



October 20, 2023

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Policy Alert

SUBJECT: L-1 Petitions for Intracompany Transferees Filed by a Sole Proprietorship

Purpose

U.S. Citizenship and Immigration Services (USCIS) is issuing policy guidance in the [USCIS Policy Manual](#) to clarify that a sole proprietorship may not file an L-1 petition on behalf of its owner because the sole proprietorship does not exist as a distinct legal entity separate and apart from the owner.

Background

The L-1 nonimmigrant visa classification enables a U.S. employer that is part of a qualifying organization to temporarily transfer employees from one of its related foreign offices to locations in the United States.¹ Existing USCIS policy and practice provide that a sole proprietorship may not file an L-1 petition on behalf of its owner.

This Policy Manual update affirms the existing guidance and further clarifies that an L-1 petition where the owner and beneficiary are the same constitutes an impermissible self-petition. This update also clarifies guidance regarding blanket petitions.

International organizations file blanket L-1 petitions on behalf of all individual entities named in the petition. USCIS is updating policy guidance to clarify that the failure to timely file an extension of the blanket petition does not trigger the 3-year waiting period before another blanket petition may be filed.²

This guidance, contained in Volume 2 of the Policy Manual, is effective immediately. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance on the topic.

Policy Highlights

- Affirms that a sole proprietorship may not file an L-1 petition on behalf of its owner. The update distinguishes this from a self-incorporated petitioner (such as a corporation or a limited liability company with a single owner), where the corporation or the single member limited

¹ See [8 CFR 214.2\(l\)\(1\)\(i\)](#).

² See [8 CFR 214.2\(l\)\(14\)\(iii\)\(B\)](#).

liability company is a separate and distinct legal entity from its owner, which may petition for that owner.

- Clarifies that a petitioning organization that fails to timely file an extension of an approved blanket L-1 petition is not required to wait before submitting a new blanket petition.

Summary of Changes

Affected Section: Volume 2 > Part L > Chapter 5 >Section A, Sole Proprietorships

- Revises first and final paragraphs.

Affected Section: Volume 2 > Part L > Chapter 10 >Section B, Extensions of Stay

- Revises second paragraph.
- Adds a new third paragraph.

USCIS may also make other minor technical, stylistic, and conforming changes consistent with this update.

Citation

Volume 2: Nonimmigrants, Part L, Intracompany Transferees (L), Chapter 5, Ownership and Control [[2 USCIS-PM L.5](#)]; Chapter 10, Period of Stay [[2 USCIS-PM L.10](#)].