

## **L-1 VISA CHECKLIST**

### **PART ONE: DOCUMENTS RE: COMPANY ABROAD (Foreign Entity)**

1. Incorporation Documents/Partnership/Limited Company/ or Joint Venture Agreement (these documents may vary depending on the country in which the business has been established)
  - Articles/Memoranda of Incorporation
  - Bylaws
  - Stock certificates/ledger
  - Name change/registration
2. Financial data establishing the ability to employ the foreign national worker and pay the worker's annual wage. Must include the following:
  - Financial statements, corporate tax returns, annual reports, and bank account records for the current year or most recent 12-month period.
3. Evidence of the foreign national worker's full-time employment abroad for one year out of the last three years in a managerial or executive capacity.

Must include payroll records of the foreign business reflecting the foreign national worker's period of employment and salary, worker's last annual tax returns (if applicable), tax withholding statements and letter from company abroad/foreign employer documenting the foreign national worker's employment and specifically stating his or her dates of employment and positions within the company. (Must meet the "one year of employment out of the last three years of employment" standard). Other unequivocal evidence of the workers employment should also be submitted and can include documentation such as your country's social security/insurance records, etc.

4. Applicable business permits/licenses/registration.
5. Organizational chart showing the management structure to include the number of employees and their names and those supervised by the foreign national worker (include vacant positions); names of division/functions managed or directed by the foreign national worker.
6. Job Descriptions:
  - a. Manager or Executive: The job description for the foreign national worker must include his or her job title and describe in *detail* his or her managerial or executive duties performed for the foreign entity. The job description must demonstrate that he or she functions at a senior level in the management or executive hierarchy and that he or she has been involved in the supervision and control of the work of other supervisory, professional or management employees or managed a function of the

organization. Include documentation of the managerial decisions made by the foreign worker.

The job description should include how the foreign national managed the organization, department, subdivision, function or component of the organization he or she oversaw. Or, how the foreign national supervised and controlled the work of other supervisory, professional, or managerial personnel. The job description for the foreign national worker must also include a breakdown of the number of hours and percentage of time devoted to each of his or her job duties on a weekly basis, the amount of time allotted to executive/managerial duties and to nonexecutive/ non-managerial duties; the executive, managerial or technical skills required to perform these duties; and a description of the degree of discretionary authority in day-today operations he or she exercises in performing those duties. The job description must include the educational and/or experience requirements for the job, level of authority, and salary.

Other points to include in the job description:

- Whether the foreign national had the authority to hire and fire or recommend similar personnel actions such as promotions, leave authorization, if other employees were directly supervised, or
- If no other employees were directly supervised, how the foreign national functioned at a senior level within the organization hierarchy or with respect to the functioned managed, and
- How the foreign national made decisions on daily operations of the activity or function under his or her authority. If the foreign national was a first-line supervisor, provide evidence showing the supervised employees were professionals, such a job descriptions and résumés of those employees.

All other management employees job descriptions must include, job title, duties, educational and/or experience requirements for the position, and a breakdown of the number of hours and percentage of time devoted to each of their job duties on a weekly basis.

b. Specialized Knowledge:

- Explain how the specialized knowledge required for the position is different than that for similar positions in the industry;
- State the product, service, tool, research, equipment, process, or procedure the foreign national uses that involved specialized knowledge;
- Describe how the knowledge involved in the position is “advanced” within your organization’s processes and procedures;
- Explain how your equipment, system, product, technique, or service is “special” and how it is applied in the international marketplace;
- Explain why someone else in this field cannot perform the duties required for the position;

- State the minimum time required to obtain this knowledge, including training and actual experience accrued after completion of training; and
- Explain how the foreign national's role in significant assignments has enhanced the company's productivity, competitiveness, image or financial position.

7. Evidence of "doing business":

Several, perhaps 5–10 sample invoices or contracts indicating trade in goods or services, preferably orders transacted with various countries; average or largest orders; should also include various financial documents discussed above.

8. Trade references.

9. Articles and promotional materials about the company.

10. Name and CV/résumé of individual who will fill the position in the company abroad while foreign national worker is in working temporarily in the United States.

**PART TWO: DOCUMENTS RE: U.S. OPERATIONS**

1. Incorporation Documents/Partnership/Joint Venture Agreement:

- Articles/Memoranda of Incorporation
- Bylaws
- Stock certificates/ledger
- Name change/registration

2. Limited Liability Company:

- Articles of Organization
- Operating Agreement
- Meeting Minutes
- Membership Certificates

3. If filing under the "new office" rule:

- Five-year Business Plan. The business plan must include detailed information about the company's objectives, business competition, clients, sales and marketing strategy, employee background, company location, corporate structure, size of investment/capitalization, three- to five-year cash flow statement, etc. The Business Plan must establish that the foreign national worker will be relieved from performing nonqualifying duties within the first year of operation. (See <http://www.sba.gov/> for business plan templates).
- The financial ability of the foreign entity to remunerate the employee and to commence doing business in the United States, such as U.S. Bank account showing capitalization of company by foreign entity or evidence of financial resources committed by the foreign company, corporate bank statements, profit and loss statements or other accountant's reports or tax returns.

