

# Guideline on U.S. Business Trips and Assignments

**HL** Mando



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## I. Overview of the Guideline

### 1. Purpose

The purpose of this guideline is to provide officers and employees (officers and employees working outside the U.S., such as in Korea and China; treated as the same hereinafter) of HL Mando Co., Ltd. (the “**Company**”) with information they should understand and comply with when they visit the U.S. for business trips or assignments related to the Company’s business (the “**Business Trip**”). The guideline aims to i) provide the officers and employees with information concerning the legal immigration status and related visa requirements necessary for their stay in the United States, ii) make them follow the relevant procedures in accordance with the Company’s internal rules, iii) help them comply with U.S. immigration, tax and other applicable regulations, iii) establish management standards to prevent or respond to legal risks such as violations of immigration status in the United States.

### 2. Applicable Immigration Statuses and Visas

- 1) **L-1 Visa:** Where HL Mando Global officers and employees are assigned as managers (L-1A) or specialized knowledge employees (L-1B) to a U.S. subsidiary of HL Mando.
- 2) **B Visa and ESTA:** Where HL Mando Global employees visit a U.S. subsidiary of HL Mando for a short-term Business Trip, such as a short-term assignment for business meetings, technical support, supervision or training.<sup>1</sup>
- 3) **E-1 /E-2 Visa:** Where HL Mando Global engages in substantial trade with, or makes a substantial investment in, a U.S. subsidiary of HL Mando and assigns HL Mando Global’s management, managerial staff, or technical specialists to the U.S. subsidiary of HL Mando. For the E-1 visa, it is necessary to demonstrate that the Company is engaged in substantial trade with the U.S. entity, and therefore it is more difficult to obtain than the E-2 visa. In most cases, it is more advantageous to apply for an E-2 visa for assignments.

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<sup>1</sup> The B visa may be used for two purposes: B-1 for business and B-2 for tourism. However, the B-2 category for tourism is not within the scope of this guideline.

## II. Overview and Requirements by Visa Type

### 1. Overview of U.S. Non-Immigrant Visas

The following are the types of non-immigrant visas (including ESTA, which allows visa-free travel with prior authorization) that a foreign national may consider when visiting the United States.

Visa Type	Key Characteristics	Relevance to Business Trips
<b>H Visa (Specialty Worker, etc.)</b>	<p><b>[H-1B] Specialty Occupation Workers</b></p> <ul style="list-style-type: none"> <li>Requires a four-year bachelor's degree related to the position or equivalent related experience.</li> <li>May apply for permanent residency after employment.</li> <li>Requires a sponsoring employer.</li> <li>Visa issuance process is relatively complex.</li> </ul> <p><b>[H-2B] Temporary Non-Agricultural Workers</b></p> <ul style="list-style-type: none"> <li>Employer must demonstrate that there are no U.S. workers available for the position.</li> </ul>	X
<b>L Visa (Assignee)</b>	<p><b>[L-1A] An officer or manager of the Korean entity is assigned to work at a U.S. subsidiary, branch, or affiliate.</b></p> <ul style="list-style-type: none"> <li>Primarily for executives and managers.</li> <li>Requires at least one year of work experience at the Korean entity or other overseas entity within the three years preceding the application.</li> </ul> <p><b>[L-1B] An employee of the Korean entity who possesses specialized knowledge is assigned to the U.S. entity</b></p> <ul style="list-style-type: none"> <li>Primarily for staff with advanced expertise related to technology, processes, or products.</li> <li>Requires at least one year of employment at the Korean entity or other related entity within the three years preceding the application.</li> </ul> <p><b>[L-2 Visa] Granted to the spouse and unmarried children under 21 of L-1A or L-1B holders</b></p>	O
<b>O Visa (Individuals with Extraordinary Ability)</b>	<p><b>[O-1A]</b> Experts who can demonstrate extraordinary ability in science, education, business, or athletics</p> <p><b>[O-1B]</b> Renowned artists and entertainers in the arts, film, or television industries</p> <ul style="list-style-type: none"> <li>Both visas require achievements such as awards, press coverage, or contributions exceeding industry norms.</li> </ul>	X

<b>P Visa (International Performers and Athletes)</b>	<b>[P-1A]</b> Internationally recognized athletes <b>[P-1B]</b> Entertainers recognized globally <b>[P-2/3]</b> Participants in reciprocal exchange programs or performers of traditional cultural arts	X
<b>E Visa (Trader / Investor)</b>	<b>[E-1] Treaty Trader Employees</b> <ul style="list-style-type: none"> <li>The company must be based in a treaty country and must conduct substantial trade with the United States, with at least 50% of its total trade volume being U.S. trade.</li> <li>Primarily for executives and professional staff.</li> <li>Procedure is generally simpler than for the L-1 visa.</li> </ul> <b>[E-2] Treaty Investor Employees</b> <ul style="list-style-type: none"> <li>Where a Korean entity makes a substantial investment in the United States and operates a bona fide enterprise.</li> <li>It must be demonstrated that the assignee is in a managerial position or is an essential employee with necessary specialized skills.</li> <li>Procedure is generally simpler than for the L-1 visa.</li> </ul>	O
<b>I Visa (Media Representatives)</b>	<ul style="list-style-type: none"> <li>For foreign journalists, broadcasters, documentary producers and other media representatives engaging in official news-gathering or reporting activities in the United States.</li> </ul>	X
<b>R/Q Visa (Religious Workers / Cultural Exchange)</b>	<b>[R-1]</b> Clergy and religious workers belonging to a non-profit religious organization <b>[Q-1] Foreign nationals participating in cultural exchange programs in the U.S.</b>	X
<b>B Visa</b>	<b>[B-1] Short-term business visitors for a limited and temporary visit</b> <ul style="list-style-type: none"> <li>Primarily for business conferences, contract negotiations, and other business-related visits.</li> <li>Stay is generally limited to 90 days, but may be extended once.</li> </ul> <b>[B-2] Short-term visitors for tourism for a limited and temporary visit</b> <ul style="list-style-type: none"> <li>Primarily for tourism, visiting acquaintances or relatives, and medical treatment.</li> <li>Stay is generally limited to 90 days, but extensions are possible.</li> </ul>	O
<b>Ohters - ESTA</b>	<ul style="list-style-type: none"> <li>Short-term visits for business or tourism purposes.</li> <li>Electronic pre-travel authorization system that waives the visa requirement.</li> <li>Maximum stay of 90 days.</li> <li>Although the ESTA (Visa Waiver Program) is not formally a “visa,” the immigration status granted upon entry is deemed to be either B-1 (business) or B-2 (tourism).</li> </ul>	O

※ Please refer to below for detailed descriptions and characteristics of the **L-1, B-1 and E-1 visas**, which are expected to be most commonly applicable to HL Mando Global employees going on business trips or assignments.

