



**LEGAL
NOTES**

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No minimum investment for L-1 visa

Filipino businessmen intending to work in the U.S. may be admitted under an L-1 non immigrant visa. The total period of their stay may be as long as seven years if they are executive or managers or five years if they are specialized knowledge personnel.

Executives and managers may also convert their L-1 visa to permanent residence. They are considered priority workers and are exempted from the labor certification requirement. Processing time for their green card application is relatively short. Under this immigrant visa category, the petitioning employer in the U.S. must have been doing business for at least one year.

To obtain an L-1 non immigrant status, certain requirements have to be met:

1. There must be a US company and a foreign business operation. The two must have a parent/subsidiary relationship or an affiliate relation-

ship or one must be a branch office of the other.

A parent-subsiary relationship exists if one company owns at least 50 percent of the other and controls it or owns 50 percent, has equal control and has veto power, or the company owns less than 50 percent but in fact controls it.

Two companies are affiliates if they are owned and controlled by the same parent or individual; or they are owned and controlled by the same group or individual, owning and controlling approximately the same share or proportion of each entity.

2. There has to be a transfer of the employee applicant from the foreign company to the US operation.

3. The applicant must have been employed by the foreign entity (or affiliate or subsidiary) in an executive, managerial or specialized knowledge capacity for at least one year in the past three years preceding the alien's application and he must work in the same capacity in the same company in the US.