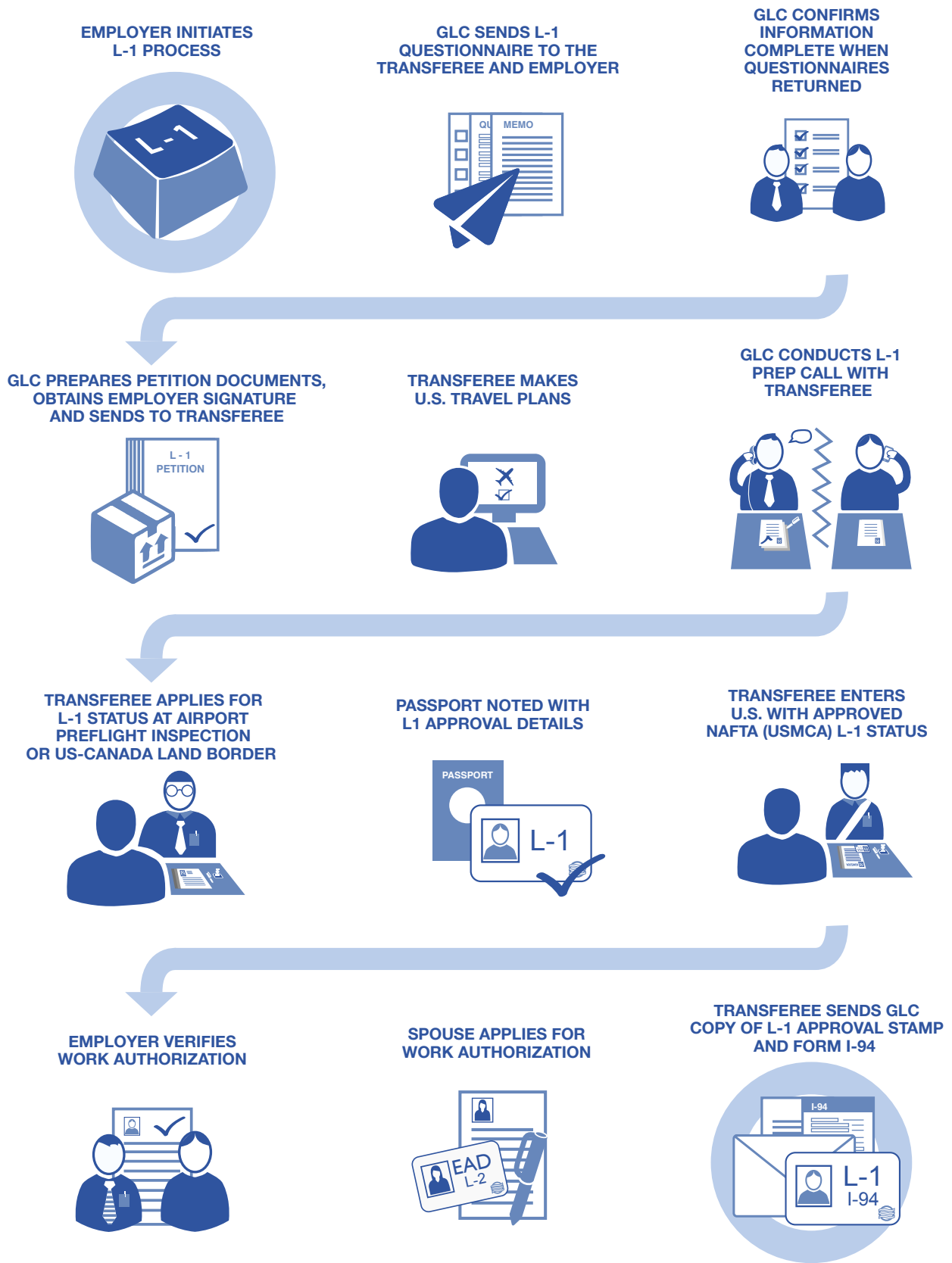




NAFTA (USMCA) L-1 Processing Timeline & FAQs - for Canadian Citizens





NAFTA (USMCA) L-1 FAQs - for Canadian Citizens



01) How do I get NAFTA (USMCA) L-1 Approval?

