



U.S. Customs and Border Protection

CBP Standards for Accepting and Adjudicating I-129 Petitions for L-1 Intracompany Transferee Petitions for Canadian Citizens under the North American Free Trade Agreement (NAFTA)

January 3, 2012

1. The burden of proof for establishing eligibility rests with both the petitioner who is filing the petition; and the beneficiary, who is applying for admission.
2. CBP will review an I-129 petition submitted for an L-1 applicant to ensure the application is complete.
 - a. Two copies of the I-129 with original signatures on each copy.
 - b. Supporting documentation is included with the I-129 petition to establish the petitioner and beneficiary are demonstrating that the petitioner and beneficiary meet the requirements for the L-1 class of admission are:
 - i. Qualifying entity:
 - The applicant is coming to work for an entity in the U.S. that is the parent, branch, affiliate, or subsidiary of the entity in the foreign country.
 - ii. Qualifying capacity:
 - Executive or Managerial.
 - Specialized Knowledge.
 - iii. Qualifying past employment:
 - An alien who within the preceding three years has been employed abroad for one continuous year.
 - iv. Qualifying citizenship – the applicant is a citizen of Canada.
3. CBP will review the I-129 petition in accordance with 8 CFR 214.2(l)(17)(iv):
 - a. If a petition or certificate of eligibility submitted concurrently with an application for admission is lacking necessary supporting documentation or is otherwise deficient, the inspecting CBP officer shall return the I-129 petition to the applicant for admission in order to obtain the necessary documentation from the petitioner or for the deficiency to be overcome.
 - b. The fee to file the petition will be remitted at such time as the documentary or other deficiency is overcome.
 - c. If the petition or certificate of eligibility is clearly deniable, the CBP officer will accept the petition (with fee) and the petitioner shall be notified of the denial, the reasons for denial, and the right of appeal.
 - d. If a formal denial order cannot be issued by the port of entry, the petition with a recommendation for denial shall be forwarded to the appropriate U.S. Citizenship and Immigration Services (USCIS) Service Center for final action.

4. To ensure prompt processing by USCIS, including creating a Form I-797, Notice of Action confirming the adjudication result (e.g. approval of the L-1 classification and the dates of validity); sending the Form I-797 to the petitioner; and entry by USCIS into the Department of State's Petition Information Management System (PIMS) to facilitate the issuance of L-2 (dependent of L-1) nonimmigrant visas for non-citizens of Canada, the completed I-129 petition package must be mailed by CBP to the USCIS Service Center after the petition has been adjudicated by CBP.
 - a. CBP will permit petitioners to prepare and CBP will accept a prepaid Express Mail Flat Rate Envelope submitted with the L-1 petition and an application for admission.
 - b. The prepaid mailer must to be addressed to either the USCIS California Service Center or the USCIS Vermont Service Center, depending on the location where the beneficiary will work.
 - c. The addresses (current as of August 2011) are listed on the below and updated information is available at www.uscis.gov. I-129 petition packages that are incorrectly addressed or without proper postage will not be accepted.

If	And	Mail Form I-129 to
You are the petitioning employer	The beneficiary will work temporarily in: AK, AZ, CA, CO, GU, HI, ID, IL, IN, IA, KS, MI, MN, MO, MP, MT, NE, NV, ND, OH, OR, SD, UT, WA, WI, or WY	Courier Address for All I-129s: USCIS California Service Center ATTN: I-129 L 24000 Avila Road 2nd Floor, Room 2312 Laguna Niguel, CA 92677 (Please note the type of I-129 in the attention line)
	The beneficiary will work temporarily in: AL, AR, CT, DE, DC, FL, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NM, NY, NC, OK, PA, PR, RI, SC, TN, TX, VT, VA, VI, or WV	USCIS Vermont Service Center ATTN: I-129 75 Lower Welden Street St. Albans, VT 05479-0001

For more information, you may also visit the USCIS.gov or State.gov websites.