## 2. L-1 Visa (Intra-Company Transferee, Assignment Visa)

### (1) Requirements

#### 1) Corporate Relationship Requirement

- It is mandatory that the Korean entity (headquarters) has a parent company, subsidiary, or affiliate in the U.S.
- Where the Korean entity directly or indirectly owns 50% or more of the voting shares of the U.S. entity, or even less than 50% but in fact exercises control over it, the U.S. entity is deemed a “subsidiary” of the Korean entity.

#### **8 C.F.R. § 214.2(l)(1)(ii)(K)**

Subsidiary means a firm, corporation, or other legal entity of which a parent owns, directly or indirectly, more than half of the entity and controls the entity; or owns, directly or indirectly, half of the entity and controls the entity; or owns, directly or indirectly, 50 percent of a 50-50 joint venture and has equal control and veto power over the entity; or owns, directly or indirectly, less than half of the entity, but in fact controls the entity.

- The following types of documents may be required to prove such relationship:
  - ✓ Equity structure chart between the Korean entity and the U.S. entity.
  - ✓ Corporate registry, business registration certificate, tax payment certificates, etc.
  - ✓ Minutes of shareholders’ meetings and board meetings showing the control relationship between the Korean entity and the U.S. entity
  - ✓ Business registration certificate and corporate tax filings of the U.S. entity that is actually in operation
- The U.S. entity must be operating as an actual business enterprise.
- When establishing a new entity in the United States, there must be an actual place of business, and documents such as a business plan and office lease agreement must be prepared to demonstrate the substance of the new entity.

#### 2) Job Requirement for the Assignee

- The assignee who will obtain an L-1 visa must fall under one of the following categories:

Type	Notes
L-1A	An executive or manager of the headquarters who has the authority to make corporate decisions and/or manage employees (mere site managers or middle managers may be rejected for a visa).
L-1B	An employee who possesses specialized knowledge related to the company’s proprietary products, services, or processes (must possess specialized knowledge of products, services, equipment, etc. beyond general business knowledge).

### 3) Work Experience Requirement

- The individual to be assigned as an assignee must have been continuously employed for at least one year within the three years immediately preceding the application date by a parent, branch, affiliate or subsidiary of the same corporate group outside the United States, such as a Korean entity.

**8 C.F.R. § 214.2(l)(1)(ii)(A)**

Intracompany transferee means an alien who, within three years preceding the time of his or her application for admission into the United States, has been employed abroad continuously for one year by a firm or corporation or other legal entity or parent, branch, affiliate, or subsidiary thereof, and who seeks to enter the United States temporarily in order to render his or her services to a branch of the same employer or a parent, affiliate, or subsidiary thereof in a capacity that is managerial, executive, or involves specialized knowledge.

- Merely nominal or formal work experience is not recognized. It must be substantiated that the assignee has actually worked at the Korean headquarters (through payroll records, employment contracts, and social insurance contribution records, for example).

### (2) Visa Issuance Procedure

#### 1) Preparation of Petition (Form I-129S) and Submission of DS-160 Online Visa Application

- Submit the petition (Form I-129S) to the U.S. Embassy in Korea (or prepare Form I-129 for filing with USCIS in the United States).<sup>2</sup>
- Documentation is required to prove the relationship between the Korean entity and the U.S. entity (organization chart, equity structure chart, etc.), as well as evidence of the assignee's qualifications and job duties.
- For the U.S. Embassy in Seoul, the DS-160 online visa application must be completed and submitted at least 48 business hours prior to the interview (procedures and timelines may differ at other U.S. consular posts in different countries).

#### 2) Visa Issuance by the U.S. Embassy in Korea

- Submit the prepared Form I-129S at the time of the interview.
- The following documentation must be brought to the interview:
  - ✓ DS-160 online visa application

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<sup>2</sup> Note that the required forms differ depending on whether the application is filed in Korea or within the U.S. In the case of HL Mando, most applications will likely be filed at the U.S. Embassy in Korea.

- ✓ Assignee's passport, and documentation of family relationships if dependents will accompany the assignee
  - ✓ Certificate of employment, payroll records, etc.
  - ✓ Documentation showing the relationship between the Korean entity and the U.S. entity (organization chart, equity relationship chart, etc.), and evidence of the assignee's qualifications and job duties
- **If the visa is refused, the following should be prepared to demonstrate that the assignee has no intention to immigrate to the United States:**
- ✓ Evidence of stable employment in Korea (certificate of employment, income records, employment contract, etc.)
  - ✓ Evidence of family relationships
  - ✓ Evidence of ownership of real property or financial assets in Korea
  - ✓ Clarification of the purpose of the visit to the U.S.

### (3) Validity Period

- New Office (New Office L-1): **Initially valid for one year**, and may be extended upon proof of the business' substantive operations (office set-up, staffing status, revenue records, tax filings, etc.).
- L-1A: **Initially valid for three years and two extensions** for a period of two years permissible (**maximum total of seven years**).
- L-1B: **Initially valid for three years and one extension** for a period of two years permissible (**maximum total of five years**).

