

EB1C Visa Guide: Everything You Need to Know About the EB1C Visa

The EB1C visa is a great option for managers and executives to transfer from a foreign company to a related U.S. company. The related U.S. company must have been actively doing business for at least one year. With an EB1C visa, a foreign worker can get a green card for themselves, their spouse, and their unmarried children under 21 years old.

In this guide, I'm going to discuss what you need to know about the EB1C visa.

Overview:

- 1. What is the EB1C Visa?**
- 2. What are the Benefits of an EB1C Visa?**
- 3. What are the EB1C Visa Requirements?**
- 4. What Documents are Needed to Apply for an EB1C Visa?**
- 5. What is the Process of Applying for an EB1C Visa?**
- 6. Conclusion**

1. What is the EB1C Visa?

The EB1C visa is an immigrant visa classification for multinational managers and executives. The EB1C visa allows a foreign company to transfer a manager or executive to a related US company. The US company does not

need to get an approved Labor Certification to hire the foreign worker. Instead, the US company can simply hire the foreign worker through a job offer.

The US company must have been doing business for at least 1 year at the time the application for the EB1C visa is filed. Also, it is critical that the foreign worker's job duties for the US company will be primarily managerial or executive in nature (I'll discuss what this means down below).

The EB1C visa is very similar to the L1A visa, as both classifications require that the foreign worker come to the United States to work as a manager or executive. The definitions for manager and executive are essentially the same for the EB1C visa as they are for the L1A visa. However, the EB1C is evaluated more strictly. To get an EB1C visa, the US employer must file the EB1C petition on behalf of the foreign worker. The EB1C visa is not eligible for self-petition. The US employer is the petitioner and the foreign worker is the beneficiary.

The EB1C visa is an immigrant classification, so it qualifies the foreign worker, their spouse, and their children under 21 years old for a US green card.

Summary:

- The EB1C visa is an immigrant visa which allows a foreign company to transfer manager or executive to a related US company.
- The foreign worker must work primarily in a managerial or executive capacity for the US company.
- A successful EB1C visa beneficiary can get a green card for themselves, their spouse, and their children under 21 years old.

EB1C vs. EB-1: What's the Difference?

What is the difference between EB1C and EB-1? The EB-1 category includes three subcategories: EB1A (extraordinary ability in sciences, arts, business, or education), EB1B (outstanding professors or researchers), and EB1C (multinational managers and executives). The EB1C is specifically designed for international managers or executives transferring to the U.S., whereas EB1A and EB1B focus on individual achievements and do not require a company relationship.

2. What are the Benefits of an EB1C Visa?

i. No Labor Certification Required

Many employment-based visa classifications require a US employer to first get an approved Labor Certification. A Labor Certification demonstrates that the US company attempted to obtain a qualified US worker and was unable to do so.

The Labor Certification process can be time consuming and tedious.

The EB1C visa does not require an approved Labor Certification. Instead, the U.S. company can forgo the Labor Certification process and directly hire a foreign worker through a job offer. This exemption bypasses the complex process of proving the unavailability of U.S. workers, making the EB1C a faster option for qualifying employers.

ii. The EB1C Visa is an Immigrant Visa Classification

The EB1C visa is an immigrant visa classification. Successful beneficiaries can obtain a US green card (lawful permanent residency) for themselves, their spouse, and unmarried children under 21 years old.

With a green card, you have the ability to travel in and out of the USA.

You have work authorization to work in any lawful capacity in the USA.

You have access to US schooling for yourself and your family.

3. What are the EB1C Visa Requirements?

Who is eligible for EB1C? To be eligible for an EB1C visa, the applicant must have worked for a qualifying foreign company in a managerial or executive role for at least 1 year in the last 3 years and be offered a similar position at a related U.S. company.

In order to get an EB1C Visa, there are 5 main requirements:

- There must be a qualifying relationship between the foreign company and the US company.
- The visa beneficiary must have worked for the foreign employer for at least 1 continuous year during the preceding 3 years prior to filing the EB1C visa petition.
- The visa beneficiary must have worked for the foreign company in a managerial or executive capacity.
- The visa beneficiary must have a full-time job offer to work for the US company in a managerial or executive capacity.
- The US company must have been doing business for at least 1 year prior to filing the EB1C petition.

i. There must be a qualifying relationship between the foreign company and the US company.

