

Case Study: Finding the Best U.S. Immigration Option

By [Nisha V. Fontaine \(Jagtiani\)](#)

January 2, 2019 | **IMMIGRATION**

For some clients, there are multiple options on how to obtain status to work and/or live in the U.S. Deciding on which of their options is the best option involves a careful, close look at various factors. We work through these factors strategically to make a recommendation that both meets the client's short and long-term needs, and is in line with his or her priorities.

As an example, we recently met with a Canadian individual who had been maintaining L-1A status for approximately 25 years, and was now seeking our counsel in renewing his L-1A status.

As background, the L-1A does have a maximum time limit of seven (7) years. However, an individual can obtain an L-1A past the seven year mark if they can demonstrate that they qualify for "commuter" L-1 status—that is, that they have spent less than six months out of the year in the U.S. The "commuter" L-1 can be approved for two (2) years at a time.

When reviewing the client's background, discussing his Canadian and U.S. businesses, and his short-term and long-term goals regarding the U.S., we advised him that we would actually recommend not renewing the L-1, even though he continued to qualify. Rather, we recommended that he, through his Canadian company, obtain an E-1 (treaty trader) visa through the U.S. Consulate in Toronto, Canada.

He continued to qualify for the L-1A, and would likely qualify for an E-2 (treaty investor) visa as well, but in reviewing the details of his case, the E-1 seemed to be the best option for him. One of the key benefits of the E-1 visa is a potential five year approval vs. a two year L-1A "commuter" approval. Over a five year period, this would save him both legal fees and government filing fees; his L-1 government filing fees alone would have been US\$460/application every two years, vs. E-1 government filing fees of US\$250/application every five years).

The client followed our recommended strategy and was approved for an E-1 visa for a five year period through the U.S. Consulate in Toronto. He can now put his U.S. immigration concerns aside for a this time period and focus on running his Canadian business, without needing to devote financial and other resources towards his U.S. immigration matters in the interim.

When reviewing cases, we advise clients on all options and provide the pros and cons of each—including cost, timing, convenience, adjudication trends, etc. to find the best fit for the client, regardless of whether a previously-employed strategy has worked.

Disclaimer: *The information in this post is provided for general informational purposes only, and may not reflect the current law in your jurisdiction. No information contained in this post should be construed as legal advice from our firm or the individual author, nor is it intended to be a substitute for legal counsel on any subject matter. No reader of this post should act or refrain from acting on the basis of any information included in, or accessible through, this post without seeking the appropriate legal or other professional advice on the particular facts and circumstances at issue from a lawyer licensed in the recipient's state, country or other appropriate licensing jurisdiction.*