1.1) What is the NAFTA (USMCA) L-1 eligibility criteria?

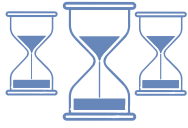
NAFTA (USMCA) L-1 classification is a special kind of L-1 multinational transferee status. For a Canadian citizen to qualify, you must have worked at a qualifying entity related to the United States company as a corporate parent, subsidiary or an affiliate for at least one year in the last three years in a managerial, executive or specialized knowledge capacity, and coming to the United States to serve in a managerial, executive or specialized knowledge capacity.

1.2) What are the steps in the NAFTA (USMCA) L-1 application process?

Once your employer initiates the process with our office, you will be provided more instructions on the process. Once we have the required materials, we will prepare the application documents. We will then send you the application materials signed by your employer, and schedule a call for one of our attorneys to go over the application process with you.

1.3) How long does it take to obtain a NAFTA (USMCA) L-1 approval?

The NAFTA (USMCA) L-1 application is processed on the spot at a U.S. Preflight Inspection station at an international Class A airport in Canada, or at a U.S. Port of Entry at a U.S. – Canada land border.



02) What are the relevant time limits for NAFTA (USMCA) L-1 status?

2.1) For how long will my L-1 status be valid?

Initial L-1 approvals are typically granted for a 3-year period, and you will generally be admitted for the same 3-year period for your subsequent U.S. entries. The period you are authorized to stay is determined by the Customs and Border Protection (CBP) officer who inspects your passport each time you enter the country. The expiration date of this period of authorized to stay is indicated on your I-94 arrival departure record, which can be accessed through the CBP website at <https://i94.cbp.dhs.gov/i94> once you have entered the United States.

You may be issued a shorter time period depending on various factors, including your passport expiration date. CBP officers also sometimes issue incorrect I-94 expiration dates. It is therefore critical that you review the I-94 expiration date each time you enter the country.

2.2) What is the maximum time-period that I may work in L-1 status?

The maximum amount of time allowed in L-1 status is 7 years for individuals holding managerial and executive positions in the U.S., and 5 years for specialized knowledge employees. Note that if you have spent time working in the U.S. in H-1 status previously, this time will be counted against your 5/7 year-maximum. Conversely, time spent in L-1 status is counted against the six-year H-1B maximum time limit.



03) Once I enter in L-1 status, what do I need to do to start work?

3.1) What documents do I need to bring when I start work?

You may commence employment for the sponsor of your NAFTA (USMCA) L-1 application once you have been admitted to the United States in NAFTA (USMCA) L-1 status. You must present your passport and I-94 arrival-departure record showing your NAFTA (USMCA) status to your company's designated HR representative within 3 days of starting work for employment verification purposes.

3.2) Do I need a Social Security Number to start work?

No. You are not required to have a valid Social Security Number to start work in the United States in NAFTA (USMCA) L-1 status. The Social Security Number does not provide evidence of work authorization, and is used by your employer solely for purposes of withholding taxes.



04) How do I get a Social Security Number, Driver's license and open a bank account?

4.1) How do I apply for a Social Security Number?

You may apply for a Social Security Number (SSN) upon arrival in the United States using form SS-5. Note that you will need to apply for the card in person at the local Social Security Administration (SSA) office. Your SSN card will be mailed to you when ready. You may find the closest SSA office and further instructions on applying through the SSA website at ssa.gov/locator.

4.2) When should I apply for the Social Security Number?

You should apply for your SSN as soon as possible upon entering the country in L-1 status (unless you have been issued a Social Security Number in the past). Although the SSN is not required for you to start work, not having the number as soon as you are ready to start work may result in delays and other complications relating to payroll and tax withholding.

4.3) What if issuance of my Social Security Number is delayed?

Although SSN's are typically swift upon application, in some cases it could take several weeks for the number to be issued. Please contact your company's designated HR/immigration representative if you experience delays.



05) What are all these documents, and what do I need to do with them?

5.1) Who do I notify if I change my address?

You must notify the USCIS directly, for you and each of your family members within 10 days of changing address. The change may be reported online, at www.uscis.gov/ar-11. You should also notify your company's HR department and our office.

