*Press Office*
**U.S. Department of Homeland Security**

U.S. Citizenship and Immigration Services

# Press Release

June 23, 2005

## USCIS IMPLEMENTS L-1 VISA REFORM ACT OF 2004

New Provision Changes Aspects of the Temporary Work Program

Washington, D.C.– U.S. Citizenship and Immigration Services (USCIS) announced today the implementation of new provisions to the L-1 temporary worker program, commonly known as intracompany transferees. The changes were mandated by L-1 Visa Reform Act of 2004 which became law last December as part of the Omnibus Appropriations Act for FY 2005.

The L-1 Visa Reform Act amends previous legislation to address the "outsourcing" of L-1B temporary workers. An L-1B nonimmigrant is an alien who has been employed overseas by a firm with an affiliated entity in the U.S., who comes to the U.S. to perform services for the international entity that involve specialized knowledge. L-1B temporary workers can no longer work primarily at a worksite other than that of their petitioning employer if either: (a) the work is controlled and supervised by a different employer or (b) the offsite arrangement is essentially one to provide a non-petitioning party with local labor for hire, rather than a service related to the specialized knowledge of the petitioning employer.

USCIS will interpret the "control and supervision" provisions of the new law to require an L-1B petitioning employer to retain ultimate authority over the worker. The determination as to whether an alien is or will be employed primarily at a worksite other than that of the petitioner will depend on the specific facts presented. In addition, the bar will not apply if the satisfactory performance of such off-site employment duties requires that the L-1B temporary worker must have specialized or advanced knowledge of the *petitioning employer's* product, service, or other interests, as defined under current USCIS regulations. General skills or duties that relate to ordinary business or work activities would not meet the test of whether specialized knowledge is required for the work.

The "outsourcing" provisions described above apply to all L-1B petitions filed with USCIS after June 6, 2005, and include extensions and amendments involving individuals currently in L-1 status.

The Act also requires that all L-1 temporary workers must have worked for a period of no less than one year outside the United States for an employer with a qualifying relationship to the petitioning employer. Previously, participants in the "blanket L-1" program could participate after as little as six months of qualifying employment. This change applies to petitions for *initial* L-1 classification filed with USCIS after June 6, 2005; extensions of status under the blanket program are not affected by this new provision.

(more)

## NEW FILING FEES AND FORMS FOR ALL FISCAL YEARS

Petitioners are reminded that the Form I-129 must be filed with:

1) The base filing fee of $185.00 plus;

2) The new $500.00 Fraud Prevention and Detection Fee as applicable. [Employers seeking a worker's initial grant of H-1B or L nonimmigrant classification and employers seeking to hire an existing H-1B or L worker currently employed by another employer must pay the $500 Fraud Prevention and Detection Fee. The $500 fee does not need to be submitted by: 1) employers who seek to extend a current H-1B or L alien's status where such an extension does not involve a change of employers; 2) employers who are seeking H-1B1, Chile-Singapore Free Trade Act nonimmigrants; or 3) dependents of H-1B or L principal beneficiaries.]

– USCIS –

On March 1, 2003, U.S Citizenship and Immigration Services became one of three legacy INS components to join the U.S. Department of Homeland Security. USCIS is charged with fundamentally transforming and improving the delivery of immigration and citizenship services, while enhancing our nation's security.