



U.S. Mission to India  
Business Executive Program  
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Dear BEP Members:

The U.S. Mission to India is currently reviewing our policies and procedures with respect to Blanket L1 visas. We have received updated guidance from Washington (key points highlighted below) and are looking into new ideas on how to provide the best in customer service, including whether we should centralize all Blanket L1 adjudication at one post.

We held a meeting yesterday with a number of firms with large numbers of Blanket L1 visa applicants and are offering an opportunity to give feedback on both the guidelines and new processes. If you wish to provide feedback, please note that NASSCOM has kindly offered to coordinate all suggestions on this topic and that there is a two week deadline. Please send in your suggestions to [Ameet@nasscom.in](mailto:Ameet@nasscom.in).

Please be assured that we seek open channels of communication and aim to provide professional and efficient service across India.

Key points for review:

The proprietary nature of the knowledge - While it is not strictly required that specialized knowledge involve knowledge of procedures or techniques proprietary to the petitioning company, the possession of significant proprietary knowledge can in itself meet the specialized knowledge requirement. This is expressly stated in Section 214(c)(2) of the Immigration and Nationality Act (INA), which makes reference to "special knowledge of the company product and its application in international markets" or "advanced level of knowledge of processes and procedures of the company."

If everyone is specialized, then no one is – The legislative history indicates that the specialized knowledge requirement was intended for "key" personnel. While it could be true in a small company that all experienced employees are "key," for a larger company there should be a distinction between "key" and normal personnel. This could be made based on length of experience, level of knowledge, or level of responsibility - e.g., the person has been made responsible for more complicated and/or sensitive projects. If a company is claiming that all the employees working on technical issues should be considered to have specialized knowledge, the company is probably employing too low a standard. A large company can have a large number of key employees who would meet the specialized knowledge criteria, but there should be a distinction between those employees and ordinary skilled workers.

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The concept of "more than ordinary" - The use in the INA of the terms "special" and "advanced" implies that the employee has more skills or knowledge than the ordinary employee. This does not require an "extraordinary" level of skills, merely more than that of the ordinary employee in the company or the field. This could involve knowledge of special company projects or greater than normal experience and/or knowledge of software techniques.

The issue of control by the sending employer - A beneficiary who will be employed in the United States directly by a foreign company and who will not be controlled in any way by (and thus, in fact, not have any employment relationship to) the foreign company's office in the United States does not qualify as an intra-company transferee. An off-site employee working in the IT section of an unaffiliated company who is not under the direct supervision of the petitioner or working on a proprietary project involving knowledge and skills specific to the petitioner would probably not qualify for L status based on job shop concerns.

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