The EB1C visa allows a foreign company to transfer a worker to a related United States company. There must be some type of qualifying relationship between the foreign company and the US company.

There are 3 types of relationships that are considered qualifying relationships:

- Parent/Subsidiary
- Branch Office
- Affiliate

Parent/Subsidiary

There are 3 types of Parent/Subsidiary relationships:

- One of the companies owns more than half of the other company and controls the company.
- One of the companies owns 50% of a 50-50 joint venture and has equal control and veto power of the joint venture.
- One of the companies owns less than half of the other company but has control over the company.

Branch Office

A branch office is the same company as the foreign company but operating in a different location

To qualify for an EB1C visa, the branch office must be a US corporation and cannot be a foreign entity. This is different from the definition of branch office for an L1 visa, which requires the US office to be a foreign corporation operating in the US.

Affiliate

Companies are affiliates of each other if:

- They are subsidiary companies that are owned and controlled by the same parent company or individual
- **OR** if they are owned and controlled by the same group of people, who each own and control the same proportion of each company. This typically involves shared ownership by a common parent entity or a group with proportional control over both companies.

Certain international accounting companies are also considered affiliates.

Final Notes of Qualifying Relationships

The qualifying relationship must be in existence at the time the EB1C visa petition is filed. The relationship should ideally continue to exist until the beneficiary gets their EB1C visa.

The US company (petitioner) cannot be a sole proprietorship.

The petitioner cannot be a foreign company.

ii. The EB1C visa beneficiary must have worked for the foreign employer for at least 1 continuous year during the preceding 3 years prior to filing the EB1C visa petition.

To qualify for an EB1C visa, the beneficiary must have worked for the foreign company full-time for 1 continuous year, prior to filing the EB1C petition.

What is the 3-year rule for EB1C? The 3-year rule refers to the requirement that the foreign worker must have worked for the qualifying foreign company for at least 1 continuous year within the 3 years preceding the EB1C petition

or their transfer to the U.S. company.

If the beneficiary is currently working for the US company that is filing the immigrant petition on their behalf, then they must have worked for the foreign company for 1 year within the preceding 3 years prior to beginning their work for the US company.

If the beneficiary is not already working for the US company that is filing the immigrant petition on their behalf, then they must have worked for the foreign company for 1 year within the 3 years preceding the date the EB1C petition is filed.

iii. The EB1C visa beneficiary must have worked for the foreign company in a managerial or executive capacity.

In order to qualify for an EB1C visa, the beneficiary must have worked for the foreign company in a managerial or executive capacity.

General Notes on Managerial and Executive Capacity:

One of the most important requirements to get an EB1C visa has to do with the type of work you did for your foreign employer the type of work you will do for the US petitioner.

The employment for the foreign company and the employment for the US company must be primarily in a managerial or executive capacity.

The focus of USCIS is whether the beneficiary is engaged in day-to-day non-managerial activities of the business or whether they are managing those activities.

The more it appears that the beneficiary is engaged in the day-to-day operations of the business, the less likely it is that USCIS will find that the

beneficiary was primarily engaged in managerial or executive duties.

USCIS often denies EB1C cases because the role of the prospective EB1C visa beneficiary is limited to just managing employees. This role is often referred to as a first-line supervisor and does not qualify for EB1C unless the employees that the beneficiary manages are professionals. Professional employees are employees that require at least a bachelors degree to perform their job.

The smaller that a company is, the more likely it is that USCIS will find that the beneficiary handles the day-to-day operations of the business and that the beneficiaries responsibilities are not primarily managerial or executive in nature.

