

## United States – L-1 Non-immigrant Visa Application Procedures and Fees

*Unless otherwise indicated, the work visa application stated in this quotation refers to non-immigrant petition for Intra-company Transferees (Managers or Executives and Transferee with Specialized Knowledge) under the United States Immigration and Nationality Act.*

In general, unless a person has the right of abode or right to land in the United States, he/she requires a visa permit for work in the United States. The foreigners who wish to take up any short-term or long-term employment (whether paid or unpaid) in the United States, he/she must obtain an employment visa/permit from the United States Citizenship and Immigration Services (“USCIS”) before take-up the employment.

The L non-immigrant visa category is one of the most useful tools available to international companies needing to bring foreign employees to the United States. The L-1 non-immigrant classifications enables a U.S. employer to transfer an executive or manager or an employee with specialized knowledge from one of its affiliated foreign offices to one of its offices in the United States. This classification also enables a foreign company that does not yet have an affiliate U.S. office to send an employee to the United States with the purpose of establishing one.

Family members of the L-1 non-immigrant are entitled to admission in the L-2 non-immigrant category. Included in this category is the spouse of the visa holder, as well as minor unmarried children under the age of 21. Family members are admitted for the same period of time for which the principal family member is admitted.

The above-mentioned work visas are quota-free and non-sector specific. All applicants who meet the eligibility criteria specified in the Section 3 of this quotation may apply for the L-1 work visa in the United States.

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## 1. United States L-1 Work Visa Application Fees

Our fees for handling the application for L-1 visa to enable a foreigner to work in the United States is USD11,500. An extra USD2,500 will be charged for each dependent visa. If new office set up is involved, an additional fee of USD1,500 will be applied. In particular, our fees cover the following services:

- (1) Continuous advice regarding the application for L-1 visa for the United States;
- (2) Assistance with the preparation of documents required for the client;
- (3) Review of application documents prepared by applicant(s) and employing company;
- (4) Preparation of authorization letter(s) and application form(s);
- (5) Legal representation to the petitioner and beneficiary by a dedicated U.S. attorney;
- (6) Submission of application to the USCIS;
- (7) Liaison with the USCIS regarding the application;
- (8) Regular report of application status to the client;
- (9) Visa Application Processing at the U.S. Embassy after approval.

### Note:

- (1) The fees quoted are exclusive of the government fees.
- (2) Premium processing service is available for an extra fee of USD2,500 (15 calendar days processing time on USCIS' end).
- (3) In the event of a request for additional evidence (RFE) from the USCIS, additional legal fee for the preparation of a RFE response will apply. Depending on the complexity of the RFE, the legal fee typically ranges from USD1,500 to 3,000.
- (3) The fees stated are exclusive of delivery charges, if any.
- (4) The fees stated exclude the preparation of the business plan, where applicable (for U.S. employer doing business for less than 12 months). Please contact us for a quotation.
- (5) The fees stated exclude document translation fee. Please contact us for a quotation.

## 2. Payment Term and Method

Upon receipt of confirmation of engagement, we will issue an invoice and email it together with detailed wire instructions to you. Because of the nature of services, we require full payment in advance. In addition, once service is commenced, no service fees will be refunded. We currently only accept check, cash or TT and credit card payment through PayPal. If invoice is settled by PayPal, an extra 5% service fee will be charged.

If Taiwan uniform invoice is required, a Business Tax at 5% of the invoiced amount will be charged and collected.

### 3. Eligibility Criteria

To apply for a work visa, the following eligibility requirements need to be met:

- (1) Applicant should not have any criminal records or security objections;
- (2) The employee must have worked abroad for the overseas company for a continuous period of one year in the preceding three years;
- (3) The overseas company must be related to the U.S. company in a specific manner (Parent-Subsidiary-Affiliate-Branch Office);
- (4) The company must be a qualifying organization (Under USCIS rules, the transferring company must continue to do business abroad during the entire period of the employee's stay in the United States as an L-1 transferee);
- (5) The employee to be transferred must have been employed abroad in an "executive" or "managerial", or specialized knowledge capacity;
- (6) The employee must be qualified for the position by virtue of his or her prior education and experience;
- (7) An export control license must be obtained when controlled technology is involved;
- (8) The L-1 transferee must intend to depart the United States upon completion of his or her authorized stay (including extensions), but may also pursue permanent residence at the same time.

**The above-mentioned eligibility criteria may be subject to change from time to time by the Immigration Department without prior notice. Please consult with Kaizen Consultants for more information.**

### 4. Procedures and Timeline

The U.S. employer must file a petition with USCIS in order to obtain permission to transfer a foreign national for a temporary period. Once the petition is approved, the approved petition is sent to a U.S. consulate where the transferee can obtain an L-1 visa to enter the United States. If the transferee is already in the United States in a different nonimmigrant category, his or her status must be changed to L-1 category. As of January 2022, the processing time for L-1 petitions varies from 1.5 to 9 months depending on the State. Please be noted that in the case USCIS finds the submitted documents to be insufficient, it may request for additional evidence that the application time shall be extended. Under the impact of the COVID-19 outbreak, the U.S. Consulate General Hong Kong and Macau continues to offer L-1 visa service but there is likely to be increased wait times for completing such services due to substantial backlogs.

Upon entry into the United States, the L-1 visa holder shall timely assume his or her position at the U.S. entity as specified in the submitted business operation plan.