### (4) Important Notes

- The employment contract and assignment letter must specify that the legal employer of record is HL Mando Global (the Korean headquarters).
- If any salary or other compensation is paid locally in the United States, payroll reporting and tax withholding obligations must be reviewed in advance.
  - ✓ If the assignee receives salary, bonuses, housing allowances, or any other compensation from the U.S. entity, the employer may be required to comply with federal and state tax withholding, payroll tax reporting (Form W-2, Form 941, etc.), and payment of Social Security (FICA) and Medicare taxes.

### (5) Permitted Activities

- The assignee may perform duties at the worksite, location, and entity of assignment approved by USCIS. That is, activities within the scope of the job duties and functional responsibilities specified in the petition (Form I-129) and the approval notice (Form I-797) are permitted.



- ✓ This includes internal group projects, technical support, management and supervision, strategy development and other activities necessary for the purposes of the assignment.

Examples: applying headquarters policies at the local entity, technology transfer, training, supervision, quality control, and operational support.

- ✓ Internal reporting, meeting attendance, and participation in management decision-making among entities within the same corporate group that are consistent with the approved purpose of the visa are also permitted.

Examples: attending management meetings, reporting on performance and budgets, collaborating with headquarters and participating in corporate decision-making.

## (6) Prohibited Activities

- L-1 visa holders are prohibited from engaging in work or business activities that fall outside the approved job duties or scope of assignment.

### **9 FAM 402.12-10 (U)**

Under INA 214(c)(2)(F), an applicant who will serve in a capacity involving specialized knowledge and will be stationed primarily at the worksite of an employer other than the petitioning employer or its affiliate, subsidiary, or parent (i.e., the worksite of a third party, such as a client company) is not eligible for an L visa if: (1) The applicant will be controlled and supervised principally by such unaffiliated employer; or (2) The placement of the applicant at the worksite of the unaffiliated employer is essentially an arrangement to provide labor for hire for the unaffiliated employer, rather than a placement in connection with the provision of a product or service for which specialized knowledge specific to the petitioning employer is necessary.

- ✓ Any work performed at locations other than the entity of assignment specified in the approval and related documents, or any work outside the authorized scope, may be deemed unauthorized employment under U.S. immigration law and may result in visa revocation, early repatriation, or sanctions on the company.
- Performing unapproved job duties or changing the scope of duties without prior approval.
  - ✓ Example: An individual approved as an L-1B specialized knowledge employee starts performing L-1A managerial duties without prior approval; this may be regarded as an unauthorized change of position.
- Engaging in external employment or commercial activities unrelated to the approved purpose of the assignment.
  - ✓ Example: Participating in external projects, providing consulting services, giving lectures or acting as an advisor in activities not approved as part of the assignment.
- Performing labor-intensive activities outside the approved scope of assignment (e.g., installation, manual operation).

- ✓ Example: Operating equipment or performing on-site installation or construction work beyond the approved scope of duties is not permitted under the L-1 visa..

### 3. Spouse and Dependent Family Visas (L-2 Visa)

#### (1) Requirements

- The spouse and unmarried children under 21 of an L-1 visa holder may accompany the L-1 holder to the United States on L-2 visas.
- To obtain an L-2 visa, documents proving the family relationship must be submitted, such as a marriage certificate and birth certificates.

**8 C.F.R. § 214.2(l)(7)(ii)**

The spouse and unmarried minor children of the beneficiary are entitled to L nonimmigrant classification, subject to the same period of admission and limits as the beneficiary, **if the spouse and unmarried minor children are accompanying or following to join the beneficiary in the United States. Neither the spouse nor any child may accept employment unless he or she has been granted employment authorization.**

#### (2) Visa Issuance Procedure

- The L-2 visa application (including DS-160 completion, interview scheduling, and visa issuance) must be processed together with a copy of the L-1 principal applicant's approval notice (such as Form I-797).
- Upon entry into the United States, the I-94 issued by CBP (U.S. Customs and Border Protection) must show "L-2," or for spouses, "L-2S."
- Where accompanying travel at the same time is difficult, the dependents may later join the principal under the "following-to-join" procedure.

#### (3) Validity Period

- The validity period of the L-2 visa is the same as the L-1 principal's period of stay. If the principal's L-1 is extended, the spouse and children's L-2 visas must also be extended at the same time.

#### (4) Important Notes

- The spouse may lawfully work in the United States by applying for an Employment Authorization Document (EAD) or, where permitted under USCIS policy, by relying on automatic work authorization. In such cases, the I-94 must indicate L-2S.
- Unmarried children under 21 are not permitted to work, and may only attend school (elementary, middle, high school or university).

- The spouse and children must always carry documentation proving their relationship to the L-1 principal (marriage certificate, family relationship certificate, etc.) and be prepared to present it to CBP officers at the port of entry.

#### **(5) Permitted Activities**

- The spouse may engage in various forms of employment or business activities in the United States, including full-time, part-time, non-regular employment and starting a business.
- Both the spouse and children may attend school or university in the United States.
- Children may participate in unpaid internships or credit-based activities for educational purposes.
- Dependents may carry out normal day-to-day activities such as travel within the United States, renewing passports, obtaining a driver's license, and may leave the United States and re-enter after visiting third countries.

#### **(6) Prohibited Activities**

- Where the spouse does not have "L-2S" or equivalent work authorization indicated on the I-94, or where status is no longer valid, the spouse must not perform any paid work in the United States (including salary or allowances).
- Children must not engage in any form of paid work (including hourly wages, monthly salary or allowances).
- L-2 status alone generally does not allow dependents to independently file for adjustment of status to permanent residency; such applications are typically based on the principal's status.
- If the L-1 principal's visa or status is terminated or cancelled, the dependents' L-2 status may immediately cease to be valid, and any unauthorized work may constitute a violation of immigration law.

### **4. B-1 Visa and ESTA (Short-Term Business Visitors)**

#### **(1) Requirements**

- **B-1 Visa**
  - ✓ Applies when an employee of a non-U.S. company (such as the Korean entity) plans a short-term visit to the United States as a business visitor.

