports of foreign entity
- 3 most recent redacted pay stubs, most recent W-2, and/or signed employment contract or offer letter for reports of U.S. and foreign entity
- Documents regarding contracts, purchase orders, MSAs
- Documents regarding marketing materials, presentations, press releases, pitch slide decks, brochures, process outlines, etc.
- Documents about the company/proprietary product in journals and technical publications, white papers
- Patents for proprietary products
- Documents about company financials, corporate structure, and Blanket L Approval Notice (if available)
- Organizational chart showing the employee's position abroad,
 - › specifically identifying where the employee is in the organizational hierarchy, who they manage (by name, position title, and education level), to whom they report and include the C-suite executive of the function/department.
- Organizational chart for the employee's proposed position in the U.S.,
 - › specifically identifying where the employee will be in the organizational hierarchy, who they will manage (by name, position title, and education level), to whom they will report to and include the C-suite executive of the function/department.

L-1 APPLICATION DOCUMENT REQUEST OVERVIEW (continued)



DOCUMENTS TO BE PROVIDED BY COMPANY:

- Diplomas/resumes of direct and indirect reports of U.S. entity (if available)
- Diplomas/resumes of direct and indirect reports of foreign entity
- 3 most recent redacted pay stubs, most recent W-2, and/or signed employment contract or offer letter for reports of U.S. and foreign entity
- Documents regarding contracts, purchase orders, MSAs
- Documents regarding marketing materials, presentations, press releases, pitch slide decks, brochures, process outlines, etc.
- Documents about the company/proprietary product in journals and technical publications, white papers
- Patents for proprietary products
- Documents about company financials, corporate structure, and Blanket L Approval Notice (if available)

L-1B SPECIALIZED KNOWLEDGE TRANSFEREE



DOCUMENTS TO BE PROVIDED BY EMPLOYEE:

- Non-blank pages of passport
- Documentation of any previous U.S. immigration status (I-797 approval notices, electronic I-94 if already in the U.S.)
- Diplomas and Transcripts (consolidated mark sheets preferred), if available
- Resume
- Certifications or awards, technical training in company's process and technologies
- 1 year of the employee's foreign paystubs to prove tenure at the foreign entity
- Technical documentation
 - › Provide technical documentation of the employee's specialized knowledge of the product and the company's processes, including timelines, screenshots of the product, and graphics showing the overall process at a high-level and micro-level. This list is not exhaustive.
- This could be shown by a graphic/example — and then a short description of what is being depicted and what the result is/will be and how it contributes to the success of the company.
- Or it could be a project write-up which would include: the name, worker hours, timeline, description, process, result and benefit, and corresponding examples (if available).
- Quantify everything when possible.
 - › This technical documentation needs to establish that: the employee was given a significant assignment, which has enhanced the company's product, reputation, financial position, etc.; and the knowledge acquired at the foreign entity is extensive, expert-level, and could only be acquired through experience at the foreign company.

L-1B SPECIALIZED KNOWLEDGE TRANSFEREE (continued)



DOCUMENTS TO BE PROVIDED BY COMPANY:

- Documents regarding contracts, purchase orders, MSAs
- Documents regarding marketing materials, presentations, press releases, pitch slide decks, brochures, process outlines, etc.
- Documents about the company/proprietary product in journals and technical publications, white papers
- Patents for proprietary products
- Documents about company financials, corporate structure, and Blanket L Approval Notice (if available)
- Manager letter signed by foreign manager (template will be provided), describing:
 - › Proprietary product
 - › Employee's tenure with foreign entity
 - › Employee's expert-level knowledge of proprietary product
- Organizational chart of the employee's foreign position
 - › Should specifically identify who the employee will report to, on what team, and education levels of team members. This chart should include at least the C-suite executive of the function/department.
- U.S. manager letter detailing the need for the employee's transfer to the U.S. (template will be provided)
- Organizational chart of the employee's proposed position in the U.S.
 - › Should specifically identify who the employee will report to, on what team, and education levels of team members. This chart should include at least the C-suite executive of the function/department.



MELTZER HELLRUNG

IMMIGRATION SOLUTIONS

Meltzer Hellrung challenges conventions to deliver better outcomes.

Founded with the belief that immigration can be a strategic advantage, we understand the complexities of immigration and respond with innovative solutions to meet business and talent needs. Our unique solution - skilled immigration professionals delivering responsive service to clients through Voyager®, our proprietary immigration management platform, delivers the best immigration experience to companies, employees and their families.

