



# USA

## L-1



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## ABOUT L-1 VISA

L-1 Visa is a nonimmigrant Visa that allows a foreign company's executives, managers, or employees with specialized knowledge, to transfer to an office located in the United States, which is considered a parent, affiliate, subsidiary, or branch of the foreign company.

Additionally, the L-1 Visa category requires for the person being transferred to have worked for the foreign company, for at least one continuous year within the preceding three years. The U.S. entity may be an existing company (i.e., a "parent" of the foreign company) with a prior relationship with the

foreign company, or it may be a "new office" in the United States.

If forming a "new office," it is critical for your U.S. Attorney to properly structure the U.S. entity, and to determine, early on, the relationship between the foreign company and its U.S. entity; depending on the existing structure of your foreign entity, and the percentages of ownership at both the foreign and U.S. entities, your U.S. Attorney will determine as to whether the U.S. Offices are considered an affiliate, subsidiary, or branch of the foreign Company.



## COUNTRY PROFILE

- Capital: Washington, D.C.
- Population: 335 million
- Area: 9.8 million sq km (3.8 million sq miles)
- Major language: English
- Life expectancy: 74 (men) 80 (women)
- Currency: USD
- Exchange Rate (as of May 2024): 1 AED = 3.678 USD





## UNDERSTANDING EXECUTIVE AND MANAGERIAL ROLES FOR L-1 VISAS

For L-1 visa purposes, executives and managers are distinct roles with specific qualifications.

### **Executive Role:**

Executives lead strategic decision-making, set organizational goals, and hold discretionary power over direction. They often serve on boards or as senior executives abroad.

### **Managerial Role:**

Managers oversee daily operations, supervise employees, and make key decisions on matters like hiring and promotions. They manage essential functions within the company.

### **Key Points:**

- Executives focus on strategy and direction.
- Managers handle day-to-day operations and employee supervision.
- Both roles require significant time on managerial tasks rather than direct service provision.

## UNDERSTANDING "SPECIALIZED KNOWLEDGE" FOR L-1 VISAS

The "specialized knowledge" category for L-1 visas applies to employees who possess unique and critical expertise related to the foreign company's operations.

### **Qualifications:**

- Employees must possess noteworthy and uncommon knowledge about the foreign company's products, techniques, or research that is essential for application at the U.S. entity.
- Their expertise surpasses that of other employees, particularly concerning specialized techniques or processes.
- The specialized knowledge must be distinctive within the industry, making the employee essential to the U.S. entity's performance.

### **Key Points:**

Employees in this category don't necessarily need unique or proprietary knowledge but must demonstrate advanced understanding and expertise in the foreign company's work and procedures.





## WHO IS CONSIDERED AN EXECUTIVE FOR L-1 PURPOSES?

An executive is an employee who primarily:

- Does not perform day-to-day activities of the Company; rather, an executive directs other managers in an organization on major decisions concerning the organization;
- An Executive sets policies and mandates goals of the organization;
- Executives have discretionary powers concerning what direction the organization will take, and they are afforded wide latitude in the decision-making process of an organization. Executives are often members of the board of directors, owners, and/or senior executives of the organization abroad.

## WHO IS CONSIDERED A MANAGER FOR AN L-1 VISA?

A manager is an employee who primarily:

- A “manager” for L-1 purposes has discretionary power over the day-to-day function of the foreign organization, its department, or sub-division (in a larger organization);
- Is directly supervising and monitoring the work of other professional employees/supervisors. A manager is considered to have an essential function within the foreign company;
- A manager generally has the power to hire or fire other employees, and makes decisions on essential employee matters such as promotions, or granting permission for a leave of absence;

For L-1 purposes, it is critical for a “manager” to manage an essential function, rather than supervising other employees. For an individual to be qualified under the “manager” category, said applicant must have operated at a senior level of the foreign entity.

A “manager” is an individual who spends most of his or her time performing managerial or executive duties, and not performing actual services or products. 6. Supervises professionals if a first-line supervisor.