- ✓ The purpose of the visit must fall within the scope of business activities permitted under 9 FAM, such as business meetings, contract negotiations, and supervisory or training activities, and must not involve employment or on-site labor in the United States.

○ **ESTA (No Visa, Visa Waiver Program)**

- ✓ The traveler must be a national of a Visa Waiver Program (VWP) country (including the Republic of Korea) and must obtain ESTA authorization in advance.
- ✓ The purpose of the visit must be the same as for B-1, i.e., short-term business, and activities after entry must comply with the permissible activities for B-1 business visitors set out in 9 FAM 402.2.

**(2) Visa Issuance Procedure**

- **B-1 Visa:** Complete DS-160 → schedule visa interview → after the interview, a B-1 visa stamp is placed in the passport.
- **ESTA:** Apply online in advance for ESTA electronic travel authorization and receive approval.

**(3) Validity Period**

- **B-1 Visa:** The actual period of stay is limited to the period indicated on the I-94 at the time of entry (typically three months, with a possible additional extension of three months for a total of six months).
- **ESTA:** The period of stay granted at entry is up to 90 days; extensions of stay and changes of immigration status are not permitted.

**(4) Important Notes**

- Before the I-94 period for a B-1 visa holder expires, an extension of stay may be applied for online via <https://www.uscis.gov/i539online> (the U.S. Department of State recommends filing at least 45 days before the I-94 expiry date).

**(5) Permitted Activities Under B-1 Visa (9 FAM 402.2-5 (B)(U), (E)(1)(U))**

- *Contract negotiations, attending meetings, business consultations, or participation in conferences.*

**9 FAM 402.2-5(B)(U)**

Applicants should be classified B-1 visitors for business, if otherwise eligible, if they are traveling to the United States to: (1) Engage in commercial transactions which do not involve gainful employment in the United States (such as a merchant who takes orders for goods manufactured abroad); (2) Negotiate contracts; (3) Consult with business associates; (4) Litigate; (5) Participate in scientific, educational,

professional, or business conventions, conferences, or seminars; or (6) Undertake independent research.

- *Training or supervisory activities related to technology or services (Training / Supervisory Activity).*
- *In the case of installation or commissioning of equipment included in an equipment purchase contract, activities limited to training or supervision within the scope of such contract obligations are permitted.*

**9 FAM 402.2-5(E)(U)**

An applicant coming to the United States to install, service, or repair commercial or industrial equipment or machinery purchased from a company outside the United States or to train U.S. workers to perform such services.

- ✓ For installation or commissioning under an equipment purchase contract, these activities may be exceptionally permitted as training or supervisory activities only if the contract clearly specifies an obligation to provide such services or training and the individual has unique knowledge essential to the seller's contractual obligations.

**9 FAM 402.2-5(E)(1)(U)(a)**

An applicant coming to the United States to install, service, or repair commercial or industrial equipment or machinery purchased from a company outside the United States or to train U.S. workers to perform such services. However, in such cases, the contract of sale must specifically require the seller to provide such services or training and the visa applicant must possess unique knowledge that is essential to the seller's contractual obligation to perform the services or training and must receive no remuneration from a U.S. source.

- ✓ **The traveler must carry the relevant contract upon entry and be able to immediately demonstrate that installation or commissioning obligations are clearly specified. If such obligations are not clearly described in the contract, entry may be refused.** Therefore, the contract should clearly stipulate the scope of work as a contractual obligation of the seller, using language such as "install, service, or repair commercial or industrial equipment or machinery purchased from a company outside the United States" or "to train U.S. workers to perform such services," and only then will the after-sales service exception under B-1 be recognized.

*Example Clause: "Seller shall provide installation, testing, and training services in connection with the equipment purchased under this Agreement. Such services shall be performed by Seller's technical personnel possessing specialized knowledge necessary to fulfill Seller's contractual obligations under this Agreement."*

- ✓ In the case of installation or commissioning included in an equipment purchase contract, it is prohibited under the B-1 visa to perform direct construction, equipment operation, or other on-site labor.

- ✓ In particular, where a B-1 visa holder directly operates equipment at a site or performs physical or technical labor and an accident occurs, a safety incident may quickly develop into an investigation into possible immigration violations.

*Example: A B-1 visa holder operating a forklift causes a safety accident, or is injured in a fall while working at a construction site; such incidents, which begin as occupational safety issues, may expand into investigations into “unauthorized employment” by immigration authorities.*

#### **9 FAM 402.2-5(E)(1)(U)(b)**

These provisions do not apply to an applicant seeking to perform building or construction work, whether on-site or in-plant. The exception is for an applicant who is applying for a B-1 visa for supervising or training other workers engaged in building or construction work, but not actually performing any such building or construction work.

### **(6) Prohibited Activities Under B-1 Visa**

- *Receiving salary or compensation in the United States and performing work (such as installation, construction, or operation of equipment).*
  - ✓ Activities such as installation, training or instruction that are required under the contract may be exceptionally permitted. However, even in such cases, receiving compensation (salary, allowances, etc.), performing construction or installation beyond the contractual scope of “installation,” or operating equipment and engaging in labor normally performed by local workers are prohibited.
  - ✓ Compensation (salary, allowances, etc.) must be paid by the Korean headquarters, and physical labor such as construction or equipment operation that would normally be performed by local U.S. workers is prohibited.
- **Construction Work**
  - ✓ As expressly stated in 9 FAM 402.2-5(E), building or construction work is explicitly prohibited under the B-1 visa.
  - ✓ On May 24, 2001, the U.S. Department of State, after consulting with the Immigration and Naturalization Service (INS), sent a telegram to all U.S. embassies and consulates worldwide, providing examples of activities that may be regarded as construction work, and recommending that an advisory opinion be sought when a foreign national applies for a B-1 visa to perform such activities.
  - ✓ **Examples of construction-related prohibited activities** from that telegram include:
    - Example 1: Installation, maintenance, and repair: utility services (electricity, gas, water), structural parts of buildings or structures (walls, foundations, etc.), and machinery or equipment that functions as an integral part of a building or structure.*
    - Example 2: Typical labor-type occupations: general laborers, millwrights, electricians, plumbers, carpenters, insulation workers, ironworkers, equipment operators, welders, elevator installers, painters, etc.*
    - Example 3: Installation of industrial equipment and production systems: assembly lines, conveyor systems, cranes, HVAC, elevators, boilers, turbines,*

