


# Business Visas to the U.S.

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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 (cont.)

## 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



# Financial Documentation Required from US Company:

- ❖ Most recent US Corporation Income Tax Return (Form 1120)
- ❖ If a US Company has 100+ employees:
  - ❖ Copy of an Annual Report plus annual gross and net income amounts
- ❖ If a US Company has been in business for less than a year:
  - ❖ Copies of Bank Statements and copies of Financial Statements



## 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**



# Required **Financial Documentation** and Information:

- ❖ Investment in qualifying expenses in the US:
  - ❖ Inventory, equipment, premises (1 month), recruitment costs, marketing, consultancy fees, license fees
  - ❖ Documentation: bank statements, financial statements, Federal Income Tax Returns



# 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 (cont.) 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 (cont.)

## 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
- ❖ Limited number of visas available/It's a lottery



# E-1 Visa / H-1B Visa / B-1 Visa (cont.)

## 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 received
- ❖ Increases if you change categories

### ❖ **Out of Pocket Costs:**

#### ❖ **Filing Fees to USCIS:**

- ❖ L-1: \$960 (additional \$1,225 for expedited 15-day processing)
- ❖ H-1B: \$1,710 (25 or fewer employees) (\$1,225 extra for expedited)
- ❖ \$2,460 (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 email [ew@usa-eurolaw.com](mailto:ew@usa-eurolaw.com)

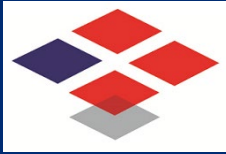


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# Best Practices

- ❖ **Apply early**
- ❖ **Follow instructions on the website:**
  - Filling out the DS-160 online application
  - Create profile at [www.ustraveldocs.com](http://www.ustraveldocs.com)
  - Pay the MRV fee
  - Schedule appointment
  - Photo
- ❖ **Submit additional documents in a timely manner**



# Ineligible for (VWP) Travel

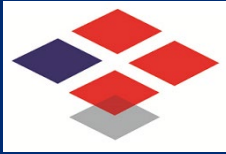
**VWP member national travel on or after 01 March 2011 to:**

Iran, Iraq, North Korea,  
Sudan, Syria, Libya, Somalia, Yemen.

**Dual nationals of a VWP member country and:**

Iran, Iraq, North Korea, Sudan, or Syria





## For Additional Information

For complete information regarding all types of visas visit:

<http://travel.state.gov>

Travel on the Visa Waiver Program, visit the ESTA website:

<http://esta.cbp.dhs.gov>

For filing petitions:

[www.USCIS.gov](http://www.USCIS.gov)

For general visa inquiries:

[Support-Denmark@ustraveldocs.com](mailto:Support-Denmark@ustraveldocs.com)

For case specific inquiries:

[CopenhagenNIV@state.gov](mailto:CopenhagenNIV@state.gov)