Managerial Capacity

There are 2 types of managers that qualify for an EB1C visa:

- Personnel Managers
- Function Managers

Personnel Managers

For personnel managers, managerial capacity means that the EB1C beneficiary primarily:

- Manages and controls the work of other supervisory, professional, or managerial employees
- Supervises and controls the work of other supervisory, professional, or managerial employees

- Possesses the authority to hire and fire or recommend those types of personnel actions for the employees they directly supervise
- AND exercises discretion over the day-to-day operations of the activity or function that they have authority over. [[8 CFR Section 204.5](#)]

Function Managers

For function managers, managerial capacity means that the EB1C beneficiary primarily:

- Manages the organization, or a department, subdivision, function, or component of the organization
- Manages an essential function within the organization, or a department or subdivision of the organization
- Functions at a senior level within the organizational hierarchy or with respect to the function managed
- AND exercised discretion over the day-to-day operations of the activity or function that they have authority over. [[8 CFR Section 204.5](#)]

Executive Capacity

Executive capacity means that the beneficiary primarily:

- Directs that 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 decision-making
- AND receives only general supervision or direction. [[8 CFR Section 204.5](#)] Executives typically have a higher level of decision-making authority than managers, often setting strategic goals for the organization.

iv. The EB1C visa beneficiary must have a full-time job offer to work for the US company in a managerial or executive capacity.

To qualify for an EB1C visa, the beneficiary must be coming to the USA to work for the US company in a managerial or executive capacity.

The US company must give the beneficiary a job offer. The US company will file the immigrant petition for the benefit of the foreign worker. The US company is the petitioner and the foreign worker is the beneficiary.

The U.S. employer must have the financial ability to pay the EB1C beneficiary a competitive salary appropriate for a managerial or executive role. While there's no fixed minimum salary like H-1B's prevailing wage, the salary helps prove the legitimacy of the position to USCIS.

The general notes on managerial and executive capacity, stated above, as well as the definitions for managerial and executive capacity apply to this section as well.

v. The US company must have been doing business for at least 1 year prior to filing the EB1C petition.

In order to qualify for an EB1C visa, the US company that the beneficiary will work for must have been doing business for at least 1 year at the time the EB1C petition is filed.

Doing business means the “regular, systematic, and continuous provision of goods and/or services.” [[8 CFR Section 204.5](#)]

It is not enough that there is a US office in existence. It must be actively conducting business for at least 1 year to qualify for EB1C.

4. What Documents are Needed to Apply for an EB1C Visa?

The documents that are submitted with an EB1C petition are extremely important to getting your case approved. The specific documents you will need to provide depend on your particular case. I highly recommend that you discuss the specifics of your case with a qualified immigration lawyer. If you have any questions about which documents to include in your EB1C petition, email me at Info@immigrationlawfirmlltd.com.

With that disclaimer, here is a general list of some of the documents you should include with your EB1C visa petition:

- Signed statements from authorized representatives of the US company and foreign company explaining the qualifying relationship between the foreign company and the US company. These statements should detail the ownership structure and control mechanisms.

- Tax returns for both the US company and the foreign company.
- Records of stock ownership for both the US company and the foreign company.
- Articles of incorporation for both the US company and the foreign company.
- By-laws for both the US company and the foreign company.
- To prove that the business has been operating for 1 year you should submit the US company's business license, lease agreement for business office, state and federal tax returns, W-2's for employees, business pamphlets and other promotional material.
- Detailed organizational charts for both the US company and the foreign company.
- Signed statements from authorized representatives of the US company and foreign company clearly explaining the foreign workers job description and daily duties with percentages of time spent on each task. These statements must specify tasks, responsibilities, and time allocations to demonstrate managerial or executive duties.

5. How to Obtain an EB1C Visa: Step-by-Step Process

i. Step 1: Hire an Immigration Lawyer

The first step in applying for an EB1C visa is to hire a qualified immigration lawyer. Your immigration lawyer will analyze the specific details of your case and provide you with a plan for how to proceed.

Your immigration lawyer will also provide you with a detailed list of documents needed to file your EB1C petition. Your job will be to collect these documents and provide them to your immigration lawyer so that they can prepare and submit your immigrant petition.

ii.Step 2: File Form I-140

The Form I-140 is also called the Immigrant Petition for Alien Worker. This is the initial form that your [immigration lawyer](#) will file on your behalf. The US company is listed as the Petitioner and the foreign worker is listed as the beneficiary.

Your immigration lawyer will also submit all supporting documents, including organization charts, tax records, signed statements, etc. along with the Form I-140.

iii. Step 3: Adjustment of Status or Visa Processing

The next step will depend on the EB1C visa beneficiary's particular circumstances. There are 2 separate options for how to proceed:

Adjustment of Status

The adjustment of status is the process of going from non-immigrant status to immigrant status.

