

Business Visas to the U.S.


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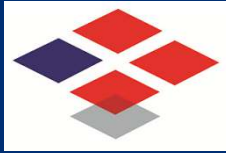
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General Overview of **Business Visas** to the USA:

- ❖ **L-1A Visa**
- ❖ **L-1B Visa**
- ❖ **E-2 Visa**
- ❖ E-1 Visa / H-1B Visa / B-Visa (Visa Waiver Program / ESTA)
- ❖ Other visas



L-1A Visa / L-1B Visa

Intra Company Transfer Visa

General:

- ❖ Intra company transfer: branch, subsidiary, affiliate, common ownership etc.
- ❖ Applicant must have been employed with the company abroad for one year within the past three years
- ❖ Generally there must be a physical office established in the U.S.
- ❖ Exception: Can be used to establish new office in the U.S. (company must be established on paper)



L-1A Visa / L-1B Visa

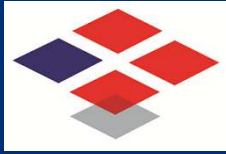
Intra Company Transfer Visa

❖ L-1A: **Managerial / Executive** position

- ❖ Manage organization
- ❖ Supervise and control the work of professional employees

❖ L-1B: **Specialized** position

- ❖ Specialized knowledge: advanced level of knowledge or expertise of the organization's processes or procedures
- ❖ No other employees in the industry have this knowledge
- ❖ It is impossible to train U.S. workers to do this task



E-2 Visa

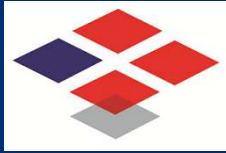
Treaty Investor Visa

❖ General:

- ❖ Nationals of the treaty country must own at least 50% of the U.S. business
- ❖ Applicant must have the same nationality as the treaty country
- ❖ Applicant is in the position to develop and direct the U.S. business (managers, executives, supervisors, specialists)
- ❖ Educational background / experience is utilized in the position in the U.S.

❖ E-2: Treaty Investor Visa:

- ❖ Investment must be **at risk**
- ❖ Investment must be **substantial**



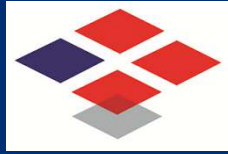
L-1 Visa vs. E-2 Visa for new U.S. Corporation

L-1 Visa Pros

- ❖ Potential shorter processing time (premium processing)
- ❖ No need to make substantial investment upfront

E-2 Visa Pros

- ❖ If the company has a solid business plan, investment, and can show viability → visa can be issued for 2-5 years even if company is new
- ❖ Easier to obtain for specialized employees
- ❖ Visa can be extended indefinitely



L-1 Visa vs. E-2 Visa for new U.S. Corporation

L-1 Visa Cons

- ❖ Visa is granted for 1 year
- ❖ Extension must be filed a few months in advance
- ❖ If the U.S. co. has few or no employees and the business has not grown
→ extension will be denied

E-2 Visa Cons

- ❖ The investment must be made upfront and placed at risk
- ❖ Company must have 50% ownership of the same nationality as employee (Danish)



E-1 Visa / H-1B Visa / B-1 Visa

Additional Visa options

❖ E-1: Treaty Trader Visa:

- ❖ Over 50 % of the international trade must be between U.S. and the treaty country
- ❖ Trade must be substantial



E-1 Visa / H-1B Visa / B-1 Visa

Additional Visa options

❖ H-1B: Specialty Worker Visa:

- ❖ Applicant must hold education equivalent to U.S. Bachelor's Degree in specialty field and utilize education for the position in the U.S.
- ❖ Visas only available once a year

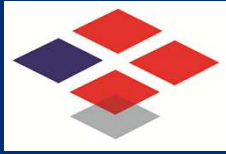


E-1 Visa / H-1B Visa / B-1 Visa

Additional Visa options

❖ **B-1: Business Visitor Visa:**

- ❖ Must be employed by and compensated by non-U.S. employer
- ❖ Six months to explore business opportunities in the U.S.
- ❖ Explore business opportunities (negotiate contracts, sign letters of intent, attend board meetings, attend customer meetings, attend conferences, train staff)



Costs

❖ **Attorneys' Fees: Generally between \$5,000-\$8,000**

- ❖ Increases if you do not provide complete documentation;
- ❖ Increases if Request for Evidence is significant;
- ❖ Increases if you change categories

❖ **Out of Pocket Costs:**

❖ Filing Fees to USCIS:

- ❖ L-1: \$825 (additional \$1,225 for expedited 15-day processing)
- ❖ H-1B: \$1,575 (25 or fewer employees) (\$1,225 extra for expedited)
- ❖ \$2,325 (more than 25) (\$1,225 extra for expedited)
- ❖ E-Visas: \$205, paid to the US Embassy in DK



Thank you!

Martensen Wright PC

- ❖ Martensen Wright PC provides services that will streamline your Visa Application process
- For more information, please visit our website: <http://martensenwright.com/>
- For inquiries, please e-mail oq@usa-eurolaw.com

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