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L-1 Visas Valid Longer than Petition, Avoiding Renewals

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The U.S. Department of State issued a revised regulation allowing consular offices to issue L-1 visas for intracompany transferees with validity period longer than the underlying petition approval and up to the "reciprocity limit" for the worker's nationality (5 years, for many countries), avoiding need for initial visa renewals. This conforms the law to current practice in many countries for blanket L visas, but it is a big step forward for workers with individual L petitions.

In the past, the regulation on its face limited L-1 visa validity to the petition expiration date. USCIS limits the duration of individual L-1 petitions to three years initially and to two years for extensions. Thus, L-1 visas were limited to that same date. Now, L-1 visas can be issued up to the period that the State Department lists for the worker's country based on how that country treats U.S. intracompany transferees going to that country ("reciprocity limit"), published on a DOS website page. The maximum reciprocity limit for any country is 5 years (60 months), which is in place for most developed countries.

L-1 workers with individual petitions should specifically ask for L-1 visas valid for the reciprocity limit, pointing to the new regulation (and the DOS instructions to consulates surely soon to be issued and published). Port officers still will limit the worker's admission to the petition expiration date (usually annotated on the visa as "PED"), but when the employer obtains the first extension of an individual L-1 petition, the worker with five year visa validity will not need to obtain a new visa on the next international trip, saving significant inconvenience.

The reciprocity limit is less than 5 years and even less than three years for many countries (i.e., Brazil, China, and Russia two years; Mexico one year), and citizens of those countries will continue to experience the inconvenience of repeated visa applications for international travel despite a longer petition validity.

Even before the recent regulation change, many consulates already issued blanket visas for the reciprocity limit, based on informal DOS instruction. Now that the regulation has changed, that practice should continue and spread to other consulates in countries with 60 month reciprocity limits.

Employers and workers should remember that the "reciprocity" limit is a function of the country of citizenship of the worker and family member, not where the worker is applying for the visa. And a family member who is a citizen of a different country than the L-1 worker may receive a visa valid for shorter than the worker if the family member's country's reciprocity limit is shorter than the worker.

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demonstrate the substantial nature of their plans and new operations to enable immigration approval. In combination with our full-service law firm's other practice groups, we help international human resource managers coordinate the innumerable considerations and technicalities that accompany a worker's international assignment, including immigration, benefits, tax, contracts, and employment law.