

## The L-1 Visa - Everything You Need To Know

The L-1 Visa offers a relatively quick solution to US employers with multi-national operations who need to bring foreign employees from company affiliates in other countries to the US for a limited time. Foreign companies can also use the L-1 Visa to send employees to the US to start operations. The ability to move non-immigrant employees to the US on a temporary basis is considered essential to economic prosperity.

Both the employers and the employees need to meet certain qualifications in order to be eligible for the L-1 Visa. Employers apply for the visas and there are no limits on how many of the visas an employer can request. The L-1 Visa is able to be extended up to a maximum number of years depending on the type of L-1 Visa that has been authorized.

### Types of L-1 Visas

[There are two types of L-1 Visas](#). The L-1A and L1B Visas are for different types of employees.

**L-1A Visas** are for employees who work in **managerial** or **executive** positions.

- Managerial – an employee having supervisory responsibilities over other employees
- Executive – an employee that has decision-making authority at a high level

**L-1B Visas** are for employees who have **specialized knowledge** about the company business.

- Specialized knowledge – means some type of expertise about what the company does and that is necessary for operations

### Meeting the Qualifications for an L-1 Visa

Both [the employer and the employee must meet certain qualifications](#) in order to be eligible for an L-1 Visa.

#### Employee

- must have worked for the company at least 1 continuous year during the previous 3 years
- must be either a manager, executive or have specialized knowledge

#### US Employer

- must be a qualifying relationship between the foreign company and the US company
- must be doing business in the US and at least one other country while the employee is in the US

#### Foreign Employer

- must show there is a physical location for the business in the US
- L1-A - must show the employee was a manager or executive for at least 1 continuous year in the previous 3 years and that the business will support the employee within 1 year

- L1-B – proof of financial ability to pay the employee and begin business

## How to Obtain an L-1 Visa

A qualifying employer who wants to transfer a qualifying employee has to file the [I-129 - Petition for a Nonimmigrant Worker](#) - with US Citizen and Immigration Services (USCIS). Documentation is required showing the necessary qualifications have been met. Once the information has been obtained and the fees are paid, an interview is scheduled with the employee. If the interview goes well an L-1 Visa takes about 4-6 months to process. For those who need their visa sooner, there is an option for premium processing that takes a matter of weeks.

## The Duration of an L-1 Visa

The [length of the L-1 Visa](#) will depend on which visa was issued. The L-1 Visas issued to employees coming to established US companies have an initial term of 3 years. L-1 Visas issued to employees coming to start businesses in the US have an initial term of 1 year.

- L-1A Visa – Can extend in 2-year increments up to a maximum of 7 years
- L-1B Visa – Can extend in 2-year increments up to a maximum of 5 years

## Families of L-1 Visa Employees

The [spouse and children under 21 years of the L-1 employee may apply for L-2 Visas](#) to accompany the employee to the US. An L-2 Visa allows a spouse to get a work permit and work anywhere in the US. And those with L-2 Visas can attend school in the US and can travel in and out of the country. The duration of the L-2 Visa will be the same as the employee's L-1 Visa.

## What to Do if Your L-1 Visa Petition is Denied

If the USCIS determines that an employer or employee has not provided adequate evidence that the requirements necessary to issue the L-1 Visa have been met, the visa may be denied. [Common reasons for a petition denial](#) are

- employee does not meet managerial, executive or specialized knowledge requirements
- business projections are not believable or are too different than industry standards
- documents contain errors or are improperly completed
- the evidence submitted is not convincing enough

The first thing to do is see why your petition was denied. What was the reason given for the denial? Is the reason valid? If you want to appeal the denial, you can [go directly to the Administrative Appeals Office \(AAO\)](#). The disadvantage with this approach is that it tends to take a long time and the AAO rarely overturns the decision of the USCIS.

You may also be able to [challenge your denial in US District Court](#). If you can argue that the denial by the USCIS was not logical based on the evidence you provided, you can skip dealing with the AAO and go right to court. You will need legal advice to determine if your circumstances meet the standard required to go to court. And, of course, the court process takes time.

A faster way to resolve the problem might be to see if there is another type of visa that an employee could qualify for. An immigration attorney could recommend the best course of action given your particular situation.

Or it may be possible to apply for a waiver of your denial. In the case of an L-1 Visa, the denial must contain a recommendation that the waiver be granted in order to be eligible to apply.

## **In Conclusion**

The L-1 Visa allows employers with multi-national operations to bring foreign employees lawfully into the US for a limited time. Having an L-1 Visa petition denied can be frustrating and cause unwanted delays for your business. While it is possible to appeal the denial of your petition, it is far more efficient to be extremely thorough when completing the application. Making sure the questions are answered appropriately and proper documentation is attached will reduce the chances of having your petition denied. Working with someone who can guide you through the process and make sure you get everything right the first time can save you two very valuable resources: time and money.