

REQUEST FOR EVIDENCE

I-129 L-1 Intracompany Transferees: L-1A Manager or Executive

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 the three years preceding the time of their 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 foreign language documents must have a complete English translation to establish eligibility. This includes any documents you submit in response to this Request for Evidence.

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.

General Requirements for a Manager or Executive

To qualify a beneficiary for L-1A classification, you must show that he or she:

- Will be employed in a managerial or executive position in the United States;
- Has prior education, training, or employment that qualifies him or her to perform the intended services in the United States; and
- Has at least one continuous year of full-time employment abroad with a qualifying organization:
 - within the three years before application for admission to the United States; and

- in a position that is managerial or executive, or involved specialized knowledge.

Proposed Managerial or Executive Position in the United States. The proposed position in the United States must be in a managerial or executive capacity. You must show this even if evidence indicates that the beneficiary performed in an executive, managerial, or specialized knowledge capacity abroad.

You meet this requirement.

-OR-

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

-OR-

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

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

(ISO - If beneficiary will enter United States in order to render services in a managerial position, select Option 1 below; if beneficiary will enter United States in order to render services in an executive position, select Option 2 below; or if the petitioner did not clarify whether the beneficiary will enter the United States in order to render services in either a managerial or executive position, select both Options 1 and 2 below. Delete what is not needed.)

(Option 1)

- A letter from an authorized representative of the U.S. entity stating the beneficiary's expected managerial decisions. The letter should describe the beneficiary's typical managerial duties, and the percentage of time to be spent on each. In addition, the letter should address:
 - How the beneficiary will manage the organization, department, subdivision, function, or component of the organization;
 - How the beneficiary will supervise and control the work of other supervisory, professional, or managerial employees, or manage an essential function, department or subdivision of the organization;
 - Whether the beneficiary will have authority to hire and fire or recommend similar personnel actions (such as promotion and leave authorization) if other employees will be directly supervised (or if no other employees will be directly supervised, how the beneficiary will function at a senior level within the organizational hierarchy or with respect to the managed function); and
 - How the beneficiary will make decisions on daily operations of the activity or function under his or her authority. If the beneficiary will be a first-line supervisor, submit evidence showing the supervised employees will be professionals.

Note: A professional is an individual who is a member of the professions, such as architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academies, or seminaries.

(Option 2)

- A letter from an authorized representative of the U.S. entity describing the beneficiary's expected executive decisions. The letter should describe the beneficiary's typical executive duties, and the percentage of time to be spent on each. In addition, the letter should address:
 - How the beneficiary will direct the management of the organization, or a major component or function of the organization;
 - How the beneficiary will establish the goals and policies of the organization, component, or function;
 - How the beneficiary will exercise wide latitude in discretionary decision-making; and
 - Whether the beneficiary will receive only general supervision or direction from higher level executives, the board of directors, or stockholders.
- An organizational chart or diagram, showing the U.S. entity's organizational structure and staffing levels. List all employees in the beneficiary's immediate division, department, or team by name, job title, summary of duties, education level, and salary. Clearly identify the beneficiary's position in the chart.
- Copies of the U.S. entity's State Quarterly Wage Reports for the [1st, 2nd, 3rd and 4th quarter of YEAR] that were accepted by the State of [STATE] for all the organization's current organizational structure and staffing levels. The forms should include the names, salaries, and number of weeks worked for all employees.
Note: If employees listed on the Organizational Chart are not listed on the State Quarterly Wage Reports, please explain why.
- Copies of the U.S. entity's payroll summary, and Forms W-2, W-3, and 1099-MISC evidencing wages paid to all employees under the beneficiary's direction.

Beneficiary's One Year Employment Abroad. You must show the beneficiary has at least one continuous year of full-time employment abroad with a qualifying organization. This employment must have occurred within the three years before his or her application for admission to the United States.

This requirement has been met.

-OR-

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

-OR-

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

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

- Copies of the beneficiary's pay records.

- Copies of the beneficiary's personnel records.
- Copies of the beneficiary's training records.
- A letter from the beneficiary's supervisor(s) describing the beneficiary's experience with the foreign entity.
- A letter from the foreign entity's Human Resource Department that discusses the beneficiary's work history there.

