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L1 Visa Document Checklist

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L1 Visa Document Checklist

L-1 petitioners and their sponsors must meet the stringent requirements under US immigration rules to submit extensive supporting documentation that supports the application for an intracompany transfer visa.

The following L1 visa document checklist summarizes the paperwork that will be needed to evidence applicant eligibility.

The following checklist contains some of the main documents that will need to be submitted in support of the petition:

Foreign Company Documents:

1. Articles of incorporation
2. Stock certificates
3. Audited accounts
4. Financial statements of business
5. Promotional materials of business
6. Organizational chart, including total number of employees and position held by you as the transferee
7. Detailed statement from authorized representative explaining ownership and control of company

U.S. Company Documents:

1. Articles of incorporation
2. Stock certificates
3. Audited accounts
4. Financial statements of business
5. Promotional materials of business
6. Business license
7. Corporate by-laws

8. Detailed business plan
9. Organizational chart, including total number of employees and position held by you as the transferee
10. Detailed statement from authorized representative explaining ownership and control of company

If you are coming to the U.S. to setup a new office, evidence will also be required to show the establishment of new premises, for example, a lease for office space, sales contracts and copies of applicable business permits etc.

Please note that the above checklists are by no means exhaustive and legal advice should always be sought based on your specific business operations.

L1 visa document checklist – the eligibility criteria

The L1 visa permits key professional employees to transfer from an overseas office to a parent, branch, affiliate, or subsidiary of the same company in the United States or, alternatively, to set up a new affiliated office.

There are two types of L1 visa: the L1A and the L1B. The L1A visa is for employees working in an executive or managerial role, whilst the L1B visa is for those who have specialized knowledge of the company's products, services and procedures that are key to its success.

In either case you must have worked for at least one year out of the preceding three years prior to your application and be seeking to enter the U.S. to undertake work in the same or similar capacity.

L1 visa document checklist – the petition paperwork

Prior to submitting your application for an L1 visa, your U.S. employer will be required to file a petition on your behalf with the U.S. Citizenship and Immigration Services (USCIS) using Form I-129, together with supplemental Form I-129L.

For larger employers, prior approval may already have been obtained under what's known as a Blanket L petition. This permits multiple key personnel to apply for L1 status without waiting for individual USCIS petition-approval.

However, to obtain a blanket petition certain regulatory requirements must be met, in particular that the company:

- Has transferred ten L1 managers, executives, or specialized knowledge employees to the United States in the previous twelve months, or
- Has U.S. subsidiaries and affiliates with a combined annual sales of at least $25 million, or
- Has a U.S. workforce of at least 1,000 employees.

If your employer does not meet the above criteria and/or has not obtained blanket approval, an individual petition will need to be filed on your behalf, together with extensive documentation to prove the following:

1. That there is a qualifying relationship between the foreign company and the U.S. company, meaning that there needs to be common ownership and control.
2. That you have worked for the foreign company continuously, on a full-time basis, for at least one year within the last three years prior to filing the petition.
3. That the identified relationship between the overseas and U.S. companies existed for the duration of your one-year period of employment abroad.
4. That you have worked as a manager, executive or specialized knowledge employee for the foreign company, and are seeking work in the same or similar capacity in the U.S.

L1 visa document checklist – the visa paperwork

Once the petition has been approved by USCIS, your employer will be given a notice of approval on form I-797. You will then need to submit your online visa application with the Department of State using Form DS-160.

You will also be required to schedule an interview at your local U.S. Embassy where you will need to attend with various documents, including the following:

1. The visa interview appointment letter
2. The DS-160 visa application confirmation page
3. The DS-160 visa application fee receipt
4. A valid passport with at least six months left prior to its expiry
5. Any old passports held by you
6. Your most recent resume or CV
7. Two recent color photographs of your face
8. A copy of the I-129 petition submitted to USCIS
9. The I-797 approval notice from USCIS
10. A letter from your employer to the consulate requesting an L1 visa

You will also be required to provide detailed documentation in support of your eligibility for an L1 visa, including but not limited to evidence of your previous and proposed role within the overseas and U.S company respectively.

In the event that you fail to attend with the necessary documentation you risk your application for an L1 visa being delayed, or even denied.

L1 visa document checklist – the potential pitfalls

An approved petition does not, in itself, guarantee that you will be granted an L1 visa. Your eligibility will still need to be determined based on the information contained within your application and the documentation in support.

Needless to say, if that information is deemed incomplete then your application may be significantly delayed, if not completely denied. At the very least, where information is lacking, there will be a request for further information before a final decision is made on your visa application.

Furthermore, even where your application and supporting documentation are satisfactory and complete, you will still need to be interviewed by a consular officer based on that information.

You will be asked detailed questions relating to the company that you work for and the capacity in which you have been, and will be, employed by the overseas and U.S. company respectively.

For L1B applicants, in particular, the questioning by a consular officer during interview can be challenging, requiring a persuasive explanation to prove how your specialized knowledge is vital to the overall functioning and competitiveness of the business.

You can significantly improve your chances of being successfully granted an L1 visa by ensuring not only that your paperwork is correct, but by answering any questions as openly and as fully as possible.