*dismantling or demolition of industrial equipment or machinery that is an integral part of a building or structure.*

**Example 4: Site preparation and utility connection:** *work to connect services such as electricity, gas and water, where such utilities function as integral facilities of the building or structure.*

**On May 24, 2001, the Department of State, after consultation with the Immigration and Naturalization Service (INS), disseminated a telegram to all diplomatic and consular posts providing that posts shall seek an advisory opinion when an alien is applying for a B-1 visa to engage in any of the following activities:**

“(1) The installation, maintenance, and repair of: Utility services, any part or the fabric of any building or structure, and installation of machinery or equipment to be an integral part of a building or structure; or  
 (2) Work normally performed by laborers; millwrights; heat and frost insulators; bricklayers; carpenters and joiners; electrical workers; operating engineers (including heavy equipment operators); elevator constructors; sheet metal workers; teamsters; boilermakers; residential commercial or industrial painters (including the application of all surface coatings, no matter how applied); bridge, structural and ornamental ironworkers; plumbers and pipefitters; roofers; plasterers and cement masons; or  
 (3) Work involving installation of assembly lines; conveyor belts and systems; overhead cranes, heating, cooling, and ventilation or exhaust systems; elevators and escalators; boilers and turbines; the dismantling or demolition of commercial or industrial equipment or machinery is the equipment or machinery is an integral part of a building or structure; whether on-site or in-plant; or  
 (4) Site preparation work and services installation (for example electricity, gas, water) and connection of such services to commercial or industrial equipment or machinery if the equipment or machinery is to be an integral part of a building or structure.”

- *Long-term, on-site work or recurring, extended stays that effectively replace employment at the headquarters.*

## **(7) ESTA (Visa Waiver Program)**

- In principle, the same scope of permissible activities as under the B-1 visa applies.  
*Example: attending meetings, contract negotiations, technical training and supervision, and other non-labor business activities are permitted.*
  - ✓ However, with respect to “after-sales service” (installation, training, etc. required by contract) that is exceptionally permitted under B-1, the U.S. government has not clearly confirmed whether the same exception officially applies to ESTA entrants. Although there have been discussions between the Korean Ministry of Foreign Affairs and the U.S. Department of State, no official position has been provided by the U.S. side.
  - ✓ In practice, ESTA is generally understood to be used for the same purposes and activities as B-1. However, because after-sales activities are not explicitly

recognized under ESTA, a more conservative approach is recommended, and use of the B-1 visa is advised where such activities are contemplated.

- ✓ Therefore, ESTA entrants are advised to refrain from on-site visits or technical support activities for after-sales purposes and to strictly limit themselves to typical short-term business visit activities.

- *The maximum period of stay is 90 days; extension of stay and change of immigration status are not permitted.*
- If the activities actually performed after entering under ESTA do not match the permitted business (B-1) or tourism (B-2) purposes, entry may be refused or future use of ESTA may be restricted.

## 5. E-1/E-2 Visa (Treaty Trader / Treaty Investor Visas)

### (1) Requirements

#### 1) Corporate Relationship Requirement

- E-1 Visa: A company in a treaty country (which includes Korea) must conduct substantial trade with the United States, and at least 50% of its total trade volume must be trade with the United States.

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#### **8 C.F.R. § 214.2(e)**

Treaty traders and investors—(1) Treaty trader. An alien, if otherwise admissible, may be classified as a nonimmigrant treaty trader (E-1) under the provisions of section 101(a)(15)(E)(i) of the Act if the alien:

(i) Will be in the United States solely to carry on trade of a substantial nature, which is international in scope, either on the alien's behalf or as an employee of a foreign person or organization engaged in trade principally between the United States and the treaty country of which the alien is a national, taking into consideration any conditions in the country of which the alien is a national which may affect the alien's ability to carry on such substantial trade;

- E-2 Visa: A company in a treaty country must establish a corporation or branch in the United States, make a substantial investment in it, and directly or indirectly own at least 50% of the shares of the U.S. entity or otherwise have effective control over its management.

- In most cases, the E-2 visa is preferred over the E-1 visa.

#### 2) Job Requirements for the Business Traveler / Assignee

- E-1 Visa: The traveler must be a national of the treaty country and is generally an executive-level or professional-level employee.
  - ✓ Documentation such as the traveler's educational background, job description in the United States, and salary may be required.



- E-2 Visa: The traveler must be a national of the treaty country and must demonstrate that they are an essential employee who will perform supervisory/managerial duties or a role requiring highly specialized skills.

## (2) Visa Issuance Procedure

- Complete DS-160 → schedule visa interview → after the interview, a E-1/E-2 visa stamp is placed in the passport.
- When applying for the visa, documents must be submitted demonstrating that the company meets the trade or investment requirements and that the traveler meets the job-related requirements. Important supporting documents include ownership structure, amount of investment, trade records, and job descriptions.

## (3) Validity Period

- E-1 Visa: Initially valid for two years and extensions for a period of two years permissible (there is no limit on the number of extensions, but the traveler must maintain an intention to depart the United States upon visa expiration).
  - ✓ Each time an E-1 visa holder travels abroad and re-enters the United States, a new period of stay of up to two years is automatically granted.
- E-2 Visa: Initially valid for two years and extensions for a period of two years permissible (there is no limit on the number of extensions, but the traveler must maintain an intention to depart the United States upon visa expiration).
  - ✓ Each time an E-2 visa holder travels abroad and re-enters the United States, a new period of stay of up to two years is automatically granted.