## 5. Documents and Information Needed

### **Foreign Entity:**

- (1) Business Registration Certificate;
- (2) Articles of Incorporation/Association;
- (3) Stock Certificates and Ledger;
- (4) Detailed Organizational Chart;
- (5) Recent 3-years Tax Return;
- (6) Latest Audit Report;
- (7) Financial Statements for the past 3 years;
- (8) Company Bank Statements for the past year;
- (9) Company Brochure, Product Catalogue;
- (10) Payroll Record for the previous year;
- (10) Office Rental Agreement, Office Photos;
- (12) Purchase Orders/Supplier Invoices, Customer Invoices, Entered Contracts for the recent year;
- (13) Other Licenses or Permits pertinent to business operations.

### **U.S. Entity (New Office):**

- (1) Articles of Incorporation and Bylaws;
- (2) Statement of Information;
- (3) Stock Certificates and Ledger;
- (4) FEIN Assignment Letter;
- (5) Lease Agreement; Photos of New Office;
- (6) Comprehensive Business Plan;
- (7) Business Licenses and all other necessary permits to commence business;
- (8) Proof of Capital Contribution to the U.S. entity, such as wire transfers, cancelled checks, etc.;
- (9) Bank Statements;
- (10) Detailed Hierarchical Organizational Chart;
- (11) Detailed Job Descriptions of the transferee's direct subordinates
- (12) Letter from the foreign entity explaining the need for the new office in the U.S.;
- (13) Minutes of the meetings for the foreign entity to illustrate the discussions to form the U.S. entity.

### **U.S. Entity (Acquisition of Business which has commenced business for at least one year)**

- (1) Articles of Incorporation and Bylaws;
- (2) Statement of Information;
- (3) Stock Certificates and Ledger;
- (4) FEIN Assignment Letter;
- (5) Lease Agreement; Photos of Office;
- (6) U.S. Corporation Income Tax Return for the last 3 years;
- (7) Business Licenses and all other necessary permits to commence business;

- (8) Bank Statements for the past 3 years;
- (9) Employer's Quarterly Federal Tax Return Form 941, State Quarterly Contribution Report and Report of Wage for the past 3 years;
- (10) Payroll Records for the past 3 months;
- (11) Company Brochure, Product Catalogue;
- (12) Major Sales Invoices, Entered Contracts;
- (13) Detailed Hierarchical Organizational Chart;
- (14) Detailed Job Descriptions of the transferee's direct subordinates.

**Transferee/Beneficiary:**

- (1) Resume;
- (2) Pay stubs for the past year;
- (3) Current Passport Biological Page;
- (4) Graduation Certificate and any Professional Certificates;
- (5) Current Work Permit (if applicable);
- (6) Detailed Current Job Descriptions;
- (7) Detailed Job Descriptions of the offered position in the U.S.

**Dependents:**

- (1) Passport Biological Page;
- (2) Documents to Establish Relationship with the Beneficiary (Notarial Birth Certificate).

All documents submitted must be in English or Chinese or translated into English or Chinese by a certified translation body.

\*The Immigration Department reserve the right to demand further documents from the applicant or employing company as and when necessary.

## 6. Application Procedures

The whole application process would take about 6-10 months. The table below shows the estimated time frame for each of the steps for the registration process.

Step	Procedure	Responsible Party	Processing Time (estimated)
1	Interview with our immigration expert.	Client	Client's Schedule
2	Sign and return retainer agreement along with retainer fees.	Client	Client's Schedule
3	Complete questionnaire and prepare the documents specified in the checklist.	Client	Client's Schedule
4	Upon receipt of the aforesaid documents, our firm will prepare the immigration filing package.	Kaizen	14 Days
5	Sign back immigration forms and letters to our firm.	Client	Client's Schedule
6	Submission of immigration petition package to the USCIS.	Kaizen	2-3 Day
7	Receive response from USCIS.	USCIS	Avg USCIS Processing Time: 5 Months
8	If the case is approved, the case will be forwarded to National Visa Centre, and we will prepare the visa application and schedule an interview appointment. If USCIS requests further evidence, we will prepare for the response.	Kaizen	14 Days
9	Receive response from USCIS.	USCIS	Up to 84 days
10	Obtain L-1 visa at the consulate and travel to U.S. to assume position.	Client	Client's Schedule
<b>Average Total Processing Time</b>			<b>6-10 Months</b>

**Note:**

- (1) The estimated time is based on high cooperation between Kaizen and the client.
- (2) The estimated time does not include delays caused by relevant government agencies.

## 7. Validity of Work Visa

An individual may be admitted to the United States in L-1 status for the period of time required by the employer, up to a maximum initial period of stay of three years. An L-1 extension of stay may be authorized in increments of up to two years. The total period of stay may reach seven years for L-1A managers and executives, and five years for L-1B specialized knowledge personnel. No further extensions may be granted once the maximum period of stay in L-1A or L-1B status has been reached.

A special one-year initial period of stay applies when the transferee is coming to the United States to open a new office. In this case an extension must be filed in one year, as a part of which the company must establish that it has been doing business both in the U.S. and abroad during the year, before additional periods of stay can be approved.

Transferees admitted under the visa application scheme which are mentioned in this quotation who are on employment condition shall only take up such employment as approved by the USCIS. In case the visa holder decided to change of job, they must seek prior approval from the USCIS even the work visa still not yet expired. Such applications may be favourably considered if the applicants continue to fulfil the eligibility criteria under relevant visa application scheme.

*If you need any assistance or wish to obtain more information, please browse our official website at [www.kaizenvis.com](http://www.kaizenvis.com) or contact us through the following means:*

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