Managerial, Executive, or Specialized Knowledge Position Abroad. The beneficiary must have at least one continuous year of full-time employment abroad with a qualifying organization within the three years before his or her application for admission to the United States. The position must have been managerial or executive, or involved specialized knowledge.

The beneficiary meets this requirement.

-OR-

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

-OR-

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

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

- Copies of the beneficiary's training, pay, or other personnel records. These should show the beneficiary was employed in a managerial, executive, or specialized knowledge position abroad.
- An organizational chart or diagram, showing the foreign entity's organizational structure and staffing levels. List all employees in the beneficiary's immediate division, department, or team by name, job title, summary of duties, education level, and salary. Identify the beneficiary's position in the chart.

(ISO - If beneficiary's employment abroad was in a managerial position, select Option 1 below; if beneficiary's employment abroad was in an executive position, select Option 2 below; or if petitioner did not clarify if employment abroad was either managerial or executive, select both Option 1 and 2 below. Delete what is not needed.)

(Option 1)

- A letter from an authorized representative of the foreign entity describing the beneficiary's managerial decisions made on their behalf. The letter should describe the beneficiary's typical managerial duties, and the percentage of time spent on each. In addition, the letter should address the following:
 - How the beneficiary managed the organization, department, subdivision, function, or component of the organization he or she oversaw;
 - How the beneficiary supervised and controlled the work of other supervisory, professional, or managerial employees, or managed an essential function, department, or subdivision of the organization;

- Whether the beneficiary had the authority to hire and fire or recommend similar personnel actions (such as promotion and leave authorization) if other employees were directly supervised (or if no other employee was directly supervised, how the beneficiary functioned at a senior level within the organizational hierarchy or with respect to the managed function); and
- How the beneficiary made decisions on daily operations of the activity or function under his or her authority. If the beneficiary was a first-line supervisor, submit evidence showing the supervised employees were professionals.

Note: A professional is an individual who is a member of the professions, such as architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academies, or seminaries.

(Option 2)

- A letter from an authorized representative of the foreign entity describing the beneficiary's executive decisions made on their behalf. The letter should describe the beneficiary's typical executive duties, and the percentage of time spent on each. In addition, the letter should address:
 - How the beneficiary directed the management of the organization, or a major component or function of the organization;
 - How the beneficiary established the goals and policies of the organization, component, or function;
 - How the beneficiary exercised wide latitude in discretionary decision-making; and
 - Whether the beneficiary received only general supervision or direction from higher level executives, the board of directors, or stockholders.

(ISO - If beneficiary's employment abroad involved specialized knowledge, select the bullet below. Delete if not needed.)

- A letter from an authorized representative of the foreign entity describing the beneficiary's specialized knowledge duties abroad. The letter should also describe the percentage of time spent on each duty. In addition, the letter should:
 - Explain how the knowledge for the position is different than that for similar positions in the industry;
 - State the product, service, tool, research, equipment, process, or procedure the beneficiary uses that involves specialized knowledge;
 - Describe how the knowledge involved in the position is "advanced" within your organization's processes and procedures;
 - Explain how your equipment, system, product, technique, or service is "special," and how it is applied in the international marketplace;
 - Explain why someone else in this field cannot perform these duties;
 - State the minimum time required to obtain this knowledge, including training and actual experience accrued after the completion of training; and
 - Explain how the beneficiary role in significant assignments has enhanced the employer's productivity, competitiveness, image, or financial position.

Beneficiary's Qualifications. The beneficiary's prior education, training, and employment abroad must qualify him or her to perform the intended services in the United States. However, the work in the United States need not be the same work which the beneficiary performed abroad.

The beneficiary meets this requirement.

