

The L-1 visa, Moving Executives, Managers, Specialized Knowledge and Investors Internationally.

By Jon Velie



Part of the mission of Immigration Magazine is to bring you an understanding of immigration visas in plain language, not just regulations, but how they can be put to use. The L-1 is one of my favorites because it permits a great pathway for moving talent worldwide through or by creating international companies.

The L-1 visa is for the transfer of international employees from a foreign company to its U.S. branch. For example if Hilton Hotels wants to transfer an executive, managerial or specialized employee from Paris to New York, this is the visa to use.

The L-1 is an excellent tool for companies to exchange ideas with other high level employees of the company and to rotate key personnel to its international locations to improve and ensure competitiveness at the global level.

But it can also be used for start-ups, smaller companies or for a foreign company to create a branch office of the parent company in the United States, which permits the owner, executive or managers to transfer to the U.S. branch as long as the international company continues to operate viably. This option provides an excellent pathway for an international entrepreneur to conduct business in America. I have really enjoyed seeing entrepreneurs bring their vision, talent and work ethic to the United States. America's economic system really permits anyone to create a company and the opportunity to succeed and watching the creation and growth of these companies is a lot of fun.

An American company can also merge or acquire a foreign company, then transfer key employees from the international office to the U.S. headquarters, while keeping the international branch open to serve the international market. I have also seen a US company in the petroleum education field merged with a small British outfit. They transferred the owner to the United States to educate him on the corporate culture and policy of the company. He brought his experiences and ideas and excellent ability to close deals. The U.S. Company, in turn, transferred sales personnel to the British office to market the company better in Europe.

A criteria of the L-1 is that the companies have a nexus of ownership as either subsidiaries, where one company has an equity interest in the other, or affiliates, where the companies have the same shareholders.

The key to the L-1 is that the employee must have been employed for one of the last three years in the international location to be eligible to transfer to the U.S. office.

An advantage of the L-1 visa is that it can be adjusted to permanent residency. The L-1A is for the executive or managerial level employee. These positions can petition for permanent residency “greencards” as multi-national executives or managers under the EB-1 category.

The EB-1 as a first preference greencard does not have to utilize the labor certification process and has current priority dates. Therefore it is a much faster path to permanent residency than other options.

The L-1B is for specialized employees. Specialized employees must possess a proprietary knowledge about a company’s products or services and can transfer to teach skills to the new US employees.

Blanket L-1s can be used to expedite the process for companies with large number of L-1 workers.

Other interesting points for L-1 visas is that spouses can obtain employment authorization cards and that L-1s can travel during the pendency of permanent residency petitions without obtaining travel documents.

Jon Velie is an attorney with Velie Law Firm. He has won the American Bar Association’s Louis M. Brown award and has been labeled an innovator in the legal industry by the ABA. Jon has spoken on Immigration at conferences around the world, spoken to Congressional panels, the US Open and for many companies. Jon has been featured in the NY Times, Washington Post, 60 Minutes and BBC. Jon is the editor of www.ImmigrationMagazine.com. Velie Law Firm’s website is www.OnLineVisas.com. Jon can be reached via e-mail at jon@velielaw.com or by phone at 405-310-4333 office or 405-821-5959 cell.