## (4) Important Notes

- In principle, the assignee may only perform duties that were approved at the time of visa issuance.
- E-1/E-2 visa holders may be accompanied by their spouse and unmarried children under 21 (family relationship documents must be submitted).
- Upon completion of their stay in the United States, E-1/E-2 visa holders must demonstrate an intention to depart.

### **8 C.F.R. § 214.2(e)(1)(i):**

Intends to depart the United States upon the expiration or termination of treaty trader (E-1) status.

### **8 C.F.R. § 214.2(e)(2)(iii):**

Intends to depart the United States upon the expiration or termination of treaty investor (E-2) status.

- ✓ At the visa interview and at the port of entry, the traveler must be able to clearly explain that they do not intend to remain permanently in the United States or immigrate, and that they plan to return to their home country when the purpose of stay is completed.
- ✓ To support this explanation, the applicant is recommended to prepare documents evidencing ongoing and substantial ties to their home country, such as employment in Korea, family, property, and social ties (e.g., certificate of employment, family relationship certificate, real estate registry, bank statements, children's enrollment certificates).
- ✓ Applications for immigrant visas or permanent residence may not be pursued simultaneously. Actions that suggest immigrant intent may adversely affect visa renewal or admission.

#### **(5) Permitted Activities**

- The assignee may perform activities within the scope of duties approved at the time of visa issuance, and may engage in work directly related to the company's trade activities (E-1) or investment and management activities (E-2).
- Under E-1, the assignee may engage in trade-related managerial or professional work, such as U.S. trade operations, trade volume management, client negotiations, and contract management.
- Under E-2, the assignee may engage in operation and management of the U.S. entity, management of invested funds, business decision-making, supervisory duties, or highly specialized technical roles.
- E-1/E-2 visa holders may receive wages directly from their U.S. employer for these permissible activities.

#### **(6) Prohibited Activities**

- E-1/E-2 visa holders are prohibited from engaging in duties that were not approved (for example, roles unrelated to the job description submitted with the visa application, or roles for which they are not qualified).

### III. Pre-Departure Preparation Procedures

#### 1. L-1 Visa for Assignees

##### (1) Assignment-Related Requirements

- The assignee must meet the L-1 visa requirements (manager/executive or specialized knowledge employee).
- The assignee must have at least one year of work experience at HL Mando Global (headquarters or overseas affiliates) within the last three years.

##### (2) Documents to be Prepared

- Documents proving the affiliate relationship and substantive business operations of the U.S. entity to which the assignee will be dispatched (e.g., HL Mando America) must be obtained.
- Relevant documents such as organization charts, employment records, payroll statements, business plans, and HR orders should be prepared in advance and kept so that they can be submitted in connection with the L-1 application.

##### (3) The Invitation Letter must specify the following:

- Purpose and duration of the assignment.
- Duties to be performed (scope of activities).
- Party responsible for costs (e.g., HL Mando Global headquarters).
- That the employment relationship with the headquarters will be maintained
  - ✓ For an L-1 visa application, the I-129 petition (non-immigrant work visa petition filed with USCIS) or I-129S (for consular filing) and DS-160 (visa application) must be prepared, and the visa interview must be scheduled.
  - ✓ Relevant supporting documents should be organized in advance to respond to any requests for additional evidence from USCIS or the U.S. Embassy in Seoul.

#### 2. Short-Term Business Travelers (B-1/ESTA)

##### (1) Pre-Check

- It must be confirmed in advance that the traveler's purpose of entry (meetings, consultations, technical training, etc.) falls within the permitted scope of B-1 activities.
- The invitation letter must specify the purpose and duration of the trip, scope of activities, cost bearer, and must include wording that "unauthorized employment is prohibited and compensation may not be received in the U.S."

- A business travel plan must be prepared, including the itinerary, places to be visited, and emergency contact information.
- Evidence such as flight tickets, hotel reservations and proof of insurance should be organized in advance.

## **(2) Important Notes at Entry**

- At entry, the traveler must carry and present their passport, visa (B-1/ESTA), invitation letter and business travel order.
- If the traveler will perform after-sales service activities (installation, training, etc. required under a contract) as a B-1 visa holder, the relevant contract must be carried.
  - ✓ In particular, documents proving that installation and commissioning obligations are clearly stated in the equipment purchase contract must be carried. If the contract is drafted in Korean, a notarized English translation is recommended.

## **3. Treaty Trader / Treaty Investor (E-1 / E-2 Visa)**

### **(1) Documents to be Prepared**

- DS-160 (online visa application) and DS-156E (supplemental E visa application) must be completed.
- E-1 visa: documents evidencing substantial trade volume of the company to which the assignee belongs (such as multi-year invoices, bills of lading, trade contracts, and records of receipt of trade payments).
- E-2 visa: documents proving that the company to which the assignee belongs owns at least 50% of the shares in the U.S. entity (such as evidence of remittance of investment funds, shareholder registers, stock purchase agreements, corporate registry and audit reports).
- The assignee's resume, degree certificates and other documents demonstrating that the assignee meets the visa qualification requirements.
- If necessary, a list of current employees and future hiring plans in the United States (for E-2, this is used as key evidence to show that the investment leads to actual business operations and job creation).

### **(2) Important Notes for Interview**

- Since the consular officer may ask in detail about the business plan, trade performance and investment details, the assignee must be prepared to answer such questions.

- The assignee must be able to explain that they will be performing executive or supervisory duties or essential skilled duties with professional expertise necessary for the company's operations.

## IV. Responding to Immigration Inspection and Initial Settlement

### 1. Statement of Purpose of Entry

#### (1) Important Notes Regarding Statements

- The purpose of entry must be explained clearly and briefly according to the type of visa, and activities not permitted under the visa (such as employment or business operations) must not be mentioned. If questions are asked, the traveler must answer only within the scope of permitted activities.
  - ✓ **L-1 visa holders**: should clearly state the purpose of entry as “Intra-company transfer for managerial or technical duties.”
  - ✓ **B-1/ESTA visitors**: should briefly state the purpose of entry as “Business meeting / Technical training / Conference attendance” in line with their actual activities.
  - ✓ **E-1 visa holders**: should state that the purpose is “To engage in and oversee substantial trade activities between the Korean headquarters and the U.S. entity.”
  - ✓ **E-2 visa holders**: should state that the purpose is “To manage and oversee operations of the U.S. investment company under the E-2 visa.”
- Unnecessary details or improvised statements should be avoided, and consistency must be maintained between documentation and oral statements.