An adjustment of status is an option available to certain non-immigrants who are lawfully present in the United States in a non-immigrant status. For example, if you lawfully present in the United States in L1 status, then you may be eligible for an adjustment of status.

In order to do an adjustment of status, your immigration lawyer will file a Form I-485. The Form I-485 is also called the Application to Register Permanent

Residence or Adjust Status.

In certain cases, you may be able to file your adjustment of status application concurrently with your Form I-140. You are typically granted work authorization within 90 days of filing your adjustment of status application.

Visa Processing

If you are not lawfully present in the USA, then you will likely go through visa processing. Visa processing, also referred to as consular processing, is the process of getting a visa at a US Consulate abroad.

In order to do visa processing, you will file a Form DS-260 (Immigrant Visa Application) with the appropriate US consulate. Once your DS-260 is processed, you will schedule and attend a visa interview. Upon successful completion of your visa interview, you should get an EB1C visa.

EB1C Approval Rate: According to USCIS data for FY 2023, EB1C approval rates are approximately 80% for properly documented cases. Strong evidence of executive or managerial duties is key to approval. Rates may vary based on case complexity and evidence quality.

EB1C Wait Time in India: Because of high demand, Indian nationals may face EB1C wait times of 2–4 years due to visa backlogs. You can check current priority dates on the [State Department's Visa Bulletin](#). Wait times fluctuate based on priority date movement.

Processing Time Estimate: Standard I-140 processing takes 6–12 months, with premium processing available for a 15-day response (\$2,805 fee). Adjustment of status (I-485) takes 8–12 months, while consular processing (DS-260) takes 6–9 months.

6. Conclusion

The EB1C visa is a powerful option for foreign businesses to transfer a manager or executive to a related US company. With an EB1C visa, the foreign worker can qualify for a US green card to live and work in the United States.

In order to get an EB1C visa approved, it is extremely important to make sure that you satisfy all of the EB1C visa requirements. The EB1C classification is processed more strictly than the L1A visa, as its immigrant status grants permanent residency, unlike the temporary L1A.

How hard is it to get an EB1C visa? While the EB1C visa offers many advantages, including no labor certification requirement, it is reviewed under a strict standard by USCIS. The biggest challenge is proving the managerial or executive nature of the role-especially in small companies.

If you need help applying for an EB1C visa, or if you have any questions about this guide, please email us Info@immigrationlawfirmlltd.com. Engaging experienced legal counsel is crucial to navigate the complex EB1C petition requirements and maximize your chances of approval.

FAQs Recap:

- **Who is eligible for EB1C?**
Managers or executives with at least 1 year of experience at a foreign company that has a qualifying U.S. affiliate or subsidiary. The foreign company must be actively doing business with the U.S. entity.
- **What is the 3-year rule for EB1C?**
You must have worked in a managerial or executive role for at least 1 continuous year within the 3 years immediately preceding the petition. "Continuous" means without significant gaps in employment.
- **What is the difference between EB1C and EB-1?**
EB1C is specifically for multinational managers and executives, while EB1A focuses on individuals with extraordinary ability and EB1B is for outstanding professors or researchers. EB1A and EB1B emphasize individual achievements, whereas EB1C is more focused on company-based roles.
- **How hard is it to get an EB1C visa?**
The process can be challenging because USCIS conducts a strict review, requiring strong proof of managerial or executive duties. Well-documented cases with clear evidence of the applicant's role have a better chance of approval.
- **How to obtain an EB1C visa?**
First, file Form I-140 (Immigrant Petition for Alien Worker). Afterward, if you're in the U.S., file Form I-485 (Adjustment of Status). If you're

outside the U.S., you'll need to complete the DS-260 for consular processing.

- **What is the EB1C approval rate?**

The approval rate for well-documented cases is approximately 80%, though it may vary depending on individual circumstances and the quality of evidence submitted.

- **What is the EB1C wait time in India?**

The wait time for EB1C applicants in India typically ranges from 2 to 4 years due to visa bulletin backlogs, but this can change depending on priority dates.

- **Is there a salary requirement for EB1C?**

While there is no specific salary "requirement," the salary must be competitive and reflect the responsibilities of the managerial or executive role. USCIS expects the salary to be consistent with the position's significance to avoid questions about the legitimacy of the role.