4. Amount of annual salary to be paid to the foreign national worker in the United States by the foreign entity.
5. Qualification to do business in the United States or state, if branch office.
6. Applicable business permits/licenses/registration.
7. Evidence establishing that *sufficient* physical premises for the new office have been secured. (Lease with rental receipt or Deed with closing or settlement statement). Premises should be sufficient for the number of employees projected to be hired in the first year and may also include a warehouse or warehouse space in some situations. Lease or deed must be in the U.S. company's name and not that of the foreign national worker. Photographs of interior and exterior of premises and diagram of floor plan are required.
8. Organizational charts:

If purchasing an existing business, the organizational chart must show the management structure including the title and position the foreign national worker will fill; the number and names of current employees and those to be supervised by the foreign national worker (include vacant positions); names of division/functions managed or directed by the foreign national worker. If establishing a new business, the organizational chart must include the title and position the foreign national worker will fill; the projected number of employees to be hired in the first year; include position titles, names of divisions; those to be supervised by the foreign national worker (include vacant positions); names of division/functions to be managed or directed by the foreign national worker.

9. Job Descriptions (Detailed description of the job duties the foreign national worker will perform in the United States):
  - a. Managerial or Executive Capacity

The job description for the foreign national worker must describe in detail the managerial or executive duties he or she will perform for the U.S. entity. The job description must show that the foreign national will function at a senior level in the management hierarchy, that he or she will be involved in the supervision and control of the work of other supervisory, professional or management employees or that he or she will manage or direct a function of the business. The job description for the foreign national worker must include a breakdown of the number of hours and percentage of time that will be devoted to each of his or her job duties on a weekly basis, the amount of time allotted to executive/managerial duties and to nonexecutive/non-managerial duties; the executive, managerial or technical skills required to perform these duties; and the degree of discretionary authority in day-to-day operations he or she will have in performing those duties.

Other points to include in the job description:

- Whether the foreign national will have the authority to hire and fire or recommend similar personnel actions such as promotions, leave authorization, if other employees were directly supervised, or
- If no other employees were directly supervised, how the foreign national will function at a senior level within the organization hierarchy or with respect to the functioned managed, and
- How the foreign national will direct the daily operations of the activity or function under his or her authority.

If establishing a “new office,” provide job descriptions for all management or professional level employees projected to be hired by the U.S. business within the first year who will be supervised by the foreign national worker: include duties, a breakdown of the number of hours and percentage of time devoted to each of his or her job duties on a weekly basis and the educational and or experience requirements for each projected position and describe how each of the employees will relieve the foreign national worker from performing nonmanagerial or non-executive duties.

If purchasing an existing business, include the job descriptions (as described above) for the management or professional level employees who will be supervised by the foreign national worker. Include CV or résumé for each management or executive employee who will be supervised by the foreign national; the CV/ résumé must describe in detail the managerial or executive responsibilities performed and include their educational background.

*Note:* The job descriptions must demonstrate how the foreign national worker will be relieved from performing non-managerial or non-executive duties within the first year of operation.

b. Specialized Knowledge Capacity

If worker is being transferred as an employee with “specialized knowledge” provide a detailed explanation of the specialized knowledge the worker has, why a qualified U.S. worker cannot perform the job in the United States and how the specialized knowledge gained during employment abroad will be applied during his or her temporary assignment in the United States. (*See* Part 1, 6b. above)

10. If purchasing an existing business: Federal Tax Returns for the last three years; payroll records, W-2 forms, 941 Employers Quarterly Federal Tax Return for most recent 12 months; list of contractors and subcontractors, vendors, clients, customers, etc., of the U.S. business.
11. Copies of advertisements for the U.S. business and indicate the name of the periodical in which it was published and date of publication in which it was advertised, if applicable.

12. If purchasing an existing business, provide evidence of “doing business”: sample invoices or contracts (5–10, indicating trade in goods or services, preferably orders transacted with various countries; average or largest orders).
13. Trade references.
14. Articles, promotional materials about the company, its products, services or key people.
15. Copies of awards, memberships or special achievements by the company or key personnel.

**PART THREE: OTHER DOCUMENTS/INFORMATION RELEVANT POSITION–FOREIGN NATIONAL BEING TRANSFERRED NEW OFFICE**

1. Foreign national’s detailed résumé or curriculum vitae. If a manager or executive, it must describe in detail the managerial or executive responsibilities performed by the foreign national worker and include examples of managerial or executive decisions made by the worker. If a specialized knowledge worker, must describe in detail the “advanced level of specialized knowledge” held by the worker.
2. Copies of foreign national’s academic degrees and transcripts.
3. Copies of awards, recognition, special achievements for foreign national.
4. Copies of articles written by or about foreign national relevant to position abroad or in United States.
5. Evidence that the “new office,” within one year of the approval of the L-1 petition, will support an executive or manager who will be managing a subordinate staff of professional, managerial, or supervisory personnel who will relieve the manager or executive from performing non-managerial or executive duties.

**PART FOUR: GENERAL INFORMATION**

1. Documents in hard copy must be submitted to Grossman Law, LLC in an organized manner. Receipts must be organized in chronological order. All documents must be clearly marked and identified. All documents must be submitted in hard copy and cannot be submitted via e-mail, disk or other e-media.
2. All documents in a foreign language must be translated verbatim. The translator must certify under oath that the she or he is competent to translate into English. The foreign language document must accompany the English translation. Typographical errors, inaccurate translations or other errors in the English language translation must be corrected by the translator.

Grossman Law, LLC can assist you with having your documents translated. Grossman Law, LLC has established a professional relationship with a company utilizing the services of qualified translators. The company will provide a quote for each project prior to it being undertaken which will be forwarded to you for payment. Payment for the project must be paid in advance.

3. When applying for your visa at the U.S. consulate, please be aware that information and supporting evidence required by U.S. consulates may vary from consulate to consulate. While the information requested above is inclusive of the requirements of most consulates, the U.S. consulate in your country may require other information or documents not listed above. After being retained, Grossman Law, LLC will research the information on the U.S. consulate's website, and if available, other sources pertaining to where you will process. If other information or documents are required, you will be informed of such.