#### Example Scenario 1 (B-1/ESTA Visitors)

**CBP:** What is the purpose of your visit to the U.S.?

**Traveler:** I’m here for business meetings with our U.S. partners. (or) I’m attending a technical training program organized by our U.S. affiliate.

***Note:** Avoid words such as “work” or “employment,” which may cause confusion. Only refer to actually permitted activities such as training, meetings, conferences, or installation as part of a purchase contract.*

#### Example Scenario 2 (L-1 / E-1 / E-2 Visa Holders)

**CBP:** What will you be doing in the U.S.?

**Traveler:**

(For L-1) I’m here for an intra-company transfer to our U.S. branch to oversee operations.

(For E-1) I’m here to engage in and oversee trade activities between our Korean headquarters and the U.S. entity.

(For E-2) I’m here to manage and supervise the operations of our U.S. investment company.

***Note:** Avoid words such as “employment” that may cause confusion, and instead use expressions such as “transfer,” “manage,” “oversee,” and “perform duties” as appropriate.*

*The assignee must ensure that their statements (work location, specific duties, schedule) are consistent with their visa documents.*

## (2) Important Notes After Entry

- Within 24 hours after entry, the traveler must access the CBP I-94 website (<https://i94.cbp.dhs.gov/search/recent-search>) using their passport number, full name in English and date of birth, and check and print the Class of Admission and Admit Until Date for retention.
- For travelers entering on B-1 visas or under ESTA, the I-94 must indicate B-1 (business) or WB (waiver business).

**Example:**

**Get Most Recent I-94**

*Get your most recent I-94 form to prove your legal visitor status in the United States*

**Most Recent I-94**

**Note to employers, local, state or federal agency granting benefits:**  
Please visit the CBP I-94/I-95 Website and click on the tab for "Get Most Recent I-94/I-95" to perform a search for the applicant to confirm that the biographic and travel information displayed on this I-94/I-95 printout matches the "Get Most Recent I-94/I-95" returned results for this applicant. Reference the [CBP I-94/I-95 Website FAQs](#).

Admission I-94 Record Number: [REDACTED]  
 Arrival/Departure Dates: [REDACTED]  
**Class of Admission: B1**  
 Admit Until Date: [REDACTED]

Details provided on the I-94 Information form:

Last/Surname: [REDACTED]  
 First (Given) Name: [REDACTED]  
 Birth Date: 1980 Aug [REDACTED]  
 Document Number: [REDACTED]  
 Country of Citizenship: Korea, South

[Edit Search](#) [Get Traveler History](#)

**Example:**

**Get Most Recent I-94**

Get your most recent I-94 form to prove your legal visitor status in the United States

**Most Recent I-94**

**Note to employers, local, state or federal agency granting benefits:**  
Please visit the CBP I-94/I-95 Website and click on the tab for "Get Most Recent I-94/I-95" to perform a search for the applicant to confirm that the biographic and travel information displayed on this I-94/I-95 printout matches the "Get Most Recent I-94/I-95" returned results for this applicant. Reference the [CBP I-94/I-95 Website FAQs](#).

Admission I-94 Record Number: [REDACTED]  
 Arrival/Issued Date: [REDACTED]  
 Class of Admission: WR [REDACTED]  
 Admit Until Date: [REDACTED]

Details provided on the I-94 Information form:

Last/Surname: [REDACTED]  
 First (Given) Name: [REDACTED]  
 Birth Date: 1991 Jan [REDACTED]  
 Document Number: [REDACTED]  
 Country of Citizenship: Korea, South

Edit Search

Get Traveler I-94

- If the Class of Admission of I-94 says B-2 (tourist) or WT (waiver tourist), the matter must be immediately reported to the Legal Department.
- The Legal Department will then consider whether the issue (B-2 or WT) can be corrected at a USCBP Deferred Inspection Office, such as:
  - ✓ Example: Deferred Inspection Office  
157 Tradeport Drive, Suite C  
Atlanta, GA 30354
  - ✓ <https://www.cbp.gov/about/contact/ports/deferred-inspection-sites>
- It is common for the “admit until date” on the I-94 to differ from the visa expiration date. This is because the two dates serve different purposes. The visa expiration date indicates the last date on which entry to the United States is permitted. The “admit until date” on the I-94 indicates the period of authorized stay granted by the border inspector at the time of entry.  
 For example, B-1 or ESTA entrants are typically granted a stay of three months from the date of entry, so even if the visa remains valid, the “admit until date” on the I-94 may be shorter.  
Therefore, whether the period of stay has expired must be determined based on the “admit until date” on the I-94, not the visa expiration date.
- The traveler must always carry their passport, printed I-94, printed return flight itinerary, and invitation letter.  
Case: During an ICE enforcement operation on September 4, 2025, some Korean business travelers were released after presenting their return flight itineraries. Therefore, travelers must always carry such documents so that they can be presented immediately if necessary.