-OR-

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

-OR-

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

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

- A letter from an authorized representative of the foreign entity describing the beneficiary's employment. The letter should contain:
 - The beneficiary's position title abroad and a description of all of the beneficiary's duties for the foreign employer;
 - An outline of all of the beneficiary's positions while employed with the foreign entity;
 - Position descriptions and employment dates at any other affiliated companies abroad where the beneficiary worked; and
 - An explanation of how the beneficiary's prior education, training, and employment qualify him or her to perform the intended services in the United States, even if the work performed abroad is not the same as that which will be performed in the United States.
- Copies of the beneficiary's training, pay, or other personnel records. These should show the beneficiary was employed in a managerial, executive, or specialized knowledge position abroad.
- An explanation and evidence that show how the beneficiary's prior education, training, and employment qualify him or her to perform the intended services in the United States, even if the work performed abroad is not the same as that which will be performed in the United States.
- Copies of the beneficiary's transcripts.

Managerial, Executive, or Specialized Knowledge Position Abroad. The beneficiary must have at least one continuous year of full-time employment abroad with a qualifying organization within the three years before his or her application for admission to the United States. The position must have been managerial or executive, or involved specialized knowledge.

The beneficiary meets this requirement.

-OR-

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

-OR-

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

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

- Copies of the beneficiary's training, pay, or other personnel records. These should show the beneficiary was employed in a managerial, executive, or specialized knowledge position abroad.
- An organizational chart or diagram, showing the foreign entity's organizational structure and staffing levels. List all employees in the beneficiary's immediate division, department, or team by name, job title, summary of duties, education level, and salary. Identify the beneficiary's position in the chart.

(ISO - If beneficiary's employment abroad was in a managerial position, select Option 1 below; if beneficiary's employment abroad was in an executive position, select Option 2 below; or if petitioner did not clarify if employment abroad was either managerial or executive, select both Option 1 and 2 below. Delete what is not needed.)

(Option 1)

- A letter from an authorized representative of the foreign entity describing the beneficiary's managerial decisions made on their behalf. The letter should describe the beneficiary's typical managerial duties, and the percentage of time spent on each. In addition, the letter should address:
 - How the beneficiary managed the organization, department, subdivision, function, or component of the organization he or she oversaw;
 - How the beneficiary supervised and controlled the work of other supervisory, professional, or managerial employees, or managed an essential function, department, or subdivision of the organization;
 - Whether the beneficiary had the authority to hire and fire or recommend similar personnel actions (such as promotion and leave authorization), if other employees were directly supervised (or if no other employee was directly supervised, how the beneficiary functioned at a senior level within the organizational hierarchy or with respect to the managed function); and
 - How the beneficiary made decisions on daily operations of the activity or function under his or her authority. If the beneficiary was a first-line supervisor, submit evidence showing the supervised employees were professionals.

Note: A professional is an individual who is a member of the professions, such as architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academies, or seminaries.

(Option 2)

- A letter from an authorized representative of the foreign entity describing the beneficiary's executive decisions made on the entity's behalf. The letter should describe the beneficiary's typical executive duties, and the percentage of time spent on each. In addition, the letter should address:
 - How the beneficiary directed the management of the organization, or a major component or function of the organization;

- How the beneficiary established the goals and policies of the organization, component, or function;
- How the beneficiary exercised wide latitude in discretionary decision-making; and
- Whether the beneficiary received only general supervision or direction from higher level executives, the board of directors, or stockholders.

(ISO - If beneficiary's employment abroad involved specialized knowledge, select the bullet below. Delete if not needed.)

- A letter from an authorized representative of the foreign entity describing the beneficiary's specialized knowledge duties abroad. The letter should also describe the percentage of time spent on each duty. In addition, the letter should:
 - Explain how the knowledge for the position is different than that for similar positions in the industry;
 - State the product, service, tool, research, equipment, process, or procedure the beneficiary uses that involves specialized knowledge;
 - Describe how the knowledge involved in the position is "advanced" within your organization's processes and procedures;
 - Explain how your equipment, system, product, technique, or service is "special," and how it is applied in the international marketplace;
 - Explain why someone else in this field cannot perform these duties;
 - State the minimum time required to obtain this knowledge, including training and actual experience accrued after the completion of training; and
 - Explain how the beneficiary role in significant assignments has enhanced the employer's productivity, competitiveness, image, or financial position.