

### **XIII. L-1A VISA/ STATUS – INTERNATIONAL EXECUTIVE TRANSFEREE**

Those seeking a L1A visa, which is a temporary work visa that is good for seven years, have been an executive manager, that is someone who is in an executive or managerial position, for at least one of the three past years for a non-U.S. company, corporation or other such legal entity and are seeking to travel to the United States to work in a similar position. Those coming to the U.S. on a L1A visa will work in a managerial or executive capacity at a related firm in the U.S. or they will supervise the opening of a new unit or entity in the U.S. that is associated with the non-U.S. company, form or other entity for which they work.

L-1A Visa/Status is applicable to a manager or an executive who runs a specific area of a company, subdivision, department or the entire company and works for multinational company doing business in both the United States and abroad. To be able to qualify, the transferee is required to have a work experience with the company for one continuous year within the preceding three years before he or she will be transferred to the United States. Moreover, he or she must not be a low-level manager who wants to come temporarily to render services that entail specialized knowledge to a parent, branch, and subsidiary or affiliate U.S. Companies.

A manager is defined as someone who manages people, or those who manage a “function” of an organization. The person in a manager position must: (a) Manage the organization, or a department, function or component of the organization; (b) supervise and control the work of other supervisory, professional or managerial employees *or* manage an essential function within the organization, or a department or subdivision of the organization; (c) has the authority to hire and fire *or* recommend hiring and firing of employees. If the position does not supervise others, the person must function at a senior level within the organization’s hierarchy or with respect to the function managed; and Exercise discretion over the day-to-day operations of the activity or function. *Note:* first-line supervisor is not considered to be acting in a “managerial capacity” due to the supervisory duties *unless* the employees supervised are “professional.”

To qualify for L-1 classification in this category, the employer must: (a) have a qualifying relationship with a foreign company (parent company, branch, subsidiary, or affiliate, collectively referred to as qualifying organizations); and (b) 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.

To qualify, the named employee must: (a) 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 (b) be seeking to enter the United States to render services in an executive or *managerial capacity* to a branch of the same employer or one of its qualifying organizations.

Employees who are qualified to enter the United States to establish a new office are allowed to stay initially for a maximum of one year. While all other qualified employees may be granted for up to three years as long as both parties (U.S. Company and the foreign worker) are doing business and continue to be affiliated. For employees who are asking for an extended stay may also be granted in increments of up to an additional two years until he or she reaches the seven years maximum limit.

Spouse and unmarried children under 21 years old may seek admission in L-2 non-immigrant classification. This being a derivative status allows them to accompany the transferee and remain in the U.S. That said, the spouse or any of the holding L-2 status may attend schools or may work or at any legal job.

To find out more about the procedural steps involved and an estimate of fees, call or email us today for your free in-depth consultation!