U.S. Citizenship and Immigration Services

L-1B Intracompany Transferee Specialized Knowledge

The L-1B nonimmigrant classification enables a U.S. employer to transfer a professional employee with specialized knowledge relating to the organization's interests from one of its affiliated foreign offices to one of its offices in the United States. This classification also enables a foreign company which does not yet have an affiliated U.S. office to send a specialized knowledge employee to the United States to help establish one. The employer must file Form I-129, Petition for a Nonimmigrant Worker [http://www.uscis.gov/I-129] with fee, on behalf of the employee.

General Qualifications of the Employer and Employee

To qualify for L-1 classification in this category, the employer must:

- Have a qualifying 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 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 also:

- 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
- Be seeking to enter the United States to provide services in a specialized knowledge capacity to a branch of the same employer or one of its qualifying organizations.

Specialized knowledge means either special knowledge possessed by an individual of the petitioning organization's product, service, research, equipment, techniques, management, or other interests and its application in international markets, or an advanced level of knowledge or expertise in the organization's processes and procedures (See 8 CFR 214.2(l)(1)(ii)(D)).

L-1 Visa Reform Act of 2004

The L-1 Visa Reform Act of 2004 applies to all petitions filed on or after June 6, 2005, and is directed particularly to those filed on behalf of L-1B employees who will be stationed primarily at the worksite of an of an employer other than the petitioning employer or its affiliate, subsidiary, or parent. In order for the employee to qualify for L-1B classification in this situation, the petitioning employer must

show that:

- The employee will not be principally controlled or supervised by such an unaffiliated employer; and
- The work being provided by the employee is not considered to be labor for hire by such an unaffiliated employer.

See INA 214(c)(2)(F) and Chapter 32.3(c) of the USCIS Adjudicator's Field Manual, available from the "Laws" tab at the top of this page for further details.

New Offices

For foreign employers seeking to send an employee with specialized knowledge to the United States to be employed in a qualifying new office, the employer must show that:

- The employer has secured sufficient physical premises to house the new office ; and
- The employer has the financial ability to compensate the employee and begin doing business in the United States.

See 8 CFR 214.2(l)(3)(vi) for details.

Period of Stay

Qualified employees entering the United States to establish a new office will be allowed a maximum initial stay of one year. All other qualified employees will be allowed a maximum initial stay of three years. For all L-1B employees, requests for extension of stay may be granted in increments of up to an additional two years, until the employee has reached the maximum limit of five years.

Family of L-1 Workers

The transferring employee may be accompanied or followed by his or her spouse and unmarried children who are under 21 years of age. Such family members may seek admission in L-2 nonimmigrant classification and, if approved, generally will be granted the same period of stay as the employee.

Change/Extend Status

If these family members are already in the United States and seeking change of status to or extension of stay in L-2 classification, they may apply collectively, with fee, using Form I-539, Application to Extend/Change Status [http://www.uscis.gov/I-539].

Spouses

Spouses of L-1 workers may apply for work authorization by filing a Form I-765, Application for Employment Authorization [http://www.uscis.gov/I-765], with fee. If approved, there is no specific restriction as to where the L-2 spouse may work.

Blanket Petitions

Certain organizations may establish the required intracompany relationship in advance of filing

individual L-1 petitions by filing a blanket petition. Eligibility for blanket L certification may be established if:

- The petitioner and each of the qualifying organizationsare engaged in commercial trade or services;
- The petitioner has an office in the United States which has been doing business for one year or more;
- The petitioner has three or more domestic and foreign branches, subsidiaries, and affiliates; and
- The petitioner along with the other qualifying organizations, collectively, meet one of the following criteria:
    - Have obtained at least 10 L-1 approvals during the previous 12-month period;
    - Have U.S. subsidiaries or affiliates with combined annual sales of at least $25 million; or
    - Have a U.S. work force of at least 1,000 employees.

In order to qualify under the blanket petitioning process, the employee having specialized knowledge must also be a professional. See 8 CFR 214.2(l)(1)(ii)(E).

Where an L-1 visa is required

In most cases, once the blanket petition has been approved, the employer need only complete a Nonimmigrant Petition Based on Blanket L Petition, Form I-129S [http://www.uscis.gov/I-129s], and send it to the employee along with a copy of the blanket petition Approval Notice and other required evidence, so that the employee may present it to a consular officer in connection with an application for an L-1 visa.

Canadians with an approved blanket petition seeking L-1 classification

Canadian citizens, who are exempt from the L-1 visa requirement, may present the completed Form I-129S and supporting documentation to a U.S. Customs and Border Protection (CBP) Officer at certain ports-of-entry on the United States-Canada land border or at a United States pre-clearance/pre-flight inspection station in Canada, in connection with an application for admission to the United States in L-1 status.

Please refer to CBP's website [http://www.CBP.gov] for additional information and/or requirements for applying for admission into the United States.

Optional filing of Form I-129S with USCIS

If the prospective L-1 employee is visa-exempt, the employer may file the Form I-129S and supporting documentation with the USCIS Service Center that approved the blanket petition, instead of submitting the form and supporting documentation directly with CBP.

See 8 CFR 214.2(l)(4) and 8 CFR 214.2(l)(5) for more details regarding blanket petitions.

Last updated: 09/28/2012