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Multinational Executives and Managers **Employment-Based 1st Preference**

Individuals who work as Multinational Executives and Managers may qualify for permanent residency in the EB-1 category. The requirements are similar to the L-1A for intra-company transferees. The requirements are as follows:

1. A multinational executive or manager is eligible for EB-1 classification if he or she has been employed outside of the U.S. in a managerial or executive capacity for at least one of the three years immediately preceding the filling of the petition (or, if the foreign national is currently in the United States, for at least one of the three years before entry to the United States).
2. The petitioner for the employment-based immigrant visa must be a U.S. employer that is an affiliate, subsidiary, parent or same employer as the employer that employed the foreign worker abroad in a managerial or executive capacity.
3. The beneficiary must be coming to the United States to work in a managerial or executive capacity.

"Executive capacity" must include the following types of responsibilities:

- directs the management of the organization or a major component or function of the organization;
- establishes the goals and policies of the organization, component, or function;
- exercises wide latitude in discretionary decision making; and
- receives only general supervision or direction from high level executives, the board of directors, or stockholders of the organization.

"Managerial capacity" must include the following types of responsibilities:

- manages the organization or a department, subdivision, function or component of the organization;
- supervises and controls the work of other supervisory, professional or managerial

employees or manages an essential function within the organization, or a department of subdivision of the organization;

- if other employees are directly supervised, has the authority to hire and fire or recommend those as well as other personnel actions (such as promotion and leave authorization) or, if no other employee is directly supervised, functions at a senior level within the organizational hierarchy or with respect to the function managed; and

- exercises discretion over the day-to-day operations of the activity or function for which the employee has authority.

(Note: this handout is intended to provide a high level overview of EB-1 options. It does not provide an exhaustive review of the process nor does it include all information that may be relevant to a particular employee. For additional information, please contact our office or another attorney specializing in immigration matters).