

U.S. CUSTOMS AND BORDER PROTECTION NAFTA L-1 Intra Company Transferee Eligibility Checklist & Guidelines for Presentation of L-1 Petitions to CBP

This list is intended to be used as a guide to assist Canadian L-1 intracompany transferees and their prospective U.S. employers in preparing applications for NAFTA L-1 admission. The information below will assist you to gather and organize documents and information to prove by a preponderance of the evidence that an individual Canadian worker meets the requirements for L-1 admission into the United States. The suggested evidence listed herein should not be considered all-inclusive, nor is all listed documentation required for approval of your application. CBP reserves the right to make a final decision regarding your admission after all documents and facts are considered. For more detailed information regarding L-1 eligibility criteria, refer to the U.S. Code of Federal Regulations at 8 C.F.R. § 214.2(l).

NOTE: Despite meeting all criteria for L-1 eligibility, CBP may still find L-1 applicants inadmissible pursuant to INA § 212(a) for other reasons (e.g. certain criminal convictions, fraud/misrepresentation, etc.). Applicants who are deemed inadmissible must obtain I-192 and/or I-212 waivers prior to L-1 admission.

REQUIRED FORMS, FEES AND COMPANY LETTER OF SUPPORT

- Form I-129 with L supplement, in duplicate original (if filing an individual worker petition); *or*
- Form I-129S in triplicate (if filing for admission under an approved blanket L-1 petition)
- Form G-28 (if represented by an attorney)

- Fees: \$325 petition fee (plus \$500 fee if petition is for applicant's first-time L-1 status with the U.S. company) – payable via credit card at U.S. Port of Entry

- Signed offer of employment letter from U.S. entity on company letterhead, describing corporate relationship between U.S. and foreign companies; applicant's education and work experience; applicant's prior employment abroad for foreign company in executive, managerial or specialized knowledge role; and job description for proposed U.S. position with detailed description of executive, managerial or specialized knowledge duties.

EVIDENCE OF QUALIFYING CORPORATE RELATIONSHIP BETWEEN U.S. AND FOREIGN COMPANY

NOTE: If the applicant seeks admission pursuant to a blanket L-1 petition, note that the qualifying relationship requirement would have been established already in the Blanket I-129 (LZ) petition, and would not have to be re-established in the I-129S petition.

- Share register, share certificates, annual report(s), U.S. or foreign corporate tax return(s), corporate affidavits, joint venture agreements, and/or other information showing common corporate relationship/ownership of U.S. and foreign company

- (Optional) Company organizational chart, showing the relationship between U.S. and foreign company.

DOCUMENTS FROM FOREIGN COMPANY

- Evidence that the foreign company will be doing business for the duration of L-1 admission, such as customer invoices, receipts, and/or contracts with customers, annual reports, tax returns,

business licenses, advertising materials, photos of office premises, lease agreement, bank statements, etc.

- *If the applicant's foreign position was managerial*, include a foreign company organizational chart, showing the applicant's position in the hierarchy of the foreign entity.

DOCUMENTS FROM U.S. COMPANY

- Evidence that the U.S. company will be doing business for the duration of L-1 admission, such as customer invoices, receipts, and/or contracts with customers, annual reports, tax returns, business licenses, advertising materials, photos of office premises, lease agreement, bank statements, etc.
- *If the applicant's U.S. position will be managerial*, include a U.S. company organizational chart, showing the applicant's position in the hierarchy of the U.S. entity.
- *If the U.S. company is a "new office" (open for less than one year)*, include proof of setup of U.S. office, and projected ability of U.S. company to support L-1 position and pay L-1 salary within one year.

EVIDENCE OF APPLICANT'S INDIVIDUAL ELIGIBILITY FOR L-1 ADMISSION

- Proof of Canadian citizenship in the form of one of the following:
 - Canadian passport; or
 - Trusted Traveler Card (NEXUS, SENTRI, Global Entry or FAST); or
 - Enhanced Driver's License (issued by a Canadian province)
- Evidence that applicant has at least 12 continuous months of full-time employment abroad with a the foreign company within the three years preceding application for admission into the United States, such as:
 - Year-End Earnings Statement (Form T-4 (Canada), W-2 (U.S.), or other comparable foreign earnings document); *or*
 - Evidence of salary payment for a continuous 12-month period
- *Only for L-1B blanket petitions*, degree certificate evidencing applicant's completion of a bachelor's or higher degree related to U.S. position

DOCUMENTS FOR L-2 DEPENDENT APPLICANTS (IF APPLICABLE)

- Marriage certificate
- Long-form birth certificate showing parents' names
- Adoption record or other proof of parent-child relationship, if applicable
- L-2 visa for non-Canadian dependent(s), if applicable