

REQUEST FOR EVIDENCE

I-129 L-1 Intracompany Transferees: Qualifying Relationship/Ownership and Control/Doing Business

You have filed Form I-129, Petition for Nonimmigrant Worker, seeking L-1 nonimmigrant classification for (insert beneficiary name) (beneficiary). You (insert organization name, agent name, etc.), seek to employ the beneficiary as a (position title).

The L-1 classification may be granted to individuals who, within three years preceding the time of his or her application for admission into the United States:

- Have been employed abroad continuously for one year by a firm, corporation, or other legal entity;
- Seek to enter the United States temporarily to render services to a branch of the same employer, or a parent, affiliate, or subsidiary; and
- Will work in a capacity that is managerial or executive, or involves specialized knowledge.

To process your petition and determine if the beneficiary is eligible, additional information is required. This request provides suggested evidence that you may submit to satisfy each requested item. You may submit one, some, or all of these items. You may submit none of them, and instead submit other evidence to satisfy the request. You may also explain how the evidence in the record already establishes eligibility. Note, however, that you are responsible for providing evidence that best shows that you and the beneficiary meet all requirements. Evidence must show that both you and the beneficiary were eligible for the requested benefit when you filed Form I-129.

Request for Translations

All documents must have a complete English translation to establish eligibility. You submitted documents which are in a language other than English. In order for USCIS to consider this evidence, you must submit English language translations for each document. The translator must certify that:

- the translations are accurate and complete; and
- he or she is competent to translate from the foreign language into English.

Qualifying Relationship – Ownership and Control

To transfer an employee from a foreign entity to a U.S. entity as an L-1 nonimmigrant, a qualifying relationship must exist between the two entities. Qualifying relationships may occur between branches of the same employer, or amongst parent companies, affiliates, or subsidiaries. To show this relationship, you must provide evidence of ownership and control by one of these parties over the other. For the purposes of L-1 classification, *ownership* means the legal possession of an organization. *Control* means the legal or actual ability to exercise authority or influence over an organization. You can usually show ownership and control through company documents.

To satisfy this requirement, you submitted:

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- (list submitted evidence).

Ownership and Control of the Qualifying Foreign Entity

You meet this requirement.

-OR-

You did not submit evidence for this requirement. You may still submit evidence to satisfy this requirement.

-OR-

The evidence you submitted is insufficient. (ISO should explain why the evidence submitted is insufficient to establish eligibility.) You may still submit evidence to satisfy this requirement.

Evidence may include, but is not limited to, copies of: (Delete any of the following that were already provided by the petitioner.)

- The most recent Securities and Exchange Commission Form 10-K, which lists all affiliates, subsidiaries, and branch offices, and percentage of ownership.
- The most recent annual report, which lists all affiliates, subsidiaries, and branch offices, and percentage of ownership.
- A detailed list of owners, which includes the foreign entity's owners' names, and what percentages they own.
- Meeting minutes, which list the stock shareholders and the number and percentage of shares owned.
- Articles of incorporation and bylaws, including all amendments.
- Stock certificates, which have been issued to the present date, clearly indicating the name of each shareholder.
- A stock ledger, which shows all stock certificates issued to the present date, including total shares of stock sold, and names of shareholders.
- Proof of stock purchase.
- The U.S. entity's most recent federal income tax returns, which demonstrate the qualifying relationship to the foreign entity.
- The articles of organization, with the names of members and percentage of membership interests, issued by the foreign entity.
- The partnership agreement and registration documents, with the names of partners and the limits of their liabilities.
- The sole proprietorship registration documents, which indicate the ownership of the foreign entity.
- Evidence that the U.S. entity is authorized to operate as a branch office in (foreign country) by the appropriate (foreign nationality) agency.

Ownership and Control of the Qualifying U.S. Entity

You meet this requirement.

-OR-

You did not submit evidence for this requirement. You may still submit evidence to satisfy this requirement.

-OR-

To satisfy this requirement, you submitted:

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- (list submitted evidence).

The evidence you submitted is insufficient. (ISO should explain why the evidence submitted is insufficient to establish eligibility.) You may still submit evidence to satisfy this requirement.

Evidence may include, but is not limited to, copies of: (Delete any of the following that were already provided by the petitioner)

- The most recent Securities and Exchange Commission Form 10-K, which lists all affiliates, subsidiaries, and branch offices, and percentage of ownership.
- The most recent annual report, which lists all affiliates, subsidiaries, and branch offices, and percentage of ownership.
- Meeting minutes, which list the stock shareholders and the number and percentage of shares owned.
- Articles of Incorporation, which have been date-stamped “endorsed-filed” by the appropriate state official.
- Stock certificates, which have been issued to the present date, clearly indicating the name of each shareholder.
- A stock ledger, which shows all stock certificates issued to the present date, including total shares of stock sold, and names of shareholders.
- Proof of stock purchase or capital contribution, such as the following:
 - wire transfer receipts;
 - bank statements;
 - cancelled checks; or
 - deposit receipts.
- The U.S. entity’s most recent federal income tax returns, which demonstrate qualifying relationship to the foreign entity.
- The articles of organization, with the names of members and percentage of membership interests issued by the entity.
- The partnership agreement and registration documents with the names of partners.
- Sole proprietorship registration documents, which indicate the ownership of the entity.
- Evidence that the foreign entity has been authorized to operate as a branch office in the state of [STATE] by the appropriate state agency.
- The franchise purchase agreement, and documentation as evidence of the right and authority to direct the management and operation of the U.S. entity.

Doing Business

To qualify for L-1 classification, you must be doing business in the United States and at least one other country. This may be directly or through a qualifying organization, for the duration of the beneficiary's stay in this classification.

Qualifying Foreign Entity is Doing Business

You meet this requirement.

-OR-

You did not submit evidence for this requirement. You may still submit evidence to satisfy this requirement.

-OR-

To satisfy this requirement, you submitted:

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- (list submitted evidence).

The evidence you submitted is insufficient. (ISO should explain why the evidence submitted is insufficient to establish eligibility.) You may still submit evidence to satisfy this requirement.

Evidence may include, but is not limited to, copies of: (Delete any of the following that were already provided by the petitioner)

- The most recent annual report, which describes the state of the foreign entity's finances.
- Foreign tax documents.
- Audited financial statements.
- Purchase orders.
- Invoices.
- Bills of lading.
- U.S. Customs documentation.

Qualifying U.S. Entity is Doing Business

You meet this requirement.

-OR-

You did not submit evidence for this requirement. You may still submit evidence to satisfy this requirement.

-OR-

To satisfy this requirement, you submitted:

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- (list submitted evidence).

The evidence you submitted is insufficient. (ISO should explain why the evidence submitted is insufficient to establish eligibility.) You may still submit evidence to satisfy this requirement.

Evidence may include, but is not limited to, copies of: (Delete any of the following that were already provided by the petitioner)

- The most recent annual report, which describes the state of the U.S. entity's finances.
- Securities and Exchange Commission, Form 10-K.
- Federal or state income tax returns.
- Audited financial statements, including balance sheets and statements of income and expenses describing the U.S. entity's business operations.
- Major sales invoices identifying gross sales amounts reported on the income and expenses statement or on corporate income tax returns.
- Shipper's export declaration or shipper's export declaration for in-transit goods.
- The U.S. entity's U.S. Customs and Border Protection forms, Entry Summary and Customs Bond that show business activity.
- Business bank statements that show business activity.