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MEMORANDUM AND QUESTIONNAIRE

TO: Employers of L-1 Individuals
FROM: M. Mercedes Badia-Tavas
DATE: October 10, 2005
SUBJECT: L-1 Visa Questionnaire

The U.S. Immigration and Nationality Act ("INA") provides for a nonimmigrant visa classification to transfer foreign national who are key employees of its corporate operations abroad into the U.S. for employment. The INA has very specific definitions regarding the corporate relationship and the duties of the foreign national.

An L-1 visa (intracompany transferee) is available to a manager, executive (L-1A) or specialized knowledge (L-1B) employee who has been employed abroad for one continuous year within the preceding three years by the foreign firm abroad. He/she must enter the U.S. to work for a parent, branch, affiliate or subsidiary of the qualifying organization.

The U.S. or foreign firm must "do business in the United States. "Doing business" does not have to be international trade, but it must be the regular, systematic and continuous provision of goods and/or services. Therefore being just an agent or office of the company abroad is not enough.

The following corporate relationships can support an L-1 visa:

Subsidiary - parent owns, directly or indirectly, more than half the subsidiary and controls it; or owns directly or indirectly, half of the entity and controls it; or owns directly or indirectly 50% of a 50-50 joint venture and has equal control and veto power over the venture; or owns, directly or indirectly less that half of the company, but in fact controls it.

Affiliate - one of two subsidiaries both of which are controlled by the same group of individuals, each individual owning and controlling approximately the same share or proportion of each entity.

The positions that are approved for the L-1 visa must satisfy these definitions:

A manager can manage the organization or a department, subdivision or function of the organization. A manager may supervise and control the work of other supervisory

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professional or managerial employees or manage an essential function. Those who manage employees must have the authority to hire/fire/recommend personnel actions and exercises discretion over day to day functions. A first-line supervisor is not considered a "manager" unless he/she supervises other professionals. In addition, a large portion of a functional manager's duties must be managerial in nature not performance of the functional task.

An executive directs the management of the organization or major component by establishing goals/policies with wide latitude of discretionary decision-making. An executive receives only general direction from the board of directors or stockholders.

Specialized knowledge employees mean those who possess special knowledge of the company's products, services, research, equipment, management, or other interest, and its application in international markets, or an advance knowledge or expertise in the organization's processes and procedures.

The L-1 is a temporary visa with specific limitations on the periods of stay in the United States. The manager and executive employee in L-1A classification are allowed to remain in the U.S. up to 7 years. The specialized knowledge employee in L-1B classification is allowed up to 5 years. The only exception to these limits is where the employment in the U.S. is seasonal, intermittent, or for an aggregate of six months or less per year.

A petition for L-1 visa status must be filed by the company with the USCIS Service Center having jurisdiction over the place of intended employment. The initial petition is granted for 3 years with extensions permitted in 2 year increments. New office L-1 petitions are initially granted for 12 months, with extensions depending on the business and financial performance of the new office. Once the petition is approved, the employee beneficiary can apply for the L-1A visa stamp at a U.S. Consulate in their home country or last residence. If the employee is in legal status in the U.S., and change of status is possible. However, this option is not available to those foreign national who enter the U.S. on the Visa Waiver Program. In addition, Canadians who do not require a visa stamp issued by a U.S. Consulate abroad, may file the petition and apply for entry under the L-1 visa directly at the pre-flight inspection and/or port of entry in Canada.

INTRACOMPANY TRANSFER (L-1) VISA **QUESTIONNAIRE**

Information requested on this form will facilitate the more efficient preparation of the necessary forms and documents required to file an L-1 Intracompany Nonimmigrant Visa Petition. I would request that this form be completed and returned to the undersigned. If the response to one or more of the questions is not applicable, please indicate that by putting "N/A". If you have questions regarding any item, please contact me. Please return this completed questionnaire by fax or mail.

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A. Information Concerning the Petitioning Company.

1. Name, Address and Telephone and Fax Numbers of Petitioning Company:

2. IRS Tax Identification Number of Company:

3. Number of L-1 workers employed by the Company and its subsidiaries and/or parent.

4. Job Title:

5. Non-technical description of job:

6. Address Where the Individual Will Work if Different Than the Above Address:

7. Is this a part-time position?

_____ Yes or _____ No

8. Yearly or Weekly Salary of Individual (person Company desires to employ):

\$_____ (Yearly) \$_____ (Weekly)

9. Is Individual Entitled to Any Other Company Benefits:

_____ Yes _____ No

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10. If the Answer to the Above Question was yes, please describe these additional benefits and the approximate value of these benefits:

11. Inclusive dates of intended Employment, If Known:

12. Brief Description of Business of Company:

13. Year Company Established (i.e., Incorporated in the U.S.):

14. Current Number of Employees:

15. (a) Company's Gross Annual Income (sales): \$ _____
(b) Company's Net Annual Income (if available): \$ _____

16. If the Company is a directly or indirectly Wholly-Owned Subsidiary of a Company Abroad, Indicate the name and address of the Company abroad and briefly explain the legal and business relationship of the entities:

17. The US Company is to the company abroad:
 Parent, Branch, Subsidiary, Affiliate, Joint Venture

18. Describe the stock ownership and managerial control of each company:

19. Do the companies currently have the same qualifying relationship as they did during the one-year period of the alien's employment with the company abroad.

Yes

No

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20. Briefly describe the individual's job title and duties in the U.S. with the Company as either a Manager/Executive for the L-1A visa, or as an individual with specialized knowledge of the product or service for the L-1B visa.

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B Information Concerning the Individual the Company desires to Transfer:

1. Name: _____
Birth date: _____
Place of birth (city and country): _____
Country of citizenship: _____
Social Security or Taxpayer Identification Number (if any): _____
U.S. address of individual and each family member:

2. If individual is in the U.S.:

Date of last arrival in U.S. _____ Port of Entry _____

I-94 # _____ I-94 Expiration Date: _____

Current Nonimmigrant Status (if any): _____

3. Foreign Address of Individual:

4. Answer the following:

Does the individual have a valid passport?

- Not required to have passport
 No - explain on separate paper
 Yes

Will applications for dependents be filed also:

- No Yes - explain on separate paper

Is the individual or any family member in exclusion or deportation proceedings?

- No Yes - explain on separate paper

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Have you ever filed an immigrant petition for the individual?

No Yes - explain on separate paper

Have you ever been unlawfully present in the U.S., or violated the terms of any nonimmigrant visa issued to you?

No Yes - explain on separate paper

If you indicated you were filing a new petition, within the past 7 years has any person in this petition:

1) Ever been given the classification you are now requesting?

No Yes - explain on separate paper

2) Ever been denied the classification you are now requesting?

No Yes - explain on separate paper

5. Describe the individual's educational background, including degrees received and name and location of institutions(s) and attach a current resume:

6. Briefly summarize the individual's prior job titles and duties and the names of prior employers and the city and country where said individual was so employed for the last five years. Please attach a resume.

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7. Name and Address of the individual's most recent employer abroad:

8. Briefly describe the individual's proposed duties in the U.S.:

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9. **IMPORTANT AND NECESSARY FROM PROSPECTIVE EMPLOYEE--** As appropriate, please attach copies of the following documents:

- _____ the individual's passport;
- _____ I-94 card (front and back), if in the U.S.;
- _____ educational documents including diploma and transcripts
- _____ current resume;
- _____ foreign and U.S. address and telephone numbers;
- _____ copy of ALL visa approval notices issued by the INS;
- _____ copy of ALL visa stamps issued to individual by the U.S. consul;
- _____ copy of most recent non-immigrant visa petition, if available;
- _____ copy of most recent pay statement from the foreign company;
- _____ job description from company with salary and benefits information;
- _____ information and copies of documents related to any immigrant visa application pending with INS or approval notices received.

If individual's family members (spouse and/or children) will be traveling to the U.S. with the individual, or are already in the U.S. and desire dependent's visa status, attach copies of the pages of their passports and I-94 (front and back), if available.

C. **Additional Documents Needed from Petitioning Company:**

We will also need copies of the following additional documents:

- a. Articles of Incorporation of US Company.
- b. Copies of stock certificates of each company.
NOTE: an affidavit of ownership signed and notarized by the General Counsel and an annual report of the company is acceptable in lieu of a and b above.
- c. Organizational chart of both the U.S. and foreign companies clearly depicting the prospective employee's managerial / executive position with both companies.
- d. Letter of experience from the foreign corporate entity attesting to the beneficiary's managerial, executive or specialized knowledge experience.
- d. Copies of most recent financial statements or a current annual report.
- e. Copy of any promotional brochures, pamphlets or materials on the Company.
- f. Ten pieces of your company's stationary to be used for the employment letters.

Depending on the circumstances, you may not have all the information required to fully complete the questionnaire, and/or some or all of these inquiries may not be applicable or the undersigned may already have the requested information. If this is the case please indicate the same and complete it as best you can with the information available to you. Thank you very much for your assistance. This will facilitate our processing of this application. Should I have questions, I will contact you. Should you have any questions, please do not hesitate to contact me.