

GMS Flash Alert



Immigration Edition

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United States - Joint Agency Pilot for Canadian Citizens Seeking L-1 Non-Immigrant Status

On March 26, 2018, U.S. Citizenship and Immigration Services (USCIS) and U.S. Customs and Border Protection (CBP) announced details of a joint agency pilot for Canadian citizens seeking L-1 non-immigrant status. Effective April 30, 2018, Canadian citizens seeking L-1 non-immigrant status through the Peace Arch Point of Entry or through the Pacific Highway Truck Crossing, will be required to first submit a Form I-129 and supporting evidence to the USCIS California Service Center, before seeking admission into the U.S. through these two border crossings. The pilot project aims to enhance the consistency of L-1 adjudications.

WHY THIS MATTERS

Currently, Canadian citizens seeking L-1 non-immigrant status through the Peace Arch Point of Entry, located in Blaine, Washington, and the Pacific Highway Truck Crossing, may apply directly at either port of entry for immediate adjudication on their date of intended travel to the U.S. for work (or up to ten days prior). Effective April 30, 2018, Canadian citizens seeking L-1 non-immigrant status will be required to first submit a Form I-129 and supporting evidence to the USCIS California Service Center before seeking admission into the U.S. through these two border crossings.

Canadian citizens applying for L-1 non-immigrant status under a corporate blanket are also included in, and subject to, the pilot project. USCIS has indicated that a receipt notice will be immediately issued once an L-1 petition is received, and that L-1 petitions will be adjudicated within two to three days. If approved, a Form I-797 Approval Notice will follow in the mail. The beneficiary may then carry the I-797 Approval Notice and seek L-1 admission into the United States through either the Peace Arch Point in Blaine or the Pacific Highway Truck Crossing.

Alternatively, the beneficiary of an L-1 petition submitted to the California Service Center under the pilot project may seek admission into the United States through the Peace Arch Point in Blaine, Washington, carrying only the Form I-797 Receipt Notice. In this circumstance, the L-1 petition will be adjudicated immediately. However, CBP has warned that the beneficiary may be refused entry if USCIS determines that a request for evidence (RFE) is required.

The pilot project is initially expected to continue for six months, and is expected to expand to include other surrounding ports of entry on the Canadian and U.S. border. A further announcement is expected in April 2018.

L-1 Work Authorization

Under the pilot project, employers seeking L-1 work authorization should expect a lengthier adjudication process for Canadian citizens seeking to travel through Blaine, Washington, since petitions must first be filed with the California Service Center. Once petitions are received for processing, the adjudication process is expected to take several days, with USCIS indicating that requests for additional evidence may be issued.

KPMG NOTE

Context

Employers should be alert to future developments with this new government process and consult with immigration counsel to plan accordingly.

Future Developments

KPMG Law LLP will continue to provide updates regarding the impact this new policy as they become available.

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Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or one of the following professionals with the KPMG International member firm in Canada:



Morwenna K. Claire
Associate Attorney, U.S. Immigration

KPMG Law LLP – Tax + Immigration, Canada

Tel. +1-416-943-7847

morwennaclaire@kpmg.ca

Charles Gillman
Senior Manager/Senior Attorney,
U.S. Immigration

KPMG Law LLP – Tax + Immigration, Canada

Tel. +1-416-943-7882

cgillman@kpmg.ca

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