

THE FILIPINO **EXPRESS**

December 18-24, 1995

Intracompany Transferees

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Executives, managers and those with specialized knowledge employed by a foreign company may avail of the L-1 visa if they transfer to their employer's branch, affiliate, parent or subsidiary in the U.S.

The L-1 is valid for a maximum period of seven years if they are executives or managers and a maximum period of five years if they have specialized knowledge. L-1 visa holders may be accompanied by their spouses and minor children who are issued L-2 visas.

The U.S. branch, affiliate, parent or subsidiary which has been doing business for at least one year may apply for the executives 'or managers' permanent residence and when obtained, the spouse and children will get the same status at the same time as the L-1 holder. On the other hand, the employees with specialized knowledge may also be eligible for immigrant visa petition but they have to comply with the labor certification requirement unlike executives and managers who are exempted and who don't have to wait for visa numbers.

To qualify for an L-1 visa, it is required that the individual who is employed in an executive or managerial capacity or the person with specialized knowledge worked in a similar capacity with the foreign company for at least one year during the last three years immediately preceding entry as a nonimmigrant, regardless of whether the alien divided his time between the U.S. company and foreign company.

A manager or executive is one occupying a senior position who (1) participates in setting the direction of the company, (2) supervises and controls either an essential function of the company or the work of other supervisory employees and (3) exercises discretion in the day to day operations and management of the company.

Persons with specialized knowledge who are eligible for the L-1 visa are those with special or advanced level of knowledge or expertise of the foreign company's product and its application in international markets, the company's service, equipment, procedures or processes, research, techniques, management or other activity which are not easily obtainable in the U.S. labor market.

A subsidiary is one which is more than fifty percent owned, directly or indirectly, and controlled by the parent company. An affiliate is defined as one among two or more subsidiaries which are owned and controlled by the same parent company or individual OR one of two legal organizations owned and controlled by the same group of individuals each of which own and control the same percentage share of each organization.

The executives and managers with L-1 visas may hold a "dual intent", that is, while holding nonimmigrant L-1 visas, immigrant visa petitions may be filed on their behalf and they can convert to lawful permanent residence in the U.S.