

# ImmiCore Law

A Professional Law Corporation

## Basic Requirements for Obtaining L-1 Status

1. The employee must have been employed abroad for the overseas company for a continuous period of one year in the preceding three years.
2. The company for which the employee has been employed abroad for a year must be related to the U.S. company in a specific manner, such as parent/subsidiary, sister companies with common parent. (Qualifying Relationship)
3. The company must be a qualifying organization-one that is doing business in the United States and one other country during the whole period of the transfer.
4. The employee to be transferred must have been employed abroad in an "executive" or "managerial" position (L-1A) or a position involving "specialized knowledge." (L-1B)
5. The employee must be coming to the U.S. company to fill one of these capacities (Executive, Managerial, or Specialized Knowledge)
6. The employee must be qualified for the position by virtue of his or her prior education and experience.
7. The L-1 visa holder must intend to depart the United States upon completion of his or her authorized stay.
8. L-1 available for opening new office:
  - a. Sufficient real estate has been secured;
  - b. The employee must have worked abroad for the overseas company for a continuous period of one year in the preceding three years in executive or managerial capacity, and the proposed employment involves executive or managerial authority;
  - c. Within 1 year of approval, the U.S. operation will support an executive or managerial position.

## **Steps in the L-1 Process**

In general, the L-1 process is as follows:

### **Analysis and Document Collection**

- The company should use the checklist to collect documents.
- The company will upload documents to the Secure Cloud Server
- The Law Firm will review documents and comment or make recommendations on strengthening the case

### **Preparation of the Petition**

- Once the drafts are prepared they will be sent the company for review and signature.

### **File the L-1 petition with USCIS**

- Regular processing runs between 3 to 4 months
- Premium process runs between 15 to 45 days, depending upon whether there is a Request for Evidence

### **Change of Status of Consular Processing**

- If the person is already in the U.S. and we are filing a change of status they will *not* need to get their visa stamped in order to work
- If the person is outside the U.S. they may need to get their L-1 visa stamped. The process of obtaining a new visa abroad can add time to when the individual will ultimately be able to enter the U.S.