Italy Posting Workers to the U.S.

For Italian companies, posting workers to the U.S. can be a strategic move to achieve business goals and enhance operational efficiency. The process requires obtaining a non-immigrant temporary worker visa, essential for Italian businesses to legally transfer employees. The L-1 visa, specifically, offers Italian firms significant flexibility by enabling the relocation of managers and specialists to U.S.-based entities. This transfer not only supports the execution of business objectives but also helps in establishing new offices, managing key projects, and leveraging specialized knowledge within the U.S. market, thereby driving overall business growth and international collaboration.

Documentation for Posting Workers to the U.S.



The L visa, formally known as the Intracompany Transferee visa, serves as a vital tool for international companies wishing to transfer employees to the United States. Designed specifically for non-immigrant workers, the L visa facilitates

the temporary relocation of employees to U.S.-based entities that are connected to their current foreign employer. To qualify, the U.S. entity must be a parent, subsidiary, branch office, or affiliate of the foreign company, ensuring a corporate relationship that legitimizes the transfer. This visa streamlines the movement of personnel critical to the company's operations, allowing them to leverage their existing expertise and knowledge within the American branch.

Categories of L Visas

L-1A Visa:

- **Purpose:** For executives and managers.
- **Eligibility:** Employee must be in a role involving high-level decision-making, managing an essential function, department, or subdivision of the organization.
- **Use Case:** Commonly used for transferring senior-level management or executives to oversee U.S. operations or branches.

L-1B Visa:



- **Purpose:** For employees with specialized knowledge.
- **Eligibility:** Employees must have specialized knowledge crucial to the company's interests, such as proprietary systems, methodologies, or processes.
- **Use Case:** Typically utilized for transferring staff with specific expertise or technical knowledge that is vital

to the U.S. branch or affiliate.

L-2 Visa:

- **Purpose:** For the spouse and unmarried children under 21 of L-1 visa holders.
- **Eligibility:** Immediate family members accompanying the primary L-1 visa holder.
- **Benefits:** L visa holders' spouses and children enjoy several benefits in the U.S., including eligibility for work authorization and access to educational opportunities. They also gain residency privileges, allowing them to live in the U.S. alongside the primary visa holder.

Eligibility Criteria for L Visas

General Requirements

- Must work for a qualifying organization (parent, subsidiary, affiliate, or branch).
- Employment for at least 1 year within the last 3 years with the same employer abroad.
- Roles must be executive, managerial, or require specialized knowledge.
- Employment must be continuous

The L visa is initially valid for up to 3 years, with possible extensions—up to 7 years for L-1A visa holders and 5 years for L-1B visa holders. Transfereers entering the US to establish a new office will be granted a maximum initial stay of 1 year. Unlike other temporary employment visas, there is no annual cap on the number of L visas issued, offering flexibility for companies without the constraints of quotas.

Employer Responsibilities and Documentation

- **Documentation for U.S. Company**
  - Articles of incorporation, financial statements, business licenses, etc.
  - Detailed business plan and organizational charts.

- **Documentation for Foreign Company**
  - Articles of incorporation, financial statements, business licenses, etc.
  - Evidence of business transactions and promotional materials.

- **Supporting Documents for Employee**
  - Passport, visa application forms, approval notice, proof of qualifications.
  - Employment verification letter, job description, and reference letters.

- **Special Case: New Office Establishment**
  - Evidence of securing physical premises.
  - Proof of executive or managerial role in the new operation.
  - Plans to support an executive or managerial position within one year.

Application Process for L Visas



1. **File Petition for Nonimmigrant Worker (Form I-129)**
    - Submitted by employer to US Citizenship and Immigration Services (USCIS).
    - Requires detailed info about the company and the employee.
    - Employer responsible for any costs associated with the petition

2. **Approval and Notice of Action (Form I-797)**
    - USCIS review and approval.
    - Notice sent to employer.

3. **Complete Online Visa Application (Form DS-160)**
    - Includes uploading a photo.
    - Pay application fee ($205).

4. **Schedule and Attend Visa Interview**
    - Bring necessary documents and proof of eligibility.
    - At the U.S. Embassy or Consulate in Italy.

5. **Pay Required Fees**
    - L-1 reciprocity fee ($308), fraud prevention and detection fee ($500), and asylum program fee ($300-$600)

Unlike other temporary work visas, the L visa does not require

a labor certification, nor does it have specific wage requirements. Compliance is determined by the general regulations that companies must adhere to under state and federal law. Additionally, for those seeking permanent residence status in the U.S., posted workers can also apply for green cards without disrupting their L-1 status.

Partnering with A.L. Assistenza Legale

Successfully navigating the intricacies of posting workers to the U.S. requires a keen understanding of both Italian and U.S. legal frameworks and languages. For Italian companies aiming to transfer employees seamlessly while ensuring legal compliance, receive tailored solutions from A.L. Assistenza Legale.