



Press Release

December 8, 2004

USCIS TO IMPLEMENT L-1 VISA REFORM ACT OF 2004 New Law Changes Aspects of the Temporary Work Program

Washington, D.C.– U.S. Citizenship and Immigration Services (USCIS) announced today that President Bush has signed the Omnibus Appropriations Act for FY 2005, which contains the L-1 Visa Reform Act of 2004. 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.

The L-1 Reform Act amends previous legislation by addressing the issue of “outsourcing.” L-1B temporary workers can no longer work primarily at a worksite other than their petitioning employer if the work will be controlled and supervised by a different employer or if the offsite arrangement is essentially to provide labor for hire, rather than service related to the specialized knowledge of the petitioning employer. This limitation will apply to all L-1B petitions filed with USCIS on or after June 6, 2005. This includes 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 on or after June 6, 2005. USCIS will be publishing guidance and regulations on these changes at a later date.

In addition, the Act creates a new Fraud Prevention and Detection Fee of \$500 which must be paid by petitioners seeking a beneficiary’s initial grant of H-1B or L nonimmigrant classification or those petitioners seeking to change a beneficiary’s employer within those classifications. Other than petitions to amend or extend stay filed by an existing H-1B or L employer, there are no exemptions from the \$500 fee. The new \$500 fee applies to petitions filed with USCIS on or after March 8, 2005.

The new \$500 fee is in addition to the base processing fee of \$185 to file a Petition for a Nonimmigrant Worker (Form I-129) and any premium processing fees, if applicable.

– 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.