

**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

## NOTICE OF DEFICIENCY OF L-1 PETITION

Dear Applicant for L-1 Admission:

This notice is provided to you pursuant to 8 CFR § 214.2(l)(17)(iv) to inform you that the L-1 petition you have presented to U.S. Customs and Border Protection lacks necessary supporting documentation or is otherwise deficient. Therefore, the L-1 petition is being returned to you in order for you to obtain the necessary documentation from the petitioner or for the deficiency to be overcome. No fee has been collected for adjudication of this petition at this time, and the fee may be remitted at such time as the documentary or other deficiency is overcome.

**The L-1 petition you have submitted is deficient for the following reasons.**

- The required form(s) and/or the company letter of support is missing.

Specify missing document(s): \_\_\_\_\_

### **US COMPANY AND FOREIGN COMPANY**

- Cannot verify that qualifying corporate relationship exists between U.S. company and foreign company.
- Other: \_\_\_\_\_

### **PROPOSED EMPLOYMENT WITH U.S. COMPANY**

- Evidence the company is doing business in the United States is insufficient.
- Insufficient evidence that applicant will be employed in an executive, managerial, or specialized knowledge position.

Explain: \_\_\_\_\_

- U.S. company is less than 1 year old and "new office" evidence is missing or insufficient.
- Other: \_\_\_\_\_

### **PRIOR EMPLOYMENT WITH FOREIGN COMPANY**

- Insufficient evidence the transferring foreign company will continue to do business abroad.

- Insufficient evidence that employment abroad was in a managerial, executive, or specialized knowledge position.

Explain: \_\_\_\_\_

- Cannot verify that previous employment covered at least a 12-month continuous period within 3 years preceding application for admission.
- Other: \_\_\_\_\_

**OTHER DEFICIENCIES**

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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**EXECUTED BY:**

\_\_\_\_\_  
Inspecting Officer:

\_\_\_\_\_  
Supervising Officer:

**HAND DELIVERED TO:**

**AT:**

**ON:**

**BY: CBP**