## WHICH EMPLOYEES WOULD QUALIFY UNDER THE “SPECIALIZED KNOWLEDGE” CATEGORY?

An employee would be considered to have “specialized knowledge” of the organization if he or she:

- Possesses specialized knowledge (which is noteworthy and uncommon) about the foreign company’s product, special techniques, specific products, research, etc. which would prove critical to its application at the U.S. entity;
- Has knowledge or expertise which is superior to other employees, concerning the foreign company’s specialized techniques, processes, or procedures;
- His or her specialized or advanced knowledge must be noteworthy and different from others generally found in that particular industry, making them “essential” to the U.S. entity’s performance.

The applicant with “specialized knowledge” does not need to have unique or proprietary knowledge; while it is better to have such unique or proprietary knowledge, it is sufficient for most applicants in this category to have an advanced understanding and knowledge of the foreign company’s work and procedures.





## WHAT IS THE APPLICATION PROCESS FOR L-1 STATUS?

- The U.S. Entity (i.e., the “employer”) must file the I-129 Petition along with all supporting documentation to U.S. Citizenship and Immigration Services (USCIS) on behalf of the Upon approval, the transferee (i.e., the Executive, Manager, or an employee with Specialized Knowledge as described above).
- Once we have approval from USCIS, if you are outside the United States, we will send you to the U.S. Consulate which has jurisdiction over your case, for an interview and processing of your L-1 Visa. If you are already in the U.S., we will seek a “change of status” for you to the L-1 category. Certain large employers may obtain a “Blanket” L-1 petition.
- If you are granted a “Blanket” status, this qualifies your company to transfer multiple executives, managers, and specialized knowledge professionals to the US without having to file multiple applications with USCIS; a “Blanket” petition bypasses USCIS and enables employees to apply directly at a U.S. embassy or consulate from their designated U.S. post abroad. Generally, the L visas filed under a “Blanket” petition are issued with a lot less scrutiny and on a more expedited basis.

## WHAT VISA DESIGNATION DO I EXPECT AFTER AN APPROVED L-1 PETITION?

There are two types of L1 Visas depending on the type of work the visa holder performs:

### **L1A Visa**

L-1A Visas are designated for managers and executives who meet criteria specifically defined by USCIS.

### **L1B Visa**

Those with L1B Visas perform work requiring specialized knowledge.





## L-1 PROGRAM ADVANTAGES

- It allows for certain managers and owners with L-1 Visa to apply for U.S. Green Card (under different Immigrant categories) soon after entry (1-2 years after entry);
- The spouses and dependents of L-1 visa holders are eligible to receive an L-2 Visa (The L-2 Visa allows the dependent spouse and unmarried children under 21 of qualified L-1 Visa holders to enter the US). L-2 Visa holders are allowed to work or study in the United States during their period of stay.
- L-1 Visa benefits are the fact that you do not need a degree to qualify.
- Although full-time work is required, the individual does not need to spend all their time in the U.S. and will have the flexibility to work in both the U.S. and the foreign branch;
- L-1 Visa works very well for Executives, Owners, and High-Level Managers of existing companies abroad, and allows for eventual Green Card for the principal L-1 Visa holder, his / her spouse, and their unmarried children under the age of 21;
- A larger company can readily obtain L-1 Visas for their employees to freely travel, once the first L-1 Visa is established;
- No minimum investment amount is required, the Business Plan has to make sense, and the investment amount is very much dependent on the type of business;
- If the L-1 Visa is structured properly, it can potentially provide Visas and possibly Green Cards for multiple executive and managerial people, their spouses, as well as their unmarried children under the age of 21;
- No country restrictions (except for a couple of countries).





## IS L-1 FOR ME?

- The business owner has existing business outside the U.S. and is looking for more productivity and growth and expansion into the U.S. markets.
- Existing business owners looking for more business opportunities and tools.
- People looking for higher standards of living and businesses.
- Ideal for nationals whose country does not have the Treaty Trade Agreement with the US, allowing them the option for E-1/ E-2.
- Ideal for business-savvy entrepreneurs looking for more opportunities.
- Expats whose present country of residence does not offer them long-term Citizenship options.
- Individuals looking to become US Citizens (Managers and Directors may qualify for LPR after 1 year of entry under EB-1C, but must consult with a U.S. lawyer first).
- Parents looking for a better future for their children. Those who are looking for better schools and universities where their children may thrive.