

Comparison Chart: L-1 Intra-Company Transferee and E-2 Treaty Investor

	L-1 STATUS	E-2 STATUS
SUMMARY	Available to individuals who have been employed on a full-time basis by a foreign corporation outside of the U.S. for at least one year during the preceding three-year period in either a managerial, executive (L-1A), or specialized knowledge (L-1B) capacity. Individual “transfers” to affiliated U.S. entity.	Available to principal investors or certain employees that need to remain in the U.S. for extended periods of time to oversee work in an enterprise engaged in trade between the U.S. and a foreign state. Investors must be in a position to “develop and direct” the enterprise. Employees must work in an executive, supervisory, or essential skills capacity.
ELIGIBILITY	Available to all nationalities.	Available to nationals of treaty countries.
PROCEDURE	Canadian citizens can apply for status at border for immediate decision. All other nationalities must file at a Service Center within the U.S. and apply for nonimmigrant visa at a U.S. Consulate abroad upon approval.	Canadian citizens can apply for status at a U.S. Consulate in Canada. If the individual is already in the U.S., the application can be made to a USCIS Service Center.
GOVERNMENT FEES	<ul style="list-style-type: none"> • \$325 petition • \$500 one-time anti-fraud • \$6 I-94 card issuance 	<ul style="list-style-type: none"> • Visa application fee varies by Consulate • \$325 if filing at Service Center
DURATION	One to three years initially, L-1As may obtain seven years total and L-1Bs five years total. After maximum time limits have been reached, status may be renewable in one year increments indefinitely provided individual maintains required foreign residence abroad and is in the U.S. less than 183 days.	Two years initially, with unlimited two-year extensions so long as the applicant continues to comply with the visa requirements.
DEPENDENTS	Spouse and children under age 21 may be admitted to the U.S. in L-2 status. Spouses holding L-2 status may apply for employment authorization from CIS to work within the U.S.	Spouses and children under age 21 may be admitted to the U.S. in derivative E status. Spouses may apply for employment authorization from CIS to work within the U.S.
CAN I OBTAIN A GREEN CARD?	Category allows for “dual intent” meaning individual may apply for permanent residency and hold nonimmigrant status simultaneously. Managers and executives may be eligible to file immigrant petition without first obtaining labor certification which streamlines green card process.	Category does not allow for dual intent. An E-visa applicant must intend to depart from the United States upon termination of status.

Comparison Chart: NAFTA Visas

	L-1 STATUS	TN STATUS
SUMMARY	Available to individuals who have been employed on a full-time basis by a foreign corporation outside of the U.S. for at least one year during the preceding three-year period in either a managerial, executive (L-1A), or specialized knowledge (L-1B) capacity. Individual "transfers" to affiliated U.S. entity.	Available to individuals engaged in business activities at a professional level to be performed for a U.S. corporation. Position must be on list of approved TN professions and individual must hold baccalaureate or licenciatura degree in that profession or have required experience in the field.*
ELIGIBILITY	Available to all nationalities.	Available to nationals of Canada and Mexico.
PROCEDURE	Canadian citizens can apply for status at border for immediate decision. All other nationalities must file at a Service Center within the U.S. and apply for nonimmigrant visa at a U.S. Consulate abroad upon approval.	Canadian citizens can apply for status at border for immediate decision. Canadians may apply to renew TN status from within the U.S. at a Service Center. Mexican nationals must file at a Service Center.
GOVERNMENT FEES	<ul style="list-style-type: none"> • \$325 petition • \$500 one-time anti-fraud • \$6 I-94 card issuance 	<ul style="list-style-type: none"> • \$50 application • \$6 I-94 card issuance • \$320 if filing at Service Center
DURATION	One to three years initially, L-1As may obtain seven years total and L-1Bs five years total. After maximum time limits have been reached, status may be renewable in one year increments indefinitely provided individual maintains required foreign residence abroad and is in the U.S. less than 183 days.	TN status is issued in one year increments. The number of renewals permitted is currently unlimited; however, temporary intent must be demonstrated.
DEPENDENTS	Spouse and children under age 21 may be admitted to the U.S. in L-2 status. Spouses holding L-2 status may apply for employment authorization from CIS to work within the U.S.	Spouses and children under age 21 may be admitted to the U.S. in TD status. Spouses are not eligible to apply for employment authorization and if they wish to work in the U.S., they must qualify under their own employment-authorized nonimmigrant status.
CAN I OBTAIN A GREEN CARD?	Category allows for "dual intent" meaning individual may apply for permanent residency and hold nonimmigrant status simultaneously. Managers and executives may be eligible to file immigrant petition without first obtaining labor certification which streamlines green card process.	Category does not allow for dual intent. An E-visa applicant must intend to depart from the United States upon termination of status.
REQUIRED DOCUMENTATION	Generally requires extensive corporate documentation and detailed personal information to prepare petition for filing.	Generally requires extensive corporate documentation and detailed personal information to prepare application for filing.

For more information on the topics in these charts, please contact **Rosanna Berardi**, Managing Partner, Berardi Immigration Law 1-877-721-6100 or rberardi@usimmlawyer.com