5.2) Copy of your I-94 arrival-departure record.

This can be obtained online at <https://i94.cbp.dhs.gov/i94> everytime you and your dependents enter the United States.

This is an important document that specifies the length of your authorized stay, and occasionally the Customs and Border Protection Agency makes mistakes. Your I-94 record will be reviewed for accuracy, and corrections requested where appropriate.

5.3) Changes to your NAFTA (USMCA) L-1 employment.

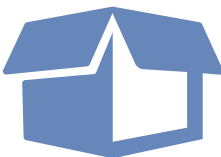
Please advise your company's HR department and our office on any changes in the employing entity, your job title or duties, job location, off-site employment (including remote employment) and salary.

5.4) Extended leave of absence without pay or assignments abroad.

Please advise HR well in advance as it may impact your immigration status.

5.5) If I am terminated for any reason, what will happen to my NAFTA (USMCA) L-1 status?

Under current regulations, a grace period of up to 10 days may be granted at the discretion of USCIS and border officials when issuing Form I-94. Unless you have been granted this grace period, you must depart from the U.S., or change to another valid status right away once your employment is terminated.





06) What about my Family?

6.1) May my dependent family members accompany me to the United States during my L-1 work assignment?

Yes. Your spouse and children under the age of 21 may accompany you during your L-1 assignment, by applying for L-2 dependent status.

6.2) How do my dependents apply for dependent L-2 status?

If your dependent family members are citizens of Canada, they may apply for L-2 status with you when you apply for your L-1. They may also apply after you have been granted L-1 approval. If they are not Canadian citizens, they will need to apply for their visas at a U.S. Embassy or Consulate after you have been granted L-1 approval.



6.3) Can my accompanying spouse work?

Upon arrival in the United States in L-2 status, your spouse may apply for an Employment Authorization Document (EAD) from the USCIS. Once issued, the EAD card will allow your spouse to work for any employer in the U.S.

6.4) What is the process for applying for spouse work authorization?

Once your spouse has entered the United States in L-2 status, he/she may apply for an EAD work authorization card by filing form I-765 with the USCIS, following the instructions provided with this form. Please also refer to [our memo](#) on L-2 work authorization application procedures.

6.5) Can my accompanying children work in L-2 status?

No. Your children may not work in the US in L-2 dependent status. They would need their own independent work-authorized status to accept employment.



6.6) How long does a spousal EAD application take?

Approximate processing time for the I-765 EAD application is 60 to 90 days, and may take significantly longer in some cases.



6.7) Can my spouse work before being issued an EAD card?

Although your spouse will be authorized to work once admitted in valid L-2 status, due to current USCIS policy guidance, most employers will likely require your spouse to show a valid EAD card before starting work. As noted above, obtaining an EAD card takes at least 60 days.



6.8) Can my accompanying spouse and children obtain Social Security Numbers?

The Social Security Administration (SSA) generally only issues social security numbers to persons with work authorization. Because your spouse is eligible for work authorization he/she may apply for a social security number as soon as she enters the United States in L-2 dependent status. Your children are not eligible for work authorization in L-2 status and therefore would not be eligible for a social security number.

6.9) Can my unmarried domestic partner accompany me during my L-1 assignment?

Unless you are married, your partner will not be eligible for L-2 dependent status. Under limited circumstances, regulations allow for unmarried domestic partners to enter in B-2 visitor status to accompany their domestic partner working in L-1 status. Generally, you will need to show that you have been living together with your domestic partner for at least a year. Note that consular officers and Customs and Border Protection Agency officers are more reluctant to approve B-2 applications for domestic partners than they are for married partners applying for L-2 status. Please also note that B-2 status does not provide work authorization, and is subject to many more restrictions than L-2 status. Please refer to our memo on domestic partners for more information on the requirements and restrictions for B-2 domestic partner applications, and contact our office if your domestic partner will be applying as a B-2.



6.10) Can other household members (e.g., adult children, elderly parents) accompany me during my L-1 assignment?

L-1 dependent status is reserved for spouses and children under the age of 21. As is the case with unmarried domestic partners, however, it may be possible for other household members to accompany you in B-2 status. Please contact our office if you plan to have other household members accompany you during your L-1 assignment.