

# CUEVAS, ORTIZ & CUBAS P.A.

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## ATTORNEYS AT LAW

RE: Requirements for L-1 visa

Dear Client:

This letter was prepared to explain to you the concept of the L-1 Visa and the necessary documents. This letter is a brief outline, as the application to be filed with the United States Citizenship and Immigration Service (USCIS) along with the supporting documents and legal arguments are complicated. Therefore, there are many issues regarding the L-1 Visa which are not addressed in this letter.

An L-1 visa is authorization for a manager from a foreign corporation to operate an affiliated company or office. The essence of the visa is the ongoing ownership relationship of the foreign entity to the domestic entity and that the person to be transferred has worked for the foreign entity in the position of manager of an essential function within the foreign corporation for at least one year within the three years prior to filing the application. Upon approval of the application, the beneficiary will have a period of one year to work for the domestic entity, after which an extension must be sought from the Immigration & Naturalization Service. Upon approval of the extension, the applicant may apply immediately for permanent residency within the United States if the conditions are adequate.

The required relationship with the foreign entity and the domestic entity is such that it must be shown that the foreign entity, or the principals of the foreign entity, own a majority of the shares of the domestic organization, or vice versa.

The following is a list of documents needed to begin processing an L-1 visa. This list is not all inclusive and if you have further documentation showing the existence of the foreign or domestic corporation, please feel free to discuss such documents with me so we can determine whether or not to include such documents in the application.

**LIST OF DOCUMENTS FOR OBTAINING L-1 VISA**  
**INTERCOMPANY MANAGERIAL TRANSFER**

**I. DOCUMENTS OF THE FOREIGN CORPORATION:**

1. Articles of incorporation showing legal existence and authority of corporation.
2. Tax return of previous year. If the previous year's tax return was not submitted, a letter from the company's accountant explaining why the previous year's tax returns was not filed. Such letter should also include all relevant accounting information.
3. Bank statements for the previous twelve months.
4. Corporate managerial outline. The person for which the petition is to be submitted should be shown in a managerial position, and his salary should also be shown.
5. If it is not expressly shown in the articles of incorporation, include stock certificates that show the owners of the foreign corporation, any transfer of assets of the corporation, or a letter from the applicable Chamber of Commerce showing this information.
6. Contract of lease or ownership of property of the foreign corporation.
7. Corporate licenses.
8. Balance sheet/income statement signed by the accountant of the corporation. If the annual income in the tax return is very low, and if the figures in the financial statements are higher, include a letter from the accountant of the company explaining the discrepancy.
9. Invoices, purchase orders, important correspondence and/or contracts evidencing commercial activity.
10. Advertisements, if any.
11. Photocopy of the listing in the telephone book.
12. Photographs of the foreign location

**II. DOCUMENTS FROM THE UNITED STATES COMPANY:**

1. Articles of incorporation and bylaws of the corporation.
2. All of the stock certificates that have been issued. They should establish a relationship between the foreign corporation and the United States entity. The company can be a subsidiary of the same employer, the parent company, or an affiliate. The subsidiary should be defined as a division or office of the same organization situated in another location. If the company is a subsidiary, than the parent company should directly or indirectly own half (51%) and control the entity. If it has less than 51% in the name of the foreign entity, then we need to prove that the foreign entity has direct or indirect ownership. The shares of the United States company can also be issued in the name of an individual, but that person or group of persons should have in the foreign entity the same amount of shares as in the United States entity.
3. Lease contract for local office. It should state the monthly amounts owed, the

location, and the term in order to justify the existence of the company in the United States.

4. Occupational license for both City and County.
5. Letter from bank where corporation has its commercial account, specifying the amount in deposit.
6. Federal identification number.
7. Proof of telephone: phone number, billing statement
8. Letter explaining the basic plans of the company, plans for expansion and whatever new projects the company might become involved in, number of employees and the annual income projected.
9. Photographs of the U.S. location

If the United States company was in operation, it will need the following documents along with those specified in paragraphs 1 and 4:

- A. Bank statements for the last twelve months.
- B. Last income tax report, or extension thereof if not filed.
- C. Telephone bill and listing from the telephone directory.
- D. Invoices, purchase orders, important correspondence and/or contracts evidencing commercial activity.

### **III. DOCUMENTS FROM THE INDIVIDUAL:**

1. Letter from the company, foreign or domestic, on corporate letterhead, containing the following:
  - A. The duties of the person in the foreign entity. If the person has not occupied an administrative or executive position, or requires special knowledge, he is not eligible for an L-1 visa. It should also have a description of the functions of the person.
    - A person is considered a manager if the person is a manager that mainly directs the organization or a department or subdivision of the organization, that supervises and controls the work of other supervisors, of the professional employees or administrators, that has authority to hire or fire employees that work under his order and exercises discretion in the daily operations.
    - A person is considered an executive if the person mainly directs the administration of the organization or a component of the organization, that establishes goals and policies, has ample liberty to make decisions and only is responsible to one supervisor who is among the highest level in the company, a member of the board of directors, or the shareholders.
  - B. The time the person has worked for the foreign entity. To be eligible for the L-1 visa, the person should have worked continually at least one year within the last three years in the foreign entity.

- C. An explanation of the necessity to transfer the person to the United States to work with the U.S. entity.
  - D. The position the person will have in the U.S. entity. The position should be that of an executive or a manager, or requires special knowledge. It should include a description of the functions of the position.
  - E. A statement that the position with the U.S. corporation is temporary.
  - F. If the person to be transferred is a majority shareholder of the company or his family is the owner of the company, the card should contain which person will replace the transferee once such transferee leaves the U.S. organization.
  - G. The amount of time the company has been in existence, if it has more than five years of existence.
  - H. The number of employees, with their names, positions, and salaries. If it is a new organization in the United States, must include a statement indicating that when the application is approved they would maintain the position being offered. Also, must include the number of employees the company will have, the positions, the future of the U.S. business, the year and salaries
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- 2. Copies of passports for the L-1 managerial transferee and his/her family
  - 3. Copies of all birth certificates and marriage/divorce certificates.
  - 4. Copies of current visas.
  - 5. All information regarding previous immigrant/nonimmigrant status in the United States.
  - 6. Copies of foreign income tax returns of the individual
  - 7. Check stubs showing proof of payment from the foreign entity
  - 8. Correspondence from the person on the foreign entity's letterhead showing that the applicant has acted in a managerial capacity.

If you have any questions, please contact our office.

Sincerely,  
CUEVAS, ORTIZ, & CUBAS, P.A.

*Roberto J. Ortiz*  
Roberto J. Ortiz, Esq.