## V. Obligations During Stay

### 1. Obligations

- The assignee's employment relationship must remain with the Korean headquarters (HL Mando Global); the U.S. entity only serves as a host. (For E-1/E-2 visa holders, employment with and receipt of salary from the U.S. entity is permitted within the scope of authorized activities).
- Where salary or compensation is paid locally, the traveler must consult in advance with HR and the Legal Department regarding payroll reporting and tax compliance obligations (income tax, social security contributions, etc.).
- Any work, production or sales activities outside the scope of the approved L-1 duties are prohibited (e.g., on-site labor, direct sales activities or project operations beyond the original duties are not allowed).
  - ✓ If changes in project scope or assigned duties are necessary, prior review and approval by the Legal Department (and, if necessary, external advisors) must be obtained.
- For B-1/ESTA visitors, any work, production or sales activities in the United States are strictly prohibited; only non-labor business activities are permitted, such as contract negotiations, meeting attendance, technical training, and supervision.
  - ✓ Violations may be regarded as unauthorized employment and may result in denial of entry, cancellation of status, or restrictions on future use of ESTA.
- If there is an extension of the period of stay, change in job duties, work location or residential address, this must be reported in writing to HR and the Legal Department within 10 days.
  - ✓ Failure to report an address change may cause discrepancies in USCIS records and lead to possible loss of immigration status.

## VI. Extension of Stay and Return Procedures

### 1. Obligations

- **L-1 Visa:** Six months before the visa expires, the U.S. entity, as the petitioner, must file an I-129 extension with USCIS. The assignee must cooperate by promptly providing all documents and information required for the extension.
- **B-1 Visa:** Where necessary, an extension of stay (up to a total of six months) may be applied for within the United States by filing Form I-539. The U.S. Department of State recommends filing at least 45 days before the I-94 expiry date. The purpose of the visit must continue to fall within the permissible scope of B-1.
- **ESTA:** Extensions of stay are not permitted, status changes within the United States are not allowed, and the traveler must leave the United States within 90 days.
- Upon repatriation, the assignee must submit a return report and handover report to HR, and must check both the visa expiry date and the I-94 expiry date as of the assignment end date to ensure that the stay has lawfully ended.
  - ✓ If the stay has not been properly terminated (e.g., if the assignee remains beyond the I-94 expiry date), HR and the Legal Department must immediately consult with U.S. counsel to undertake corrective measures.

### 2. Restrictions on Re-Assignment of the Same Individual

- **L-1B (Specialized Knowledge Employees):** Maximum stay of five years. L-1A (Managers / Executives) may stay for maximum of seven years.
- **B-1 Visa:** There is no formal cumulative stay limit, but frequent long-term visits by the same individual may be viewed unfavorably at immigration inspection. Repeated assignments of the same person should therefore be limited.
- **ESTA:** There have been many reported cases where travelers who fully used the 90-day stay in the preceding two years and then sought to re-enter were refused entry.

## VII. Guidelines for Responding to Arrest, Detention, and Investigation

### 1. Basic Principles

- Remain calm and report any situation immediately when the event occurs or when one becomes aware of such an event.
  - ✓ Accurately identify and report the location of detention and the identity of the investigating officer as far as possible.
- Do not provide unnecessary statements, signatures or electronic devices.
  - ✓ If presented with an English document or asked to make a statement, and the contents are not clearly understood, respond as follows and immediately request legal advice.  
*Example response: "I prefer to consult with my lawyer before answering"*
- Request interpretation and assistance of legal counsel as necessary.
- Verify the agency (ICE, CBP, etc.) and the affiliation of the investigator or officer in charge.
- Request a copy of any search or arrest warrant and share it with the Legal Department.
- Prepare in advance a completed DHS Form G-28 designating the company's lawyer (in-house or external).  
 Form G-28 can be completed at:  
<https://www.uscis.gov/sites/default/files/document/forms/g-28.pdf>
  - ✓ G-28 (Notice of Entry of Appearance as Attorney or Accredited Representative) is used to formally notify the U.S. Department of Homeland Security (DHS) and its agencies (USCIS, ICE, CBP, etc.) of the attorney or accredited representative acting on behalf of the foreign national.
  - ✓ Once G-28 is filed, immigration authorities, customs and ICE may communicate directly with the designated attorney and share documents with them, and the attorney is granted official authority to access the case and participate in the procedures.

### 2. Immediate Contact Channels

- Report to local HR, the Legal Department, the local business head or accompanying colleague (if any) → Local entity to report to headquarters HR and Legal Department.
- If necessary, contact the Korean Ministry of Foreign Affairs consular call center (+82-2-3210-0404) and the Korean Embassy in the United States.

### 3. Important Notes When Making Statements

- All statements may be recorded; therefore, uncertain answers or guesses are prohibited.

- ✓ During an investigation, all statements may become part of the official record; do not provide speculative answers about facts that are unclear or unverified.
- ✓ Before answering, the individual should consult with the company's designated attorney or relevant advisor.
- ✓ If necessary, respond initially as follows:  
*Example response: "I'm not sure about that information, and I prefer to discuss it with my lawyer first."*
- If any document cannot be understood, request an interpreter.  
 ✓ *Example response: "May I have an interpreter so I can understand this document before I sign it?"*
- Do not sign any document before the arrival of legal counsel or a company representative.
- In response to questions regarding immigration status, the individual may respond as follows:  
 ✓ *Example response: "I am here under an intra-company transfer approved by USCIS. My employer is in Korea."*

#### 4. Measures in Case of Detention

- Notify the company and family, and contact the consulate and legal counsel. Note that communication may be restricted until an A-number is assigned at the detention facility. Cooperate calmly with the facility's processing procedures.
- If there is any health issue, immediately request medical assistance from the detention officer or from the ICE/CBP officer in charge, and, if necessary, ask the consulate or attorney to request medical care.  
 ✓ *Example response: "I need medical assistance, please contact a doctor or my consulate."*
- If personal belongings such as passports, mobile phones or laptops are seized or retained during detention or investigation, promptly confirm the inventory of items seized and formally request their return after the investigation is concluded.  
 ✓ *Example response: "May I have a written list of the seized items and the written procedures on how to retrieve such items back?"*

#### 5. Post-Incident Reporting and Recurrence Prevention

- Submit an Incident Report within 24 hours after the incident.  
 ✓ The report must include the date and time of the incident, location, involved agency (ICE, CBP, etc.), name of the investigating officer, key events, actions taken, and current status.
- ✓ Summaries of telephone discussions and outcomes with legal counsel, consular officers and company representatives after detention or investigation should also be included.